

TABLE OF CONTENTS

July 8, 2016 Volume 40, Issue 28

PROPOSED RULES

AGRICULTURE, DEPARTMENT OF	
Motor Fuel and Petroleum Standards Act	
8 Ill. Adm. Code 850.....	8880
CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES	
Chief Procurement Officer for General Services Standard	
Procurement	
44 Ill. Adm. Code 1.....	8884
COMMERCE COMMISSION, ILLINOIS	
Telecommunications Access for Persons with Disabilities	
83 Ill. Adm. Code 755.....	8896
Telecommunications Relay Services	
83 Ill. Adm. Code 756.....	8939
Interconnection	
83 Ill. Adm. Code 790.....	8952
EMERGENCY MANAGEMENT AGENCY, ILLINOIS	
General Provisions for Radiation Protection	
32 Ill. Adm. Code 310.....	8957
Licensing of Radioactive Material	
32 Ill. Adm. Code 330.....	8979
GAMING BOARD, ILLINOIS	
Video Gaming (General)	
11 Ill. Adm. Code 1800.....	9024
HISTORIC PRESERVATION AGENCY	
Americans With Disabilities Act Grievance Procedures	
4 Ill. Adm. Code 1200.....	9043
Inclusion and Removal of Places from the Illinois Register of	
Historic Places (Repealer)	
17 Ill. Adm. Code 4120.....	9050
The Illinois Register of Historic Places (Repealer)	
17 Ill. Adm. Code 4140.....	9055
REVENUE, DEPARTMENT OF	
Property Tax Code	
86 Ill. Adm. Code 110.....	9063
STATE POLICE MERIT BOARD, DEPARTMENT OF	
Illinois State Police Merit Board Personnel Rules	
80 Ill. Adm. Code 160.....	9092
TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS	
The Administration and Operation of the Teachers'	
Retirement System	
80 Ill. Adm. Code 1650.....	9146

ADOPTED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF
Currency Exchange Act
38 Ill. Adm. Code 120.....9167

HISTORIC PRESERVATION AGENCY
Access to Records of the Historic Preservation Agency
2 Ill. Adm. Code 1580.....9179

PUBLIC HEALTH, DEPARTMENT OF
Manufacturing, Processing, Packing or Holding of Food Code
77 Ill. Adm. Code 730.....9201

RACING BOARD, ILLINOIS
Medication
11 Ill. Adm. Code 603.....9208

REVENUE, DEPARTMENT OF
Medical Cannabis Cultivation Privilege Tax Law
86 Ill. Adm. Code 429.....9222
Payment of Taxes By Electronic Funds Transfer
86 Ill. Adm. Code 750.....9229

JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA
JOINT COMMITTEE ON ADMINISTRATIVE RULES
July Agenda.....9241

SECOND NOTICES RECEIVED
JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received.....9250

**OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED
IN THE ILLINOIS REGISTER**
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF
HCBS Waiver for People With HIV/AIDS.....9252
HCBS Waiver for People With Traumatic Brain Injury.....9253

REGULATORY AGENDA
CHIEF PROCUREMENT OFFICER
FOR CAPITAL DEVELOPMENT BOARD
Chief Procurement Officer for Capital Development Board
44 Ill. Adm. Code 8.....9254

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES
Chief Procurement Officer for General Services
Standard Procurement
44 Ill. Adm. Code 1.....9255

CHIEF PROCUREMENT OFFICER FOR HIGHER EDUCATION
Chief Procurement Officer for Public Institutions of
Higher Education Standard Procurement
44 Ill. Adm. Code 4.....9257

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL
General Program
35 Ill. Adm. Code 1500.....9258

EDUCATIONAL LABOR RELATIONS BOARD, ILLINOIS	
General Procedures	
80 Ill. Adm. Code 1100.....	9260
ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS	
General Conditions of State of Illinois Grants for Sewage Treatment Works Under the Anti-Pollution Bond Act of 1970	
35 Ill. Adm. Code 360.....	9271
EXECUTIVE ETHICS COMMISSION	
Organization, Information, Rulemaking and Hearings	
2 Ill. Adm. Code 1620.....	9280
HEALTH FACILITIES AND SERVICES REVIEW BOARD, ILLINOIS	
Health Facilities and Services Review Operational Rules	
77 Ill. Adm. Code 1130.....	9281
OFFICE OF THE STATE FIRE MARSHAL	
Fire Drills in Schools	
41 Ill. Adm. Code 110.....	9284
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
Illinois Prepaid Tuition Program	
23 Ill. Adm. Code 2775.....	9300
EXECUTIVE ORDERS AND PROCLAMATIONS	
EXECUTIVE ORDER	
Executive Order Designating the Illinois Department of Transportation As the State Safety Oversight Agency	
16 - 7.....	9302

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 preemptory 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 2016

Issue#	Rules Due Date	Date of Issue
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
18	April 18, 2016	April 29, 2016
19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016
22	May 16, 2016	May 27, 2016

23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
25	June 6, 2016	June 17, 2016
26	June 13, 2016	June 24, 2016
27	June 20, 2016	July 1, 2016
28	June 27, 2016	July 8, 2016
29	July 5, 2016	July 15, 2016
30	July 11, 2016	July 22, 2016
31	July 18, 2016	July 29, 2016
32	July 25, 2016	August 5, 2016
33	August 1, 2016	August 12, 2016
34	August 8, 2016	August 19, 2016
35	August 15, 2016	August 26, 2016
36	August 22, 2016	September 2, 2016
37	August 29, 2016	September 9, 2016
38	September 6, 2016	September 16, 2016
39	September 12, 2016	September 23, 2016
40	September 19, 2016	September 30, 2016
41	September 26, 2016	October 7, 2016
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Motor Fuel and Petroleum Standards Act
- 2) Code Citation: 8 Ill. Adm. Code 850
- 3) Section Number: 850.60 Proposed Action:
Amendment
- 4) Statutory Authority: Motor Fuel and Petroleum Standards Act [815 ILCS 370/5.1(i)]
- 5) A Complete Description of the Subjects and Issues Involved: Gasoline blended with ethanol has a higher vapor pressure than gasoline alone. For gasoline-ethanol blends, Illinois adopts Section 2.1.2 of the Uniform Engine Fuels and Automotive Fuel Lubricants Regulations, NIST Handbook 130, which in turn adopts ASTM D4814. Although considered by ASTM several times, ASTM has not adopted vapor pressure exceptions to ASTM D4814. Handbook 130 therefore contains specific vapor pressure exceptions for gasoline-ethanol blends, but said exceptions expire on May 1, 2016. Without the vapor pressure exceptions, petroleum marketers are concerned with the cost of compliant fuel. The rule also adopts the latest version of Handbook 130 (2016).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Uniform Engine Fuels and Automotive Fuel Lubricants Regulations, NIST Handbook 130 and ASTM D4814.
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes, 40 Ill. Reg. 7478
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking allows consistent standards for the petroleum industry to continue.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

