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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 2014

Issue#	Rules Due Date	Date of Issue
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
42	October 6, 2014	October 17, 2014
43	October 14, 2014	October 24, 2014
44	October 20, 2014	October 31, 2014
45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: State Vehicles and Garage
- 2) Code Citation: 44 Ill. Adm. Code 5040
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
5040.100	Amend
5040.110	Amend
5040.120	Amend
5040.130	Amend
5040.200	Amend
5040.210	Amend
5040.230	Amend
5040.240	Repealed
5040.250	Amend
5040.270	Amend
5040.300	Amend
5040.310	Amend
5040.320	Amend
5040.330	Amend
5040.340	Amend
5040.360	Amend
5040.380	Repealed
5040.410	Amend
5040.420	Amend
5040.430	Amend
5040.510	Amend
5040.520	Amend
5040.530	Amend
5040.540	Amend
5040.560	Amend
5040.570	Amend
5040.580	Amend
5040.600	Amend
5040.610	Repealed
5040.620	Amend
5040.630	Amend
5040.700	Amend

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NOTICE OF PROPOSED AMENDMENTS

- 4) Statutory Authority: Implementing Sections 405-215, 405-280, and 405-285 of the Department of Central Management Services Law [20 ILCS 405/405-280, 405-285, and 405-215], Sections 1 and 2 of the State Vehicle Identification Act [30 ILCS 610/1 and 2], and the State Vehicle Use Act [30 ILCS 617/1 et seq.], and authorized by Section 405-280 of the Department of Central Management Services Law [20 ILCS 405/405-280]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking includes wholesale revisions to the CMS vehicle rules, including:
- clarifying the circumstances under which agencies—both agencies under the Governor and agencies not under the Governor but which utilize vehicle services offered by the CMS Division of Vehicles—are subject to the CMS vehicle rules, and clarifying requirements for agency vehicle use policies;
 - revising reporting and authorization requirements regarding vehicles assigned to specific individuals;
 - revising requirements regarding vehicle repair and maintenance services and accident reporting;
 - clarifying the role of each agency's vehicle coordinator/vehicle use officer; updating the criteria for leasing, purchasing and renting vehicles; and
 - repealing certain outdated Sections and correcting and standardizing terminology used within the Part, and correcting grammatical and/or typographical errors.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 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 Matheny
Department of Central Management Services
720 Stratton Office Building
Springfield, IL 62706

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business and small municipalities 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 Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5040

STATE VEHICLES AND GARAGE

SUBPART A: GENERAL

Section

- 5040.100 Authority
- 5040.110 Policy
- 5040.120 Applicability
- 5040.130 Definitions

SUBPART B: ACQUISITION

Section

- 5040.200 Acquisition of Vehicles
- 5040.210 Fuel Economy Standards
- 5040.220 Availability of Vehicles
- 5040.230 Agency Purchase
- 5040.240 Motor Pool Lease or Rental (Repealed)
- 5040.250 Private Firm Lease or Rental
- 5040.260 Use of Personal Vehicles on State Business
- 5040.270 Requests for Acquisition of Vehicles

SUBPART C: USE OF VEHICLES

Section

- 5040.300 Use of Vehicles
- 5040.310 Title and Registration
- 5040.320 License Plates
- 5040.330 Identification of Vehicles
- 5040.340 Assignment to Individuals
- 5040.350 Authorized Use
- 5040.360 Use and Condition Review
- 5040.370 Exceptions to Use Rules

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

5040.380 Motor Pool (Repealed)

SUBPART D: MAINTENANCE

Section

5040.400 Maintenance of Vehicles
5040.410 Scheduled Inspection and Maintenance
5040.420 ~~CMS~~DCMS Garages
5040.430 Warranty Work

SUBPART E: MISCELLANEOUS

Section

5040.500 Driver Requirements
5040.510 Insurance
5040.520 Accidents Report Procedures
5040.530 Tickets
5040.540 Credit Card
5040.550 Gasoline Purchase
5040.560 Charges
5040.570 Payment of Charges
5040.580 Credits
5040.590 Cost Information (Repealed)
5040.600 Designation and Role of the Agency Vehicle Coordinator/Vehicle Use Officer
5040.610 DCMS Annual Statement (Repealed)
5040.620 Required Forms and Information
5040.630 Agency Signature Authority
5040.700 Rate Schedule

AUTHORITY: Implementing Sections 405-280, 405-285, and 405-215 of the Department of Central Management Services Law [20 ILCS 405/405-280, 405-285, and 405-215] and Sections 1 and 2 of the State Vehicle Identification Act [30 ILCS 610/1 and 2] and authorized by Section 405-280 of the Department of Central Management Services Law [20 ILCS 405/405-280].

SOURCE: Adopted at 4 Ill. Reg. 28, p. 173, effective July 1, 1980; amended at 4 Ill. Reg. 30, p. 1225, effective July 1, 1980, by the Department of Administrative Services; transferred to the Department of Central Management Services by Executive Order 82-1, effective July 1, 1982; amended at 7 Ill. Reg. 2483, effective March 1, 1983; codified at 8 Ill. Reg. 8180; amended at 9 Ill. Reg. 13720, effective August 21, 1985; amended at 13 Ill. Reg. 13829, effective August 22,

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required to abide by this Part, rules except for Section 5040.210.

- d) Vehicle Services Offered by CMS
- 1) Management of State Fleet and Vehicle Acquisitions
 - 2) Usage/Maintenance Programs
 - 3) Maintenance and Repair
 - 4) CMS Fleet Credit Card and Fuel/Vendor Fleet Car Services
- e) State agencies under the Governor are subject to this Part. Agencies that voluntarily utilize any of the vehicle services listed in subsection (d) are required to follow all rules related to that particular vehicle service. If the policies of another Section apply, agencies shall comply with those Sections. Any State entity not required but desiring to use any of the vehicle services provided by DCMS must agree to follow the entire vehicle services program administered by DCMS and must abide by all applicable DCMS vehicle rules.
- f) Source of funds does not affect applicability of this Part.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.130 Definitions

"Agency Head" – The top appointed or elected person within a State entity or the person authorized to act in his or her behalf.

"Agency Vehicle Coordinator/Vehicle Use Officer" – The individual designated by each State agency utilizing CMS, Division of Vehicles services to act as the agency's liaison with DOV.

"CMS" – The Illinois Department of Central Management Services.

"CMS Fleet Card" – A card issued by CMS as a means of identifying a particular piece of equipment used to purchase fuel, maintenance and repair goods and services.

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"DOV" – The CMS Division of Vehicles.

"Equipment" – Any motorized implement or vehicle used to perform official State business.

"Executive Department" – All departments, boards, commissions, and agencies of the State of Illinois subject to the Governor.

"General Purpose Passenger and Light Duty Vehicles" – Cars, minivans, sport utility vehicles, crossovers or other vehicles with not more than a 10 passenger capacity, and/or vans, pickups or trucks with ~~less than one ton~~ (8,000 lbs. or less) gross vehicle weight rating.

"Law" – The Department of Central Management Services Law [20 ILCS 405].

"State Employee" – Any person who is paid on a State warrant or providing a service to the State and who has permission from the "agency head" may use a State vehicle.

"Vehicle" – Any automobile, truck, or other conveyance capable of independent locomotion on the roads and highways of the State other than special mobile equipment as defined in Section 1-100 of the Illinois Vehicle Code [625 ILCS 5/1-100].

"Vendor Fleet Card" – A card issued by a private vendor, under contract with CMS, as a means of identifying a particular piece of equipment and used to purchase fuel and, maintenance and repair goods and services.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART B: ACQUISITION

Section 5040.200 Acquisition of Vehicles

CMS shall acquire or make contracts for the acquisition of all vehicles necessary for the operations of the executive ~~branch~~ department of State government. Vehicles will be acquired in accordance with Section 405-280 of the Law Illinois Purchasing Act (Ill. Rev. Stat. 1981, ch. 127, pars. 132.1 et seq.) and this Part rules, other statutes governing this Part, and ~~with~~ other rules applicable to State agencies.

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.210 Fuel Economy Standards

All new passenger automobiles purchased or leased by any State entity or used passenger automobiles obtained from Property Control (including inter-agency transfer) must be rated by the U.S. Environmental Protection Agency as meeting the minimum average fuel economy for the model year of the automobile, in miles per gallon, imposed upon manufacturers of vehicles pursuant to Title V of the Motor Vehicle Information and Cost Savings Act (15 ~~USC~~U.S.C. 2001 et seq.) as ~~now or hereafter~~ amended.

- a) Exceptions: Exceptions to the mileage standards set forth in the Motor Vehicle Information and Cost Savings Act ~~above~~ may be authorized by CMS~~the Department of Central Management Services~~. Acquisition of any statutorily excepted vehicles is allowable, but a statement must accompany the acquisition request indicating why a more economical vehicle cannot fulfill the operational needs of the agency.
- b) Requests for Exceptions: Requests for exceptions must be made on the Vehicle Acquisition Request form provided by CMS~~DCMS~~ and be signed by the executive head of the requesting agency. Requests must fully describe the circumstances necessitating a non-compliant vehicle.
- c) Evaluation of Exception Request: CMS~~DCMS~~ will review each exception request. No exception will be granted unless it is clear from the agency request that a ~~non-compliant~~non-complaint vehicle is necessary in order to carry out the functions of the requesting agency.
- d) In response to an exception request, CMS~~DCMS~~ may suggest a more economical alternative to the agency head. If the agency head can demonstrate that the alternate vehicle will not allow the agency to carry out its statutory functions, and that no other vehicles meeting the standards are available or could similarly carry out the agency's functions, an exception will be granted.
- e) Rental Vehicles: Agency personnel renting vehicles from private firms are to utilize the most fuel efficient vehicle available from the rental firm that meets agency needs.

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.230 Agency Purchase

With the prior approval of CMSDCMS, an agency with sufficient appropriation may purchase ~~a vehicles under vehicle from~~ a CMSDCMS contract or, if approved, through a bid let in accordance with Section 5040.270. ~~The Such~~ vehicle will be assigned to the using agency as long as the use and condition of the vehicle meet standards set forth in this Part. DOV will make purchases of passenger vehicles for agencies under the Governor, excluding Illinois State Police and the Illinois Department of Transportation, and provide them to agencies through its Vehicle Usage Program. DOV may recommend to CMS Bureau of Strategic Sourcing to delegate authority to agencies for the purchase of vehicles from other sources when in the best interests of the State.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.240 Motor Pool Lease or Rental (Repealed)

~~An agency may lease or rent a vehicle from the DCMS motor pool under conditions established by DCMS pursuant to Section 5040.380 and Section 5040.610. For purposes of this Part, "rental" refers to a term of 30 days or less.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 5040.250 Private Firm Lease or Rental

CMS will determine when it is in the State's best interests to establish contracts for use by executive agencies for vehicle purchase, sharing, rental or lease. Executive agencies will utilize competitively bid contracts established by CMS for these purposes. Approval of vehicle purchase or lease for more than 30 days is subject to compliance with the requirement of Section 5040.270. For purposes of this Part, "rental" refers to a term of 30 days or less. Vehicles may be leased or rented from a private firm upon compliance with the following:

- a) ~~The agency head submits a letter of justification along with a Vehicle Acquisition Request form for DCMS approval.~~
- b) ~~DCMS shall grant prior approval for reasonable requests if:~~
 - 1) ~~need for the vehicles is shown and~~

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- 2) ~~a motor pool or suitable surplus vehicle is not available, or~~
- 3) ~~public transportation is not an economic or practicable alternative and~~
- 4) ~~if the proposed vehicle meets fuel economy standards set forth in Section 5040.210.~~
- e) ~~Prior approval is not needed in an emergency situation but a report detailing the circumstances must be filed with DCMS.~~
- d) ~~Prior approval is not needed when a vehicle is rented for one week or less while the employee is on travel status in accordance with Governor's Travel Control Board rules (80 Ill. Adm. Code 2800).~~
- e) ~~For purposes of this Part "rental" refers to a term of 30 days or less.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.270 Requests for Acquisition of Vehicles

All requests to purchase new or used, lease or acquire surplus (including inter-agency transfer) general purpose passenger and light duty vehicles other than ~~motor pool rental or~~ rental require written submission ~~including over~~ the signature of the ~~head of the~~ requesting agency ~~head~~ using the current Agency Fleet Request template and approval by ~~the DOV~~ ~~CMS~~, Manager ~~of the~~ ~~Division of Vehicles~~ (located at <https://cms.portal.illinois.gov/DOV/vc/default.aspx>). The template consists of the following elements: instructions for completing the Agency Fleet Request ~~template~~; annual mileage information; estimated useful service life; vehicle purchase price, repair price, residual value, parking and operating costs; financial information; vehicle and agency information; agency vehicle use information; exception request information and review criteria under Section 5040.210 and subsection (c)(1) of this Section, and flexible or hybrid fuel requirements. Effective July 1, 2012, DOV will be responsible for passenger vehicle acquisitions for agencies under the Governor, excluding Illinois State Police and the Illinois Department of Transportation. Costs associated with these acquisitions shall be paid by the acquiring agencies pursuant to the applicable quarterly rate schedule for the CMS Vehicle Usage Program.

- a) Agency requests shall be submitted by Agency Vehicle Coordinators/Vehicle Use Officers using the current CMS Agency Fleet Request ~~template~~ maintained on the DOV website ~~Division of Vehicles webpage~~ and distributed to Coordinators at

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least annually. If necessary, CMS may request additional information.

- b) All ~~acquisition~~ acquisitions requests, whether replacements or additions to fleet, must be justified based on work needs. The need for the vehicle and the type requested must be documented.
- c) Requests shall be evaluated using the following non-exhaustive criteria:
 - 1) Whether purchasing a vehicle is the most cost effective solution for the State. The most economical mode of transportation should be used to carry out State business. Cost effective transportation for State employees can be obtained through the use of State-owned vehicles or by paying for miles traveled, ~~including such as~~ reimbursement for the use of a personally owned vehicle if operationally feasible. State vehicles should be purchased/owned when that is the lowest cost alternative for the State and when the vehicles will be fully utilized in terms of business mileage.
 - A) Factors determining which transportation option is cheaper vary, depending on the cost of fuel and the cost of buying and owning vehicles versus the cost of reimbursement. Additional factors to consider when determining if acquiring a vehicle is efficient are: annual overall miles, annual business miles, percentage of commuting miles (if applicable), cargo, passenger carrying, or other special equipment needs. CMS may also approve vehicle acquisitions that are in the State's best interests based on criteria in addition to mileage break-even. For example, developing technologies, ~~including such as~~ hybrid or electric vehicles, have been determined to be beneficial to the State due to reduced harmful emissions.
 - B) A break-even mileage reference point will be maintained by ~~CMS, DOV~~ Division of Vehicles for use in determining efficient vehicle purchase decisions. New, used and leased general purpose passenger and light duty vehicles should generally be approved to be acquired when they will be fully utilized at or beyond the current standard set by CMS for economic break-even to ensure the State is providing transportation to employees at the lowest possible cost. Usage less than economic break-even may be approved by the DOV Manager ~~of the Division of Vehicles~~ upon

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explanation from the agency head of operational needs justifying lesser usage, when there is no alternative available to carry out agency work functions, or when it is in the State's best interests to do so. As available, vehicles obtained from CMS, Surplus Property should be substituted for new vehicles when operationally efficient to reduce the State's cost per mile.

- C) A break-even mileage threshold by vehicle type will be maintained and published on the [DOV CMS, Division of Vehicles](#) website and through communications with [Agency](#) Vehicle Coordinators/[Vehicle Use Officers](#) at least annually for use in making cost effective vehicle and employee transportation decisions. Break-even information will be one of the factors CMS considers when making a determination on a vehicle acquisition request.
- D) The formula used to calculate break-even mileage is:

$$\frac{BE - FC}{RR - OC}$$

+) [When Formula variables are defined as follows:](#)

BE
(~~break-even~~) = [Break-even](#) – Accumulated miles required to offset the cost of owning a vehicle when it becomes cheaper than paying an employee for the reimbursement of mileage utilizing a personal vehicle for State business use.

FC
(~~fixed cost~~) = [Fixed cost](#) – The cost of a vehicle divided by its estimated useful life, plus the cost of insurance.

RR
(~~reimbursement rate~~) = [Reimbursement rate](#) – The rate paid to State employees for use of a personal vehicle for State business as established by the Travel Control Board (80 Ill. Adm. Code 2800) and CMS policy.

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OC = Operating or variable cost –
~~(operating or~~ Maintenance, repairs and fuel.
~~variable cost)~~

ii) ~~The following is an example of break-even calculations for an intermediate/mid-size vehicle typically utilized in fleet:~~

$$\frac{9,664 \text{ mi} - 2,603.63}{.51 - .236}$$

~~In this example, annual break-even mileage is 9,664.~~

- 2) Availability and utilization of other vehicles already in agency control.
 - 3) Compliance with fuel economy and environmental standards.
- d) Agencies requesting specific surplus (including inter-agency transfer) vehicles shall submit a written request to the ~~DOV~~Division of Vehicles, utilizing the current Agency Fleet Request ~~template~~ maintained by ~~DOV~~CMS, Division of Vehicle on its website. The Division of Property Control will not release nor approve an inter-agency transfer without prior authorization from ~~DOV~~the Division of Vehicles. No State agency may obtain a surplus vehicle unless the vehicle is:
- 1) inspected and, if applicable, repaired at a State garage to ensure that the vehicle is road worthy and safe to drive; and
 - 2) assigned an equipment number and State credit card.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART C: USE OF VEHICLES

Section 5040.300 Use of Vehicles

- a) Vehicles shall be used in accordance with the policies and conditions set forth in this Section~~herein~~.
- b) Each State agency, with the assistance of the Vehicle Use Officer, shall draft a

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vehicle use policy. All vehicle use policies, other than those drafted by a constitutional officer, shall be submitted to DOV and shall be made publicly available on CMS' website. A State agency's vehicle use policy must be at least as stringent as this Part and shall include the following:

- 1) *requirements and procedures concerning take-home vehicles, including requirements for emergency use of take-home vehicles and restrictions on the use of these vehicles solely for commuting; and*
- 2) *requirements and procedures concerning daily vehicle use logs and mileage recording. [30 ILCS 617/10]*

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.310 Title and Registration

All vehicles purchased under this Part or donated to the State shall be titled to ~~CMS~~~~DCMS~~ and registered to the using agency. Vehicles purchased exclusively from ~~federal~~~~Federal~~ funds will be titled to ~~CMS~~~~DCMS~~ unless federal regulations require other title arrangements. Vehicles that are confiscated by law shall be titled to ~~CMS~~~~the Department of Central Management Services~~, except that, ~~when~~~~where~~ an ~~executive department~~~~Executive Department~~ obtains confiscated vehicles through forfeiture proceedings, the vehicles may be titled to the ~~executive department~~~~Executive Department~~ if authorized in writing by the Director of ~~CMS~~~~the Department of Central Management Services~~. Vehicles that are confiscated by law shall be used and disposed of in accordance with applicable law. ~~CMSSuch~~ authorization may be granted if the ~~executive department~~~~Executive Department~~:

- a) has statutory authority to use the confiscated vehicle in its operations;
- b) agrees to report to ~~CMS~~~~the Department of Central Management Services~~ identification information concerning each confiscated vehicle to be utilized in its operations; and
- c) agrees to maintain, process and account for all titles.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.320 License Plates

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- a) Each vehicle, except as otherwise provided in this Section, shall below will display valid Illinois license plates that are distinct from plates issued to the general public.
- b) Conventional plates will be issued as allowed by law (see the State Vehicle Identification Act [30 ILCS 610]~~Ill. Rev. Stat. 1981, ch. 127, pars. 133e1-133e4~~) and when necessary to meet operational needs.
- c) All requests for conventional plates must be justified by the requesting agency head~~Agency Head~~ and approved by CMSDCMS. Requests will be granted upon a showing of the following:
 - 1) The agency head details why the conventional plate is necessary for the operations of the agency and how it complies with the referenced statute.
 - 2) The agency head must certify that the vehicle bearing the conventional plate will be used substantially full-time in functions requiring the conventional plate. Occasional needs should be satisfied by private vehicle rental.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.330 Identification of Vehicles

All State-owned or controlled vehicles shall be assigned unique equipment numbers by CMSDCMS. CMSDCMS may use numbering schemes ~~now~~ in effect at selected agencies. Agencies requesting further identification beyond State license plates may request to use decal markings in accordance with a uniform identification plan established by the requesting department.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.340 Assignment to Individuals

Vehicles may be assigned to specific individuals if authorized in writing by the head of the agency to which the vehicle is assigned. Agencies will be required to report to CMSDCMS annually and when changes occur, including the name of each employee assigned a vehicle, the equipment number and license plate number of the assigned vehicle, employee's headquarters, and residence, and any additional information requested by CMS. Authorization~~Such~~

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~~authorization~~ is to be granted only if one or more of the following conditions are met:

- a) The vehicle is specially equipped to perform law enforcement services and the law enforcement employee is on call 24 hours a day.
- b) The employee's work assignment requires traveling to numerous locations over a considerable territory with infrequent stops at the employee's headquarters as defined in the regulations concerning State employee travel.
- c) When the employee is a State official confirmed by the State Senate or acting in the capacity of such a State official; however, in the case of such State officials who are employed by agencies under the Governor, including heads of agencies, the employee must provide written justification to CMS as to why the exclusive assignment of a State vehicle to that employee is in the best interests of the State.
- d) ~~The~~When the employee is regularly subject to special or emergency calls from his or her~~his/her~~ residence during non-duty hours.
- e) Vehicles usage will be in accordance with the provisions of Section 5040.350~~5040.270 (b) of this Part.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.360 Use and Condition Review

- a) ~~CMS may~~DCMS will periodically audit use and condition of State vehicles. Any vehicle that is being used improperly, or inefficiently, ~~that~~ is not being maintained, ~~which~~ is in poor condition, or ~~which~~ is not in compliance with this Part will be brought to the attention of the Agency Vehicle Coordinator/Vehicle Use Officer~~Head~~. ~~The~~Such notice will be communicated to the agency~~will be made~~ in writing, detailing the problems, suggesting action by the using agency, and informing the agency of the penalty for non-compliance.
- b) It shall then be the responsibility of the agency head~~Agency Head~~ to remedy the deficiencies or justify non-compliance. Failure to do so may result in repairs at CMS~~DCMS~~ discretion, replacement of the vehicle with a more suitable vehicle, or recall of the vehicle, as the situation warrants. No such action will be taken without full opportunity for affected agency input.

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.380 Motor Pool (Repealed)

- a) ~~The DCMS motor pool vehicles are available to all agencies in accordance with this Part.~~
- b) ~~Responsibilities of pool users:~~
 - 1) ~~Employees shall present the pool dispatcher with a properly completed "Central Management Services Motor Pool Vehicle Request Form" (IL 401-0206) for vehicles signed by the Vehicle Coordinator or other authorized person stating:~~
 - A) ~~Employee's name.~~
 - B) ~~Agency name and division.~~
 - C) ~~Account number to be charged.~~
 - D) ~~Destination.~~
 - E) ~~Pick up date and time.~~
 - F) ~~Return date and time.~~
 - 2) ~~A) Requests for vehicles for more than five (5) consecutive days or those to be used or kept on weekends or holidays must be signed by the Agency Head of the agency requesting vehicle.~~
 - B) ~~If it is determined that the driver cannot return the vehicle as stated on the "Vehicle Request Form", the driver should contact his department supervisor or Vehicle Coordinator during normal business hours advising of the reasons. The supervisor or Vehicle Coordinator shall, in turn, contact the closest Motor Pool during normal business hours and request an extension. An extension will be granted unless the vehicle was previously reserved and no alternate vehicles are available. After normal business hours the~~

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~~emergency number shown on the credit card is to be called and an explanation of the circumstances given.~~

~~C) Failure to return a vehicle as scheduled shall result in an additional charge to the user agency as shown in the Rate Schedule (See Section 5040.700) unless an extension is requested by the appropriate user agency personnel and approved by the authorized Division of Vehicles' staff. Extensions shall be granted unless the vehicle has been reserved and substitute vehicles are not available. The additional charge does not relieve the agency from responsibility for paying the rental charge applicable for the period of time the vehicle is retained by the user.~~

~~3) Driver should check for miscellaneous problems such as missing control knobs, wiper blades, etc., before departing the dispatch area.~~

~~4) Any materials, supplies, or tools to be transported should be stored in trunk or arrangements should be made to avoid soiling or damaging the vehicle's interior.~~

~~5) Driver shall inspect the interior and exterior vehicle prior to departure and advise the dispatcher of any noticeable damage. Damages to vehicles while in the care and custody of a State employee shall be billed to the user agency. If damages are the fault of a non-State employee, the Division of Vehicles may allow the vehicle to be repaired at a private garage at that person's expense. In determining whether the work should be contracted out, the Division of Vehicles shall consider the effect on the State Garage, State garage capabilities, the location of the vehicle, the speed in which repairs are needed, cost, and other such factors.~~

~~6) Each driver on completion of trip must:~~

~~A) Return the vehicle to the original motor pool location promptly, except as provided for in subsection (d)(2) below.~~

~~B) Leave the keys and credit card with the pool dispatcher or as directed by Division of Vehicles staff.~~

~~C) Advise the pool dispatcher or attendants the vehicle has been~~

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~~returned.~~

- ~~D) Complete the DCMS Division of Vehicles: Motor Pool Vehicle Check form (IL 401-1103) and report trouble experienced or suspected. While the driver is not responsible for diagnosing any problem with the vehicle, the driver is responsible for advising DCMS of any difficulties experienced.~~
- ~~E) Vehicles shall not be transferred to another employee under any circumstances without prior approval of the Division of Vehicles.~~
- ~~7) All purchases shall be made at State facilities whenever possible. Purchases made at retail or commercial facilities located in close proximity to a State-owned facility shall be charged back to the user agency as an unauthorized purchase unless the user agency has obtained authorization in accordance with Section 5040.420.~~
- ~~8) In case of needed repair or breakdown, the driver must follow the general instructions in the DCMS Vehicle Operator's Instructions or call the nearest pool dispatcher. See Section IV of the Instructions which should be kept in each vehicle for locations and phone numbers. If repairs cannot be completed immediately, the Motor Pool will provide another vehicle at no cost to the user agency for them to pick up the driver of the disabled vehicle and return the person to their point of origin or approve the rental of a vehicle from a private lessor so the driver can return to point of origin. All costs incurred for rental of the private vehicles will be paid by the user agency.~~
- e)
 - ~~1) In order to guarantee the availability of a vehicle, a reservation must be made by contacting the Motor Pool at the location from which a vehicle is needed, at least 24 hours in advance of pick up time. The following information will be necessary:
 - A) Name of Agency
 - B) Name of division or unit.
 - C) Driver's name.~~