Susan Baatz
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: There will be little to no impact to small businesses, small municipalities and not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Petroleum refiners will be given more latitude in the chemical make-up of components used in the production of motor fuels. The American Petroleum Institute supports this change.
 - C) Types of professional skills necessary for compliance: Petroleum refiners will need to continue to utilize a laboratory technician/analyst.
- 14) Regulatory Agenda on which this rulemaking was summarized: The agency believed ASTM would incorporate the vapor pressure exceptions into ASTM D4814 before May 1, 2016, but ASTM has not done so yet. Therefore, the agency did not anticipate the need for this rulemaking.

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER s: MOTOR FUELSPART 850
MOTOR FUEL AND PETROLEUM STANDARDS ACT

Section

850.10	Written Complaint Required
850.20	Access to Motor Fuels and Records
850.30	Responsibility for Standards of Quality
850.40	Administrative, Laboratory and Sampling Fees
850.50	Label on Motor Fuel Dispensing Device
850.60	ASTM Standards

AUTHORITY: Implementing and authorized by the Motor Fuel and Petroleum Standards Act [815 ILCS 370].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 1455, effective January 12, 1984; adopted at 8 Ill. Reg. 5993, effective April 23, 1984; amended at 9 Ill. Reg. 12711, effective August 6, 1985; amended at 14 Ill. Reg. 5072, effective March 26, 1990; emergency amendment at 28 Ill. Reg. 16352, effective December 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1886, effective January 24, 2005; amended at 29 Ill. Reg. 5372, effective April 1, 2005; emergency amendment at 34 Ill. Reg. 301, effective December 21, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 6050, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 10532, effective July 8, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 19468, effective December 3, 2010; emergency amendment at 35 Ill. Reg. 5615, effective March 17, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 11241, effective July 1, 2011; emergency amendment at 36 Ill. Reg. 7330, effective May 1, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 14685, effective September 24, 2012; amended at 37 Ill. Reg. 14004, effective September 16, 2013; emergency amendment at 40 Ill. Reg. 7478, effective April 26, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. _____, effective _____.

Section 850.60 ASTM Standards

- a) *The standards set forth in the Annual Book of ~~(ASTM)~~ [Standards American Society for Testing and Materials](#)-Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless*

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

modified or rejected by a regulation adopted by the Department. [815 ILCS 370/4]

- b) The effective date for the lubricity requirement contained in Table 1 (Detailed Requirements for Diesel Fuel Oils) of D 975-04b is extended until October 1, 2005.
- c) The quality of gasoline-~~ethanol~~~~oxygenate~~ blends sold or offered for sale in this State shall meet the standards set forth in Section 2.1.2 of the Uniform Engine Fuels and Automotive Lubricants Regulations as provided ~~in~~~~under the~~ National Institute of Standards and Technology Handbook 130, ~~2016~~~~2013~~ edition, ~~as adopted by the 100th National Conference on Weights and Measures, November 2015, <http://www.nist.gov/pml/wmd/pubs/upload/hb130-2016-wfinal3.pdf>. Notwithstanding the other provisions of this subsection, the Department expressly rejects the May 1, 2016 expiration of the vapor pressure exceptions in Section 2.1.2 of Handbook 130. Therefore, the vapor pressure exceptions in Section 2.1.2 of Handbook 130 shall remain in effect until ASTM incorporates those exceptions into ASTM D4814~~~~NIST Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg MD 20899-2600, <http://www.nist.gov/pml/wmd/pubs/hb13013.cfm>.~~ These standards do not include any later amendments or editions of NIST Handbook 130.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Chief Procurement Officer for General Services Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.2020 Proposed Action:
Amendment
- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment implements the changes to the small purchase threshold as recommended by the Procurement Policy Board at their December 2, 2015 meeting. The amendment raises the small purchase threshold for supplies and services from \$50,000 (currently \$50,400 as adjusted by CPI increases) to \$80,000 and the threshold for construction from \$70,000 (currently \$70,600 as adjusted by CPI increases) to \$100,000.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Chief Procurement Officer for General Services relied on 30 ILCS 500/20-20 to compose the rulemaking. This Section authorizes the small purchase maximum to be modified by rule when recommended by the Procurement Policy Board. A copy of the Board's recommendation is available for review with the Chief Procurement Officer for General Services at 401 S. Spring, Room 712 Stratton Office Building, Springfield IL 62706.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect or create or expand a State mandate under the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Chief Procurement Officer for General Services will consider all

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

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]. Written comments may be submitted within 45 days after the date of publication in the *Illinois Register* to:

Michelle Casey
Special Advisor and State Purchasing Officer
Chief Procurement Office for General Services
401 S. Spring Street
Room 513 Stratton Office Building
Springfield IL 62706

217/494-5577
michelle.casey@illinois.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed amendment may have an impact on small businesses as defined in Sections 1-75 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75]. These entities may submit comments in writing to the Chief Procurement Officer for General Services at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-20]. These entities shall indicate their status as a small business as part of any written comments they submit to the Chief Procurement Officer for General Services.
- B) Reporting, bookkeeping or other procedures required for compliance: Agencies subject to the jurisdiction of the Chief Procurement Officer for General Services conducting small purchases may be required to retain additional documentation of the process used to conduct each small purchase.
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: None

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

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING,
PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER I: CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

PART 1
CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES
STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

- 1.1 Title
- 1.3 Authority
- 1.5 Policy
- 1.8 Implementation of This Part
- 1.10 Application
- 1.12 Additional Exemptions Applicable to Artistic and Musical Services
- 1.13 Additional Exemptions Applicable to Illinois Finance Authority
- 1.15 Definition of Terms Used in This Part
- 1.25 Property Rights
- 1.30 Constitutional Officers, and Legislative and Judicial Branches (Repealed)

SUBPART B: PROCUREMENT RULES, POLICIES AND PROCEDURES

Section

- 1.525 Rules
- 1.530 Policies and Procedures

SUBPART C: PROCUREMENT AUTHORITY

Section

- 1.1005 Procurement Authority
- 1.1010 Appointment of State Purchasing Officer (Repealed)
- 1.1040 Central Procurement Authority of the CPO-GS
- 1.1050 Procurement Authority of the SPO; Limitations (Repealed)
- 1.1060 Delegation
- 1.1070 Toll Highway Authority

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1.1075 Department of Natural Resources (Repealed)
1.1080 Illinois Mathematics and Science Academy (Repealed)

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section

- 1.1501 Illinois Procurement Bulletin
1.1510 Publication of Illinois Procurement Bulletin (Repealed)
1.1515 Registration
1.1525 Bulletin Content
1.1535 Vendor Portal
1.1550 Official State Newspaper (Repealed)
1.1560 Alternate and Supplemental Notice
1.1570 Error in Notice
1.1580 Direct Solicitation
1.1585 Notice Time
1.1590 Retention of Bulletin Information (Repealed)
1.1595 Availability of Solicitation Document

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

- 1.2005 General Provisions
1.2010 Competitive Sealed Bidding
1.2012 Multi-Step Sealed Bidding
1.2013 Reverse Auctions
1.2015 Competitive Sealed Proposals
1.2020 Small Purchase Limits
1.2025 Sole Source or Sole Economically Feasible Source Procurement
1.2030 Emergency Procurements
1.2035 Competitive Selection Procedures for Professional and Artistic Services
1.2036 Other Methods of Source Selection
1.2037 Tie Bids and Proposals
1.2038 Modification or Withdrawal of Bids or Proposals
1.2039 Mistakes
1.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

Section	
1.2043	Suppliers
1.2044	Vendor List
1.2045	Vendor Prequalification
1.2046	Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section	
1.2047	Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section	
1.2050	Specifications and Samples

SUBPART I: CONTRACTS

Section	
1.2055	Types of Contracts
1.2060	Duration of Contracts – General
1.2065	Cancellation of Contracts
1.2067	Contract Amendments and Change Orders

SUBPART J: PROCUREMENT FILES

Section	
1.2080	Public Procurement File
1.2084	Record Retention
1.2086	Filing with the Comptroller

SUBPART K: WORKING CONDITIONS

Section	
1.2560	Prevailing Wage
1.2570	Equal Employment Opportunity; Affirmative Action
1.2575	Subcontractors (Repealed)

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART L: CONTRACT PRICING

Section
1.2800 All Costs Included (Repealed)

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section
1.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
1.4005 Real Property Leases and Capital Improvement Leases
1.4010 Authority
1.4015 Method of Source Selection
1.4020 Request for Information – Real Property and Capital Improvement Leases
1.4025 Lease Requirements
1.4030 Purchase Option
1.4035 Rent Without Occupancy
1.4040 Local Site Preferences
1.4042 Historic Area Preferences
1.4044 Emergency Lease Procurement

SUBPART O: PREFERENCES

Section
1.4505 Procurement Preferences
1.4510 Resident Vendor Preference
1.4515 Soybean Oil-Based Ink
1.4520 Recycled Materials
1.4525 Recyclable Paper
1.4526 Environmentally Preferable Procurement
1.4530 Correctional Industries
1.4535 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities
1.4540 Gas Mileage and Flex-Fuel Requirements

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

1.4545	Small Business
1.4550	Illinois Agricultural Products
1.4555	Corn-Based Plastic Products
1.4557	Disabled Veterans
1.4570	Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
1.4575	Domestic Products
1.4578	Bio-Based Products
1.4579	Notice of Preferences

SUBPART P: ETHICS

Section	
1.5002	Continuing Disclosure; False Certification
1.5005	Bribery
1.5010	Felons
1.5011	Debt Delinquency
1.5012	Collection and Remittance of Illinois Use Tax
1.5013	Conflicts of Interest Prohibited by the Code
1.5014	Environmental Protection Act Violations
1.5015	Negotiations for Future Employment
1.5020	Exemptions
1.5021	Bond Issuances
1.5023	Other Conflicts of Interest
1.5030	Revolving Door Prohibition
1.5035	Disclosure of Financial Interests and Potential Conflicts of Interest
1.5036	Disclosures of Business in Iran
1.5037	Vendor Registration, Certification and Prohibition on Political Contributions
1.5038	Lobbying Restrictions
1.5039	Procurement Communication Reporting Requirement
1.5055	Supply Inventory
1.5060	Prohibited Bidders and Contractors
1.5065	Lead Poisoning Prevention Act Violations

SUBPART Q: CONCESSIONS

Section	
1.5310	Concessions

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART R: COOPERATIVE PURCHASING

Section	
1.5400	General
1.5420	Governmental Joint Purchasing Act Contracts
1.5440	Non-Governmental Joint Purchasing
1.5460	No Agency Relationship
1.5510	Complaints Against Vendors (Repealed)
1.5520	Suspension (Repealed)
1.5530	Resolution of Contract Controversies (Repealed)
1.5540	Violation of Law or Rule (Repealed)

SUBPART S: PROTESTS

Section	
1.5550	Protests

SUBPART T: SUSPENSION AND DEBARMENT

Section	
1.5560	Suspension and Debarment

SUBPART U: VIOLATION OF STATUTE OR RULE

Section	
1.5620	Violation of Statute or Rule

SUBPART V: HEARING PROCEDURES

Section	
1.5700	General
1.5710	Informal Process
1.5720	Hearing Officers
1.5730	Notice of Hearing
1.5740	Written Comments and Oral Testimony
1.6010	Supply Management and Dispositions (Repealed)
1.6500	General (Repealed)