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- ~~D) Billing Account Code to be charged.~~
 - ~~E) Date and time to pick up.~~
 - ~~F) Date and time of return.~~
 - ~~G) Destination of driver.~~
 - ~~H) Number of passengers.~~
 - ~~I) Driver's work telephone number and home phone number if vehicle will be picked up during non-work hours.~~
 - ~~J) Amount of cargo (if applicable)~~
- ~~2) In the event a Motor Pool vehicle is not available, authorization will be given to rent from a private vendor.~~
 - ~~3) Failure to cancel a reservation at least four hours in advance of scheduled pick-up time will result in a charge as shown in the Rate Schedule (see Section 5040.700) to the agency involved.~~
 - ~~4) DCMS shall use the following criteria in assigning Motor Pool vehicles, subject to availability:
 - ~~A) Compact/sub-compact or higher mileage vehicles will be assigned for trips within a 50-mile radius of the Pool.~~
 - ~~B) Newer vehicles will be assigned for extended trips.~~
 - ~~C) Large Sedans or wagons for extended trips or trips requiring several travelers or special equipment.~~~~
 - ~~5) State employees not operating Motor Pool vehicles in accordance with DCMS' Rules are subject to suspension of Motor Pool privileges. Suspensions will be made with input of the requesting agency. Notification of suspension will be made to the agency head by the Manager of the Division of Vehicles.~~

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- d) **Miscellaneous:**
- 1) ~~A motor pool car assigned to one motor pool and destined for another area with a motor pool may be parked at the destination motor pool at no charge.~~
 - 2) ~~One-way trips are not permissible except in an emergency and when approved by the Division of Vehicles. An additional charge will be assessed for a one-way trip as shown in the Rate Schedule (see Section 5040.700).~~
 - 3) ~~In the interest of Energy Conservation, one (1) individual traveling to areas served by Amtrak or other public transportation will not be assigned Motor Pool Vehicles. Exceptions may be granted by the Division of Vehicles when justified by a letter of request signed by the Agency Head or designee.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

SUBPART D: MAINTENANCE

Section 5040.410 Scheduled Inspection and Maintenance

- a) Agencies shall have vehicles inspected by CMS or an authorized vendor~~DCMS~~ at least once per year and shall maintain vehicles in accordance with the schedules provided by CMS~~DCMS~~ or with other schedules acceptable to CMS~~DCMS~~ that provide for proper care and maintenance of special use vehicles.
- b) ~~Agencies Acquiring a Surplus Vehicle from the Division of Property Control: Once the requesting agency has obtained written approval from the Division of Vehicles' Manager, the Division of Property Control may be contacted and the surplus vehicle acquired in accordance with their procedures. The vehicle must then be brought to a State garage, at which time it will be inspected and repaired if applicable at the expense of the requesting agency to ensure that the vehicle is road worthy and void of any safety hazards prior to being placed back in service. The Division of Vehicles must also be notified in writing or by telephone prior to the vehicle being brought to a State garage so that an equipment number can be assigned and a credit card prepared.~~

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- be) Odometer: Each agency is responsible for the immediate repair and/or replacement of a malfunctioning odometer. In the event a new odometer is required, one of the following conditions must be met:-
- 1) If a new odometer is installed and the current vehicle mileage is shown on the odometer, no further action is necessary.
 - 2) If a new odometer is installed and the mileage is left at zero, the DOV Manager ~~of the Division of Vehicles~~ must be immediately notified immediately, in writing, so that the appropriate information can be entered on the vehicle's title, and replacement odometer.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.420 CMSDCMS Garages

- a) All maintenance and repairs to State vehicles shall be performed at CMSDCMS garages with the ~~following~~ exceptions allowed in subsection (b).
- b) Exceptions: CMSDCMS may authorize repairs by private vendors in the following situations:
 - 1) CMSDCMS garage is unable to perform the needed services ~~or services can be performed more economically elsewhere~~.
 - 2) CMSDCMS garage is remote from the vehicle requiring repairs, and it is inefficient to obtain repairs at the State garage needing repair.
 - 3) RepairsIf repairs are needed in an emergency situation.
- c) Authorization: Authorization except in an emergency must precede any repairs. No automotive repair work will be authorized for direct payment unless prior authorization has been obtained from CMSDCMS. Authorization may be obtained by calling the 24 hour phone number listed in the CMSDCMS Vehicle Operator's Instructions found in each vehicle or on the reverse side of the credit card. Reports of emergency repair work must be made in writing and sent to DOV~~the Division of Vehicles~~ within 5 working days after the repairs are completed. A copy of the repair invoice must accompany the emergency repair

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report.

- d) CMS establishes contracts for passenger and other vehicle repair vendors. Executive agencies should contact the nearest State garage for approval to obtain vendor repairs. Private repair facilities under contract to DCMS are listed annually in the DCMS Division of Vehicles Statewide Guide to Repair Services and in the Vehicle Operator's Instructions and should be used as the primary alternative to DCMS' garages. Location of nearest private garage may be obtained from DCMS or the Vehicle Coordinator.
- e) To address unsatisfactory repairs or service, the operator of the vehicle or other agency personnel, as appropriate, should return to the DOV State Should repairs or maintenance performed at DCMS garages prove unsatisfactory, the operator should return the vehicle to the DCMS garage and review the problem with the CMSDCMS supervisor after detailing the problem on DCMS "Uniform Complaint Form". If the original problem is remains unresolved after this action is taken, the Shop Supervisor will refer the issue to DOV management who will discuss and resolve it with the Agency Vehicle Coordinator/Vehicle Use Officer should be contacted, at which time the complaint will be reviewed and settled between the Coordinator and the Office of the Division of Vehicles.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.430 Warranty Work

Warranty work shall be performed by a CMS Department of Central Management Services garage or in a manufacturer's authorized service center as directed by CMSDCMS. In determining whether the work should be done in-house, DOV the Division of Vehicles shall consider the effect on the State garage, State garage capabilities, location of the vehicle and other such factors.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART E: MISCELLANEOUS

Section 5040.510 Insurance

The State of Illinois self-insured motor vehicle liability plan ("Plan") provides coverage to vehicles driven by State employees in the scope or course of their employment. Agencies with

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~~questions regarding the Plan, or regarding insurance coverage for vehicles driven by employees, may contact the CMS Auto Liability Supervisor at 217-782-0202. Drivers of vehicles owned or leased by the State are covered by the State of Illinois self-insured motor vehicle liability plan. Any person driving his/her own vehicle or a privately leased or rented vehicle while on State business must have motor vehicle liability insurance in amounts required by Section 10-101(b) of the Illinois Vehicle Code (Ill. Rev. Stat. 1981, ch. 95½, par. 10-101(b)).~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.520 Accidents Report Procedures

- a) ~~The~~A driver of ~~any state-owned or leased~~ vehicle ~~that~~~~which~~ is involved in an accident of any type ~~while he or she is within the scope or course of his or her employment~~ shall report ~~thesuch~~ accident to the appropriate law enforcement agency, ~~the CMS Auto Liability Unit,~~ and, ~~if a State agency owns the vehicle, to that agency~~~~to DCMS~~ by completing the "Motorist's Report of Illinois Motor Vehicle Accident" form (SR-1, ~~available at~~ http://www.state.il.us/cms/download/pdfs/emp_almtrrep.pdf).
- b) ~~Illinois~~ Form SR-1 "~~Motorist's Report of Illinois Vehicle Accident~~" is to be used for all automobile accidents. These forms will be available ~~from the Unit or~~ as follows:
- ~~1)~~ ~~In the glove compartment of each State vehicle.~~
 - ~~12)~~ Furnished by a State trooper, if one investigates the accident. In this event, the Trooper's form should be used.
 - ~~23)~~ From the agency insurance representative.
- c) ~~The~~ Form SR-1 is to be completed, as nearly as possible, in its entirety, including a clear description of the accident and the conditions surrounding the accident.
- d) ~~When~~~~Where~~ possible, the name of the other party's insurance company and the insurance company's address should be secured and entered on the Form SR-1 in any available space, clearly indicating the nature of the information.
- e) ~~Copies~~~~Four copies~~ of the Form SR-1 should be ~~distributed as follows~~~~made (clear reproductions are acceptable) and disturbed as follows (addresses and phone~~

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~~numbers are in the DCMS Vehicle Operator's Instructions):~~

- 1) Original to Illinois Department of Transportation.
- 2) ~~Copy~~A copy to the State's insurance carrier.
 - A) Name, address and phone number can be found in the ~~CMS~~DCMS Vehicle Operator's Instructions.
 - B) Any questions regarding this procedure should be directed to the ~~Unit~~Department of Central Management Services, Risk Management Division, Auto Liability Section.
- 3) ~~Auto Liability Section, Division of Risk Management, Department of Central Management Services.~~
- 34) Copy to ~~DOV for vehicles owned by CMS only~~Division of Vehicles, Attention: Fleet Management (for motor pool vehicles only).
- 45) Copy to be retained by ~~the employing agency of the driver who was involved in the accident~~incurring accident.
- f) In the space on the Form SR-1 calling for policy number, place name of insurance carrier and contract number. This number applies only to State-owned vehicles.
- g) In all cases ~~in which~~where there has been a personal injury as a result of motor vehicle accident, or if there has been serious property damage, call the current insurance office (collect, if necessary) at 217-782-0202. A telephone call does not relieve the driver of the requirement of completing the Form SR-1.
- h) For ~~all~~ accidents ~~other than those described in subsection (g), other than the above,~~ the Form SR-1 is to be completed as soon as possible and submitted to the office of the current insurance carrier. In no case is this report to be completed later than ~~three (3)~~ days following an accident. If the State driver is incapable of completing the report because of death or disability, the driver's supervisor should complete the form.
- i) In all cases, the completed SR-1 must be received by the Unit no later than 7 calendar days following the accident or the driver and agency risk forfeiture of

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[coverage under the State's auto liability plan.](#)

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.530 Tickets

a) The driver of a ~~State~~ state-owned or leased vehicle is responsible for all citations for moving or parking violations. Citations received due to mechanical defects are the responsibility of the agency assigned the vehicle. [Once notified, agencies are responsible for tracking any State vehicle related fines and associated costs, and ensuring that their employees promptly pay any required fines and associated costs.](#)

b) ~~A copy of all moving or equipment violation citations received from a law enforcement agency for state-owned or leased vehicles shall be sent to DCMS within 5 working days of receipt. DCMS will analyze the citations and alert the appropriate Agency Head if it appears that a vehicle is not being operated in accordance with this Part or if a particular driver appears to be an unacceptable risk for purposes of the State's Motor Vehicle Liability Plan.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.540 Credit Card

a) ~~CMS~~DCMS Fleet Cards are utilized for fuel purchases and repairs performed at ~~CMS~~DCMS garage and fueling sites. ~~CMS~~DCMS Fleet Cards or ~~CMS~~DCMS approved Vendor Fleet Cards are utilized for outside purchases of full tanks of fuel. Repairs and maintenance require prior ~~CMS~~DCMS approval. Exceptions to ~~this requirement~~the above are minor repairs and services, including lube, oil and filter; windshield wiper replacements; light bulbs and headlights; and vehicle washes. Additionally, emergency towing and/or emergency tire repair are approved purchases. Emergency repairs and maintenance require ~~approval~~authorization by ~~CMS~~DCMS the next business day.

b) ~~CMS~~DCMS Fleet Cards are assigned to equipment when placed in service by ~~DOV~~the Division of Vehicles. ~~CMS~~DCMS will recover the cost of administering Fleet Card services in its rates.

c) Any State employee involved in the unauthorized use of a ~~CMS~~DCMS or a Vendor Fleet Card may be subject to discipline or criminal prosecution, or both.

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- d) Agency Vehicle Coordinators/[Vehicle Use Officers](#) are responsible for ordering Vendor Fleet Cards and for maintaining inventory control of Vendor Fleet Cards for agency equipment, utilizing [CMSDCMS'](#) vendor on-line systems and formats.
- e) Personal Identification Numbers (PIN) for Vendor Fleet Cards are required for accountability and to prevent theft and abuse. A PIN is required for each vehicle or driver that maximizes the vendor's system security capabilities.
- f) Drivers are responsible for [recording](#) accurate mileage information on all Fleet Card transactions.
- g) Lost, Stolen or Damaged Fleet Cards
- 1) Drivers are responsible for the appropriate use of and security of both the [CMSDCMS](#) and Vendor Fleet Cards once received. Drivers are also responsible for reporting damaged, lost, [expired](#) or stolen [CMSDCMS](#) and Vendor Fleet Cards to their Agency Vehicle Coordinator/[Vehicle Use Officers](#) immediately. [In the case of expired or damaged cards, upon](#) receipt of replacement cards, drivers are responsible for sending the ~~original expired or damaged card~~ [being replaced back](#) to the Agency Vehicle Coordinator/[Vehicle Use Officers](#).
 - 2) Agency Vehicle Coordinators/[Vehicle Use Officers](#) must document to [CMSDCMS](#) a vehicle's lost, stolen or damaged [CMSDCMS](#) Fleet Card for replacement.
 - 3) The Agency Vehicle Coordinator/[Vehicle Use Officers](#) must notify the Fleet Card vendor immediately to cancel a Vendor Fleet Card that is lost or stolen.
- h) [CMSDCMS](#) may, from time to time, establish limits on [CMSDCMS](#) and Vendor Fleet Card purchases based on criteria ~~including such as~~ tank capacity, historic and anticipated needs, and market rates for fuel and service. Exceptions may be granted on a case-by-case basis for reasons ~~including such as~~ extraordinary operating needs, extraordinary economic circumstances and emergency use.
- i) Agencies are required to utilize Vendor Fleet Card exception report capabilities and establish internal procedures for addressing issues identified through these

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reports. Exception report capabilities, as applicable, can include, but are not limited to, purchases that exceed transaction limits, fuel purchases greater than fuel tank capacities, excessive number of purchase transactions per day, and purchases of a fuel type inconsistent with the vehicle being operated. In addition, agencies are required to use any other available exception report capabilities that prevent theft and abuse.

- j) ~~CMSDCMS~~ establishes twice annual reporting criteria, including card abuse reporting, for this purpose. Agencies shall report the results of exceptions review to ~~CMSDCMS~~ on July 1 and January 1 of each year, in the form specified by ~~CMSDCMS~~. Agencies shall report the division, date, time, equipment number, license number, driver's name, merchant's name, merchant city, transaction amount, exception issue and the resolution.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.560 Charges

~~CMSDCMS~~ shall charge each agency a fee for the agency's use and/or lease of State vehicles. In addition, CMS shall charge each agency for any costs associated with the maintenance, repair, management and/or replacement of such vehicles for the cost of leasing, renting, repairing, maintaining and administering State vehicles. Such fees and costs shall be related to the costs incurred by CMS in connection with the purchase, maintenance and management of the State's vehicle fleet. Charges shall be in amount to cover labor, materials and overhead. DOV ratesSuch charges shall be published on the DOV Home Page (accessible to Agency Vehicle Coordinators/Vehicle Use Officer) annually or as and when major changes occur.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.570 Payment of Charges

Payment from using agencies is due within 45 days ~~after~~ receipt of invoice from ~~CMSDCMS~~. Chronic failure to submit a voucher in the allotted time or chronic late payment ~~shall result in a service charge as shown in the Rate Schedule (see Section 5040.700) added to delinquent bill~~ ~~and~~ may result in suspension of credit card, repair, or vehicle use privileges if the agency fails to take steps to correct payment problems. No such action will be taken without first notifying the agency head of the problem.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 5040.580 Credits

From time to time it may be necessary for CMSDCMS to issue credits against invoices billed to agencies. Agencies are to pay invoices upon receipt ~~regardless of any potential credits~~. Credits issued by CMSDCMS shall be ~~applied~~used against subsequent invoices.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.600 Designation and Role of the Agency Vehicle Coordinator/Vehicle Use Officer

- a) Using agencies are required to designate to CMSDCMS an individual (or individuals in agencies with large fleets) to serve as Agency Vehicle Coordinators/Vehicle Use Officers ~~who~~Coordinator(s)-Vehicle Coordinators will act as the primary liaison with CMSDCMS in matters relating to vehicles, including, but not limited to, acquisition, maintenance, and administration under ~~the terms of~~ this Part.
- b) The individual or individuals designated as Agency Vehicle Coordinators/Vehicle Use Officers shall be trained by DOV in efficient fleet management practices and fleet policy.
- c) Responsibilities of Agency Vehicle Coordinators/Vehicle Use Officers include:
- 1) assisting the respective State agency in the drafting of vehicle use policies;
 - 2) developing, distributing, publishing and implementing internal agency policies as required in Section 5040.300;
 - 3) communicating CMS' and agency vehicle fleet rules, regulations and policies to agency personnel;
 - 4) tracking internal agency vehicle inventory and location record keeping;
 - 5) implementing and overseeing agency vehicle logs, and monitoring and managing the efficient utilization of agency vehicles relative to breakeven mileage requirements and cost efficiency;

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- 6) overseeing vehicle maintenance, repair, fuel and cost data;
- 7) tracking vehicle assignment and use; and
- 8) submitting reports to CMS in a timely manner, and in the format requested, according to all applicable rules and policies established by CMS as State fleet manager.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.610 DCMS Annual Statement (Repealed)

- a) ~~DCMS shall publish annually with periodic updates a statement of information relative to the administration of this Part including but not limited to:~~
 - 1) ~~Rental, lease, repair, sublet and overhead charges in effect for the current fiscal year.~~
 - 2) ~~DCMS Vehicles Division staff listing.~~
 - 3) ~~Detail regarding the appropriate office within DCMS to contact for information, authorization, vehicle leases, etc.~~
 - 4) ~~Annual vehicle procurement policy.~~
 - 5) ~~Motor pool rates of charge and usage requirements.~~
- b) ~~Statements shall be provided to the executive head and vehicle coordinator(s) of each using agency.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 5040.620 Required Forms and Information

All forms required for compliance with this Part and other information may be obtained from the Department by Agency Vehicle Coordinators/Vehicle Use Officers on the DOV website at address or phone number indicated in the Vehicle Operator's Instructions published elsewhere. ~~Such information must be kept in the glove compartment of each State-owned or leased car.~~

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.630 Agency Signature Authority

No signature other than that of the agency head of the requesting agency shall be honored unless the agency head has delegated signature authority to one or more persons. The agency head shall file ~~the~~such delegation, along with any restrictions, with DOV~~the Division of Vehieles~~.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 5040.700 Rate Schedule

Rates for the following are published by CMS~~DCMS~~ annually or as changes occur through distribution to Agency Vehicle Coordinators/Vehicle Use Officers and on DOV's website.

- a) ~~Motor pool rental charge~~
- a)b) Vehicle usage or maintenance fees~~lease charge~~
- b)e) Labor rates
- c)d) Annual fleet management fees~~Parts costs~~
- e) Fuel, oil and anti-freeze

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill. Adm. Code 2800
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2800.230	Repeal
2800.235	Amend
2800.260	Amend
2800.700	Amend
- 4) Statutory Authority: Authorized by Sections 12-1 and 12-2 of the State Finance Act [30 ILCS 105/12-1 and 12-2] and by Section 710 of the Travel Regulation Council Rules (80 Ill. Adm. Code 3000.710)
- 5) A Complete Description of the Subjects and Issues Involved: Repealing Section 2800.230 as the Government Charge Card Program is no longer in effect. Amending Section 2800.235 to implement a change in the manner in which commuting mileage is reimbursed. Amending Section 2800.260 to remove the reference to Section 2800.230, which, as noted above, is to be repealed. Amending Section 2800.700 to remove the requirement that all requests for travel outside the contiguous United States be submitted for approval by the Chairman of the Governor's Travel Control Board at least 30 days prior to the departure date.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None beyond those already in place at CMS.
 - C) Types of professional skills necessary for compliance: None beyond those already in place at CMS.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE I: GENERAL TRAVEL CONTROL

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/
GOVERNOR'S TRAVEL CONTROL BOARD

PART 2800

TRAVEL

SUBPART A: GENERAL

Section

- 2800.100 Definitions
- 2800.110 Application and Interpretation

SUBPART B: TRAVEL CONTROL SYSTEM

Section

- 2800.200 Travel Control System
- 2800.210 Travel Coordinator
- 2800.220 Travel Authority
- 2800.230 Government Charge Cards ([Repealed](#))
- 2800.235 Expenses at Headquarters or Residence
- 2800.240 Preparation and Submission of Travel Vouchers
- 2800.250 Approval and Submission of Travel Vouchers
- 2800.260 Items Directly Billed
- 2800.270 Conference Registration Fees

SUBPART C: TRANSPORTATION EXPENSES

Section

- 2800.300 Incidental Expenses for Private and State Owned Automobiles

SUBPART D: LODGING

Section

- 2800.400 Conference Lodging
- 2800.410 Employee Owned or Controlled Housing

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SUBPART E: PER DIEM MEALS

Section
2800.500 Conference Meals

SUBPART F: MISCELLANEOUS RULES

Section
2800.600 Lack of Receipts
2800.650 Headquarter Designation for Agency Heads

SUBPART G: EXCEPTIONS TO THE RULES

Section
2800.700 Special Exceptions-Requested in Advance
2800.710 Ex Post Facto Exceptions

2800.APPENDIX A Reimbursement Schedule

AUTHORITY: Authorized by Sections 12-1 and 12-2 of the State Finance Act [30 ILCS 105/12-1 and 12-2] and by Section 710 of the Travel Regulation Council Rules (80 Ill. Adm. Code 3000.710).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 8 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17981, effective November 27, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. 13823, effective September 1, 1992; amended at 19 Ill. Reg. 36, effective January 1, 1995; amended at 19 Ill. Reg. 7858, effective July 1, 1995; amended at 20 Ill. Reg. 7379, effective May 13, 1996; emergency amendment at 22 Ill. Reg. 12082, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20036, effective November 6, 1998; emergency amendment at 24 Ill. Reg. 867, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 7655, effective May 9, 2000; amended at 26 Ill. Reg. 14979, effective October 8, 2002; emergency amendment

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at 27 Ill. Reg. 10476, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 17061, effective October 23, 2003; amended at 38 Ill. Reg. _____, effective _____.

SUBPART B: TRAVEL CONTROL SYSTEM

Section 2800.230 Government Charge Cards (Repealed)

- a) ~~Agencies are encouraged to establish a Government Charge Card travel expense payment system in accordance with the agreement negotiated by the Governor's Travel Control Board.~~
- b) ~~An employee who direct bills State travel expenses at least four (4) times per year should be issued a Government Charge Card.~~
- e) ~~The Government Charge Card may only be used for business related travel expenses, specifically transportation, lodging, meals, and other expenses considered reimbursable under this Part or under the Rules of the Travel Regulation Council (80 Ill. Adm. Code 3000, Subparts C, D, E and F). Reimbursements to the employee for charges paid for with the Government Charge Card may not exceed the amounts specified in the Reimbursement Schedule (found in the rules of the Travel Regulation Council).~~
- d) ~~Agencies are responsible for monitoring the travel expense payment system to ensure compliance with this Part and the rules of the Council and the terms of the agreement. Misuse or abuse of the Government Charge Card may result in disciplinary action.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 2800.235 Expenses at Headquarters or Residence

- a) As a condition of employment, employees expect to incur commuting expenses between their residence and headquarters. These expenses are not reimbursable. Expenses associated with State business in excess of commuting expenses are reimbursable at headquarters and/or residence. An employee whose travel during a given day does not include travel through headquarters shall be reimbursed for all mileage traveled that day in excess of the employee's ordinary commuting mileage. An employee whose travel does include travel through headquarters shall be reimbursed for all mileage in excess of commuting mileage. All travel

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must be by the most direct route.

- b) ~~"Travel through headquarters" is defined as:
Any travel to or through the corporate city limits of the employee's designated headquarters, regardless of whether the employee made a stop at the work site or changed vehicles or modes of transportation.~~
- be) Examples of reimbursable mileage expenses include~~of reimbursable mileage expenses are as follows:~~
- 1) Residence/Lincoln – Headquarters/Springfield. Employee drives from residence in Lincoln to Chicago and returns to residence. Reimbursement is for all mileage in excess of commuting mileage because the travel was not to or through headquarters.
 - 2) Residence/Lincoln – Headquarters/Springfield. Employee drives from residence in Lincoln to Collinsville and back to residence. Reimbursement is for all mileage in excess of commuting mileage. ~~The travel, by the most direct route, was through headquarters.~~
 - 3) Residence/Carbondale – Headquarters/Marion. Employee drives from residence to headquarters. Later, employee drives from headquarters to Anna and back to residence. Reimbursement is for all mileage in excess of commuting mileage.
 - 4) Residence/Evanston – Headquarters/JRTC, Chicago. Employee drives from residence to McCormick Place for an event. After the event, the employee drives to headquarters, then to residence. Reimbursement is for all mileage in excess of commuting mileage ~~because the travel was through headquarters.~~
 - 5) Residence/Chicago – Headquarters/JRTC, Chicago. Employee normally commutes to work by train. However, in order to attend a meeting at another location, the employee drives from residence to headquarters, then to the meeting location, then returns to headquarters and back to residence. Reimbursement is for all mileage in excess of commuting mileage. The fact that the employee normally rides the train to work has no effect on determining reimbursement.

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

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2800.260 Items Directly Billed

- a) Agency Heads shall keep billing of travel expenses directly to the State to the least extent possible. ~~The Government Charge Card system specified under Section 2800.230 should be implemented to achieve this.~~
- b) Employees may not be reimbursed for items billed directly to the State. Such direct billed items shall be indicated on the travel voucher along with all reimbursable items. All columns of travel vouchers are to be totaled and cross-footed. The direct-billed total will then be deducted from the cross-footed total with the balance being the amount to be reimbursed to the employee. In all such cases supporting documentation shall also be attached if available. For transportation expenses billed directly, a copy of the State of Illinois Transportation Request form shall be attached to the invoice voucher (Form C-13). For lodging expenses billed directly, room, tax, hotel parking and business phone calls only shall be accepted. However, charges for business phone calls must be noted as such on the invoice voucher (Form C-13). Charges for phone service in a room which are automatically added to the bill by the hotel may also be direct billed. Any charges in excess of the allowable lodging rate specified in the Reimbursement Schedule (found in the rules of the Travel Regulation Council) or for restaurants, room services, personal telephone calls and other expenses shall be paid by the traveler upon check-out. Such expenses shall not be deducted from the traveler's reimbursement in exchange for direct billing. Meal and incidental expenses shall not be billed directly to the State. Such expenses shall not be in excess of the maximums allowed.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART G: EXCEPTIONS TO THE RULES

Section 2800.700 Special Exceptions – Requested In Advance

a) Exceptions to the operation of specific provisions of this Part may be granted in advance by the Chairman of the Governor's Travel Control Board when necessary to meet special or unavoidable circumstances and when in the best interest of the State. Exceptions are to be

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requested in writing by the Agency Head and submitted sufficiently in advance to allow meaningful consideration. These exceptions are granted to specific individuals or specified groups of individuals in a single agency.