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1.6510 No Agency Relationship (Repealed)
- 1.6520 Obligations of Participating Governmental Units (Repealed)
- 1.6530 Centralized Contracts – Estimated Quantities (Repealed)
- 1.6535 Centralized Contracts – Definite Quantities (Repealed)

SUBPART W: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section

- 1.7000 Severability
- 1.7010 Government Furnished Property
- 1.7015 Inspections
- 1.7020 Taxes, Licenses, Assessments and Royalties
- 1.7025 Written Determinations (Repealed)
- 1.7030 No Waiver of Sovereign Immunity

SUBPART X: SELECTION OF A SUCCESSOR ILLINOIS LOTTERY
PRIVATE MANAGER IF A PRIVATE MANAGEMENT
AGREEMENT HAS BEEN TERMINATED

Section

- 1.8000 Authority
- 1.8005 General
- 1.8010 Selection Process
- 1.8015 Lottery Advisors
- 1.8020 Public Hearing (Repealed)
- 1.8025 Award
- 1.8030 Action to Contest Selection

AUTHORITY: The Illinois Procurement Code [30 ILCS 500] and the Illinois Lottery Law [20 ILCS 1605].

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7,

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days, and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency expired on July 15, 1999; emergency amendment at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7075, effective June 7, 1999; amended at 24 Ill. Reg. 1900, effective January 21, 2000; amended at 26 Ill. Reg. 13189, effective August 23, 2002; emergency amendment at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 5673, effective March 7, 2006, for the balance of the 150 days; emergency expired August 3, 2006; amended at 30 Ill. Reg. 138, effective December 22, 2005; amended at 30 Ill. Reg. 13378, effective July 25, 2006; amended at 30 Ill. Reg. 17305, effective October 20, 2006; amended at 30 Ill. Reg. 18635, effective November 17, 2006; emergency amendment at 33 Ill. Reg. 3205, effective January 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 9607, effective June 25, 2009; recodified, pursuant to PA 96-795, from Department of Central Management Services to Chief Procurement Officer for General Services at 35 Ill. Reg. 10143; amended at 36 Ill. Reg. 10729, effective August 6, 2012; amended at 36 Ill. Reg. 16319, effective November 1, 2012; emergency amendment at 37 Ill. Reg. 1319, effective January 22, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 8123, effective June 5, 2013; amended at 38 Ill. Reg. 20884, effective October 31, 2014; recodified Title of the Part at 39 Ill. Reg. 5903; amended at 40 Ill. Reg. _____, effective _____.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 1.2020 Small Purchase Limits

- a) Application
 - 1) Individual procurements of ~~\$80,000~~\$50,000 or less for supplies or services, other than professional and artistic, may be made without notice or competition. These small purchase maximums shall be subject to the annual cost of living increases set forth in subsection (a)(3).
 - 2) Procurements for construction and construction related services of ~~\$100,000~~\$70,000 or less, or as increased to reflect increases in the

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

consumer price index as determined by the CPO-GS.

- 3) The CPO-GS shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending each December 31. That percentage change shall be used to recalculate the small purchase maximums applicable for the fiscal year beginning the following July 1.
 - 4) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made without notice of competition. Notice of award of professional and artistic service contracts must be published in the Bulletin prior to contract execution and shall include the name of the SPO and a brief explanation of the procurement.
- b) Determination of Small Purchase Status
- 1) In determining whether a contract is under the small purchase limit, the stated value of the supplies or services plus any optional supplies and services, determined in good faith, shall be utilized. When the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12 month period.
 - 2) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)).
 - 3) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the SPO determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the State agency's needs or other circumstances, the SPO must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- c) The CPO-GS may establish policies and procedures to manage the use of the small purchase method of source selection. The SPO may establish additional policies and procedures applicable to State agencies under the SPO's jurisdiction.

CHIEF PROCUREMENT OFFICER FOR
GENERAL SERVICES

NOTICE OF PROPOSED AMENDMENT

- d) If there is a repetitive need for small procurements of the same type, the State agency shall notify the SPO who shall consider whether issuing a competitive sealed bid or proposal for procurement of those needs is in the best interests of the State.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Telecommunications Access for Persons with Disabilities
- 2) Code Citation: 83 Ill. Adm. Code 755
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
755.10	Amendment
755.15	Amendment
755.100	Amendment
755.105	Amendment
755.110	Amendment
755.115	Amendment
755.130	Amendment
755.135	Amendment
755.200	Amendment
755.205	Amendment
755.225	Amendment
755.230	Amendment
755.300	Amendment
755.305	Amendment
755.310	Amendment
755.400	Amendment
755.405	Amendment
755.410	Amendment
755.500	Amendment
755.505	Amendment
755.510	Amendment
755.515	Amendment
755.520	Amendment
755.EXHIBIT A	Amendment
755.EXHIBIT B	Amendment
755.EXHIBIT C	Amendment
755.EXHIBIT D	Amendment
755.EXHIBIT G	Amendment
755.EXHIBIT H	Amendment
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101]

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments stem from the enactment of PA 99-6, which expanded the sources of funding for the access programs to include wireless carriers and sellers of prepaid wireless service, in addition to the existing funding sources of local exchange carriers and fixed or non-nomadic voice over Internet protocol (VoIP) providers. The proposed amendments reflect these additional sources of funding, and make other agreed-upon changes recommended by the Illinois Telecommunications Access Corporation.
- 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? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 16-0335 with:

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping and filing procedures
 - C) Types of professional skills necessary for compliance: Managerial and accounting skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 755
TELECOMMUNICATIONS ACCESS FOR PERSONS WITH DISABILITIES

SUBPART A: GENERAL PROVISIONS

Section	
755.10	Definitions
755.11	Waiver
755.15	Dispute Procedures
755.20	Notice (Repealed)
755.25	Deviations (Repealed)