- b) ~~Travel outside the contiguous United States requires the approval of the Chairman of the Governor's Travel Control Board prior to such travel. All requests shall be submitted at least 30 days in advance of the departure date. Requests shall be in writing with approval/disapproval based on necessity. To show necessity, the Agency Head must describe how the travel relates to a function of the agency, must state why the particular individuals were selected, must verify that the least costly reasonable means of travel was selected and must personally sign the request. Unless the travel is patently nonessential or clearly excessive as to cost, approval will be given.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Liability Insurance Rules and Rate Filings
- 2) Code Citation: 50 Ill. Adm. Code 929
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
929.10	Amend
929.15	Amend
929.30	Amend
929.50	New
929.200	Repeal
929.210	Repeal
929.220	Repeal
929.230	Repeal
929.240	Repeal
929.250	Repeal
929.260	Repeal
929.270	Repeal
929.280	Repeal
929.290	Repeal
929.300	Repeal
929.310	Repeal
- 4) Statutory Authority: Implementing Section 155.18 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.18 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: On February 4, 2010, the Illinois Supreme Court held the limitation on non-economic damages in medical malpractice actions unconstitutional. Due to an inseverability provision in the Act in which the limitations (or caps) were enacted (PA 94-677), the Supreme Court also held invalid the medical malpractice regulatory reforms contained in the Act. However, in its decision, the Supreme Court emphasized that other sections of PA 94-677 "are deemed invalid solely on inseverability grounds, the legislature remains free to reenact any provisions it deems appropriate."

As a result of the ruling, the Department is revising 50 Ill. Adm. Code 929 to comply with the law currently in effect. The Department anticipates that the current rule on file with the Secretary of State will be the starting point for any proposed amendments submitted for First Notice. One requirement that the Department will propose is that the

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rate and rule filings be submitted electronically. This electronic filing will be similar to other filings that the Department currently receives electronically.

- 6) Published studies or reports, and sources of underlying data, used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking 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:

Joseph Clennon
Staff Attorney
Department of Insurance
320 West Washington, 4th Floor
Springfield, IL 62767-0001

or Susan Anders
Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield, IL 62767-0001

217/557-1396
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: None
- B) Reporting, bookkeeping or other procedures required for compliance: Procedures for filing medical liability rates with the Department

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- 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 Amendments begins on the next page:

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF ~~INSURANCE FINANCIAL AND PROFESSIONAL~~
~~REGULATION~~

SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 929

MEDICAL LIABILITY INSURANCE RULES AND RATE FILINGS

SUBPART A: GENERAL PROVISIONS AND REPORTING REQUIREMENTS

Section

- 929.10 Authority
- 929.15 Definitions
- 929.20 Purpose and Scope
- 929.30 Filing Requirements
- 929.40 Severability Provision (Repealed)
- 929.50 Exemption from Filings

SUBPART B: ADMINISTRATIVE HEARING PROVISIONS

- 929.200 Applicability (Repealed)
- 929.210 Form of Documents (Repealed)
- 929.220 Filing (Repealed)
- 929.230 Computation of Time (Repealed)
- 929.240 Appearances (Repealed)
- 929.250 Notice of Hearing (Repealed)
- 929.260 Publication of the Notice of Hearing (Repealed)
- 929.270 Bias or Disqualification of Hearing Officer (Repealed)
- 929.280 Pre-hearing Conferences (Repealed)
- 929.290 Conduct of the Hearing (Repealed)
- 929.300 Hearing Officer's Findings, Conclusions and Recommendations (Repealed)
- 929.310 Order of the Secretary or Director (Repealed)

AUTHORITY: Implementing Section 155.18 of, and authorized by Section 401 of, the Illinois Insurance Code [215 ILCS 5/155.18 and 401].

SOURCE: Adopted at 3 Ill. Reg. 20, p. 47, effective May 13, 1979; codified at 7 Ill. Reg. 2363; amended at 30 Ill. Reg. 19530, effective December 11, 2006; amended at 38 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL PROVISIONS AND REPORTING REQUIREMENTS

Section 929.10 Authority

This Part is promulgated by the Director of the Department of ~~Financial and Professional Regulation Division of~~ Insurance under Section 401 of the Illinois Insurance Code [215 ILCS 5/401] that empowers the Director *to make reasonable rules and regulations as may be necessary for making effective* the insurance laws of this State. This Part implements Section 155.18 of the Illinois Insurance Code [215 ILCS 5/155.18].

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 929.15 Definitions

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

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

"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.~~

~~Secretary means the Secretary of the Illinois Department of Financial and Professional Regulation.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 929.30 Filing Requirements

- a) All companies writing medical liability insurance are subject to this Section. Each company must file with the ~~Secretary or~~ Director, in a manner prescribed in this Section, under its own name. ~~Combined group filings for companies subject to common management or ownership are not acceptable.~~
- b) Rates – A company must file on its own behalf all rates for medical liability

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insurance, and:

- 1) File ~~duplicate~~ copies of a Rate Submission Letter using System for Electronic Rate and Form Filing (SERFF) or in another electronic format approved by the Director. This filing that must include:
 - A) The name of the company making the filing;
 - B) FEIN of the company making the filing;
 - C) Identification of the classes of medical liability insurance to which the filing applies;
 - D) Notification of whether the filing is new or supersedes a present filing. Identification of all changes in superseding filings, as well as identification of all superseded filings is required;
 - E) The effective date of use; and
 - F) Certification by an officer of the company and a qualified actuary that the company's rates are based on sound actuarial principles and are not inconsistent with the company's experience.

- 2) Company Rate Information shall be completed for each company when a filing is being submitted that includes: File duplicate copies of FORM (RF-3), which provides information on changes in rate level based on the company's premium volume, rating system, and distribution of business with respect to the classes of medical liability insurance to which the rate revision applies. Insurers shall report the rate level change information and premium volume on the "Other" line and indicate "Medical Liability" on the "Other" descriptive line.
 - A) Overall % Indicated Change.
 - B) Overall % Rate Impact – This is the statewide average percentage change to the accepted rates for the coverage's included for each company.

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- C) Written premium change for this program – This is the statewide change in written premium based on the proposed overall percentage rate impact for each company.
 - D) Number of policyholders affected for this program – This is the number of policyholders affected by the overall percentage rate impact for each company.
 - E) Written premium for this program – This is the statewide written premium for each company.
 - F) Maximum % Change.
 - G) Minimum % Change.
- 3) Maintain documentary data on rate development and changes in order that it be available for review by the ~~Secretary or~~ Director.
- c) Rules – A company must file with the ~~Secretary or~~ Director, in a manner prescribed in this subsection (c), all underwriting rule manuals that contain rules for applying rates or rating plans, plans for the gathering of statistics or the reporting of statistics to statistical agencies, classifications, or other such schedules used in writing medical liability insurance. A company may file directly or in conjunction with an advisory organization.
- 1) A company filing directly must file using SERFF. The filings, in addition to all rate rules themselves, duplicate copies of a Rule Submission Letter that must include:
- A) The name of the company making the filing;
 - B) The FEIN of the company making the filing;
 - C) Identification of the classes of medical liability insurance to which the filing applies;
 - D) Notification as to whether the filing is new or supersedes a present filing. Identification of all changes in all superseding filings, ~~as well as identification of all superseded filings~~ is required. The

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preferred format for identifying changes is to underline the new wording and overstrike the deleted or changed language and give an explanation for the changes being made;

- E) The effective date of use; and
 - F) Certification by an officer of the company and a qualified actuary that the company's rate rules are based on sound actuarial principles and are not inconsistent with the company's experience.
- 2) A company filing in conjunction with an advisory organization must file in accord with this subsection (c)(2).
- A) A company~~;~~ that has authorized an advisory organization to file required materials on the company's behalf must have on file a Rule Authorization Letter, which must include:
 - i) The name of the company's authorized advisory organization.
 - ii) The kinds of insurance for which the filing is being made.
 - iii) Authorization clause or language.
 - iv) Effective date of authorization.
 - B) A company deviating from the advisory organization's rules as they have been filed on behalf of the company by the advisory organization under Section 929.30(c)(2)(A) must file with the ~~Secretary or~~ Director:
 - ~~i) Manual size exception pages to the rule manual in duplicate.~~
 - ii) The manual rule number, which must be the same as the rule number being replaced.
 - iii) The effective date of use.

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- ~~iiiiv~~) Certification of an officer of the company and a qualified actuary that the company's rates are based on sound actuarial principles and are not inconsistent with the company's experience.
- C) A company making a filing under this subsection (c)(2) that wants an effective date different from that of the advisory organization's advisory effective date must file either:
- i) Manual size exception pages in duplicate establishing an automatic uniform delayed effective date applicable to all future advisory organization rule revisions; or
 - ii) Copies of the Advisory Organization Checking Slip, in duplicate, establishing a special effective date for a particular advisory organization rule revision.
- d) All medical liability rate and rule manuals shall contain separate, clearly marked sections for rates and rules according to class or classes of insurance, such as physicians and surgeons, allied health, nursing homes, hospitals, nurses, dentists, ~~and~~ chiropractors. ~~The~~Such rate and rule manuals shall also contain a comprehensive table of contents or index at the front of each manual.
- e) Quarterly Installment Premium Payments
- 1) Filing of Plan
All companies writing medical liability insurance shall file with the ~~Secretary or~~ Director a plan to offer medical liability insureds the option to make premium payments in at least quarterly installments.
 - 2) Mandatory Quarterly Payment Option
For medical liability insureds whose annual premiums total \$500 or more, the plan must allow the option of quarterly payments.
 - 3) Non-mandatory Quarterly Payment Option
 - A) For medical liability insureds whose annual premiums are less than \$500, insurers may, but are not required to, offer quarterly installment premium payment plans.

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- B) For insureds who pay a premium for any extension of a reporting period, insurers may, but are not required to, offer quarterly installment, premium payment plans.
- C) If an insurer offers any quarterly payments under this subsection (e)(3), they must be offered to all medical liability insureds.
- 4) Quarterly installment premium payment plans subject to this Section shall be included in the initial offer of the policy, ~~or in the first policy renewal occurring after January 1, 2006.~~ ~~The~~ ~~Thereafter,~~ ~~the~~ insurer may, but need not, re-offer the payment plan, but if an insured requests the payment plan at a later date, the insurer must make it available. All quarterly installment premium payment plan provisions shall be contained in the filed rate and/or rule manual in a section entitled "Quarterly Installment Option" or a substantially similar title. If the company uses a substantially similar title, the Rule Submission Letter must indicate the name of the section that complies with this requirement. All quarterly installment premium payment plans shall include the minimum standards listed in subsections (e)(4)(A) through (E) below. Insurers may provide for quarterly installment premium payment plans that differ from these minimum standards, as long as the plans have terms that are at least as favorable or more favorable than those listed in subsections (e)(4)(A) through (E) below.
- A) An initial payment of no more than 40% of the estimated total premium due at policy inception;
- B) The remaining premium spread equally among the second, third, and fourth installments, with the maximum for ~~such~~ installments set at 30% of the estimated total premium, and due 3, 6, and 9 months from policy inception, respectively;
- C) No interest charges;
- D) Installment charges or fees of no more than the lesser of 1% of the total premium or \$25, whichever is less; and

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- E) a provision stating that additional premium resulting from changes to the policy shall be spread equally over the remaining installments, if any. If there are no remaining installments, additional premium resulting from changes to a policy may be billed immediately as a separate transaction.
- f) Any company writing medical liability insurance shall file with the ~~Secretary or~~ Director any plan to offer deductibles to its insureds. These provisions shall be contained in the filed rate and/or rule manual in a section entitled "Deductibles Offered" or a substantially similar title. If the company uses a substantially similar title, the Rule Submission Letter must indicate the name of the section that complies with this requirement.
- ~~g) All companies writing medical liability insurance shall file with the Secretary or Director any plan to offer insureds premium discounts for participation in risk management activities. These provisions shall be contained in the filed rate and/or rule manual in a section entitled "Risk Management Activities Discounts" or a substantially similar title. If the company uses a substantially similar title, the Rule Submission Letter must indicate the name of the section that complies with this requirement.~~
- gh) All filings must be received by the ~~Illinois Department~~ Division of Insurance, Property and Casualty Compliance ~~Unit~~ Section, Springfield, Illinois no later than 30 days after their effective date. Filings will be considered received during the regular business hours from 8:00 am through 5:00 pm Central Standard Time (CST), Monday through Friday, excluding holidays, and no filing is deemed to be received until it is received in the Property and Casualty Compliance Section.
- hi) In addition to the filings required in this Section, the ~~Secretary or~~ Director may require the filing of statistical data and any other pertinent information necessary to determine the manner the company used to set the filed rates and the reasonableness of those rates, as well as the manner of promulgation and the acceptability or unacceptability of a filing for rules, minimum premiums, rates, forms or any combination of those items. An insurer shall provide the data or information within 14 calendar days after the ~~Secretary's or~~ Director's request.
- ~~j) In order to determine when 1% of Illinois insureds within a specialty have requested a hearing, the Secretary or Director may contact an insurer for the total number of Illinois insureds within the insurer's specialties, and the insurer shall~~

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~~provide that information within 14 calendar days.~~

- ~~ik)~~ Groups, associations, organizations or companies authorized to engage in joint underwriting and joint reinsurance activities are prohibited from establishing underwriting rules with respect to rates that in any way inhibit a company from individually underwriting any risks.
- ~~l)~~ ~~No company authorized to write medical liability insurance in Illinois may discontinue writing medical liability insurance without notifying the Secretary or Director of the action, as well as reasons for the action, 180 days before the termination of any policy is effective. The notice must include the reasons for the action, all data relied upon by the company as the basis for the action, and whether the company offers and will continue to offer medical liability insurance in any other state. For purposes of this requirement, discontinuance of the writing of medical liability insurance shall mean cancellation or nonrenewal of greater than 50% of the company's medical liability insurance policies within any 12 month period.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 929.50 Exemption from Filings

- ~~a)~~ ~~A company is not required to file under this Part for individual risks in this State that cannot be rated in the normal course of business because of special or unusual characteristics, as provided in Section 456(1)(c) of the Code and that must be rated on the basis of underwriting judgment.~~
- ~~b)~~ ~~A company must maintain documentary information regarding rates determined under subsection (a) for review by the Director.~~

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART B: ADMINISTRATIVE HEARING PROVISIONS

Section 929.200 Applicability (Repealed)

~~This Part shall apply to all hearings conducted pursuant to the Secretary's or Director's authority in Section 155.18 of the Code.~~

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(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.210 Form of Documents (Repealed)

- a) ~~Documents shall clearly show the file Hearing Number and the title of the proceedings in connection with which they are filed.~~
- b) ~~Except as otherwise provided, 2 copies of all documents, including notices, motions, and petitions, shall be filed with the Division.~~
- c) ~~Documents shall be typewritten or reproduced from typewritten copy on letter or legal size white paper.~~
- d) ~~One copy of each document filed shall be signed by the party or by an authorized representative or attorney.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.220 Filing (Repealed)

~~Documents and requests permitted or required to be filed with the Division in connection with a hearing shall be addressed to and mailed to or filed with the Division, Springfield, Illinois 62767, in duplicate. The offices of the Division are open for filing, inspection and copying of public documents from 8:30 A.M. to 5:00 P.M., Monday through Friday, except on National and State legal holidays.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.230 Computation of Time (Repealed)

- a) ~~Computation of any period of time prescribed by this Part shall begin with the first business day following the day on which the act, event or development initiating the period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. Where the period of time is five days or less, Saturdays, Sundays and legal holidays shall be excluded in the computation of time.~~

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- b) ~~Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.240 Appearances (Repealed)

- a) ~~Any person entitled to participate in the proceeding may appear as follows:~~
- 1) ~~A natural person may appear in his or her own behalf or by an attorney at law licensed to practice in the State of Illinois, or both.~~
 - 2) ~~A business, nonprofit, or government organization may appear by any bona fide officer, employee or representative, or may be represented by an attorney licensed to practice in the State of Illinois, or both.~~
- b) ~~Attorneys not licensed to practice in the State of Illinois may appear on motion.~~
- e) ~~An attorney appearing in a representative capacity shall file a written notice of appearance.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.250 Notice of Hearing (Repealed)

~~All administrative hearings under this Part shall be initiated by the issuance of a Notice of Hearing from the Division. The Notice of Hearing shall clearly state the time, date, place, and purpose of the hearing.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.260 Publication of the Notice of Hearing (Repealed)

- a) ~~The Notice of Hearing shall be made public by the Division by all the following:~~
- 1) ~~Publication on the Illinois Department of Financial and Professional Regulation website; and~~

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- ~~2) Publication of the Notice in at least three newspapers designed to provide wide geographical distribution of the Notice of Hearing in the State of Illinois; and~~
- ~~3) Service of the Notice of Hearing via registered or certified mail to the party making the filing that is the subject of the Notice of Hearing.~~
- b) ~~The Hearing Officer has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record. The Hearing Officer shall have all powers necessary to conduct a hearing, including the power to:~~
 - ~~1) Administer oaths and affirmations;~~
 - ~~2) Regulate the course of hearings, set the time and place for continued hearings, fix time for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceeding according to Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10], case law and this Subpart;~~
 - ~~3) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;~~
 - ~~4) Rule upon offers of proof and receive relevant evidence;~~
 - ~~5) Sign and issue subpoenas that require attendance, giving testimony and producing books, papers and other documentary evidence;~~
 - ~~6) Dispose of procedural requests or similar matters;~~
 - ~~7) Render Findings of Fact, Opinions and Recommendations for an Order of the Director; and~~
 - ~~8) Enter any Order that further carries out the purpose of this Subpart.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.270 Bias or Disqualification of Hearing Officer (Repealed)

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- a) ~~Any interested participant may file a timely and sufficient affidavit setting forth allegations of personal bias, prejudice, or disqualification of a presiding Hearing Officer. The Secretary or Director shall determine this issue as part of the record of the case. When a Hearing Officer is disqualified, or it becomes impractical for him to continue, another presiding officer may be assigned unless it is further shown that substantial bias or prejudice will result from the assignment.~~
- b) ~~The Hearing Officer may at any time voluntarily disqualify himself.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.280 Pre-hearing Conferences (Repealed)

- a) ~~Upon written notice by the Hearing Officer in any proceeding, the Hearing Officer may direct a participant or his or her attorney to appear at a specified time and place for a conference, prior to or during the course of the hearing, for the purpose of formulating issues and considering:~~
 - 1) ~~The simplification of issues;~~
 - 2) ~~The necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;~~
 - 3) ~~The possibility of making admissions of certain averments of facts or stipulations;~~
 - 4) ~~The limitation of the number of witnesses;~~
 - 5) ~~Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.~~
- b) ~~Opportunity shall be afforded all participants to be represented by legal counsel.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.290 Conduct of the Hearing (Repealed)

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- a) ~~All hearings shall be public unless required by statute to be otherwise and all hearings conducted under this Subpart shall be recorded.~~
- b) ~~All participating parties may present evidence by oral testimonies or by written submission or both; the burden of proof for justifying the rate or proposed rate is on the company making the filing.~~
- e) ~~The Hearing Officer will determine the order in which parties wishing to make oral presentations shall testify.~~
- d) ~~The Hearing shall be completed within 90 days after the request, decision, or increase that gave issue to the hearing.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.300 Hearing Officer's Findings, Conclusions and Recommendations (Repealed)

- a) ~~The Hearing Officer's Findings of Fact, Conclusions of Law and Recommendations shall be in writing and shall include Findings of Fact and Conclusions of Law, or Recommendations separately stated.~~
- b) ~~The Hearing Officer shall then submit his Findings, Conclusions and Recommendations to the Secretary or Director.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 929.310 Order of the Secretary or Director (Repealed)

~~If, after a public hearing, the Secretary or Director finds that any rate, rating plan or rating system violates Section 155.18 of the Code, the Secretary or Director shall issue an Order to the company that has been the subject of the hearing specifying in what respect the violation exists and may adjust the rate.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Employee Classification
- 2) Code Citation: 56 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Proposed Action</u>
240.110	Amend
240.120	Amend
240.200	Amend
240.210	Amend
240.300	Amend
240.310	Amend
240.400	Amend
240.405	New
240.500	Amend
240.510	Amend
240.520	Amend
240.570	New
- 4) Statutory Authority: Implementing and authorized by the Employee Classification Act [820 ILCS 185]
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are necessary due to the passage of PA 98-106 and PA 98-105 which amended the Employee Classification Act. PA 98-106 added a formal hearing process allowing the Department to adjudicate claims at the Department level and provide for individual liability for those contractors who violate the Act. The amendments to the rules include adding formal hearing procedures, clarifying definitions and streamlining the investigative process in order to comply with the statutory changes. The rules also include the addition of a contractor reporting requirement added to the ECA by PA 98-105 which requires contractors who do not classify their workers as employees, to annually report to the Department of Labor all payments made to those individuals not classified as employees.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Jim Preckwinkle
Illinois Department of Labor
900 S. Spring St.
Springfield, IL 62704
- 217/558-1270
217/782-0596 (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: PA 98-105 extends the reporting requirements for contractors under the Act who do not classify their workers as employees. Section 240.405 of the rule is amended to address this increased reporting requirement.
- 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 Amendments on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 240
EMPLOYEE CLASSIFICATION

SUBPART A: GENERAL PROVISIONS

Section	
240.100	Purpose and Scope
240.110	Definitions
240.120	Application of the Act
240.130	Jurisdiction
240.140	Waivers

SUBPART B: COMPLAINTS

Section	
240.200	Persons Who May File a Complaint
240.210	Contents and Filing of a Complaint
240.220	Review of Complaints and Dismissals
240.230	Incomplete Complaint

SUBPART C: INVESTIGATION PROCEDURES

Section	
240.300	Investigation
240.310	Fact-Finding Conference
240.320	Independent Contractor Test

SUBPART D: CONTRACTOR RECORD KEEPING ~~AND NOTICE REQUIREMENTS~~

Section	
240.400	Record Keeping

SUBPART E: CONTRACTOR REPORTING REQUIREMENTS AND NOTICES
FINAL DETERMINATIONS

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[Section](#)[240.405](#)[Reporting Requirements](#)

240.410

Notices

[SUBPART F: FINAL DETERMINATIONS](#)

Section

240.500

Decision and Notice Following Investigation

240.510

Remedies Upon Finding of a Violation

240.520

Civil Penalties

240.530

Debarments

240.540

Criminal Penalties

240.550

Retaliation

240.560

Referral to Other Agencies

[240.570](#)[Hearing Procedures](#)

AUTHORITY: Implementing and authorized by the Employee Classification Act [820 ILCS 185].

SOURCE: Emergency rule adopted at 32 Ill. Reg. 574, effective December 27, 2007, for a maximum of 150 days; emergency rule expired May 24, 2008; adopted at 32 Ill. Reg. 13504, effective July 31, 2008; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 240.110 Definitions

"Act" means the Employee Classification Act [820 ILCS 185].

"Construction" means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise.

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Construction shall also include moving construction related materials on the job site to or from the job site. [\[820 ILCS 185/5\]](#)

"Contractor" means any [individual](#), sole proprietor, partnership, firm, corporation, limited liability company, association or other legal entity permitted by law to do business within the State of Illinois who engages in construction as defined in the Act. Contractor includes a general contractor and a subcontractor. [\[820 ILCS 185/5\]](#)

["Day" means calendar day.](#)

"Department" means the Department of Labor. [\[820 ILCS 185/5\]](#)

"Director" means the Director of the Department of Labor or an authorized representative. [\[820 ILCS 185/5\]](#)

["Employee" means an individual who meets the definition of an "employee" in the Act and that individual shall be an employee for purposes of all applicable laws relating to wages and the payment of wages contained in 820 ILCS.](#)

"Employer" means any contractor that employs individuals deemed employees under Section 10 of the Act; however, "employer" does not include:

the State of Illinois or its officers, agencies, or political subdivisions; or

the federal government. [\[820 ILCS 185/5\]](#)

"Entity" means any contractor for which an individual is performing services and is not classified as an employee under Section 10 of the Act; however, "entity" does not include:

the State of Illinois or its officers, agencies, or political subdivisions; or

the federal government. [\[820 ILCS 185/5\]](#)

"Individual performing services" does not include a bona fide corporation nor a limited liability company (LLC). In determining whether a corporation is bona fide for purposes of the Act, the Department shall consider, among other factors, whether:

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the corporation is capitalized;

the corporation has issued corporate stock;

the corporation maintains a corporate bank account;

there is an intermingling of corporate and personal accounts or funds;

the corporation holds itself out as a corporation;

the corporation maintains corporate books and records, including corporate meeting minutes, and files corporate tax returns that are current and complete; ~~and~~

~~articles~~ ~~Articles~~ of ~~incorporation~~ ~~Incorporation~~ have been filed and the corporation is in good standing, in the case of Illinois corporations, with the Illinois Secretary of State or, in the case of foreign corporations, as directed by the laws of that jurisdiction; ~~;~~

the corporation carries out its daily activities in a manner consistent with the operations of a corporate entity;

the corporation employs employees to carry out its corporate purposes and principal activities; and

the corporation carries appropriate workers' compensation insurance coverage for its employees and has registered with the Illinois Department of Employment Security for unemployment insurance coverage.

In determining whether ~~an a limited liability company (LLC)~~ is bona fide for purposes of the Act, the Department shall consider, among other factors, whether:

the LLC has assets;

the LLC maintains a company bank account;

there is an intermingling of company and personal accounts or funds;

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the LLC holds itself out as an LLC;

the LLC makes necessary tax filings that are current and complete; ~~and~~

~~articles~~Articles of ~~organization~~Organization have been filed and the LLC is in good standing, in the case of Illinois LLCs, with the Illinois Secretary of State or, in the case of foreign LLCs, as directed by the laws of that jurisdiction;:-

the LLC carries out its daily activities in a manner consistent with the operations of an LLC;

the LLC employs employees to carry out its purposes and principal activities;

the LLC carries appropriate workers' compensation insurance coverage for its employees and has registered with the Illinois Department of Employment Security for unemployment insurance coverage.

"Interested party" means a person with an interest in compliance with the Act.
[\[820 ILCS 185/5\]](#)

"Performing services" means the performance of any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. Construction shall also include moving construction related materials on the job site to or from the job site. [820 ILCS 185/5]

"Permitted by law to do business within the State of Illinois" means located, operating, transacting business, or performing services within the State of Illinois.

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"Person" means any individual, partnership, corporation, LLC, association, governmental subdivision, or public or private organization of any character.

"Responsible bidder" has the meaning ascribed to that term in Section 30-22 of the Illinois Procurement Code [30 ILCS 500/30-22].

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 240.120 Application of the Act

- a) Any individual performing services for a contractor ~~on or after January 1, 2008~~ is covered by the Act.
- b) Construction services performed on or after January 1, 2008 are covered by the Act. The misclassification of an employee as an independent contractor prior to January 1, 2008 shall not serve as the basis for a violation under the Act.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART B: COMPLAINTS

Section 240.200 Persons Who May File a Complaint

Any ~~person interested party or the Department~~ may file a complaint alleging a violation of the Act. The Department can initiate an investigation upon its own motion.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 240.210 Contents and Filing of a Complaint

- a) A complaint shall be filed on a form to be supplied by the Department. ~~A complaint should be in such detail as to substantially apprise the Department of the dates, locations and facts with respect to the alleged violation of the Act.~~ Each complaint shall contain the following information:
 - 1) the full name and address of the complainant;
 - 2) the full name and address of the contractor;

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- 3) a statement or reflection of the complainant's basis of knowledge of the essential facts constituting the alleged violation, including the dates and locations of the alleged violation and the nature of the contractor's business;
 - 4) the complainant's signature, including date of signing; and
 - 5) a statement as to any other action, civil or criminal, instituted by the complainant or that the complainant has knowledge of, in any other forum based on the same violation as alleged in the complaint, together with a statement as to the status or disposition of the other action.
- b) Complaints must be filed within ~~365~~¹⁸⁰ days from the date of the alleged violation. If another state or federal agency is investigating a similar complaint regarding misclassification, the filing period with the Department is tolled until that agency renders a decision in the matter. A complaint is deemed timely if filed within 365 days after the date of that agency's decision.
 - c) Any complaint that fails to meet the requirements set forth in subsection (a) ~~of this Section~~ may be accepted by the Department if it otherwise contains the information determined by the Department to be necessary for a proper investigation and review of the alleged violation contained in the complaint.
 - d) All complaints ~~should be filed with the Department's Springfield office and will be considered filed upon receipt. Complaints shall not be accepted by facsimile or other electronic transmission.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART C: INVESTIGATION PROCEDURES

Section 240.300 Investigation

The Department shall conduct an investigation to ascertain the facts relating to the ~~violations~~^{violation} alleged in the complaint and determine whether a ~~violation~~^{violation} under the Act has occurred. The investigation may be made by written or oral inquiry, field visit, conference or any method or combination of methods deemed suitable at the discretion of the Department. The Department shall notify the contractor in writing, within 120 days after the

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~~filing of a complaint, of the filing of a complaint and provide the employer the locations of the projects, approximate dates of the projects, affected contractors and the nature of the allegations being investigated. The Department shall provide the contractor~~ investigation shall include a written notice to the contractor of the substance of the complaint and an opportunity to present any information the contractor wishes the Department to consider in reaching its determination.

- a) During the investigation, if a contractor refuses to cooperate, the Department may make a finding that the Act has been violated based upon the evidence available to the Department.
- b) ~~Complainants must provide the Department a notice of address change, telephone change or any prolonged absence from the current address so that the Department can fully investigate the complaint. All complainants must cooperate with the Department, provide necessary information and be available for interviews and conferences upon reasonable notice or request by the Department. If a complainant cannot be located or does not respond to reasonable requests by the Department, the Department shall dismiss the individual from the complaint pursuant to Section 240.220.~~
- be) ~~After a timely complaint has been filed, the~~The Department may investigate alleged violations ~~that may have occurred within the 3~~for up to three years preceding the date the complaint was filed; ~~however, in no instance shall the Department investigate complaints for alleged violations that occurred prior to January 1, 2008.~~
- cd) Before making a final determination of a violation, the Department shall notify the contractors of the substance of the Department's investigation and afford the contractors an opportunity to present any written information, within 30 calendar days, for the Department to consider in reaching its determination.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 240.310 Fact-Finding Conference

As part of its investigation, the Department may convene a fact-finding conference in person or by telephone for the purpose of obtaining additional information or evidence, identifying the issues in dispute, ascertaining the positions of the parties and exploring the possibility of settlement. The fact-finding conferences will be limited to those issues the Department believes to be relevant.

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- a) Notice of the conference shall be given to all parties at least 15 calendar days prior to the conference and shall identify the individuals requested to attend on behalf of each party.
- b) A party may be accompanied at a fact-finding conference by the party's attorney or other representative and by a translator if necessary.
- c) A Department investigator shall conduct the conference and control the proceedings. No tape recordings, stenographic report or other verbatim record of the conference shall be made. If any person fails to cooperate at the conference and becomes so disruptive or abusive that a full and fair conference cannot be conducted, the Department investigator shall exclude the person from the conference.
- d) A party who appears at the conference exclusively through an attorney or other representative unfamiliar with the events at issue shall be deemed to have refused to attend, unless, with respect to a contractor, the contractor establishes that it does not employ or control any person with knowledge of the events at issue. A complainant who refuses to attend a fact-finding conference may be dismissed from the complaint pursuant to Section 240.220. If a contractor or complainant refuses to attend a fact-finding conference, the Department shall make a determination based upon the evidence provided to the Department.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART D: CONTRACTOR RECORD KEEPING AND NOTICE REQUIREMENTS

Section 240.400 Record Keeping

- a) Every contractor, including subcontractors, shall maintain records for all individuals performing services for that contractor or subcontractor, regardless of how those individuals are classified. These records shall be maintained for a period of three years unless the records relate to an ongoing investigation or enforcement action under the Act, in which case the records must be maintained until their destruction is authorized by the Department or by court order.
- b) Records to be maintained by the contractor shall include all documents related to, or tending to establish the nature of, the relationship between the contractor and

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individuals performing services. Records that must be maintained for each individual performing services for the contractor include, but are not limited to:

- 1) ~~name, address, phone number, their names, addresses, phone numbers,~~ Social Security ~~number~~numbers, Individual Tax Identification ~~Number~~Numbers and Federal Employer Identification ~~Number~~Numbers;
- 2) the type of work performed and the total number of days and hours worked;
- 3) the method, frequency and basis on which wages were paid or payments were made;
- 4) all invoices, billing statements or other payment records, including the dates of payments, and any miscellaneous income paid or deductions made;
- 5) copies of all contracts, agreements, applications and policy or employment manuals; and
- 6) any federal and State tax documents.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART E: CONTRACTOR REPORTING REQUIREMENTS AND NOTICES
FINAL DETERMINATIONS

Section 240.405 Reporting Requirements

- a) Any contractor, other than a person meeting the responsible bidder requirements of Section 30-22 of the Illinois Procurement Code [30 ILCS 500/30-22], for which either an individual, sole proprietor or partnership is performing construction service, shall report all payments made to that individual, sole proprietor or partnership if the recipient of payment is not classified as an employee.
- b) The report shall be submitted to the Department annually on or before January 31 following the taxable year in which the payment was made on forms prepared by the Department. The report, which may be submitted electronically, must include:

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- 1) the contractor name, address and business identification number;
 - 2) the individual, sole proprietor or partnership name, address and federal employer identification number; and
 - 3) the total amount the contractor paid to the individual, sole proprietor or partnership performing services in the taxable year, including payments for services and for any materials and equipment that was provided along with the services.
- c) If the Department, upon investigation, finds that a contractor has failed to file a report or has filed an incomplete report in violation of this Section, the Department shall notify the contractor, in writing, of its finding and shall assess a civil penalty as provided in Section 40 of the Act.
- d) These reporting requirements do not apply to a business primarily engaged in the sale of tangible personal property or a contractor doing work for a business primarily engaged in the sale of tangible personal property.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART F: FINAL DETERMINATIONS**Section 240.500 Decision and Notice Following Investigation**

- a) If, at the conclusion of an investigation, the Department determines that no violation of the Act or this Part has occurred, the complaint shall be dismissed.
- b) If, at the conclusion of the investigation, the Department determines that a violation of the Act or this Part has occurred, the Department may seek a voluntary settlement agreement that eliminates the unlawful practice and provides appropriate relief including the remedies as set forth in Section 240.510.
- c) Whenever a decision is made under this Section, the Department shall provide a written notice to all parties. The notice shall include a statement of the right to bring a civil action as provided for in Section 60 of the Act.

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- d) The Department will seek voluntary compliance by the contractor for any violations of the Act. If the contractor fails ~~to pay the penalties or comply with to voluntarily resolve the remedies specified in the notice within 30 calendar days; the matter, the Department shall set the matter for a formal hearing in accordance with the provisions of Section 240.570~~ the Department may within 180 days refer the matter to the Attorney General for enforcement.
- e) ~~As part of the settlement process, the Department may convene an informal settlement conference that the contractor must attend. Either party may seek review of the Department's final determination by filing with the Director a written request for an informal conference. The request must be received by the Director within 15 calendar days after the issuance of the final determination.~~
- 1) ~~The informal conference will be conducted by the Director and/or the Department's Chief Legal Counsel. During that conference, the party seeking review may present written or oral information and arguments as to why the Department's final determination should be amended or reconsidered.~~
 - 2) ~~The Director and/or the Department's Chief Legal Counsel shall consider the information and arguments presented and shall issue a written decision advising all parties of the outcome of the informal conference.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 240.510 Remedies Upon Finding of a Violation

- a) ~~An Administrative Law Judge (ALJ), as part of any final decision finding~~ An Administrative Law Judge (ALJ), as part of any final decision finding ~~When the Department concludes, based upon its investigation, that a violation of the Act or this Part has occurred, the Department may:~~
- 1a) ~~order the contractor to eliminate~~ Seek a voluntary settlement agreement that eliminates the unlawful practice ~~and provides appropriate relief;~~
 - b) ~~Recommend the commencement of a civil action;~~
 - 2e) ~~issue~~ Issue a cease and desist order;
 - 3d) ~~assess~~ Assess civil penalties as set forth in Section 40 of the Act;

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- 4e) ~~collect~~Collect the amount of any wages, salary, employment benefits or compensation denied or lost to the individual;
- 5f) ~~place~~Place the contractor on the debarment list pursuant to Section 42 of the Act; and/or
- 6g) ~~take~~Take any other reasonable action to eliminate the unlawful practice and/or remedy the effect of the violation.
- b) [If an ALJ finds that an employee has been misclassified under the Act, the misclassified employee is entitled to all rights and benefits to which an employee is otherwise entitled under other applicable State laws by virtue of being an employee, including but not limited to all lost wages resulting from not being paid the minimum wage or overtime. An ALJ shall not make a separate finding of employee status under other applicable laws. In addition, an ALJ can order a contractor to reimburse the person for improper deductions, such as lost unemployment or workers' compensation benefits resulting from being misclassified, or order the contractor to make contributions on the employee's behalf.](#)
- c) [An ALJ may hold, in addition to an individual who is an employer as defined by Section 5 of the Act, any officer or agent of a corporation who knowingly permits the employer to violate the Act individually liable for all violations and penalties assessed under the Act. This subsection shall not apply to an individual who is an officer or agent of a corporation that, on the project under investigation, satisfies the responsible bidder requirements set forth in Section 30-22 of the Illinois Procurement Code \[30 ILCS 500/30-22\].](#)
- d) [In determining whether an officer or agent knowingly permits violations of the Act under subsection \(c\), one of the factors to be considered is the extent and nature of the misclassifications and whether the officer or agent is responsible for the corporation conducting, and/or knowingly allowing the corporation to conduct, its regular course of business activities using a business model of misclassifying employees as independent contractors or has knowledge of that business model and does not take any steps to cause it to cease. An isolated incident of misclassification when the corporation otherwise operates with its own employees, or when a clerical mistake is made, is in and of itself insufficient to establish a knowing violation sufficient to impose individual liability.](#)

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 240.520 Civil Penalties

- a) A contractor that violates any of the provisions of the Act or this Part shall be subject to a civil penalty not to exceed \$~~10001,500~~ for each violation found in the first audit by the Department. Following a first audit, a contractor shall be subject to a civil penalty not to exceed \$~~20002,500~~ for each repeat violation found by the Department within a five-year period.
- b) Each violation of the Act, for each person and for each day the violation continues, shall constitute a separate and distinct violation.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 240.570 Hearing Procedures

- a) The Department shall issue a complaint and notice of hearing. The complaint shall set forth the allegations of the Department regarding its findings and the relief the Department is requesting.
- b) The contractor shall file its answer within 28 calendar days from the date of the complaint and specifically admit, deny or explain each of the facts alleged in the complaint. However, if the respondent is without knowledge, the respondent shall so state and that statement operates as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the answer states that the contractor is without knowledge, shall be deemed to be admitted to be true and shall be so found by the ALJ.
- c) An original and one copy of the answer shall be filed with the ALJ. Immediately upon the filing of his or her answer, the contractor shall serve a copy on the Director and other parties. An answer of a party represented by counsel or non-attorney party representative shall be signed by at least one attorney or non-attorney party representative of record in his or her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney party representative shall sign his or her answer and state his or her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him or her that he or she has read the

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answer; that, to the best of his or her knowledge, information and belief, there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this Section, it may be stricken as a sham and false and the action may proceed as though the answer had not been served. For a willful violation of this Section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

- d) The ALJ before whom the hearing is scheduled may by written order extend the time within which the answer shall be filed.
- e) If a contractor fails to answer and the ALJ grants a motion for summary judgment and enters a final order based upon the failure to answer and an admission of all the facts as true and, if within 30 days after the final decision issued by the ALJ, the contractor files a motion to vacate the ALJ's final decision demonstrating good cause shown for failing to answer the Department's allegations, and the ALJ thereafter grants the motion, the contractor shall be afforded an opportunity to answer and the matter shall proceed as if an original answer to the Department's findings had been filed.
- f) Except as provided for in this Section, the Department's rules for formal hearings set forth in the Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120) shall apply.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Collection, Disclosure, and Confidentiality of Health Statistics
- 2) Code Citation: 77 Ill. Adm. Code 1005
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1005.10	Amend
1005.15	New
1005.20	Amend
1005.25	New
1005.30	Amend
1005.35	New
1005.40	Repeal
1005.50	Repeal
1005.60	Repeal
1005.100	New
1005.110	New
1005.120	New
1005.130	New
1005.140	New
1005.150	New
- 4) Statutory Authority: Illinois Health Statistics Act [410 ILCS 520]
- 5) A Complete Description of the Subjects and Issues Involved:

Institutional Review Board (IRB) approval is required for the release of certain data, as required by statute (e.g., the Health Statistics Act). The amendments provide information for external stakeholders regarding submission of applications to the IRB, and explain how the IRB review process takes place.

The Department's Director is signatory to the United States Department of Health and Human Services Federal-wide Assurance (FWA) for the Protection of Human Subjects in Research, and the IRB is responsible for ensuring that when the Department becomes engaged in research to which the FWA applies, it is compliant with federal requirements.

The amendments proposed for Subpart A (General Provisions) clarify definitions, lay out an application procedure for data release, and repeal provisions relating to the Data Protection Review Board (DPRB), which no longer exists.

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The amendments proposed for Subpart B (Institutional Review Board) provide information regarding the IRB's role, composition and review process.

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:

Federal rules related to IRBs:

45 CFR 46 Protection of Human Subjects (1991)

21 CFR 50 Protection of Human Subjects (2011)

21 CFR 56 Institutional Review Boards (2009)

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 Objective: This rulemaking does not create or expand a State mandate.

12) Time, place and manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services

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Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, IL 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: No small businesses, small municipalities and not for profit corporations are directly affected. The following entities may have an interest in the proposed changes: Researchers in academic and health care settings whose requests for IDPH data require IRB review and approval.
 - B) Reporting, bookkeeping or other procedures required for compliance:
 - C) Types of professional skills necessary for compliance:
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

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TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER x: HEALTH STATISTICS

PART 1005

COLLECTION, DISCLOSURE, AND CONFIDENTIALITY
 OF HEALTH STATISTICS; INSTITUTIONAL REVIEW BOARD

SUBPART A: GENERAL PROVISIONS

Section

1005.10	Definitions
<u>1005.15</u>	<u>Incorporated and Referenced Materials</u>
1005.20	Department <u>Departmental</u> Functions
<u>1005.25</u>	<u>Request for Release of Health Data by Researchers and Other Individuals</u>
1005.30	Department <u>Departmental</u> Procedures for Health Data Release
<u>1005.35</u>	<u>Department Standards for Health Data Release</u>
1005.40	Data Protection Review Board (DPRB) <u>(Repealed)</u>
1005.50	Access to Data <u>(Repealed)</u>
1005.60	Requests for Data <u>(Repealed)</u>

SUBPART B: INSTITUTIONAL REVIEW BOARD

<u>1005.100</u>	<u>Institutional Review Board Authority, Role and Composition</u>
<u>1005.110</u>	<u>Institutional Review Board Procedures</u>
<u>1005.120</u>	<u>Administrative Review and Approval</u>
<u>1005.130</u>	<u>Suspension or Termination of Institutional Review Board Approval</u>
<u>1005.140</u>	<u>Documentation of Institutional Review Board Activities</u>
<u>1005.150</u>	<u>Institutional Review Board Applications</u>

AUTHORITY: Implementing and authorized by the Illinois Health Statistics Act [410 ILCS 520].

SOURCE: Adopted and codified at 7 Ill. Reg. 11293, effective August 26, 1983; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS**Section 1005.10 Definitions**

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"Act" means the Illinois Health Statistics Act [410 ILCS 520].

~~"Aggregate Health~~Aggregated Data" ~~means~~shall mean a statistical tabulation of one or more individual ~~patient~~ records or case reports that have been combined for statistical, descriptive or analytic purposes, with no single grouping or tabulation based upon fewer than thirty patient records.

~~"Deniable Aggregated Data"~~ shall mean aggregated data which includes data for a number of patient records which is less than those encompassed by the definition of aggregated data and which involves "deniable data elements".

~~"Deniable Data Elements"~~, shall mean data pertaining to a particular patient record that contains one or more of the following deniable data elements: ~~medical record number, admit date, admit or visit number, discharge date, date(s) of surgery, third party payor patient identification number, address, birthdate, individual provider identification (direct and indirect), name, social security number, recipient number and accident date. Additional data elements beyond those specified, contained in particular patient records, may be denied if their analysis in conjunction with non-deniable data elements could be used to identify individuals.~~

~~"Department"~~ ~~means~~shall mean the Illinois Department of Public Health. (Section 2(a) of the Act)

"Director" ~~means~~shall mean the Director of the Illinois Department of Public Health.

"Disclosure" means the communication of health data to an individual or organization outside the Department.

"Health Data", for the purposes of this Part~~these regulations~~, includes but is not limited to:

Data concerning the extent, nature and impact of illness and disability on the population of the State;

The determinants of health and health hazards;

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Health resources, including the extent of available manpower and resources;

Utilization and quality of health care; and

Health care costs and financing.

"Health Facility" ~~means~~shall mean an entity including, but not limited to, a hospital, long-term care facility or ambulatory surgical treatment center licensed by the State to provide health care.

"Health Facility Data" ~~means~~shall mean the data element of a hospital, nursing home, or other health facility identification.

"Health Insurance Portability and Accountability Act" or "HIPAA" means the federal law (Public Law 104-191) that establishes standards for the privacy and security of health information and its associated regulations (45 CFR 160, 162 and 164).

"HIPAA Covered Program" means a Department program identified by the Department as a health care component in accordance with HIPAA.

"HIPAA Identifiers" means the 18 direct identifiers listed in the Privacy Rule:

Names;

All geographical subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code, if, according to the current publicly available data from the Bureau of the Census:

the geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and

the initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000;

All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of

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death; and all ages over 89 and all elements of dates (including year) indicative of age over 89, except that ages and elements may be aggregated into a single category of age 90 or older;

Phone numbers;

Fax numbers;

Electronic mail addresses;

Social Security numbers;

Medical record numbers;

Health plan beneficiary numbers;

Account numbers;

Certificate/license numbers;

Vehicle identifiers and serial numbers, including license plate numbers;

Device identifiers and serial numbers;

Web Universal Resource Locators (URLs);

Internet Protocol (IP) address numbers;

Biometric identifiers, including finger- and voice-prints;

Full face photographic images and any comparable images; and

Any other unique identifying number, characteristic, or code (not including the unique code assigned by the investigator to code the data).

"Human Subject" means a living individual about whom a researcher obtains data through intervention or interaction with the individual or individual private information.

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"Identifiable Health Facility" ~~means~~shall mean any health facility ~~that~~which is specified by name or precise geographical location or other precise characteristics in the data sets or analyses.

~~"Individual Data" shall mean data pertaining to individual patients which do not include any of the "deniable data elements". The following shall not constitute "deniable data elements": month and year of admission or visit, month and year of discharge, length of stay, number of pre-operative days, number of post-operative days, class of payor, zip code or census tract location of patient residence, age of patient at one year intervals for patients one year old or older, age of patient at one week intervals for patients less than one year old, individual provider specialty, presence or absence of an accident, and health facility identification.~~

"Indirect Identifiers" means elements in documents and records that implicate privacy interests by increasing the likelihood of identifying an individual, but do not involve direct identifiers. The indirect identifiers included in files or documents may vary based on whether the indirect identifier serves to increase the likelihood of identifying the individual and whether the privacy interests outweigh the public interest in releasing the indirect identifier.

~~"Individually Identifiable Health Data" means~~is any health data that~~which~~ can be used to identify the individual supplying or described in the health data. Specifically included ~~are~~is data elements, alone or in combination with other elements in the health data, containing unique patient or individual provider identifiers. Any health data pertaining to fewer than six individual providers at any single identifiable health facility constitutes individually identifiable health data.

"Individually Identifiable Health Information" means information that:

is a subset of individually identifiable health data that is created or received by the Department;

relates to the past, present or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual;
and

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identifies the individual or there is a reasonable basis to believe the information can be used to identify the individual.

Individual Provider" ~~means~~~~shall mean~~ any physician, dentist, podiatrist, chiropractic physician or other individual licensed or otherwise authorized in this State to furnish health care services.

"Institutional Review Board" or "IRB" means a body established in accordance with applicable federal regulations for human research protections as set forth in 45 CFR 46. The IRB chairperson may act on behalf of the IRB as specified in 45 CFR 46.

"Limited Health Data Sets" means confidential information that excludes specific direct identifiers of the individual, or of relatives, employers or household members of the individual, as described in federal regulations, that may be disclosed for research, public health or operations purposes, at the discretion of the Department, if approved by the Department's IRB as authorized under Section 1005.120. Indirect identifiers in limited health data sets may include, but are not limited to: admission, discharge, service, or incident dates; dates of birth or death, ages in years, months or days or hours; and five digit or more zip code or any other geographic subdivision, except for street name and number, four digit zip code extension, latitude and longitude, or census block.

"Patient" ~~means~~~~shall mean~~ an individual who receives health care from an individual provider or who receives care while in a health facility; this includes residents of licensed long-term care facilities.

"Privacy Rule" means the Health Insurance Portability and Accountability Act regulations.

"Public Use Health Data File" means a Department health data file designated as de-identified by the IRB that is available to anyone. Health data elements are limited and health data values are aggregated in the files so that the proportion of unique records is below thresholds as determined by the IRB and consistent with common practice for developing the files.

"Safe Harbor De-identification Method" means a method of de-identification so that the Department staff member who discloses the de-identified information does not have actual knowledge that the information could be used alone or in

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combination with other information to identify an individual who is the subject of the information, and that the 18 HIPAA identifiers of the individual, or of relatives, employers or household members, are removed.

"Statistical De-identification" means that, upon the request of the Department, a qualified statistician using accepted analytic techniques concludes that the risk is very small that the individual level health data could be used alone or in combination with other reasonably available information to identify the subject of the health data. For the purposes of this procedure, a qualified statistician shall be a member of the Department's staff who is identified by the IRB for this purpose.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1005.15 Incorporated and Referenced Materials

- a) The following federal regulations are incorporated by reference in this Part:
- 1) 45 CFR 46 – Protection of Human Subjects (1991)
 - 2) 21 CFR 50 – Protection of Human Subjects (2011)
 - 3) 21 CFR 56 – Institutional Review Boards (2009)
 - 4) 45 CFR 160, 162 and Subparts A and E of 164 – HIPAA Privacy Rule (2006)
- b) The following Illinois statutes are referenced in this Part:
- 1) Illinois Health Statistics Act [410 ILCS 520]
 - 2) Open Meetings Act [5 ILCS 120]
 - 3) Freedom of Information Act [5 ILCS 140]
- c) All incorporations by reference of federal regulations or guidelines refer to the regulations or guidelines on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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Section 1005.20 Department~~Departmental~~ Functions

The Department ~~will~~shall:

- a) Publish, make available and disseminate health statistics on as wide a basis as practicable;
- b) Coordinate~~Take action to coordinate~~ its efforts with all public and private agencies and their representative co-operative groups to effect ~~a~~ sharing of health data ~~with the State~~;
- c) Participate with public and private agencies in the design and implementation of cooperative health data systems; ~~and~~
- d) Undertake and support research, development, demonstrations; and evaluations respecting ~~the~~such cooperative system, with particular emphasis on health data consortium activities in Illinois; and.
- e) Evaluate confidentiality requirements and concerns when making determinations regarding release of health data.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1005.25 Requests for Release of Health Data by Researchers and Other Individuals

- a) Requests to the Department for health data shall be submitted in a standard format specified by the Department. All requests for data shall contain the following information:
 - 1) The specific purpose for which the health data is requested, including testable research hypotheses;
 - 2) The justification for requested health data elements;
 - 3) The particular file-format desired;
 - 4) The time period within which the health data is desired;

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- 5) For health data to be supplied more than once, the frequency with which health data is to be supplied; and
- 6) Any other information the Department may reasonably require, including, but not limited to, an explanation of how the study design can be reasonably expected to answer the proposed hypothesis.
- b) Requests for non-individually identifiable data and limited health data sets shall contain an assurance that no attempt will be made to identify any specific individuals, physicians or individual providers of services about whom health data is supplied, unless approved by the Department.
- c) Any applicant who includes specific individual provider identification numbers in the request for health data shall furnish, as part of the application, proof of notification of the request to all individual providers, if the request requires IRB approval. Any individual provider shall have the right to submit comments to the Department. Comments shall be included with any health data pertaining to the individual provider that is disclosed to the applicant.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 1005.30 Departmental Procedures for Health Data Release

- a) ~~Where groupings of data are based upon fewer than twelve patient records containing deniable data elements, such groupings will be eliminated or combined with other groupings.~~
- a)b) The Department ~~will~~shall review all requests for health data to determine whether the request is technically feasible in terms of the ability of the Department to ~~provide~~produce the required health data:
- 1) ~~From~~from a known data base; and
 - 2) ~~Under statutes, rules and~~under agreements by which the health data came into ~~the Department's possession~~State hands.
- b) In addition to technical feasibility, requests for health data may be reviewed based on factors including an assessment of the potential benefit and public health utility to be derived from the proposed analysis; the necessity for identifiable health

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data, if requested; feasibility of the study design; the applicability of the requested health data to the stated purposes; and the ability of Department staff to provide the requested health data, including an estimation of the staff time and costs involved.