SUBPART B: TELECOMMUNICATIONS CARRIER, INTERCONNECTED
VOIP PROVIDER AND WIRELESS CARRIER OBLIGATIONS

Section	
755.100	Components of ITAP Services
755.105	Execution and Administration of ITAP
755.110	Publicity Concerning ITAP
755.115	Application Procedure and Processing
755.120	Equipment
755.125	Equipment Set Specifications – Telebraille (Repealed)
755.126	Equipment Set Specifications – Text Telephone with LVD (Repealed)
755.130	Bids
755.135	ITAP Filing Requirements
755.145	Renewal of Agreements (Repealed)

SUBPART C: ELIGIBILITY AND PARTICIPATION

Section	
755.200	Disability Certification
755.205	Eligibility and Application for Equipment for <u>RecipientsResidents</u>
755.210	Eligibility and Application for Equipment for Organizations
755.220	Time Period for Possession
755.225	Shared Residence

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

755.230 Change of Recipient Information

SUBPART D: POSSESSION AND MAINTENANCE

Section

755.300 Equipment Ownership and Liability
755.305 Recipient Responsibility
755.310 Responsibility for Maintenance

SUBPART E: OVERSIGHT AND REVIEW

Section

755.400 Staff Liaison
755.405 Advisory Council
755.410 Advisory Council Rights
755.415 Biannual Workshop

SUBPART F: LINE CHARGE AND ASSESSMENT ADJUSTMENT MECHANISM

Section

755.500 Annual Filings
755.505 Carrier, [Wireless Carrier, and Interconnected VoIP Provider](#) Reports and Remittances to ITAC
755.510 Determination and Adjustment of the Line Charge and Assessment
755.515 Notice and Filing Requirements
755.520 Interim Line Charge and Assessment Adjustments
755.525 Waiver of Requirements of Section 755.500

755.EXHIBIT A Calculation of Monthly Line Charge and Assessment (Schedule A-1)
755.EXHIBIT B Comparison of Present and Proposed Line Charges and Assessments (Schedule A-2)
755.EXHIBIT C Projection Period Statement of Revenues and Expenses at Present Line Charge and Assessment, As Adjusted (Schedule A-3)
755.EXHIBIT D Prior Calendar Year Actual Revenues Over/(Under) Expenses (Schedule A-4)
755.EXHIBIT E Schedule of Adjustment to Projected Cash Balance (Schedule A-5)
755.EXHIBIT F Supporting Schedule of Planned Capital Expenditures During Projection Period (Schedule A-6)
755.EXHIBIT G Schedule of Projected Increase to Cash Under Proposed Line Charge and

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

	Assessment Before Cash Adjustment (Schedule A-7)
755.EXHIBIT H	Call Volumes and Subscriber Lines and Assessments (Schedule A-8)
755.EXHIBIT I	Depreciation Schedule (Schedule A-9)
755.EXHIBIT J	Projected Payroll Expenses, As Adjusted (Other than TRS Payroll Expenses) (Schedule A-10) (Repealed)
755.EXHIBIT K	Projected Line Charge Filing Expenses (Schedule A-11) (Repealed)
755.EXHIBIT L	Comparative Actual and Projected Balance Sheets, At Proposed Line Charge and Assessment, As Adjusted (Schedule A-12)
755.EXHIBIT M	Comparative Actual and Projected Statements of Revenues and Expenses at Proposed Line Charge, As Adjusted (Schedule A-13) (Repealed)
755.EXHIBIT N	Local Exchange Carrier Monthly Report to ITAC (Repealed)

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].

SOURCE: Adopted at 12 Ill. Reg. 3687, effective February 1, 1988; amended at 14 Ill. Reg. 3042, effective February 15, 1990; emergency amendments at 14 Ill. Reg. 19375, effective November 25, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5624, effective April 15, 1991; amended at 17 Ill. Reg. 5594, effective March 31, 1993; amended at 19 Ill. Reg. 17105, effective January 1, 1996; expedited correction at 20 Ill. Reg. 11490, effective January 1, 1996; amended at 28 Ill. Reg. 860, effective January 1, 2004; amended at 28 Ill. Reg. 8875, effective July 1, 2004; amended at 36 Ill. Reg. 15058, effective October 1, 2012; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 755.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Assessment" means the charge authorized by Section 13-703(f) of the Act and includes the charge per subscription or per wireless line, or the equivalent percentage charge imposed per prepaid wireless telecommunications service retail transaction.

"Centers for Independent Living " means organizations serving the needs of those persons with hearing or speech disabilities as described in Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a].

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Commission" means the Illinois Commerce Commission.

"Deaf-blind" refers to a person who is deaf or hard-of-hearing and who also has a sight-disability and who can regularly and routinely communicate by telephone only through the aid of equipment.

"Deaf or hard-of-hearing" refers to a condition of permanent hearing loss (whether continuous or variable) by which regular and routine telephone communication is possible only through the aid of equipment.

"Disability" refers to a condition of being permanently hearing disabled, deaf-blind, speech-disabled, hearing-sight disabled, or speech-sight disabled.

"Equipment" means telecommunications devices capable of servicing the needs of those persons with a hearing or speech disability as specified in ITAC's tariff [or on ITAC's website](#) pursuant to Section 755.135(a)(~~4~~).

"Hearing disability" refers to condition of being permanently deaf or hard-of-hearing.

"Hearing-sight disability" refers to a condition of permanent hearing and sight disability that renders regular and routine telephone communication possible only through the aid of equipment.

"Illinois Telecommunications Access Corporation" or "ITAC" means the not-for-profit corporation jointly established by Illinois telecommunications carriers providing local exchange service pursuant to Section 755.105 to administer programs mandated by Section 13-703 of the Act ~~[220 ILCS 5/13-703]~~.

"Interconnected Voice over Internet Protocol provider" or "interconnected VoIP provider" has the same meaning as "interconnected voice over Internet protocol provider" as defined in Section 13-235 of the Act. For purposes of this Part, Interconnected VoIP providers are limited to those providers subject to Section 13-401.1 of the Act.

"ITAP" or "program" means the Illinois Telecommunications Access Program, by which Illinois telecommunications carriers providing local exchange service shall provide the telecommunications devices capable of servicing the needs of subscribers with disabilities as required by Section 13-703 of the Act.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Line charge" means the charge authorized by Section 13-703(c) of the Act.