- c) All requests for data ~~that~~which are ~~denied will not technically feasible shall~~ be returned to the applicant within 90 days ~~to the applicant~~ with a statement containing the reason why the request is being ~~denied~~returned.
- d) All requests for ~~individual~~ data that are approved will or aggregated data which do not constitute or involve deniable data elements, health facility data or deniable aggregated data and which are technically feasible shall be processed within ~~90~~20 days after approval by the Department's IRB and execution of a health data use agreement.
- e) ~~Any data pertaining to deniable data elements or fewer than twelve patients shall be deemed to constitute individual identifiable data. In no instance may this data be disseminated except pursuant to Section 1005.30(h) of this Part.~~
- ef) Any health data pertaining to ~~deniable data elements and/or~~ fewer than six individual providers at any single identifiable health facility or serving a specified or identifiable geographic area constitutes shall be deemed to constitute deniable individual identifiable health data. This health data shall not~~In no instance may this data~~ be disseminated except pursuant to Section 1005.35(a)~~30(h)~~ of this Part.
- fg) The Department and the IRB will each review requests for health data containing direct identifiers and requests for limited health data sets that have not been previously released. After the review by the Department and the IRB, and upon making the determination that the request is not approved, the person making the request shall be instructed to modify the request so that it will not result in the dissemination of health data that would result in the identification of any individual patient or provider. The Department shall review all requests involving deniable individual data, health facility data and deniable aggregated data in order to determine:
- 1) ~~whether the purpose of the request is consistent with the purposes for which data from the Department may be used and purposes for which the data was collected.~~

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- 2) ~~the utility of each study for which data is requested.~~
- g) The Department will not approve any release of health data unless all provisions of Section 5 of the Act, this Section, and applicable requirements of 45 CFR 46 have been complied with.
- h) ~~The department may make no disclosure of any item, collection or grouping of health data which makes the individual supplying or described in such data identifiable unless:~~
- 1) ~~The person requesting the data secures the written consent of the individual described in the data permitting the disclosure;~~
 - 2) ~~The individual described in the data has consented in writing to the disclosure; and~~
 - 3) ~~If the disclosure is to a governmental entity in this state, in another state or to the federal government, provided that:~~
 - A) ~~The data will be used for a purpose for which the data was collected by the department; and~~
 - B) ~~the applicant is qualified to undertake the intended study as determined by the Director based upon the advice of the Data Protection Review Board. The Director shall use, but is not limited to, the following criteria to determine if an applicant is qualified:~~
 - i) ~~credentials or experience,~~
 - ii) ~~complexity of request.~~
 - C) ~~The recipient of the data has entered into a written agreement satisfactory to the department, that it will protect such data in accordance with the requirements of this act and will not permit further disclosure without written authorization from the director.~~
 - 4) ~~If The disclosure is to an individual or organization, for a specified time period as set forth in the written agreement and as determined by the~~

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~~department, solely for bona fide research and statistical purposes, as determined in accordance with guidelines adopted by the department, and the department determines that: (1) the disclosures of the data to the requesting individual or organization is required for the research and statistical purposes proposed; and (2) the requesting individual or organization has entered into a written agreement satisfactory to the department that it will protect such data in accordance with the requirements of this Act and will not permit further disclosure without written authorization from the Director. In no event, however, may the name, address, social security number, recipient number, or other unique personal identifier or an individual supplying the data or described in it be disclosed under the subparagraph to the requesting individual or organization.~~

- 5) ~~If the disclosure is to a governmental entity for the purpose of conducting an audit, evaluation or investigation of the department and such governmental entity agrees not to use such data for making any determination to whom the health data relates.~~
- i) ~~Any disclosure provided for in paragraph (h) of this Section shall be made at the discretion of the department except that the disclosure provided for in subparagraph (5) of paragraph (h) of this Section must be made when the requirements of that subparagraph have been met.~~
- j) ~~No identifiable health data obtained in the course of activities undertaken or supported under this act shall be subject to subpoena, or similar compulsory process in any civil or criminal, judicial, administrative or legislative proceeding, nor shall any individual or organization with lawful access to identifiable health data under the provisions of this Act be compelled to testify with regard to such health data, except that data pertaining to a party litigation may be subject to subpoena or similar compulsory process in an action brought by or on behalf of such individual to enforce any liability arising under this Act.~~
- k) ~~The Department, after completing its review, shall forward all requests for deniable aggregated data, health facility data and deniable data elements and, the results of its review and all supporting data to the Data Protection Review Board for its review. After the review of the Data Protection Review Board and Department, and upon finding that such request of deniable data is not required and is inappropriate, the Department will instruct the person making the request~~

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~~for deniable aggregated data or deniable data elements to modify their request in such a way that it will not, in order to be complied with, result in the dissemination of deniable data, or which would result in the identification of any individual patient or provider.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1005.35 Department Standards for Health Data Release

- a) Disclosure of Individually Identifiable Health Data
- 1) The Department may make no disclosure of any item, collection or grouping of health data that makes the individual supplying or described in the health data identifiable unless:
- A) The individual described in the health data, or the parent or legal guardian if the individual is a minor or mentally incompetent or a person holding a power of attorney covering the matters on behalf of the individual, has consented to the disclosure;
- B) The disclosure is to a governmental entity in this State or in another state or to the federal government, provided that:
- i) The health data will be used for a purpose for which the health data was collected by the Department;
- ii) The recipient of the health data has entered into a written agreement, satisfactory to the Department, that it will protect the health data in accordance with the requirements of the Act and this Part and will not permit further disclosure without prior approval of the Department (Section 5(a)(2) of the Act);
- C) The disclosure is to an individual or organization, for a specified time period as set forth in the written agreement and as determined by the Department, solely for bona fide research or statistical purposes, as determined in accordance with guidelines and procedures adopted by the Department, and the Department determines that:

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- i) *the disclosure of the health data to the requesting individual or organization is required for the research or statistical purposes proposed;*
- ii) *the requesting individual or organization has entered into a written agreement satisfactory to the Department that it will protect the health data in accordance with the requirements of the Act and this Part and will not permit further disclosure without prior approval of the Department. In no event, however, may the name, address, social security number, recipient number, or other unique personal identifier of an individual supplying the health data to the Department or described in it be disclosed under this Part to the requesting individual or organization, unless a Department-approved Institutional Review Board or its equivalent on the protection of human subjects in research has reviewed and approved the health data request. (Section 5(a)(3) of the Act); and*
- iii) *The applicant is qualified to undertake the intended activity or study, as determined by the Department, based upon the IRB's assessment. In making its determination, the Department will consider, but is not limited to, the applicant's credentials and experience complexity of the health data request;*
- D) *The disclosure is to a governmental entity for the purpose of conducting an audit, evaluation or investigation of the Department and the governmental entity agrees not to use the health data for making any determination to whom the health data relates (Section 5(a)(4) of the Act); or*
- E) *The disclosure is of specific medical or epidemiological information to authorized personnel in this or another state or the federal government, or agencies responsible to enforce quarantine, when necessary to continue patient services or to undertake public health efforts to control communicable, infectious, acute, chronic, or any other disease or health hazard that the Department considers to be dangerous or important or that may affect public health; or*

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- 2) The disclosure is of specific medical or epidemiologic information to a health care provider, health care personnel, or public health personnel who has a legitimate need to have access to the information in order to assist the patient or protect the patient. This does not create a duty to warn third parties; or
 - 3) The disclosure is necessary to obtain payment from an insurer or other third party payor in order for the Department to obtain payment or coordinate benefits for a patient.
- b) Any disclosure provided for in subsection (a) of this Section shall be made at the discretion of the Department except that the disclosure provided for in subsection (a)(1)(D) of this Section must be made when the requirements of that subsection have been met. (Section 5(b) of the Act)
- c) No identifiable health data obtained in the course of activities undertaken or supported under the Act or this Part shall be subject to subpoena, or similar compulsory process in any civil or criminal, judicial, administrative or legislative proceeding, nor shall any individual or organization with lawful access to identifiable health data under the provisions of the Act or this Part be compelled to testify with regard to the health data, except that data pertaining to a party in litigation may be subject to subpoena or similar compulsory process in an action brought by or on behalf of the individual to enforce any liability arising under the Act or this Part. (Section 5(c) of the Act)
- d) Standards for Disclosure of De-Identified Health Data
- 1) De-identification Standard: Individual health data is sufficiently de-identified and does not constitute confidential information if a statistical or a safe harbor de-identification method is used. Public use data files approved for publication by the Department also meet the de-identification standard.
 - 2) Re-identification of De-identified Health Data: The Department may assign a code or other means of health data identification to allow information that has been de-identified to be re-identified, provided that the Department does not disclose the code or other means of health data identification for any other purpose and does not disclose the mechanism

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for re-identification of the individual, and that the code or other means of data identification is not derived from or related to information about the individual and cannot otherwise be translated to identify the individual.

- e) Standards for Disclosure of Aggregate Health Data
- 1) Any disclosure of aggregate health data shall ensure that there is no reasonable basis to believe that the identity of an individual could be derived from disclosure of aggregate health data, unless the Director determines that the public health benefit of the disclosure is warranted or that conditions specified in subsection (a) are met.
 - 2) When releasing de-identified aggregate health data, Department programs will use accepted methods for de-identification of aggregate health data and will take into account whether values should be suppressed in situations in which numbers are too small to produce reliable statistics.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 1005.40 Data Protection Review Board (DPRB) (Repealed)

- a) ~~The Director shall appoint a Data Protection Review Board which shall be an advisory board used by the Department to review requests for deniable aggregated data, health facility data and deniable data elements and to offer to the Department any comments and/or recommendations relative to the requests.~~
- b) ~~The DPRB shall consist of 13 members to be appointed by the Director for terms of three years, except that the initial appointments to the DPRB shall be made for the terms as follows:~~
 - 1) ~~five members shall be appointed for a term of two years;~~
 - 2) ~~four members shall be appointed for a term of three years; and~~
 - 3) ~~four members shall be appointed for a term of four years.~~
- e) ~~In making appointments to the DPRB, the Director shall consider recommendations submitted by statewide constituencies.~~

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- d) ~~Members shall serve without remuneration.~~
- e) ~~The DPRB shall be associated with the following groups:~~
 - 1) ~~State government (1 member);~~
 - 2) ~~commercial insurers (1 member);~~
 - 3) ~~hospital providers (2 members);~~
 - 4) ~~local health planning agencies (1 member);~~
 - 5) ~~professional review organizations (1 member);~~
 - 6) ~~business, industry and labor (1 member);~~
 - 7) ~~medical societies (2 members);~~
 - 8) ~~Long-term Care provider (1 member);~~
 - 9) ~~Ambulatory Surgical Treatment Center provider (1 member); and~~
 - 10) ~~health care academic researchers (2 members).~~
- f) ~~The DPRB will have ninety (90) days to prepare its comments and respond to the Department's request for advice concerning data requests. The Director, prior to rendering a final determination, shall give consideration to the comments of the DPRB.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 1005.50 Access to Data (Repealed)

- a) ~~The Director shall not approve any request for deniable data elements, health facility data or deniable aggregated data unless he is satisfied that all provisions of Section 5 of the Act and of this Part have been complied with. (See Section 1005.30(h))~~
- b) ~~The Director shall not permit the dissemination of any of the aforesaid data unless~~

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~~the person requesting such data has shown in written format that the data is to be utilized for research and statistical purposes likely to assist in the delivery of health care services and that the data shall not in any way be utilized to determine the identification of any health care provider or recipient.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 1005.60 Requests for Data (Repealed)

- a) ~~All requests for deniable aggregated data, deniable data elements, or data requiring special handling due to their complexity or need to consult unpublished source materials shall be submitted in writing to the Department.~~
- b) ~~Requests for health data shall not be approved for purposes other than the purpose for which they were supplied or for which the individual or organization described in the data has otherwise consented in writing.~~
- e) ~~Written requests to the Department for data shall be submitted in a standard format specified by the Department. All written requests for data must contain the following information:~~
 - 1) ~~the specific nature of data requested;~~
 - 2) ~~the particular tape format or report format desired;~~
 - 3) ~~the time period within which the data are desired;~~
 - 4) ~~for data to be supplied more than once, the frequency with which data are to be supplied; and~~
 - 5) ~~any other information the Department may reasonably require.~~
- d) ~~Requests for individual data or aggregated data which do not constitute deniable data elements, identifiable health facility data or deniable aggregated data shall contain an assurance that no attempt will be made to identify any specific individuals, physicians or individual providers of services about whom data is supplied.~~
- e) ~~An applicant must also submit a written agreement to be entered into with the~~

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~~Department pursuant to Section 5(a)(3)(ii) of the Act.~~

- f) ~~Any applicant who includes specific individual provider identification numbers in his request for data must furnish, as part of his application, proof of notification to all such individual providers of his request. Any individual provider so notified shall have the right to submit comments to the Department. Such comments must be included with any data pertaining to the individual provider which is disclosed to the applicant.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

SUBPART B: INSTITUTIONAL REVIEW BOARDSection 1005.100 Institutional Review Board Authority, Role and Composition

- a) The IRB is established by the authority of the Department to protect the health and lives of the people of the State and to fulfill its duty to comply with all applicable requirements of 45 CFR 46 and 21 CFR 50 and 56.
- b) An IRB approved by the Director shall review requests for health data disclosure for which IRB review is required by statute or rule, and proposals for research involving human subjects that is conducted by the Department or individuals working on behalf of the Department.
- c) The Director may require that proposals submitted to the Department that have been approved by another IRB be subject to review and approval of the IRB.
- d) The IRB shall be qualified through the experience, expertise and diversity of its members, including race, gender, cultural backgrounds and sensitivity to community perspectives. The IRB shall review proposed research in light of existing Department commitments, existing laws, regulations and guidelines, and standards of professional conduct and practice. The IRB will include persons with expertise in these areas.
- e) The Director will appoint the IRB members, alternate IRB members, IRB Chair, and IRB Vice-Chairs. The IRB will consist of at least five members with varying backgrounds. Composition of the IRB will reflect the anticipated scope and complexity of review activities, the types of populations involved, and the size and availability of Department resources.

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- f) IRB Membership
- 1) The IRB will not consist entirely of men or entirely of women.
 - 2) The IRB will not consist solely of members of one profession.
 - 3) The IRB will include at least one member whose primary concerns are in scientific areas.
 - 4) The IRB will include at least one member who is a non-scientist.
 - 5) The IRB will include at least one member who is not otherwise affiliated with, or part of the immediate family of, a person who is affiliated with the Department. The non-scientist and the member who is not affiliated with the Department may be the same individual.
 - 6) An IRB member shall not participate in the initial or continuing review of any project in which the member has a conflict of interest, except to provide information requested by the IRB. The IRB Chair shall ensure that IRB members with a conflict of interest are not present during IRB votes subject to their conflict of interest.
 - 7) The IRB may invite individuals with special expertise to assist in the review of issues requiring expertise beyond or in addition to that available on the IRB. These individuals may not vote with the IRB.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 1005.110 Institutional Review Board Procedures

- a) The IRB review of applications that are deemed not exempt or not eligible for expedited review will occur at convened meetings subject to the Open Meetings Act. IRB meetings will include a majority of IRB members who are present at the meeting in person or by electronic means, including at least one member whose expertise is in non-scientific areas.
- b) The IRB has the authority to approve or disapprove, require modification to, or observe research, and to suspend or terminate approval (see Section 1005.130).

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Reliance on another institution's IRB or an independent IRB for review of research shall be documented by a written agreement that is available for review by federal Office of Human Research Protections upon request.

- c) The IRB will provide written notification to researchers of approval or disapproval of, or required modifications to, proposed research.
- d) The IRB Chair will review all research applications involving human subjects to determine whether the application involves exempt research.
- e) The IRB has the authority to allow repeat release of designated limited data sets that are not from a HIPAA covered program without individualized IRB review.
- f) Requests for approval of disclosure of health data and approval of research that involves no more than minimal risk to human subjects and their privacy and confidentiality are eligible for an expedited review procedure. Research projects that are eligible for expedited review include those projects found in the list of research categories published as eligible for expedited review by the Department of Health and Human Services (45 CFR 46) and previously approved projects for which minor changes are proposed during the period for which the IRB has already given approval, when those projects or changes involve minimal risk.
- g) If a request is eligible for an expedited review procedure, the review may be carried out by the IRB Chair or by one or more experienced reviewers designated by the Chair from among members of the IRB.
- h) In reviewing the request under an expedited review procedure, the reviewers may approve, but not disapprove, the research application. A research application may be disapproved only after review in accordance with the non-expedited review procedure. Research applications that have been reviewed under, but not approved through, the expedited review procedure will be subject to further IRB review at a convened meeting.
- i) Prior to approval, the IRB will determine that all of the following requirements are satisfied:

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- 1) Risks to subjects shall be minimized; researchers shall use procedures that are consistent with sound research design and do not unnecessarily expose subjects to risk;
- 2) Risks to subjects shall be reasonable in relation to the expected benefits to subjects and the knowledge that may reasonably be expected to result from the research;
- 3) The selection of subjects shall be equitable;
- 4) Unless otherwise authorized or permitted by law or regulation, informed consent shall be obtained and appropriately documented from each participating subject or the subject's legally authorized representative. When the IRB determines that the research project must include procedures for obtaining informed consent, the IRB shall ensure that informed consent is to be obtained under circumstances and through procedures that adhere to all applicable laws and regulations, and minimize any coercion or undue influence upon the subject or representative. Unless otherwise authorized or permitted by law or regulation, the following elements of informed consent shall be provided to each human subject:
 - A) An explanation of the purposes of, and procedures involved in, the research and the expected duration of the subject's participation;
 - B) A description of any reasonably foreseeable risks or discomforts to the subject;
 - C) A description of any benefits to the subject or to others that may reasonably be expected from the research;
 - D) A statement describing how the confidentiality of records identifying the subject will be maintained;
 - E) Information regarding who should be contacted for answers to questions about the research and research subjects' rights and in the event of a research-related injury to the subject;

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- F) A statement that participation is voluntary, refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and the subject may discontinue participation at any time without penalty or loss of those benefits; and
- G) Any additional information that the IRB determines would further protect the rights and welfare of the subject;
- 5) The research shall make any necessary provisions for data monitoring to ensure the safety of subjects;
- 6) The privacy of subjects and confidentiality of data shall be assured;
- 7) When the research involves subjects likely to be vulnerable to coercion or undue influence, additional safeguards shall be included to protect the rights and welfare of these subjects.
- j) The IRB may deny requests to conduct the research for reasons including, but not limited to, that the risks posed to human subjects are too great and for noncompliance with applicable laws and regulations. A notice of disapproval shall include the reasons for denial in sufficient detail that allows the researcher to respond. The researcher will be given the opportunity to respond to the denial in person or in writing to the IRB.
- k) Any research proposal approved by the IRB shall include a provision that any subject who is participating or has participated in the research project who has a complaint shall be referred to the IRB to determine whether a protocol has been violated.
- l) The IRB will review and approve changes to previously approved research projects and requests to continue projects beyond the expiration date of the current IRB approval. Changes shall not be initiated without IRB review and approval except when necessary to eliminate apparent immediate hazards to the subjects.
- m) The IRB will perform continuing, periodic reviews at intervals commensurate with the degree of risk the research poses.
- n) The IRB will require a report for each approved research project at its conclusion.

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- o) For research to be approved at a convened meeting, a majority of members present at the meeting must vote in favor.
- p) For reviews under expedited review authority, the majority also prevails, if expedited review is performed by more than one individual.
- q) A quorum must be present at IRB meetings to do business.
- r) A quorum is a simple majority of full members of the IRB, except that at least one member whose primary concerns are in non-scientific areas must be present.
- s) Alternate members of the IRB are counted in the quorum when they are attending all or part of a convened meeting on behalf of full members.
- t) Members who are eligible to vote but abstain from voting are counted toward the quorum.
- u) Members who must recuse themselves from consideration of a proposal due to conflict of interest shall leave the room during consideration of the proposal and are not counted in the quorum.
- v) The researcher has the right to appeal IRB decisions, including disapprovals, terminations of approval, restrictions on study design or study procedures, and approval conditions. Appeals shall be submitted in writing to the IRB within 60 days after the written notice to the investigator of the IRB's decision. Appeals shall provide a rationale for why the researcher believes that the IRB's decision is in error. All written appeals, including those of decisions made through the expedited review process, will be placed on the agenda of the next convened meeting of the IRB.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 1005.120 Administrative Review and Approval

- a) Research proposals and requests for health data that have been approved by the IRB are also subject to administrative review and approval by the Department.

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- b) The Director may disapprove research that has been approved by the IRB; however, the Director will not approve a request if it has not been approved by the IRB.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 1005.130 Suspension or Termination of Institutional Review Board Approval

- a) The IRB chairperson has the authority to suspend or terminate approval of activities that are not being conducted in accordance with the IRB's requirements or that have been associated with unexpected serious harm to subjects.
- b) Any suspension or termination of approval will include a statement of the reasons for the IRB's action and will be reported promptly to the investigator and the Director.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 1005.140 Documentation of Institutional Review Board Activities

- a) Documentation of IRB activities will be prepared and maintained and will include the following:
- 1) Copies of all research proposals reviewed, scientific evaluations that may accompany the proposals, approved sample consent documents, progress reports submitted by investigators, and reports of injuries to participants;
 - 2) Minutes of IRB meetings, which will be in sufficient detail to show attendance at the meetings; actions taken by the IRB; the vote on these actions, including the number of members voting for, against and abstaining; the basis for requiring changes in or disapproving research; and a written summary of the discussion of controversial issues and their resolution;
 - 3) Records of continuing review activities;
 - 4) Copies of all correspondence between the IRB and investigators;
 - 5) A list of IRB members; and

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- 6) Statements of significant new findings provided to IRB members.
- b) A log of approved human research projects will be made public on the Department's website unless otherwise exempt from disclosure under the Freedom of Information Act.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 1005.150 Institutional Review Board Applications

- a) Applications for IRB review shall be submitted to the Department electronically unless otherwise requested by the IRB.
- b) Applications involving human subjects research shall include the following documentation:
 - 1) A proposal including, but not limited to, the following:
 - A) The names and curriculum vitae of the principal investigator and co-principal investigators;
 - B) An abstract of the project;
 - C) A full description of the project's purpose, methodology, protocol and duration;
 - D) The number of subjects, the amount of time required for each subject's participation, and a detailed description of the interaction with the subjects;
 - E) The procedures for obtaining informed consent and the informed consent forms;
 - F) The questionnaires, testing and measurement instruments;
 - G) Letters, scripts, posters, notices, flyers, written materials and advertisements to be used for subject recruitment;

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- H) A duly executed unaffiliated investigator agreement for each investigator who is not an employee or who is not working on behalf of the Department;
- I) Proof that each investigator has completed required training in the protection of human research subjects; and
- J) The Department resources to be used:
 - 2) Identification of funding resources for the research proposal;
 - 3) Any certifications and assurances regarding the protection of human research subjects, privacy and confidentiality that are required by law or regulation; and
 - 4) Any other information necessary to the IRB review procedure.
- c) The IRB will review the application, in accordance with Section 1005.110 and 45 CFR 46.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Mandatory Vehicle Liability Insurance
- 2) Code Citation: 50 Ill. Adm. Code 8010
- 3) Section Number: 8010.20 Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by Article VI of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS Ch. 7, Art. VI].
- 5) Complete Description of the Subjects and Issues Involved: Adds a requirement that insurance cards include a bar code containing vehicle and insurance policy information.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 amendments do not require expenditures by units of local government.
- 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 General Counsel
298 Howlett Building
Springfield, IL 62756

SECRETARY OF STATE

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217/785-3094
cleitner@ilsos.net

The Office 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 Department 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 Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Companies that issue vehicle insurance policies
 - B) Reporting, bookkeeping or other procedures required for compliance: Inclusion of a bar code on vehicle insurance cards containing vehicle and insurance policy information
 - C) Types of professional skills necessary for compliance: Computer programming
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 50: INSURANCE
CHAPTER IV: SECRETARY OF STATEPART 8010
MANDATORY VEHICLE LIABILITY INSURANCE

Section	
8010.10	Definitions
8010.20	Insurance Card Requirements
8010.30	Document Requirements for Other Evidence of Insurance
8010.40	Mandatory Vehicle Insurance Verification Form
8010.50	Insurance Company Verification
8010.60	Suspension Notices
8010.70	Termination of a Suspension for a Violation of the Mandatory Insurance Law
8010.80	Exemption for Certain Religious Organizations

AUTHORITY: Implementing and authorized by Article VI of the Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7, Art. VI].

SOURCE: Adopted at 14 Ill. Reg. 2952, effective February 7, 1990; amended at 14 Ill. Reg. 19369, effective December 1, 1990; amended at 15 Ill. Reg. 15605, effective October 15, 1991; amended at 38 Ill. Reg. _____, effective _____.