"Organizations" means Centers for Independent Living and those Illinois-based not-for-profit organizations not:

affiliated with or otherwise acting in concert with an owner or vendor of equipment promoted for use by persons with disability; or

owned or operated by any political subdivision, public institution of higher learning, state agency, or municipal corporation of this State

whose primary purpose is serving the needs of those persons with disabilities.

"Personal service contracts" means all contracts entered into by ITAC, on behalf of the carriers for publicity/marketing and accounting.

"Prepaid wireless telecommunications service" has the meaning given to that term in Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act [50 ILCS 753].

"Projection period" means, for each annual filing required by Subpart F, a 12-month period beginning January 1 of the year in which the filing is made.

"Recipient" is a user or a parent or legal guardian of a minor user in whose name equipment is granted, as provided in Section 755.205(b).

"Retail transaction" has the meaning given to that term in Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

"Selection center" is a location designated by ITAC to display and demonstrate equipment for an eligible recipient to test in order to select the appropriate equipment for the recipient's disability.

"Seller" has the meaning given to that term in Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

~~"Social service agencies" means the Department of Human Services—Division of Rehabilitation Services; Department on Aging; Department of Healthcare and Family Services; Department of Public Health; Department of Children and~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~Family Services; State Board of Education; University of Illinois Division of Specialized Care for Children; Illinois Deaf and Hard of Hearing Commission; and any other agency with which ITAC contracts to provide services for persons who are deaf blind.~~

"Speech-disability" refers to a condition of permanent speech disability that precludes oral communication by which regular and routine telephone communication is possible only through the aid of equipment.

"Speech-sight disability" refers to a condition of permanent speech and sight disability that precludes oral communication, and by which regular and routine telephone communication is possible only through the aid of equipment.

"Staff" means individuals employed by the Illinois Commerce Commission.

"Subscriber lines" means a voice grade communication channel between a subscriber and a telecommunications carrier's public switched network ~~that, which~~ would be required to carry the subscriber's interpremises traffic and ~~that which~~ is capable of providing access ~~to through~~ the public switched network ~~to the Illinois relay system~~. A subscriber line does not include 800 lines or access lines used for official communications of telecommunications carriers providing local exchange service. For customer bills issued before June 1, 2004, in calculating charges on subscriber lines of telecommunications carriers, each centrex line shall be equivalent to one-tenth of a residence or business access line. For customer bills issued on or after June 1, 2004, in calculating charges on subscriber lines pursuant to [Section 220 ILCS 5/13-703\(c\) of the Act](#), one charge shall be applied for each five centrex lines, and five charges shall be applied for each PBX trunk. ITAC's tariff [or website](#) shall specify the manner of applying charges to other multi-channel technologies.

"Subscriptions" means a count of the maximum number of interconnected VoIP calls that an end-user may have active at the same time. If the interconnected VoIP provider's retail customer purchases a service or services that allows more than one interconnected VoIP call to be made from the customer's physical location at the same time, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time. In the case of a business retail customer that purchases a service or services pursuant to a service agreement, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

at the same time under the terms of the service agreements with that customer. In calculating assessments on business subscriptions, one assessment shall be applied for each five business subscriptions (i.e., the application of the assessment on business subscriptions shall mirror the application of the line charge to centrex lines).

"Telecommunications carrier" or "carrier" means a telecommunications carrier as that term is defined in Section 13-202 of the Act that is providing local exchange telecommunications service as defined in Section 13-204 of the Act. For purposes of this Part, "telecommunications carrier" or "carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.

"Telecommunications relay service" or "TRS" or "relay service call volumes" means all Illinois intrastate calls placed through ~~any~~the Illinois Relay Center, whether or not completed.

"User" means an Illinois resident with a disability whose eligibility has been established as provided in this Part for whose use equipment is provided, as set forth in Section 755.205.

"Voice grade access" means a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating that there is an incoming call. For the purposes of this Part, bandwidth for voice grade access is 300 to 3,000 Hertz.

"Voucher program" means a program for the distribution of equipment offered by ITAC, on behalf of the carriers, pursuant to Section 755.100(b).

"Wireless carrier" has the meaning given to that term in Section 10 of the Wireless Emergency Telephone Safety Act.

"Wireless lines" means a communication channel between a subscriber and a wireless carrier's network that would be required to carry the subscriber's traffic and that is capable of providing access to the public switched network. A wireless line does not include lines used for official communications of wireless carriers.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.15 Dispute Procedures

- a) If there is a problem with equipment distributed pursuant to Section 755.100(a):
- 1) the ITAC office ~~Regional Center that distributed the equipment set~~ should be contacted; and
 - 2) ~~if the problem cannot be resolved at the Regional Center, then the ITAC office should be contacted; and~~
 - 23) if the ITAC office, with the assistance of the vendor, cannot satisfactorily resolve the problem, they shall inform the user of the address and telephone number of the Staff Liaison and the information contained in Section 755.410(b).
- b) After receiving the complaint, the Staff Liaison will begin an informal investigation in an effort to settle the dispute.
- c) Disputes arising under this Part shall also be governed by 83 Ill. Adm. Code 735.200.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART B: TELECOMMUNICATIONS CARRIER, INTERCONNECTED VOIP PROVIDER AND WIRELESS CARRIER OBLIGATIONS

Section 755.100 Components of ITAP Services

ITAC, on behalf of the carriers, shall implement Section 13-703(a) of the Act through the provision of a loan and/or a voucher program to distribute equipment to recipients.