Section 8010.20 Insurance Card Requirements

- a) Pursuant to Section 7-602 of the Act, each insurance company ~~that~~^{which} issues vehicle liability policies in Illinois shall issue an insurance card to the policy holder of the vehicle indicating the vehicle is insured. The insurance card shall be issued in conjunction with the issuance or renewal of the policy. Additional insurance cards shall be issued upon request by the named insured.
- b) In the case of motor vehicles registered in Illinois, the top of the front of the insurance card shall display the words "ILLINOIS INSURANCE CARD". The words "IDENTIFICATION" and "TEMPORARY" may also be displayed at the discretion of the issuing company.
- c) The insurance card shall contain the following vehicle information:
 - 1) the vehicle year;⁵

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- 2) the vehicle make;~~;~~ and
- 3) either all or the last ~~six (6)~~ characters of the vehicle identification number (VIN). If the insurance card is issued for a fleet policy, it may state "FLEET" in lieu of vehicle years, makes~~;~~ and VINs and if the card is issued with a non-owner policy, it may state "NON-OWNER POLICY" in lieu of the vehicle year, make and VIN.
- d) The insurance card shall contain the following insurance information:
- 1) the name of the ~~insureds~~insured(s);
- 2) the company name;
- 3) the company code number assigned by the National Association of Insurance Commissioners;
- 4) the policy number;
- 5) the effective date and expiration date ~~that~~which shall cover a period of time not to exceed 12 months;
- 6) a disclaimer as follows: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy."; ~~and~~
- 7) a warning of excluded drivers or vehicles, when applicable; ~~and~~.
- 8) a barcode, in PDF417 barcode format.

A) The barcode shall contain the VIN, insurance company's NAIC number, policy number, expiration date of the policy, and name of insurance company, in the following order and format:

<u>VIN</u>	<u>CHAR(20)</u>
<u>NAIC #</u>	<u>CHAR(5)</u>
<u>POLICY #</u>	<u>CHAR(25)</u>
<u>EXPIRATION DATE</u>	<u>(yyyy-mm-dd)</u>
<u>INSURANCE CO. NAME</u>	<u>CHAR(50)</u>

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- B) The character fields shall be fixed length and left justified with space filler; if the insurance card is issued for a fleet policy, insert the literal "FLEET" in the VIN field of the barcode; if the card is issued with a non-owner policy, insert the literal "NON-OWNER POLICY" in the VIN field of the barcode.
- e) The minimum size of the insurance card shall be 3" by 2 $\frac{1}{8}$ "; no maximum size is prescribed. A minimum 20 pound paper stock is required. Except for the required disclaimer and any required warnings, the required information shall be displayed on the front of the card. Except for the disclaimer and warnings, the required information shall be displayed in a minimum 8 point upper case type.
- f) The insurance card may include other information at the discretion of the insurer.
- g) Insurance companies may allow authorized representatives to issue temporary insurance cards to satisfy the requirements of the Act. Temporary insurance cards are not required to have the policy number but shall contain all other required information.
- h) In the case of a motor vehicle registered in another state or jurisdiction, an insurance card or other evidence of insurance is valid if it complies with the laws of the state or jurisdiction.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: River Edge Redevelopment Zone Program
- 2) Code Citation: 14 Ill. Adm. Code 524
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
524.20	Amend
524.120	Amend
524.130	Amend
524.510	Amend
524.530	Repeal
- 4) Statutory Authority: Implemented and authorized by Section 10-6 of the River Edge Redevelopment Zone Act [65 ILCS 115/10-6
- 5) Effective Date of Rule: January 15, 2014
- 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 16237; October 18, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Grammatical and stylistic changes were made.
- 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 rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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Summary and Purpose of Rulemaking: The purpose of the rulemaking is to implement changes resulting from PA 98-109.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield, IL 62701

217/557-1820

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE B: CONSUMER PROTECTION

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 524

RIVER EDGE REDEVELOPMENT ZONE PROGRAM

SUBPART A: RIVER EDGE REDEVELOPMENT ZONES IN ILLINOIS

Section

- 524.10 Purpose
- 524.20 Definitions

SUBPART B: APPLICATION FOR CERTIFICATION

Section

- 524.110 Eligible Applicants
- 524.120 Eligibility Criteria
- 524.130 Form of Application
- 524.140 Application Procedures
- 524.150 Application Evaluation and Ranking
- 524.160 Certification

SUBPART C: AMENDMENT AND DECERTIFICATION

Section

- 524.210 Application to Amend an Ordinance
- 524.220 Application to Change Boundaries
- 524.230 Application to Change Incentives, Alter Termination Date, and Make Technical Corrections
- 524.240 Decertification
- 524.250 Adoption of Tax Increment Financing

SUBPART D: LOCAL RESPONSIBILITIES

Section

- 524.310 Zone Administration
- 524.320 Business Cessation Notification

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SUBPART E: DESIGNATED ZONE ORGANIZATIONS

Section

524.410	General
524.420	Project Eligibility and Approval
524.430	Charitable Contributions

SUBPART F: TAX INCENTIVES

Section

524.510	List of Available Tax Incentives
524.520	Investment Tax Credit
524.530	Job Tax Credit (Repealed)
524.540	Environmental Remediation Tax Credit
524.550	Dividend Income Deduction
524.560	Interest Income Deduction
524.570	Building Materials Sales Tax Exemption

SUBPART G: RIVER EDGE REDEVELOPMENT GRANT PROGRAM

Section

524.610	Purpose
524.620	Application Cycle
524.630	Eligible Program Costs
524.640	Grant Application
524.650	Review of Grant Applications

AUTHORITY: Implemented and authorized by Section 10-6 of the River Edge Redevelopment Zone Act [65 ILCS 115/10-6].

SOURCE: Adopted by emergency rule at 30 Ill. Reg. 17575, effective October 23, 2006, for a maximum of 150 days; emergency rules modified pursuant to Joint Committee on Administrative Rules Objection at 31 Ill. Reg. 2680, effective January 22, 2007, for the remainder of 150 days; adopted at 31 Ill. Reg. 5509, effective March 20, 2007; amended at 38 Ill. Reg. 3350, effective January 15, 2014.

SUBPART A: RIVER EDGE REDEVELOPMENT ZONES IN ILLINOIS

Section 524.20 Definitions

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Act – The River Edge Redevelopment Act [65 ILCS 115/Art. 10] that creates the River Edge Redevelopment Program.

Agency – Each officer, board, commission, and agency created by the Constitution, in the executive branch of State government, other than the State Board of Elections; each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State; each administrative unit or corporate outgrowth of the State government that is created by or pursuant to statute, other than units of local government and their officers, school districts, and board of election commissioners; and each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor. No entity is an "agency" for the purposes of the Act unless the entity is authorized by law to make rules or regulations.

Application – A request for program funds, including the required information and attachments.

Bondable Capital Improvements – As defined under 71 Ill. Adm. Code 50 and undertaken by a business organization, not-for-profit corporation or local government.

Business Organization – Any for-profit sole proprietorship, limited partnership, co-partnership, joint venture, corporation, or cooperative.

Department – The Illinois Department of Commerce and Economic Opportunity.

Designated Zone Organization – An association or entity:

The members of which are substantially all residents of the River Edge Redevelopment Zone;

The Board of Directors of which is elected by the members of the organization;

That satisfies the criteria set forth in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code (26 USC 501(c)(3) or (4)); and

That exists primarily for the purpose of performing within [thesueh](#) area or

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Zone for the benefit of the residents and businesses [in the area or Zone](#) ~~therein~~ any of the functions set forth in Section 8 of the Act [65 ILCS 115/10-8].

Grant – Funds that require no repayment to be used by a qualified applicant.

Local Government – Any unit of local government as defined in Article VII, Section 1 of the 1970 Illinois Constitution.

Minority Person, Female, and Person with a Disability – Have the meanings set forth under Section 2 of the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575/2].

Not-for-Profit Corporation – A corporation incorporated pursuant to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] and in good standing with the Illinois Secretary of State.

Program – River Edge Redevelopment Grant Program.

Qualified Applicants – Local governments, not-for-profit corporations, and business organizations.

Redevelopment Project – An endeavor undertaken, during a specified time period, to improve cleared or undeveloped land, including, but not limited to, erection of buildings and other facilities by public or private entities, and site improvements installed by a local government in order to prepare the land for disposition to developers.

Recipient – Any eligible applicant receiving funds under this program.

River Edge Redevelopment Zone or Zone – An area of the State certified by the Department as a River Edge Redevelopment Zone, pursuant to the [River Edge Redevelopment](#) Act.

Rule – Each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include statements concerning only the internal management of an agency and not affecting rights or procedures available to persons or entities outside the agency; intra-agency memoranda; or the prescription of standardized forms.

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Veteran – An Illinois resident who is a veteran as defined in 10 USC 1491(h).

~~Zone – An area designated by the Department pursuant to the River Edge Redevelopment Act.~~

(Source: Amended at 38 Ill. Reg. 3350, effective January 15, 2014)

SUBPART B: APPLICATION FOR CERTIFICATION

Section 524.120 Eligibility Criteria

- a) The area is contiguous ~~and either;~~ adjacent to; or surrounding a river [\[65 ILCS 115/10-4\(1\)\]](#);
- b) For purposes of calculating total area, the *minimum* is one-half square mile and the maximum is 12 square miles, exclusive of lakes and waterways [\[65 ILCS 115/10-4\(2\)\]](#);
- c) The area is entirely within ~~one of either~~ the ~~Cities~~City of Aurora, East St. Louis, ~~Elgin, Peoria,~~ or Rockford and has at least 100 acres of environmentally challenged land within 1,500 yards of the riverfront [\[65 ILCS 115/10-4\(4\), 10-4\(5\) and 10-5.3\(d\)\]](#); and
- d) The area is not located within the boundaries of an existing Illinois Enterprise Zone.

(Source: Amended at 38 Ill. Reg. 3350, effective January 15, 2014)

Section 524.130 Form of Application

An application shall be submitted on the standard application form provided by the Department. An application shall include:

- a) Eligibility Criteria. Information that the necessary eligibility criteria, as specified in Section 524.120, have been met;
- b) Characteristics of the Zone. Information on the following physical, economic and social characteristics of the zone:

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- 1) Master Plan. A specific plan that sets forth the effect of economic growth and expansion;
- 2) Map of Zone. A map of the Redevelopment Zone that contains a precise description of the area comprising the zone, either in the form of a legal description or by reference to roadways, lakes and waterways, and municipal boundaries, along with geospatial data in the form of an ESRI ARCGIS Shape file;
- 3) Qualification Issue. An analysis and appropriate supporting documents demonstrating that the proposed area is qualified under Section 10-4 of the Act;
- 4) Duration of or Term of the River Edge Redevelopment Zone;
- c) Local Revitalization Efforts. A statement setting forth the economic development and planning objectives of the zone;
- d) Local Incentives and Programs. A statement detailing tax, grant, and other financial incentives or benefits, and any programs to be provided by the municipality to business River Edge Redevelopments or organizations within the zone, other than those provided in the designating ordinance, that are not to be provided throughout the municipality;
- e) Transcript of Public Hearings. A transcript of all public hearings;
- f) Management Structure of the Zone. A statement describing the functions, program, and services to be performed by the designated zone organizations within the zone.

(Source: Amended at 38 Ill. Reg. 3350, effective January 15, 2014)

SUBPART F: TAX INCENTIVES

Section 524.510 List of Available Tax Incentives

Ⓜ Several tax incentives are available to businesses in a River Edge Redevelopment Zone:

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- a) Investment Tax Credit found in the Illinois Income Tax Act [35 ILCS 5/201(e) and (f)];
- ~~2) [Jobs Tax Credit found in the Illinois Income Tax Act \[35 ILCS 5/201\(g\)\];](#)~~
- b) Environmental Remediation Tax Credit found in the Illinois Income Tax Act [35 ILCS 35/201(h)(1)(n)];
- c) Dividend Income Deduction found in the Illinois Income Tax Act [35 ILCS 5/203(a)(2)(J), (b)(2)(K), (c)(2)(M) and (d)(2)(K)];
- d) Interest Income Deduction found in the Illinois Income Tax Act [35 ILCS 5/203(b)(2)(M)]; and
- e) Building Material Sales Tax Exemption found in the Retailers' Occupation Tax Act [35 ILCS 120/2-54].

(Source: Amended at 38 Ill. Reg. 3350, effective January 15, 2014)

Section 524.530 Jobs Tax Credit [\(Repealed\)](#)

~~The [Jobs Tax Credit found in the Illinois Income Tax Act \[35 ILCS 5/201\(g\)\]](#) allows a taxpayer conducting a trade or business in a River Edge Redevelopment Zone to be given a tax credit against the tax imposed in Sections 201(a) and (b) of the Illinois Income Tax Act in the amount of \$500 per eligible employee hired to work in the zone during the taxable year. The specific terms and conditions governing this tax deduction are found in the Illinois Department of Revenue's regulations (86 Ill. Adm. Code 2120).~~

(Source: Repealed at 38 Ill. Reg. 3350, effective January 15, 2014)

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- 1) Heading of the Part: Local Tourism and Convention Bureau Program
- 2) Code Citation: 14 Ill. Adm. Code 550
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
550.20	Amend
550.50	Amend
550.70	Amend
- 4) Statutory Authority: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8/25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95]
- 5) Effective Date of Rule: January 15, 2014
- 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 632; January 25, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Grammatical and stylistic changes were made.
- 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 rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

Summary and Purpose of Rulemaking: Change of match requirement in FY13 to allow for only 50% match of grant dollars.

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- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield, IL 62701

217/557-1820

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

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER 1: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 550

LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

Section

550.10	Purpose
550.20	Definitions
550.30	Allocation of Appropriations to Grantees
550.40	Certification Process
550.50	Grant Application Process
550.60	Program Requirements
550.70	Administrative Match Requirements
550.80	Contractual Requirements

AUTHORITY: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

SOURCE: Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992; amended at 16 Ill. Reg. 14628, effective September 14, 1992; amended at 19 Ill. Reg. 1808, effective February 7, 1995; amended at 21 Ill. Reg. 9732, effective July 11, 1997; amended at 22 Ill. Reg. 10425, effective June 6, 1998; emergency amendment at 25 Ill. Reg. 9629, effective July 9, 2001, for a maximum of 150 days; emergency expired November 27, 2001; old Part repealed and new Part adopted at 29 Ill. Reg. 4988, effective March 22, 2005; amended at 38 Ill. Reg. 3359, effective January 15, 2014.

Section 550.20 Definitions

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"Act" – means Section 605-705(a) of the Civil Administrative Code of Illinois [20 ILCS 605/605-705(a)] that establishes a grant program to be referred to as the Local Tourism and Convention Bureau Program.

"Applicant" – means a not-for-profit organization or unit of local government that meets the eligibility requirements.

"Application" – means the [completed standardized "Grant Application Form", plus the program specific addendum](#)~~written request submitted by an applicant requesting to be a certified local tourism and convention bureau and requesting grant funds authorized by the Act.~~

"Bureau" – means a certified local tourism and convention bureau.

["Certification/Re-certification" – means the written request submitted by an applicant requesting to be a certified local tourism and convention bureau and requesting grant funds authorized by the Act.](#)

"Chief Executive Officer" – means a full-time (at least 35 hours per week), paid professional of a bureau authorized and qualified to manage and implement a bureau's marketing plan and fulfill all requirements under an LTCB grant whose sole function shall be to promote tourism development within the bureau's designated service area.

"Commodities" – means supplies and materials, including premiums, office products, equipment and printing.

"Department" – means the Department of Commerce and Economic Opportunity.

"Department Logo" – means a form of recognition as stipulated and supplied by the Department to identify a promotional project/product as being produced in whole or in part through grant funds from the Department.

"Director" – means the Director of the Department of Commerce and Economic Opportunity.

"Feasibility Study" – means a study to determine if a tourism promotional project will result in an increase in overnight stays and visitor travel and if the promotional project is capable of being successfully completed.

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"Fiscal Year" – means each period of July 1 through June 30, the fiscal year of the State of Illinois.

"Fiscal Year Marketing Plan" – means the planned program of tourism promotional activities for the fiscal year, including goals, objectives, strategies, anticipated results, and performance measures.

"Grant Agreement" – means the executed agreement between the grantee and the Department defining their respective rights and obligations with regard to the awarding of grant funds.

"Grantee" – means a bureau receiving LTCB Program funds from the Department for purposes of promoting tourism in a designated geographic area of the State.

"Illinois Bureau of Tourism" or "(IBOT)" – means the division of the Department that has statutory authority to establish, develop, and implement a grant program for local tourism and convention bureaus.

"In-Kind Contributions" – means donated services, donated space, donated equipment, services of volunteers, services in lieu of cash or any non-monetary item.

"Market Research" – means to research potential economic impact on the grantee's service area, including but not limited to researching recruitment of present and future target markets, such as leisure and business travelers and visitor distribution.

"Matching Funds" – means that portion of the Project Budget Plan that is required to be provided by the grantee.

"Municipality" – means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Pass-Through Funds" – means -funds received by a bureau from a local entity within its designated geographic service area that are designated for payment of any expenses incurred without proportionate value, either programmatically or financially, being added by the bureau.

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"Population Served" – means the population of the bureau's designated service area according to the latest certified census figures.

"Premium Items" – means tourism promotional items purchased with grant funds and distributed or disseminated at no cost for tourism promotional purposes, including but not limited to tee-shirts, pins, hats, travel packages, and award plaques.

"Program" – means the Local Tourism and Convention Bureau (LTCB) Program.

"Project Budget Plan" – means an itemized budget category breakdown of planned grant and match expenditures associated with the activities described in the Fiscal Year Marketing Plan.

"Promotional Projects" – means Department approved tourism promotional activities that are designed to encourage tourism as described in the Fiscal Year Marketing Plan.

"Service Area" – means a designated geographic area for which the bureau is certified to provide tourism promotional services.

"Services" – means the furnishing of labor by a vendor not involving the delivery of a tangible product other than accompanying reports, designs, logos, or similar artistic services.

"Sponsorship" – means a financial contribution made by a bureau to another entity for the purpose of attracting or retaining an event that will generate tourism in the designated service area.

"Tourism" – means travel by either State residents or out-of-state visitors traveling away from home overnight in paid accommodations or on day trips to places 50 miles or more from the visitor's home.

"Travel/Trade Show" – means an exhibit/marketplace of travel-related products and/or services.

"Unit of Local Government" – means a county, municipality, or township having authority to enact laws and ordinances, administer laws and ordinances, and raise taxes or spend public funds.

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(Source: Amended at 38 Ill. Reg. 3359, effective January 15, 2014)

Section 550.50 Grant Application Process

- a) Application by Bureaus for Funds Under the Act:
- 1) All bureaus shall complete an application for funding. The bureau shall retain one copy and submit one original ~~and three copies~~ of the application to the Department's Springfield address. Failure to provide any information requested in the application will result in the application not being processed. A bureau's application for funding under the Local Tourism and Convention Bureau Program shall include, but not be limited to, the following information:
 - A) Standardized application form;
 - BA) Name and signature of the bureau's chief executive officer, salary, and length of employment with the bureau;
 - CB) A Marketing Plan detailing all activities to be initiated through the LTCB grant during the fiscal year;
 - DC) Area to be served, such as municipalities, counties, etc.;
 - DE) Project Budget Plan itemizing budget expenditure activities proposed for LTCB grant and eligible match monies;
 - FE) Line-item breakout of source of local match funds;
 - GF) A certified statement, from the authorized official of the municipalities or counties that support the bureau with local hotel/motel taxes, specifying the amount of local hotel/motel tax that will be provided to the bureau during the fiscal year for the bureau's use and expenditure on eligible program activities and for match for the State grant;
 - HG) Name of the financial institution that will serve as the depository for LTCB grant and match funds;

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- | H) Fund account number for LTCB grant and match funds; and
- | J) Names, titles, and sample signatures for those persons who will be required to authorize all account transactions, with a minimum of two signatures required.
- 2) Upon receipt of applications from bureaus, the Department shall review the applications and:

 - A) Grant the full amount requested; or
 - B) Ask for additional information to clarify or document the information contained in the application; and/or
 - C) Reduce the amount of grant funds requested if there are insufficient match funds, or the projects presented in the Marketing Plan do not focus on important tourism promotional activities and have little substance, i.e., no media promotions planned, no promotional materials being developed, the projects are not reasonable and are not consistent and workable, and the bureau cannot effectively carry out the projects. In the event that funding of a grant request is reduced, the bureau may appeal to the Director of the Department within 10 days after notification. The request for review shall be submitted in writing to the Director and shall contain the reasons for appeal and any additional tourism related information the bureau chooses to submit in support of its appeal. The Department shall notify the bureau in writing of the Director's decision within 15 days after receipt of the appeal.

(Source: Amended at 38 Ill. Reg. 3359, effective January 15, 2014)

Section 550.70 Administrative Match Requirements

Matching Funds. Each grantee must provide match for grant funds received under the Program. Match expenditures must equal or exceed grant funds expended, as well as any interest earned on grant funds that is also expended, except that, during fiscal year 2013, the Department shall require that any grantee shall provide matching funds equal to no less than 50% of the grant amount. If a grantee fails to match any portion of the grant award in a given fiscal year, that

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portion of the grant shall be refunded to the Department in accordance with the terms of the Grant Agreement. In-kind contributions shall not be used to satisfy match requirements.

- a) Eligible matching funds must satisfy all of the following criteria:
 - 1) Be provided to the grantee for general tourism promotional purposes in the designated service area;
 - 2) Be identified in the grantee's Project Budget Plan for the applicable fiscal year;
 - 3) Be available for expenditure during the applicable grant term;
 - 4) Be supported by grantee's records of deposit;
 - 5) Be expended by the grantee solely for eligible tourism promotional activities and associated administrative costs; and
 - 6) Not be refunded to the provider of the match.
- b) Eligible Sources of Matching Funds. The following sources may be used as match for grant funds:
 - 1) Local hotel/motel tax receipts;
 - 2) Membership dues;
 - 3) Interest on local monies available for expenditure on tourism promotional activities;
 - 4) Cash contributions meeting all requirements of subsection (a); and
 - 5) Federal funds provided directly to the grantee for tourism promotional purposes that do not require match.
- c) Ineligible Sources and/or Expenditures of Matching Funds. These include, but are not limited to:
 - 1) In-kind contributions;

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- 2) State or federal funds other than those allowed in subsection (b)(5);
- 3) Monies used as match for other State or federal grants;
- 4) Penalties, fines, fees, or interest charges assessed as a result of late payment;
- 5) Pass-through funds; and
- 6) Any purchase of alcoholic beverages.

(Source: Amended at 38 Ill. Reg. 3359, effective January 15, 2014)

CHIEF PROCUREMENT OFFICER FOR THE CAPITAL DEVELOPMENT BOARD

JANUARY 2014 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Procurement Practices, 44 Ill. Adm. Code 8

1) Rulemaking:

A) Description: The Chief Procurement Officer for Capital Development Board anticipates amendment to the procurement practices rules to further implement the changes made by P.A. 96-795 and P.A. 97-895, as well as to address any other legislative changes made by the 98th General Assembly.

B) Statutory Authority: 30 ILCS 500

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: March 2014

E) Effect on small businesses, small municipalities or not for profit corporations: The proposals may have an impact on small businesses.

F) Agency contact person for information:

Lorri Rosenfeldt
Rules Coordinator
Chief Procurement Office for Capital Development Board
401 S. Spring Street
Room 318 Stratton Office Building
Springfield, IL 62706

Telephone: 217/558-2295

G) Related rulemakings and other pertinent information: A repeal and replacement of Part 8, Procurement Practices, was published as First Notice on August 2, 2013 in Volume 37, Issue 31 of the Illinois Register. Second Notice is expected to be filed in January 2014. Amendments will not occur until that rulemaking is final.

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- a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
- 1) Rulemaking:
- A) Description: Amendments to Part 1 will address calculation of annual yearly progress and annual measurable achievement objectives, requirements for the school report card under 105 ILCS 5/10-17a and definition of "graduation cohort" for purposes of federal reporting. Proposed changes also will respond to P.A. 98-560, effective August 27, 2013, concerning the state seal for biliteracy.
- B) Statutory Authority: 105 ILCS 5/2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 30, 2014
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777
- 217/782-5270
shelton@isbe.net
Fax: 217/524-3911
- G) Related rulemakings and other pertinent information:
- b) Part(s) (Heading and Code Citation): Standards for the School Service Personnel Certificate (23 Ill. Adm. Code 23)
- 1) Rulemaking:

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- A) Description: Part 23 will be amended to include the standards for receipt of an endorsement for family and marriage counseling in response to P.A. 98-413, effective August 16, 2013.
- B) Statutory Authority: 105 ILCS 5/2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 30, 2014
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Not-for-profit entities and private postsecondary institutions wishing to offer educator preparation programs would need to meet the standards in order for their programs to be approved.
- F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777

217/782-5270
shelton@isbe.net
Fax: 217/524-3911

- G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citation): Educator Licensure (23 Ill. Adm. Code 25)

1) Rulemaking:

- A) Description: Part 25 will be amended to include changes relative to criteria for the receipt of the superintendent's endorsement (as well as the endorsement for director of special education in a separate rulemaking); P.A. 98-413, effective August 16, 2013, regarding an endorsement for family and marriage counseling; requirements for receipt of endorsements

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on the educator license with stipulations for several English language learning credentials; and other clean-up and technical changes necessitated by the new licensure system.

- B) Statutory Authority: 105 ILCS 5/2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 30, 2014
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
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- G) Related rulemakings and other pertinent information:
- d) Part(s) (Heading and Code Citation): Standards for Endorsements in Early Childhood Education and in Elementary Education (23 Ill. Adm. Code 26)
- 1) Rulemaking:
 - A) Description: Standards for the early childhood standards will be revised.
 - B) Statutory Authority: 105 ILCS 5/2-3.6
 - C) Scheduled meeting/hearing date: To be announced.
 - D) Date agency anticipates First Notice: May 30, 2014

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- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Shelley Helton
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- 217/782-5270
shelton@isbe.net
Fax: 217/524-3911
- G) Related rulemakings and other pertinent information:
- e) Part(s) (Heading and Code Citation): Programs for the Preparation of Directors of Special Education in Illinois (23 Ill. Adm. Code 31)
- 1) Rulemaking:
- A) Description: New Part 31 will establish the criteria for the approval of programs that will prepare individuals to receive an endorsement for special education director on the professional educator license.
- B) Statutory Authority: 105 ILCS 5/Art. 21B and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 25, 2014
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Not-for-profit entities and private postsecondary institutions wishing to offer educator preparation programs would need to meet the standards in order for their programs to be approved.
- F) Agency contact person for information:

STATE BOARD OF EDUCATION

JANUARY 2014 REGULATORY AGENDA

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Illinois State Board of Education
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G) Related rulemakings and other pertinent information:

f) Part(s) (Heading and Code Citation): Programs for the Preparation of Superintendents in Illinois (23 Ill. Adm. Code 33)

1) Rulemaking:

- A) Description: New Part 33 will establish the criteria for the approval of programs that will prepare individuals to receive an endorsement for superintendent on the professional educator license.
- B) Statutory Authority: 105 ILCS 5/Art. 21B and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 7, 2014
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Not-for-profit entities and private postsecondary institutions wishing to offer educator preparation programs would need to meet the standards in order for their programs to be approved.
- F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493

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Springfield, Illinois 62777

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shelton@isbe.net

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G) Related rulemakings and other pertinent information:

g) Part(s) (Heading and Code Citation): Evaluation of Certified Staff under Articles 24A and 34 of the School Code (23 Ill. Adm. Code 50)

1) Rulemaking:

A) Description: References in this Part to "certificates", "certified" or "certification" will be updated to align to the licensure system, and criteria and standards will be added for the State's model for teacher performance evaluations that incorporate data and indicators of student growth.

B) Statutory Authority: 105 ILCS 5/24A-7

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: July 7, 2014

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

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777

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shelton@isbe.net

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G) Related rulemakings and other pertinent information:

h) Part(s) (Heading and Code Citation): Low-income Student Funds Plans (23 Ill. Adm. Code 203)

1) Rulemaking:

A) Description: Part 203 will be modified to update provisions for City of Chicago School District 299's submission of a plan for its use of supplemental general state aid.

B) Statutory Authority: 105 ILCS 5/18-8.05(H)

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 24, 2014

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

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777

217/782-5270

shelton@isbe.net

Fax: 217/524-3911

G) Related rulemakings and other pertinent information:

i) Part(s) (Heading and Code Citation): Special Education (23 Ill. Adm. Code 226)

1) Rulemaking:

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- A) Description: Part 226 will be revised in response to recent legislation (P.A. 98-219, effective August 9, 2013, and P.A. 98-383, effective August 16, 2013); to remove from the positions eligible for reimbursement under 105 ILCS 5/14-13.01 the speech-language paraprofessional; to address requirements specific to special education director and assistant director; and to make other needed updates and technical changes.
- B) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 28, 2014
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
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shelton@isbe.net
Fax: 217/524-3911

- G) Related rulemakings and other pertinent information:

j) Part(s) (Heading and Code Citation): Transitional Bilingual Education (23 Ill. Adm. Code 228)

- 1) Rulemaking:

- A) Description: Part 228 will be updated specific to part-time placement of students, use of the screening tool and home language survey, and standards for early English language development.

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- B) Statutory Authority: 105 ILCS 5/Art. 14C and 2-3.39(1)
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 28, 2014
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
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- G) Related rulemakings and other pertinent information:

k) Part(s) (Heading and Code Citation): Early Childhood Block Grant (23 Ill. Adm. Code 235)

- 1) Rulemaking:

- A) Description: Part 235 will be updated to reflect new standards for children ages 0-3 and for English language development, as well as to address changes in program operations necessitated by Illinois' receipt of the federal Early Learning Challenge grant under the Race to the Top initiative.
- B) Statutory Authority: 105 ILCS 5/1C-2
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 25, 2014

STATE BOARD OF EDUCATION

JANUARY 2014 REGULATORY AGENDA

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

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777

217/782-5270

shelton@isbe.net

Fax: 217/524-3911

G) Related rulemakings and other pertinent information:

l) Part(s) (Heading and Code Citation): School Food Service (23 Ill. Adm. Code 305)

1) Rulemaking:

A) Description: Part 305 will be amended to recognize new federal food standards for schools participating in the federal school meals programs.

B) Statutory Authority: 42 USC 1751 et seq., 42 USC 1771 et seq., and 105 ILCS 125

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: March 7, 2014

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

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator

STATE BOARD OF EDUCATION

JANUARY 2014 REGULATORY AGENDA

Illinois State Board of Education
100 North First Street, S-493
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- G) Related rulemakings and other pertinent information:
- m) Part(s) (Heading and Code Citation): Special Education Facilities under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401)
- 1) Rulemaking:
- A) Description: The program approval process outlined in Part 401 will be streamlined and accountability provisions will be modified to better align to the State recognition process and to provide for improved monitoring. Technical updates specific to the new licensure system also will be made.
- B) Statutory Authority: 105 ILCS 5/2-3.53a
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: July 7, 2014
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777
- 217/782-5270
shelton@isbe.net

STATE BOARD OF EDUCATION

JANUARY 2014 REGULATORY AGENDA

Fax: 217/524-3911

G) Related rulemakings and other pertinent information:

n) Part(s) (Heading and Code Citation): Voluntary Registration and Recognition of Nonpublic Schools (23 Ill. Adm. Code 425)

1) Rulemaking:

A) Description: Part 425 will include modifications to align to statutory language the requirement for students in recognized nonpublic schools to recite the Pledge of Allegiance and to specify the type of evidence an entity must provide of a school's not-for-profit status.

B) Statutory Authority: 105 ILCS 5/2-3.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: March 7, 2014

E) Effect on small businesses, small municipalities, or not-for-profit corporations: In order to receive recognition from the State Board of Education, an entity would need to comply with the revised regulatory requirements.

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
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100 North First Street, S-493
Springfield, Illinois 62777

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shelton@isbe.net

Fax: 217/524-3911

G) Related rulemakings and other pertinent information:

STATE BOARD OF EDUCATION

JANUARY 2014 REGULATORY AGENDA

- o) Part(s) (Heading and Code Citation): Regional Offices of Education and Intermediate Services (23 Ill. Adm. Code 525)
- 1) Rulemaking:
- A) Description: Part 525 will need to be amended in response to the reduction in the number of regional offices of education (P.A. 97-703, effective June 24, 2012) and in response to several pieces of related legislation, including P.A. 96-893, effective July 1, 2010 (elimination of the suburban Cook County regional office of education and of its advisory board) and P.A. 96-568, effective August 18, 2009 (qualifications of members of advisory boards).
- B) Statutory Authority: 105 ILCS 5/2-3.62 and 3A-16
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: July 7, 2014
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777
- 217/782-5270
shelton@isbe.net
Fax: 217/524-3911
- G) Related rulemakings and other pertinent information:
- p) Part(s) (Heading and Code Citation): Charter Schools (23 Ill. Adm. Code 650)
- 1) Rulemaking:

STATE BOARD OF EDUCATION

JANUARY 2014 REGULATORY AGENDA

- A) Description: Revisions to Part 650 will address the process to be used to sanction charter authorizers who do not demonstrate "a commitment to high-quality authorization practices".
- B) Statutory Authority: 105 ILCS 5/Art. 27A
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 7, 2014
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777

217/782-5270
shelton@isbe.net
Fax: 217/524-3911

- G) Related rulemakings and other pertinent information:

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

ILLINOIS GAMING BOARD

Heading of the Part: Video Gaming (General)

Code Citation: 11 Ill. Adm. Code 1800

<u>Section Numbers:</u>	1800.110	1800.610	1800.690	1800.1630
	1800.310	1800.615	1800.1610	1800.1640
	1800.320	1800.650	1800.1620	1800.1650

<u>Date Related Proposed Rulemaking Published in Illinois Register:</u>	12/13/13 37 Ill. Reg. 19812
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<u>Date Emergency Rule Published in the Illinois Register:</u>	12/13/13 37 Ill. Reg. 19882
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At its meeting on January 14, 2014, the Joint Committee on Administrative Rules voted to object to and suspend the Illinois Gaming Board's emergency rule titled (11 Ill. Adm. Code 1800; 37 Ill. Reg. 19882) and to notify the Secretary of State of the Suspension of the emergency rulemaking. The reasons for the Suspension are as follows:

JCAR objects to and suspends the Illinois Gaming Board's emergency rule titled Video Gaming (General) because the Board does not have specific statutory authority to create the Video Gaming Exclusion List.

The suspended emergency rule may not be enforced by the Illinois Gaming Board for any reason, nor may the Board file with the Secretary of State any rule having substantially the same purpose and effect as the suspended rule, for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYOBJECTION TO AND SUSPENSION OF EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

Code Citation: 89 Ill. Adm. Code 147

Section Numbers: 147.335(a)(7)(B) and 147.355(b)

Date Related Proposed Rulemaking Published
in Illinois Register:

1/17/14
38 Ill. Reg. 1590

Date Emergency Rule Published in the
Illinois Register:

1/10/14
38 Ill. Reg. 1205

At its meeting on January 14, 2014, the Joint Committee on Administrative Rules voted to object to and suspend Sections 147.335 (a)(7)(B) and 147.355(b) of the Department of Healthcare and Family Services' emergency rule titled Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm. Code 147; 38 Ill. Reg. 1205) and to notify the Secretary of State of the Suspension of these provisions. The reasons for the Suspension of Sections 147.335(a)(7)(B) and 147.355(b) are as follows:

JCAR objects to and suspends Section 147.335(a)(7)(B) of, and the repeal of Section 147.355(b) of, the Department of Healthcare and Family Services' emergency rule titled Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147; 38 Ill. Reg. 1205) because HFS has not shown sufficient cause for reducing the enhanced care add-on rate for ventilator care to a level that covers only the cost of supplies when the add-on rate had previously included the cost of ventilator care services. JCAR finds that this reduction is contrary to the public interest because it will cause financial hardship for nursing homes that agree to take ventilator dependent residents and it could threaten the health, safety and welfare of nursing home residents.

The suspended portions of the emergency rule may not be enforced by the Department of Healthcare and Family Services for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as the suspended portions of this rule for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EMERGENCY RULE

SECRETARY OF STATE

Heading of the Part: Lobbyist Registration and Reports

Code Citation: 2 Ill. Adm. Code 560

Section Numbers: 560.100
560.310

Date Originally Published in the Illinois Register: 12/27/13
37 Ill. Reg. 20784

At its meeting on 1/14/14, the Joint Committee on Administrative Rules objected to the Secretary's use of emergency rulemaking because no emergency situation existed that required adoption of this rule in less time than is required under the general rulemaking procedures of Section 5-40 of the IAPA.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

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 January 14, 2014 through January 21, 2014. These rulemakings are scheduled for review at the Committee's February 18, 2014 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
3/6/14	<u>Department of Healthcare and Family Services, Rights and Responsibilities (89 Ill. Adm. Code 102)</u>	11/8/13 37 Ill. Reg. 17249	2/18/14
3/6/14	<u>Department of Healthcare and Family Services, Application Process (89 Ill. Adm. Code 110)</u>	11/8/13 37 Ill. Reg. 17259	2/18/14
3/6/14	<u>Department of Healthcare and Family Services, Medical Assistance Programs (89 Ill. Adm. Code 120)</u>	11/8/13 37 Ill. Reg. 17272	2/18/14
3/6/14	<u>Department of Healthcare and Family Services, Covering All Kids Health Insurance Program (89 Ill. Adm. Code 123)</u>	11/8/13 37 Ill. Reg. 17293	2/18/14
3/6/14	<u>Department of Healthcare and Family Services, Children's Health Insurance Program (89 Ill. Adm. Code 125)</u>	11/8/13 37 Ill. Reg. 17310	2/18/14

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: The Department anticipates amending the Illinois Title XIX State plan to calculate the inpatient payments for certain government-owned hospitals by using an inflator that will stabilize the rate at which Medicaid funds are expended and which federal funds are received for Medicaid services provided at those hospitals. The Department does not believe that there will be a significant change in expenditures for state fiscal year 2014.
3. Name and address of person to contact concerning this 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: HFS.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.

EXECUTIVE ORDER

2014-1

CREATION OF THE GOVERNOR'S OFFICE OF HEALTH INNOVATION AND TRANSFORMATION

WHEREAS, the Patient Protection and Affordable Care Act was enacted by the Congress of the United States and signed into law by the President of the United States on March 23, 2010 and the Health Care Reconciliation Act (hereinafter collectively referred to as the "Affordable Care Act") was enacted by the Congress of the United States and signed into law by the President of the United States on March 30, 2010; and

WHEREAS, a healthy population is essential to contain health care costs for businesses and families, which in turn will help Illinois attract jobs and continue to expand our economy; and

WHEREAS, the Affordable Care Act created the Center for Medicare and Medicaid Innovation ("CMMI") to test innovative payment and service delivery models, in order to achieve the triple aim of improving the health of the population, improving the quality of care, and reducing unnecessary costs; and

WHEREAS, CMMI directs funding to states for the purpose of developing and testing these innovations; and

WHEREAS, Illinois applied for and received a grant from CMMI for the Governor's Office to lead a six-month planning process with a broad array of stakeholders to identify innovations that would achieve the triple aim in Illinois; and

WHEREAS, Illinois invited more than 80 stakeholders to participate in the Alliance for Health; and

WHEREAS, this Alliance for Health Innovation Plan reflects more than nine months of effort by a broad array of health care providers, health insurers, large and small employers, population and community health experts, health policy advocates, academics, and consumer activists, in addition to dozens of state agency directors and their staffs; and

WHEREAS, the Plan recommends the creation of a Governor's Office of Health Innovation and Transformation to lead and coordinate the implementation of the Plan, support collaborative efforts of employers, providers, and insurers to improve our health care delivery system, and signals the importance of these innovations in the State of Illinois; and

WHEREAS, the Office of Health Information Technology, created by Executive Order 10-01, has fulfilled its responsibility for overseeing the development and implementation of the statewide health information exchange, the Illinois Health Information Exchange, and continues its work to promote the use of health information technology to improve health; and

EXECUTIVE ORDER

WHEREAS, the work of the Illinois Health Care Reform Implementation Council, created by Executive Order 10-12, is closely aligned with the work proposed under Illinois' State Health Care Innovation Plan and includes the participation of all of the same State agency Directors, Secretaries and staff;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority vested in me by Article V, Section 8 of the Illinois Constitution, do hereby order the following:

I. CREATION

The Office of Health Innovation and Transformation ("Office") is created within the Office of the Governor. The Office shall be responsible for implementing the Alliance for Health Innovation Plan and directing the State's participation in the Center for Medicare and Medicaid Innovation's State Innovation Model Program;

II. PURPOSE

The purpose of the Office will be to implement Illinois' Plan in coordination with the multiple State and federal agencies and private sector health care stakeholders involved in the Plan's creation.

- a. The Office will work with the General Assembly in developing any legislation that may be necessary to implement the policy changes recommended in the Plan.
- b. The Office will operate the Innovation and Transformation Resource Center called for in the Alliance for Health Innovation Plan to accelerate technology implementation, collect, validate and integrate information, facilitate academically rigorous research, facilitate health care system transformation, and disseminate best practices in models of care. The Office will seek an academic institution as a partner to establish and operate the Innovation Transformation and Resource Center to allow for maximum efficiency and access to subject matter expertise.
- c. The Office will seek and manage funding provided by federal grants, contracts, private foundations, as well as funds allocated by state agencies participating in the state health system transformation efforts.

III. STAFF

The Office will be comprised the Governor's Senior Health Policy Advisor, the current Director of the Office of Health Information Technology, and her staff. Senior staff will be designated to work closely with this new Office from each of the participating State agencies, including but not limited to the Departments of Aging, Children and Family Services, Corrections, Healthcare and Family Services, Human Services, Insurance,

EXECUTIVE ORDER

Professional Regulation, Public Health, Illinois Health Information Exchange, Get Covered Illinois, and any other Executive Branch employees identified by the Governor.

- a. The Office of Health Information Technology will be merged with the Office and Executive Order 10-01 is hereby rescinded.
- b. The Illinois Health Care Reform Implementation Council established under Executive Order 10-12 will be consolidated with this Office.

IV. SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any state or federal law.

V. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

VI. EFFECTIVE DATE

This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by Governor: January 17, 2014

Filed with Secretary of State: January 17, 2014

PROCLAMATIONS

2013-455**William Hudson Jr. Day**

WHEREAS, William Hudson Jr., affectionately known as "Bill," was born on November 24, 1947, to parents William Hudson Sr. and Lillie Mae Hudson; and,

WHEREAS, William Hudson Jr. graduated from Frances Parker High School in Chicago, and married his sweetheart, Ms. Patricia Carter, on September 14, 1968; and,

WHEREAS, William Hudson Jr. was a tremendously hard worker and dedicated public servant who worked at the United States Postal Service, and served for 30 years as a Deputy Sheriff with the Cook County Sheriff's Department; and,

WHEREAS, in addition to his commitment to public service, William Hudson Jr. was an accomplished businessman who invested in real-estate and owned the Fish Hut Restaurant and Hudson Roofing Company as well as many other lounges and convenience stores; and,

WHEREAS, William Hudson Jr. attended Greater Salem and Zion Temple M.B.C. before joining Prayer & Faith Outreach Ministries; and,

WHEREAS, William Hudson Jr. passed away on Monday, December 16th, 2013; and,

WHEREAS, throughout his life, William Hudson Jr. positively impacted everyone who had an opportunity to meet him; and,

WHEREAS, William Hudson Jr. was a kind hearted man and a wonderful father and husband; and,

WHEREAS, a funeral service will be held at 11 a.m. on Saturday, December 21, 2013, at Monument of Faith for William Hudson Jr., who is survived by his loving wife, Patricia, children Vanessa, Tina, Bishop William Hudson III, and Chanel as well as many other family members and friends; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 21, 2013, as **WILLIAM HUDSON JR. DAY**, in honor of a good man who lived a purposeful life.

Issued by the Governor December 20, 2013

Filed by the Secretary of State January 15, 2014

2013-456**Illinois Flag Display Act: Investigator Cuauhtemoc Estrada**

PROCLAMATIONS

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and in many cases put their safety on the line to perform their duties; and,

WHEREAS, on Friday, December 20, 2013, Cook County Sheriff's Investigator Cuauhtemoc Estrada was tragically taken from us; and,

WHEREAS, Investigator Cuauhtemoc Estrada was a former United States Marine, who served in Desert Storm; and,

WHEREAS, Investigator Cuauhtemoc Estrada was a 20 year veteran of the Cook County Sheriff's office, where his most recent assignment was in the Electronic Monitoring Unit; and,

WHEREAS, Investigator Cuauhtemoc Estrada tirelessly protected his family, our state, and our nation; and,

WHEREAS, Investigator Cuauhtemoc Estrada was a well-known member of the Cook County Sheriff's office and loving family member and friend who will always be remembered for the countless lives that he impacted; and,

WHEREAS, throughout his career in law enforcement, Investigator Cuauhtemoc Estrada represented the State of Illinois admirably; and,

WHEREAS, a funeral service will be held on Saturday, December 28, 2013, at Holy Name Cathedral at 10:00 a.m. for Investigator Cuauhtemoc Estrada, who is survived by his son, Daniel, and 3 daughters, Araciele, Christina, and Desiree as well as many other loving family members and friends; 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 from sunrise on December 26 to sunset on Saturday, December 28, 2013, in honor and remembrance of Investigator Cuauhtemoc Estrada, whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor December 24, 2013

Filed by the Secretary of State January 15, 2014

2013-457

PROCLAMATIONS

Chicago Business Opportunity Days

WHEREAS, the 47th Annual Chicago Business Opportunity Fair (CBOF), which is of special interest to Illinois-based businesses, will be held on April 10-11, 2014, at Chicago's Navy Pier; and,

WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations with the opportunity to meet and exchange information about mutual buying and selling needs; and,

WHEREAS, the 47th Anniversary of the Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc., an organization devoted to stimulating minority business development and purchasing in Chicago and throughout the State of Illinois; and,

WHEREAS, the CBOF Minority Business Enterprise Input Committee (MBEIC) Awards Reception will take place on April 10th. This event will recognize honorees and advocates who have supported supplier diversity on both local and national levels; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 10-11, 2014, as **CHICAGO BUSINESS OPPORTUNITY DAYS** in Illinois, in recognition of the 47th anniversary of the Chicago Business Opportunity Fair.

Issued by the Governor December 26, 2013

Filed by the Secretary of State January 15, 2014

2013-458**Target Hope Day**

WHEREAS, with an objective of providing academic, social, and financial support to talented minority students, Target HOPE was founded on December 7, 1993; and,

WHEREAS, since 1993, Target HOPE has successfully transitioned over 4,550 high school students into higher education by offering assistance from high school through the post-graduate/doctoral levels of academia; and,

WHEREAS, for the 20th consecutive year, 100% of Target HOPE's graduates have been admitted to and enrolled in 4-year colleges and universities; and,

WHEREAS, since Target Hope's first graduating class in 1998, over \$110 million dollars in merit based scholarships have been awarded to its students; and,

PROCLAMATIONS

WHEREAS, Saturday Academy, a signature program of Target HOPE, provides high school students with an opportunity to take core curriculum courses taught by college faculty; and,

WHEREAS, Target HOPE is celebrating its 20th anniversary in December 2013; and,

WHEREAS, this is an excellent opportunity to reflect on Target HOPE's accomplishments over the past 20 years, and to make plans for its future that will build on its past successes; and,

WHEREAS, the longevity of Target HOPE is a testament to the quality of services it provides, and there is no doubt that this organization will continue offering excellent opportunities to students for many years to come; and,

WHEREAS, on December 28, 2013, the Target HOPE Alumni Association will host a gala honoring the hard work of its Founder & Executive Director, Mr. Euclid Williamson, and all of its students and professors; and,

THEREFORE, I, Pat Quinn, Governor of Illinois, do hereby proclaim December 28, 2013, as **TARGET HOPE DAY** in Illinois, in honor of this organization's 20th anniversary and in recognition of the staff, professors, parents, and students who have made 20 years of success possible.

Issued by the Governor December 26, 2013

Filed by the Secretary of State January 15, 2014

2013-459**Electrical Safety Month**

WHEREAS, the potential for electrical hazards grows with electricity's increasing presence in our modern lives; and,

WHEREAS, hundreds of people die and thousands are injured each year in the United States as a result of electrically-related incidents; and,

WHEREAS, on average, there are 418 civilian deaths related to electrical home structure fires each year; and,

WHEREAS, property damage resulting from home fires caused by electrical failure or malfunction amounts to more than \$1.4 billion annually; and,

WHEREAS, more than six people are electrocuted each week in the United States; and,

PROCLAMATIONS

WHEREAS, following basic electrical safety precautions can help prevent thousands of people from being injured or killed each year; and,

WHEREAS, citizens are encouraged to inspect their homes and workplaces for possible electrical hazards; and,

WHEREAS, citizens are advised to protect their homes and families with the latest safety technology, such as ground fault circuit interrupters, arc fault circuit interrupters and tamper resistant receptacles; and,

WHEREAS, citizens are urged to install, test and properly maintain an adequate number of smoke alarms; and,

WHEREAS, the Electrical Safety Foundation International (ESFI) is dedicated exclusively to promoting electrical safety in the home, school and workplace through education, awareness and advocacy; and,

WHEREAS, the Electrical Safety Foundation International has designated the month of May as Electrical Safety Month to encourage citizens to renew their commitment to safety; and,

WHEREAS, the observance of Electrical Safety Month is designed to promote a healthy respect for electricity and to educate the public about the safe use of electrical appliances and safety practices associated with electrical equipment; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2014 as **ELECTRICAL SAFETY MONTH** in Illinois, and encourage all citizens to observe the importance of establishing and practicing electrical safety habits in the home, school and workplace to reduce the number of electrically-related fires, injuries and deaths.

Issued by the Governor December 30, 2013

Filed by the Secretary of State January 15, 2014

2014-2**Congenital Heart Defect Awareness Week**

WHEREAS, Congenital Heart Defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and,

WHEREAS, over a million families across America are facing the challenges and hardships of raising children with Congenital Heart Defects; and,

PROCLAMATIONS

WHEREAS, every year approximately 40,000 babies are born in the United States with Congenital Heart Defects; and,

WHEREAS, some Congenital Heart Defects are not diagnosed until months or years after birth; and,

WHEREAS, undiagnosed Congenital Heart conditions cause many cases of sudden cardiac death in young athletes; and,

WHEREAS, newborns and young athletes are not routinely screened for Congenital Heart Defects; and,

WHEREAS, there is a need for increased awareness of Congenital Heart Defects and support for continued and increased research; and,

WHEREAS, the observance of Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and,

WHEREAS, the establishment of Congenital Heart Defect Awareness Week will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about Congenital Heart Defects; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 7-14, 2014 as **CONGENITAL HEART DEFECT AWARENESS WEEK** in Illinois, in order to increase awareness of Congenital Heart Defects that affect thousands of babies in Illinois each year.

Issued by the Governor January 2, 2014

Filed by the Secretary of State January 15, 2014

2014-3**Four Chaplains Sunday**

WHEREAS, on February 3, 1943, four United States Army Lieutenants and Chaplains sacrificed their lives in one of the most inspiring acts of heroism during the Second World War; and,

PROCLAMATIONS

WHEREAS, once a luxury coastal liner, the U.S.A.T. Dorchester set out with three escort ships on February 2 for an American base in Greenland. Less than 150 miles from its destination, the ship was attacked by a German submarine shortly after midnight; and,

WHEREAS, aboard the U.S.A.T. Dorchester, panic and chaos set in. The blast killed scores of men, and many more were seriously wounded. Alerted that the Dorchester was taking on water and sinking rapidly, the captain gave the order to abandon ship; and,

WHEREAS, those who were capable made their way towards the deck through the darkness. Once topside, men jumped from the ship for lifeboats. Some were overcrowded and capsized. Others drifted away before soldiers and sailors could get in them; and,

WHEREAS, through the pandemonium, Reverend George L. Fox, Rabbi Alexander D. Goode, Reverend John P. Washington and Reverend Clark V. Poling spread out among the soldiers to calm the frightened, tend the wounded and guide the disoriented toward safety; and,

WHEREAS, at one point, Rabbi Goode gave away his own gloves to a comrade who had the bad fortune of forgetting his. Shortly thereafter, the Chaplains opened a storage locker filled with lifejackets and began distributing them; and,

WHEREAS, it was then that John Ladd witnessed an astonishing sight. When they ran out of lifejackets, the Chaplains removed theirs and gave them to four frightened young men. John said, "It was the finest thing I have seen or hope to see this side of heaven"; and,

WHEREAS, as the ship went down, other survivors in nearby rafts saw the Chaplains with arms linked and braced against the slanting deck. They were also heard offering prayers; and,

WHEREAS, the Dorchester sunk less than 27 minutes after it was struck. Of the 902 men aboard, 672 died, including all four Chaplains. When news reached American shores, the nation was stunned by the magnitude of the tragedy and heroic conduct of the Chaplains; and,

WHEREAS, all four Chaplains were posthumously awarded the Distinguished Service Cross and Purple Heart, as well as a Special Medal of Heroism specially authorized for them by Congress; and,

WHEREAS, every year, the Combined Veterans Association of Illinois sponsors a memorial service for the four Chaplains, which this year is hosted by the Polish Legion of America Veterans of Illinois, and which will be held at the Main Chapel of the Edward Hines VA Medical Center in Hines, Illinois on February 2, 2014 at 1:00 pm; and,

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2, 2014 as **FOUR CHAPLAINS SUNDAY** in Illinois, in honor and remembrance of the four brave and courageous Chaplains who selflessly made the ultimate sacrifice to save the lives of others.