- a) If ITAC, on behalf of the carriers, offers equipment through a loan program, ITAC shall:
- 1) Provide equipment to Illinois residents who are recipients, as prescribed by this Part;

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 2) Provide ~~or contract for repair~~maintenance or exchange services for ~~the loaned~~ equipment ~~at regional centers~~; and
 - 3) Provide training in the use of the loaned equipment ~~by at regional centers that have~~ personnel capable of communicating with the recipient~~multiple modes of communications~~.
- b) In ~~lieu of fulfillment~~ of or in addition to implementation of a loan program~~the obligations~~ under subsection (a), ITAC, on behalf of the carriers, shall by July 1, 2005 initiate a voucher program. The terms and conditions of the voucher program and equipment available through the voucher program shall be specified in ITAC's tariff or on ITAC's website. Equipment obtained through the voucher program~~Under a voucher program, an eligible recipient may select equipment from the options offered in ITAC's tariff, and the selected equipment~~ shall become the property of the recipient. Notwithstanding subsection (a), ITAC and the carriers shall not be required to provide maintenance service, repair service, exchange service, or training for equipment offered as part of a voucher program. The equipment offered through the voucher program need not be the same as ~~that those~~ offered through a loan~~the distribution~~ program implemented pursuant to subsection (a).
- c) In addition to subsections (a) and (b), the carriers, through ITAC, may dispose of, by sale or other means, used, unneeded, or obsolete equipment.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.105 Execution and Administration of ITAP

- a) Each carrier shall collect from its customers and remit to ITAC the monthly charge per subscriber line allowed by Section 13-703(c) of the Act and ordered by the Commission. The line charge identification shall be "IL Telecom Relay Service and Equipment" or an equivalent phrase that is not detrimental to persons with disabilities. The charge applies to all subscriber lines as defined in Section 755.10.
- b) Each interconnected VoIP provider, directly or via another entity, shall collect from its customers and remit to ITAC the monthly assessment per subscription required by Section 13-703(f) of the Act and ordered by the Commission.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Indirect remittances to ITAC shall indicate the interconnected VoIP provider on whose behalf assessments are being remitted. The assessment applies to all subscriptions as defined in Section 755.10. The requirements of this subsection (b) shall become effective January 1, 2011. ~~For the period between January 1, 2011 and the effective date of the earliest Commission Order establishing an explicit assessment pursuant to Section 13-703(f) of the Act, each interconnected VoIP provider is required to collect from its customers and remit to ITAC a monthly assessment equal to the then effective line charge or centrex charge, as provided in Section 755.10.~~

- c) Each wireless carrier, with exception of sellers of prepaid wireless telecommunications services, directly or via another entity, shall collect from its customers and remit to ITAC the monthly assessment per wireless line required by Section 13-703(f) of the Act and ordered by the Commission. Indirect remittances to ITAC shall indicate the wireless carrier on whose behalf assessments are being remitted. The requirements of this subsection (c) shall become effective June 1, 2016, but, notwithstanding the effective date, wireless carriers shall have at least 60 days from the date the Commission files an order to implement the new rate established by the order.
- d) Each seller of prepaid wireless telecommunications services shall collect from its customers an assessment, as required by Section 13-703(f) of the Act and ordered by the Commission, and remit the assessment to the Illinois Department of Revenue. These assessments shall be imposed per retail transaction as a percentage of the retail transaction on all retail transactions occurring in the State. Remittances to the Illinois Department of Revenue shall be on the same form and in the same manner as remittances submitted pursuant to the Prepaid Wireless 9-1-1 Surcharge Act. The requirements of this subsection (d) shall become effective June 1, 2016, but, notwithstanding the effective date, sellers of prepaid wireless telecommunications services shall have at least 60 days from the date the Commission files an order to implement the new rate established by the order.
- ee) The carriers or ITAC, on their behalf, may make voluntary or contractual agreements with businesses, agencies of local, state, or ~~federal~~Federal government, organizations, and other third parties for provision or distribution of equipment, maintenance, warehousing, training, administration, or miscellaneous supports services as required to fulfill the goals of this program in a manner consistent with the intent and provisions of the Act and this Part.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- ~~f~~d) The carriers or ITAC, on their behalf, shall administer the ITAP so as to take full advantage of any economies of scale that may exist by centralizing the provision of ITAP services listed in Section 755.100. However, the carriers or ITAC, on their behalf, shall provide sufficient ~~selection~~~~regional~~ centers to insure a reasonable access to ITAP by persons with disabilities.
- ge) The carriers may determine and propose to the Commission for approval, subject to the requirements of Section 7-101 and 7-102 of the Act [220 ILCS 5/7-101 and 7-102], a plan for joint execution and administration of ITAP. If the Commission approves a plan for joint execution and administration of ITAP through a not-for-profit corporation or other entity, all carriers shall join and participate fully in the plan for joint execution and administration.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.110 Publicity Concerning ITAP

- a) Carriers shall publicize ITAP. Publicity shall include, but not be limited to, bill inserts or bill messages and notices published in the directories.
- b) ITAC, on behalf of the carriers, shall provide ~~publicity;~~~~1)Notification~~, at least annually, ~~by~~~~to conventional media such as daily, weekly, or monthly newspapers or magazines, television or radio stations, electronic media, or other cost-effective means of communication;~~~~2)Written notification, at least annually, to organizations and to newsletters serving persons with disabilities and to other licensed professionals who deal with hearing issues.~~ Any entity wishing to receive ~~program information shall~~~~this notification must~~ contact the ~~telecommunications carriers through~~ ITAC and place ~~itself~~~~themselves~~ on an ITAP information service list; ~~and~~~~3)Written notification to designated offices of the social service agencies.~~ ITAC, on behalf of the carriers, shall obtain a list of ~~designated offices from each of the social service agencies listed in this Part.~~
- c) Information to be provided shall include at a minimum the services offered, descriptions of the intended recipients of these services, and the terms under which these services are available.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.115 Application Procedure and Processing