Issued by the Governor January 7, 2014

Filed by the Secretary of State January 15, 2014

2014-4**Jan Kemmerling Day**

WHEREAS, the people of the great State of Illinois' tourism industry welcome visitors with open arms, making a trip to Illinois an unforgettable experience; and,

WHEREAS, Jan Kemmerling, Assistant Deputy Director for the Illinois Department of Commerce and Economic Opportunity, Office of Tourism (IOT), has tirelessly worked to develop and promote the Illinois tourism industry for more than two decades; and,

WHEREAS, her hard work and dedication have helped create jobs for Illinois residents and strengthen the economic impact of the tourism industry in our state; and,

WHEREAS, Jan Kemmerling has been an invaluable asset to Illinois, helping to strengthen communities and exerting a profoundly positive influence on everyone she encounters; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 3, 2014 as **JAN KEMMERLING DAY** in Illinois, and call upon all citizens to celebrate and promote Jan and this important industry in the Land of Lincoln.

Issued by the Governor January 7, 2014

Filed by the Secretary of State January 15, 2014

2014-5**Campus Fire Safety Month**

WHEREAS, fire education and prevention is vital to ensuring the safety of Americans and Illinoisans; and,

WHEREAS, college students living on their own for the first time are particularly susceptible to the danger posed by fires; and,

PROCLAMATIONS

WHEREAS, most fires can be avoided by practicing some simple commonsense behaviors and routines such as: checking and turning off the oven and stove before going to sleep or leaving home, not overloading electrical circuits, safely storing all dangerous and hazardous materials, keeping any electrical devices clear of water, checking and maintaining alarm and sprinkler systems, and noting the location of fire extinguishers to use in the event of an emergency; and,

WHEREAS, though education significantly helps minimize the risk of fire by raising awareness of those behaviors and routines, many students do not receive effective fire safety education during their college career when they are generally most at risk; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2014 as **CAMPUS FIRE SAFETY MONTH** in Illinois, and encourage schools and municipalities to provide educational programs on the dangers and prevention of fire as students begin and return to college.

Issued by the Governor January 8, 2014

Filed by the Secretary of State January 15, 2014

2014-6**Mentoring Month**

WHEREAS, everyday in Illinois, mentors help youth in communities across the State—in schools and in homes, on the field and in the library—face the challenges of growing into adulthood; and,

WHEREAS, there are few investments more important than those we make in the health and well-being of young people; and,

WHEREAS, research shows that young people matched with a caring adult through a quality mentoring program are 27% less likely to start drinking, 46% less likely to use illegal drugs, 52% less likely to skip school, and are more likely to have positive relationships with adults and to make positive plans for their future; and,

WHEREAS, more than 200 active mentoring organizations currently operate in Illinois, and thousands of children in our state already have the benefit of caring supportive volunteer mentors; and,

WHEREAS, 96% of existing mentors would recommend mentoring to others; and,

PROCLAMATIONS

WHEREAS, the Illinois Mentoring Partnership (IMP), launched in 2012, is the unifying champion for quality youth mentoring in Illinois, providing resources, technical assistance, heightened public awareness and advocacy for the state's mentoring movement; and,

WHEREAS, the Serve Illinois Commission supports the mentoring work of over 700 AmeriCorps members each year, who are committed to improving the lives of youth in over 40 Illinois counties; and,

WHEREAS, less than 50,000 of Illinois' over 3 million children and youth are currently served in a mentoring program and many more of our children desperately need the support of a quality mentor; and,

WHEREAS, mentors can commit as little as one hour a week and still have a significant positive impact on the outcome of a child's life; and,

WHEREAS, January is recognized as National Mentoring Month, and Illinois is proud to step forward as a leader in reinforcing support for this cause across our great state, in an effort to close the gap in youth who do not have a trusted mentor in their lives; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 2014 as **MENTORING MONTH** in Illinois, and urge citizens throughout Illinois to find your place in the powerful movement to foster the growth of the next generation of Illinoisans by becoming a mentor. To find a mentoring opportunity or to learn more about how to recognize your volunteers, visit the Illinois Mentoring Partnership website at www.ilmentoring.org.

Issued by the Governor January 8, 2014

Filed by the Secretary of State January 15, 2014

2014-7**Middle Level Student Leadership Week**

WHEREAS, Student Council is a terrific opportunity for our leaders of tomorrow; and,

WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading. The first ingredient of leadership is establishing a vision that others share and are willing to invest their personal resources for; and,

WHEREAS, once a vision is established, it is important to determine how to get there, and essential to that success is communication, teamwork, and perseverance. Finding common ground, building consensus, and inspiring cooperation to achieve a goal is what leadership is all about; and,

PROCLAMATIONS

WHEREAS, good leaders are those who understand this, and the best leaders are those whose results support their vision; and,

WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service. Student Council is a wonderful organization that benefits students, schools, and the entire community; and,

WHEREAS, the Illinois Association of Junior High Student Councils (IAJHSC) is comprised of 119 member schools across the state; and,

WHEREAS, this year, the 55th Annual State Convention of the IAJHSC will be held April 25-26 at the Crowne Plaza Hotel & Convention Center in Springfield, Illinois. The conference will attract more than 1,000 students and advisors from all across the state, where they will participate in seminars and workshops to exchange event ideas and to help them become better leaders; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 25- May 2, 2014 as **MIDDLE LEVEL STUDENT LEADERSHIP WEEK** in Illinois, in support of Student Council, and to encourage our future leaders attending the Annual State Convention of the Illinois Association of Junior High Student Councils to share and apply what they learn there.

Issued by the Governor January 8, 2014

Filed by the Secretary of State January 15, 2014

2014-8**Religious Freedom Day**

WHEREAS, many of our country's first European settlers came to this land to escape religious persecution; and,

WHEREAS, Virginia's 1786 Statute for Religious Freedom, a statement of principle written by Thomas Jefferson, declared freedom of religion as the natural right of all humanity -- not a privilege for government to give or take away; it barred compulsory support of any church and ensured the freedom of all people to profess their faith openly, without fear of persecution; and,

WHEREAS, five years later, the First Amendment of our Bill of Rights declared that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"; and,

PROCLAMATIONS

WHEREAS, the first European party to explore Illinois in 1673 contained a religious missionary and the first church was built here in 1696; and,

WHEREAS, for more than 300 years, religious people of every kind have settled in Illinois, creating missions, founding towns, preaching in tents and building churches, temples, synagogues, mosques, schools and colleges throughout the state; and,

WHEREAS, many faiths are now practiced in our state's houses of worship, and this diversity is built upon a rich tradition of religious tolerance; and,

WHEREAS, as Americans, we believe that all people have inherent dignity and worth. Though we may profess different creeds and worship in different manners and places, we respect each other's humanity and expression of faith. People with diverse views can practice their faiths in Illinois while living together in peace and harmony, carrying on our Nation's noble tradition of religious freedom; and,

WHEREAS, we in Illinois draw great strength from the free exercise of religion and from the diverse communities of faith that flourish in our state, and our places of worship bring us together, support our families, nourish our hearts and minds, sustain our deepest values, give direction to our lives and provide moral guidance in the daily decisions we make; and,

WHEREAS, January 16th celebrates the anniversary of the 1786 Virginia Statute on Religious freedom that restrained the practice of taxing people to pay for the support of local clergy, and protected the civil rights of people to express their religious beliefs without suffering discrimination; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 16, 2014 as **RELIGIOUS FREEDOM DAY** in Illinois, and encourage all citizens to recognize the contributions of all religious bodies across our state.

Issued by the Governor January 9, 2014

Filed by the Secretary of State January 15, 2014

2014-9**African American History Month**

WHEREAS, Dr. Carter G. Woodson founded the Association for the Study of Afro-American Life and History in Chicago on September 9, 1915; and,

WHEREAS, Dr. Woodson initiated the annual celebration of Negro History Week in 1926, and 50 years later, in February 1976, the Association expanded Negro History Week to Black History

PROCLAMATIONS

Month, making their primary objectives the collection, study, promotion and dissemination of historical materials relating to African Americans; and,

WHEREAS, the Chicago Public Library, in keeping with the Association's primary goal, recognizes the outstanding contributions that African Americans have made in the areas of literature, humanities, arts and the sciences; and,

WHEREAS, the Chicago Public Library encourages and supports all programs, services and activities associated with the observance of African American History Month; and,

WHEREAS, in celebration of African American History Month, the Chicago Public Library will present a series of informative, entertaining and educational programs, lectures, films, exhibits, live performances, and special events examining the culture, history, and achievements of African Americans; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2014 as **AFRICAN AMERICAN HISTORY MONTH** in the State of Illinois and encourage all citizens to learn about the wonderful contributions that African Americans have made to our state, and to the nation as a whole.

Issued by the Governor January 10, 2014

Filed by the Secretary of State January 15, 2014

2014-10**Dandy-Walker Syndrome and Hydrocephalus Awareness Month**

WHEREAS, Dandy-Walker Syndrome is a congenital malformation of the cerebellum and its causes are largely unknown; and,

WHEREAS, between 10,000 and 40,000 people have Dandy-Walker Syndrome in the United States; and,

WHEREAS, though statistics indicate that the incidence of Dandy-Walker Syndrome is at least 1 case for every 2,500 live births, the true number of individuals affected is likely significantly higher due to the difficulties associated with diagnosing this syndrome; and,

WHEREAS, patients with Dandy-Walker Syndrome often show signs of developmental delay, enlarged head circumference, and symptoms of hydrocephalus; and,

WHEREAS, the Dandy-Walker Alliance, Inc. is a nonprofit corporation and the only national organization focusing on supporting education, informational activities and non-partisan research

PROCLAMATIONS

that increases public awareness of the congenital birth defect known as Dandy-Walker Syndrome; and,

WHEREAS, the citizens of the State of Illinois should learn about Dandy-Walker Syndrome and hydrocephalus and recognize the achievements of all Americans with a disability, the important role that disabled Americans have played throughout the history of the United States and the scientific, literary, and social impact of disabled Americans on our world today; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2014 as **DANDY-WALKER SYNDROME AND HYDROCEPHALUS AWARENESS MONTH** in Illinois, in support of increased awareness of Dandy-Walker Syndrome and hydrocephalus.

Issued by the Governor January 10, 2014

Filed by the Secretary of State January 15, 2014

2014-11**Narcolepsy Awareness Day**

WHEREAS, narcolepsy is a chronic neurological disorder caused by the brain's inability to regulate sleep-wake cycles; and,

WHEREAS, narcolepsy affects an estimated 1 in every 2,000 Americans; and,

WHEREAS, narcolepsy is an under-recognized and under diagnosed condition; and,

WHEREAS, the symptoms of narcolepsy, especially when undiagnosed, can lead to accidents, injuries, and problems with learning and working; and,

WHEREAS, narcolepsy affects people neurologically, socially, and emotionally; and,

WHEREAS, narcolepsy affects people of all ages, with onset typically between the ages of 15 and 25; and,

WHEREAS, The Narcolepsy Network is a national organization, based in North Kingstown, RI, created to promote awareness of the disease and support for those who suffer from narcolepsy; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 8, 2014 as **NARCOLEPSY AWARENESS DAY** in Illinois.

Issued by the Governor January 10, 2014

PROCLAMATIONS

Filed by the Secretary of State January 15, 2014

2014-12
Rare Disease Day

WHEREAS, there are nearly 7,000 diseases and conditions considered rare (each affecting fewer than 200,000 Americans) in the United States; and,

WHEREAS, while each of these diseases alone may affect only a small number of people, rare diseases as a group affect millions of Americans; and,

WHEREAS, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and,

WHEREAS, unfortunately, there is often no treatment specific for these rare diseases; and,

WHEREAS, individuals and families affected by rare diseases often experience problems such as a sense of isolation, difficulty in obtaining an accurate and timely diagnosis, few treatment options, and problems related to accessing or being reimbursed for treatment; and,

WHEREAS, while some rare diseases, such as "Lou Gehrig's disease" and Huntington's disease are relatively well known, many others are not known at all by the public, which means that a large share of the burden of raising awareness of these diseases and raising funds for research is held by patients and their families; and,

WHEREAS, statistically, nearly 1 in 10 Americans are affected by rare diseases, resulting in thousands of Illinois residents being affected; and,

WHEREAS, a nationwide observance of Rare Disease Day affords patients, medical professionals, researchers, government officials, and companies developing treatments for rare diseases an opportunity to join together to focus attention on rare diseases as a public health issue; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 28, 2014 as **RARE DISEASE DAY** in Illinois, in support of this important public awareness campaign.

Issued by the Governor January 10, 2014

Filed by the Secretary of State January 15, 2014

2014-13

PROCLAMATIONS

Congenital Diaphragmatic Hernia Awareness Day

WHEREAS, one in every 2,500 pregnancies are diagnosed with a congenital diaphragmatic hernia (CDH); and,

WHEREAS, since 2000, it is estimated that over 500,000 babies have been born with CDH; however, only 50 percent of those babies survived; and,

WHEREAS, CDH is as common as spina bifida and cystic fibrosis; however, very few people know about it or are aware of it; and,

WHEREAS, 1,600 babies are born with CDH every year in the United States with an average of 70 born in Illinois each year; and,

WHEREAS, there are many people living in Illinois who have been diagnosed with and have survived their CDH; although many families in Illinois have endured the horrible pain and grief associated with the loss of loved ones with CDH; and,

WHEREAS, those with CDH often endure multiple surgeries and possible medical complication beyond their diagnosis that include heart defects, pulmonary complications, gastric and intestinal problems, developmental delays, and may require respiratory and medicinal support for years; and,

WHEREAS, raising awareness of this congenital defect will help bring about acceptance and support for those suffering with it and will help advocate for urgently needed medical research and advances;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 19, 2013 as **CONGENITAL DIAPHRAGMATIC HERNIA AWARENESS DAY** in Illinois, in order to raise public awareness of this condition, and to encourage all citizens to learn more about congenital diaphragmatic hernias and support those who are affected.

Issued by the Governor January 13, 2014

Filed by the Secretary of State January 15, 2014

2014-14**Korean American Day**

WHEREAS, on January 13, 1903, a group of 102 men, women, and children arrived on the shores of Honolulu, Hawaii, after a long journey on the S.S. Gaelic across the Pacific Ocean

PROCLAMATIONS

from Korea. Like many immigrants to this country, these Koreans came to America in search of a better life; and,

WHEREAS, there are now approximately 1.7 million people of Korean descent living throughout the United States and more than 70,000 Koreans in Illinois, comprising the fourth largest Asian ethnic group in the Land of Lincoln; and,

WHEREAS, today, our country benefits from the contributions that Korean Americans have made to our businesses, religious institutions, and academic communities. Korean Americans own and operate thousands of businesses across our nation, which create jobs and foster prosperous communities; and,

WHEREAS, Korean Americans contribute richly to our culture, economy and government, and lend their skills and expertise to a variety of disciplines including science, engineering, business, and the arts; and,

WHEREAS, the Korean American Association of Chicago will commemorate the arrival of Koreans in the United States in 1903 with a celebration at Daley Plaza on Monday, January 13; and,

WHEREAS, today's event presents a terrific opportunity for Korean Americans in Illinois to rejoice in their heritage and celebrate their successes in the United States over the past 111 years; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 13, 2014 as **KOREAN AMERICAN DAY** in Illinois, and encourage all citizens to recognize the positive impact that Korean Americans have on our country, while taking the opportunity to learn about their rich heritage.

Issued by the Governor January 13, 2014

Filed by the Secretary of State January 15, 2014

2014-15**Ronald Reagan Day**

WHEREAS, Ronald Wilson Reagan was born on February 6, 1911 in Tampico, Illinois and subsequently lived in many locations throughout Illinois during his childhood and adolescence including Galesburg and Dixon, where he graduated from High School; and,

PROCLAMATIONS

WHEREAS, Ronald Wilson Reagan enrolled in Eureka College in Eureka, Illinois in 1928 and majored in Economics and Sociology. It was here that he discovered an interest in drama while serving as student body president; and,

WHEREAS, Ronald Wilson Reagan enjoyed successful careers in many fields: lifeguard, military officer, spokesman, broadcaster and most notably as a celebrated Hollywood actor; and,

WHEREAS, Ronald Wilson Reagan began a life of public service when he enlisted in the Army Reserves as a Private in 1937. He was eventually promoted to 2nd Lieutenant in the Officers Reserve Corps of the Cavalry before being called into active duty by the United States Air Force in 1942; and,

WHEREAS, Ronald Wilson Reagan began his political career in 1966, defeating incumbent Governor Edmund G. "Pat" Brown to become Governor of the State of California; and,

WHEREAS, Ronald Wilson Reagan began developing his natural leadership skills while serving the student body at Eureka College, further honed them through his military career and through his many acting credits and perfected them while serving the citizens of the State of California; and,

WHEREAS, Ronald Reagan Wilson, native son of Illinois, was elected President of the United States in 1980, becoming our nation's 40th President; and,

WHEREAS, President Ronald Reagan served the people of the United States of America for two terms with honor; and,

WHEREAS, the quote "There is no limit to what a man can do or where he can go if he doesn't mind who gets the credit" holds especially true in an era of political partisanship and demonstrates that President Reagan possessed a true servant's heart; and,

WHEREAS, on February 6, 2014, the State of Illinois, along with the United States of America, will celebrate the 103rd anniversary of President Reagan's birthday; and,

THEREFORE, I Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 6, 2014 as **RONALD REAGAN DAY** in Illinois, in honor of our nation's 40th President.

Issued by the Governor January 13, 2014

Filed by the Secretary of State January 15, 2014

2014-16
Telecommunications Week

PROCLAMATIONS

WHEREAS, public safety telecommunicators, specialists in operating state-of-the-art radio and computer aided communications systems, are a cornerstone of the public safety community; and,

WHEREAS, every hour of every day, telecommunicators access, monitor, and disseminate information of critical importance to public safety officials in order to contribute to the safety of the public and success of public safety goals; and,

WHEREAS, these professional men and women effectively and efficiently perform their duties to help ensure the safety and protection of life, property, and individual rights of all people in Illinois; and,

WHEREAS, it is appropriate that we set aside a time to demonstrate our appreciation of their knowledge, training, service and dedication; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 13-19, 2014 as **TELECOMMUNICATIONS WEEK** in Illinois, in recognition of the vital contributions telecommunicators make to the safety and well-being of our citizens.

Issued by the Governor January 13, 2014

Filed by the Secretary of State January 15, 2014

2014-17**Volunteer Blood Donor Month**

WHEREAS, the citizens of Illinois recognize the importance of donating blood – a crucial and life-sustaining component of our very existence – and each year, thousands of Illinois citizens donate blood; the need for donations, however, remains constant; and,

WHEREAS, donating blood is a safe, simple process and provides a life-saving gift to those in need of medical care, such as accident survivors, people undergoing surgery, and patients receiving treatment for leukemia, cancer and other diseases that require blood transfusions; and,

WHEREAS, while an estimated 9.2 million volunteers donate blood in the United States each year, 30 percent of which are first time donors, our nation's blood supply is in constant need of replenishment, and,

WHEREAS, January is traditionally the time when blood donation levels are among their lowest and is one of the most difficult periods during which to recruit new donors with schools out for winter holidays, families on vacation and the potential for bad winter weather; continued donations are critical to many people in need in Illinois; and,

PROCLAMATIONS

WHEREAS, first observed in 1970, "National Blood Donor Month" provides an annual opportunity to recognize persons who donate blood and to highlight the need for new donors; this year, the American Red Cross, the American Association of Blood Banks, and America's Blood Centers have joined together to advance this worthy initiative and to raise public awareness of the need to increase our country's and our state's blood supply; and,

WHEREAS, every two seconds someone in the United States needs blood and there are no substitutes or replacements for blood and a single blood donation can help save more than one life; the need for additional healthy volunteer donors to join the ranks of those who already give of themselves so generously is greater than ever; and,

WHEREAS, it is fitting for all citizens of Illinois to recognize the benefits of donating blood and the positive impact it can have on their own life, that of a loved one, friend, neighbor or fellow citizen they may never know; furthermore, we extend appreciation to those who give to their fellow man and in times of need; we also thank many businesses and, civic and service organizations, that sponsor blood donor drives to promote the altruistic act of "giving the gift of life" and encourage others to join in doing so; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 2014 as **VOLUNTEER BLOOD DONOR MONTH** in Illinois, and encourage the residents of Illinois to donate blood this month.

Issued by the Governor January 13, 2014

Filed by the Secretary of State January 15, 2014

2014-18
Neuroscience Day

WHEREAS, neuroscientists specialize in studying the brain and the nervous system; and,

WHEREAS, the human brain, a vital organ, has the capacity to store an inordinate amount of information and controls every aspect of our bodies, from heart rate and appetite to emotion and memory; and,

WHEREAS, though the neuroscience field has made impressive progress over the years, there is still more to be learned about the functions and capabilities of the human brain, making neuroscientists an invaluable part of the medical community; and,

PROCLAMATIONS

WHEREAS, due to more than 1,000 disorders of the brain and nervous system causing people health problems each year, the research of neuroscientists is critically important to curing illnesses and promoting good health; and,

WHEREAS, neuroscience education provides students with the opportunity to pursue professional careers in the biotechnology, pharmaceutical, and medical sectors; and,

WHEREAS, on Friday, January 17, 2014, the Brain Research Foundation will host the 14th Annual Neuroscience Day at the Lurie Medical Research Center of Northwestern University; and,

WHEREAS, the purpose of Neuroscience Day is to provide the Chicagoland neuroscience community with opportunities to share interests in an informal setting and to stimulate scientific interactions between universities; and,

WHEREAS, Neuroscience Day will feature poster presentations and guest speakers who will discuss a variety of topics in the neurosciences; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 17, 2014, as **NEUROSCIENCE DAY** in Illinois, in recognition of today's event and the important contributions the neuroscience community makes across the Land of Lincoln.

Issued by the Governor January 14, 2014

Filed by the Secretary of State January 15, 2014

2014-19
Seed Month

WHEREAS, the abundance of Illinois' crops relies on fertile soil, diligent farmers, and high quality seeds; and,

WHEREAS, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and,

WHEREAS, agriculture and the seed industry significantly contribute to our state's economy with value-added products marketed throughout the world; and,

WHEREAS, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, which is the state's official seed-certifying agency, and an independent, nonprofit organization; and,

PROCLAMATIONS

WHEREAS, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and has developed an effective seed program advocating for their members' interests; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2014 as **SEED MONTH** in Illinois, in appreciation of the seed industry's contribution to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor January 14, 2014

Filed by the Secretary of State January 15, 2014

2014-20**Tru Vue, Inc. Day**

WHEREAS, Illinois' businesses are at the epicenter of technological innovation and play a vital role in driving our state's economy forward; and,

WHEREAS, one such business is Tru Vue, Inc., which started in 1946 as Chicago Dial and began manufacturing glass for radio dials and later TV screens; and,

WHEREAS, now days, Tru Vue, Inc. manufacturers glass framing components that range from your local retail to museum quality glass; and,

WHEREAS, Tru Vue, Inc. takes pride in treating its customers professionally and holds membership in several organizations, including the Professional Picture Framers Association, American Association of Museums, Art and Framing Council, American Institute for the Conservation of Historic and Artistic Works, The Guild for Fine Art Care Treatment Standards, and Aardenburg Imaging & Archives; and,

WHEREAS, over the years, Tru Vue, Inc. has offered seminars and materials, which have helped to educate framers and their customers on the benefits of conservation framing; and,

WHEREAS, Tru Vue, Inc. and SEIU have demonstrated a strong commitment to protecting the safety of their employees, and it is not uncommon for this company, which is in the high risk glass manufacturing industry, to go over 700 days without a recordable accident; and,

WHEREAS, The Safety and Health Achievement Recognition Program (SHARP) Award is given to smaller companies that have occupational safety and health programs exceeding

PROCLAMATIONS

OSHA's standard requirements. Tru Vue, Inc. has met and exceeded all evaluations of their program as conducted by an On-Site Safety and Health Consultation Program; and,

WHEREAS, at a ceremony on January 15, 2014, Tru Vue, Inc. will be presented with the SHARP Award. Winning the SHARP Award is a testament to the contributions SEIU and management at Tru Vue, Inc. have made towards creating a better, safer workplace; and,

WHEREAS, it is critically important in the Land of Lincoln to recognize companies like Tru Vue, Inc. that have made efforts to enhance workplace safety; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 15, 2014, as **TRU VUE, INC. DAY** in Illinois, in recognition of this company's safety record and selection as a SHARP Award winner.

Issued by the Governor January 14, 2014

Filed by the Secretary of State January 15, 2014

2014-21**Turner Syndrome Awareness Month**

WHEREAS, Turner Syndrome (TS) is a non-inheritable chromosomal disorder that affects one in 2,500 live female births; and,

WHEREAS, early diagnosis can ensure that affected girls and women receive a complete cardiac screening; and,

WHEREAS, risk for acute aortic dissection is increased in young and middle-aged women with TS; and,

WHEREAS, early diagnosis facilitates prevention or remediation of growth failure, hearing problems and learning difficulties; and,

WHEREAS, individuals with TS have an increased risk of non-verbal learning disorder(NLD) and in school and work these impairments can cause problems in math, visuospatial skills, executive function skills and job retention; and,

WHEREAS, a disproportionately small amount of funding is available for Turner Syndrome research and support; and,

WHEREAS, with the help of medical specialists and a good social support system, a woman with TS can live a happy, healthy life; and,

PROCLAMATIONS

WHEREAS, the establishment of TS Awareness Month will provide an opportunity to share experiences and information with the public and the media, in order to raise public awareness about Turner Syndrome; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2014 as **TURNER SYNDROME AWARENESS MONTH** and encourages all citizens to support awareness, education, and services for Turner Syndrome, which affects hundreds of female babies in Illinois.

Issued by the Governor January 14, 2014

Filed by the Secretary of State January 15, 2014

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 38, Issue 5 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
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