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- a) ~~Applications~~Application packets shall be made available to the public at all ~~selection~~regional maintenance/training centers ~~and at designated offices of the social service agencies, as identified in Section 755.110(b)(3), and at the request of audiologists, medical, educational or services agencies that serve persons with disabilities as defined in Section 755.10, or any other similar entity.~~ The application ~~form~~packets shall contain:
- ~~1)~~ 1) ~~An explanation of the obligations of ITAC, on behalf of the carrier, to the recipient;~~
 - ~~2)~~ 2) ~~A description of the rights and obligations of the recipient under ITAP;~~
 - ~~13)~~ 3) A description of the application process for service under this Part;
 - ~~4)~~ 4) ~~A description of the Advisory Council and its role as liaison to persons with disabilities;~~
 - ~~5)~~ 5) ~~The office telephone number of the Staff Liaison;~~
 - ~~26)~~ 6) ~~A certificate~~An eligibility form to be filled out according to the provisions of Section 755.200, certifying the applicant as a person with a disability as defined. ~~Printed on the eligibility form shall be an explanation of its purpose, the definitions of disability contained in Section 755.10 and the certification requirements of Section 755.200;~~
 - ~~7)~~ 7) ~~A form for the prospective recipient to sign indicating that he/she understands and agrees with the rights and obligations created under this Part, and that he/she desires service under this Part;~~
 - ~~38)~~ 8) ~~Information to be completed by~~A standard application form requesting ~~that the prospective recipient, including but not limited to provide his/her full name, address, last four social security number digits, birth date, age, and telephone number, carrier, wireless carrier or VoIP provider, and the name of the person to whom telephone service is billed; and~~
 - ~~49)~~ 9) A ~~section~~form for the prospective recipient to sign ~~indicating that, if the prospective recipient is acting for a minor user, the equipment received under this program will be transferred to the user on the user's eighteenth~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~birthday.~~

- b) ~~Assistance~~ ~~Carriers will provide assistance~~ in completing application forms shall be provided to those who desire assistance at selection regional maintenance/training centers and through ITAC.
- c) Applicants shall complete (or have completed) all forms, attach all necessary documentation required by ITAC to establish eligibility, and mail the completed application ~~to packet as directed by ITAC, on behalf of the carriers.~~
- d) Upon receipt of a completed application ~~packets~~, ITAC ~~shall, on behalf of the carrier, shall acknowledge by postcard (addressed by applicant) and~~ process all applications. In no event shall the ITAC, on behalf of the carriers, take more than 21 calendar days to verify an applicant's eligibility. If ITAC, on behalf of the carrier, determines that it cannot make a decision within 21 days because the application is incomplete or contains inaccurate information, it must immediately notify the applicant upon making this determination and solicit clarification and additional information from the applicant in order to determine the applicant's eligibility.
- e) Processing of applications by ITAC, on behalf of the carriers, shall consist of a review for completeness and verification of eligibility ~~the assignment of priority status for distribution in the order of receipt of the completed applications.~~
- f) Upon request, ITAC shall provide an applicant with:
- 1) a description of the Advisory Council and its role as liaison to persons with disabilities; and
 - 2) the office telephone number of the Staff Liaison.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.130 Bids

- a) ~~Except as provided in subsection (c), prior~~ ~~Prior~~ to entering into new agreements with new providers contemplated by Section 755.135(b), the carriers or ITAC, on their behalf, shall solicit and accept bids from various providers.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- b) Bids will be evaluated and awarded based upon the bidder's ability, as demonstrated in the bid proposal, to advance the goals and objectives of ITAP, consistent with the following criteria listed below:
- 1) Corporate and fiscal integrity, history, and ability of the bidder to deliver equipment or services up for bid;
 - 2) Equipment up for bid must be evaluated in light of the factors specified in Section 755.120; and
 - 3) Maintenance and training services up for bid must be deliverable as prescribed in Sections 755.100 and 755.310.
- c) The requirements of subsections (a) and (b) shall not apply to arrangements for the provision of accounting or legal services for ITAP, or to amendments to, extensions of, or renewals of existing agreements.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.135 ITAP Filing Requirements

- a) ITAC, on behalf of the carriers, shall publish on its website or in its tariff file with the Commission for approval pursuant to the provisions of the Act and this Part, the following tariff items:
- 1) A description of tariff describing any equipment distribution program offered pursuant to Section 755.100(a), with a detailed description of the equipment the carriers provide pursuant to ITAP, including:
 - A) the manufacturers of the equipment;^{3,5}
 - B) the model numbers of the equipment;^{3,5}
 - C) the model names of the equipment;^{3,5}
 - D) a description of the operating functions and specifications of the equipment;^{3,5} and
 - E) the recipient disability certification requirements for receipt of

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

each specific equipment offered.

- 2) A ~~description of tariff sheet that describes~~ the voucher program ~~described in pursuant to~~ Section 755.100(b), including the applicable recipient ~~eligibility/disability certification~~ requirements ~~for equipment~~.
 - 3) ~~At a minimum, ITAC, on behalf of the carriers, shall give written notice of any tariff filing made under subsection (a) to each of the following: Staff Liaison, Chairperson of the Advisory Council, distribution centers, and local chapters of the Illinois Association for the Deaf, Association for Late Deafened Adults, and Self Help for Hard of Hearing, as well as the social service agencies. This notice shall be given no later than the date of the tariff filing and shall describe generally the nature of the filing.~~
 - 34) Notwithstanding the requirements of subsections (a)(1) ~~and~~ ~~(23)~~, ITAC, on behalf of the carriers, may purchase or otherwise obtain a limited number of pieces of equipment for distribution and use on a trial basis, for the purpose of evaluating whether ~~that equipment~~~~they~~ should be offered to recipients pursuant to Section 755.100, without ~~including the trial equipment on its website or tariff offerings~~~~filing a tariff~~ under ~~this~~ subsection (a). However, the distribution and use shall be limited to ITAC employees, ITAC board members, members of the Advisory Council, and the persons identified by ITAC whose use characteristics will enable realistic testing of the equipment. The trial shall not exceed ~~20~~~~100~~ pieces of equipment ~~and~~; shall not exceed one year in duration, ~~and shall be preceded by written notification to the Director of the Commission's Consumer Services Division, the Staff Liaison, and the Chairperson of the Advisory Council. At the conclusion of the trial, ITAC shall provide a report indicating the results of the trial to the Director of the Commission's Consumer Services Division, the Staff Liaison, and the Chairperson of the Advisory Council.~~
- b) ~~With reference to the provision of ITAP services, the carriers, or ITAC on their behalf, shall file for approval by the Commission all personal services contracts in excess of \$40,000 and all other contracts in excess of \$140,000. All contracts entered into by ITAC, with the exception of contracts for regular and routine program operations, that are below these amounts shall be filed with the Commission on an informational basis.~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- c) ITAC, on behalf of the carriers, shall file with the Commission an annual report (to be filed no later than March 31 of each year) that shall contain the following information:
- 1) Updates on administration procedures for ITAP;~~;~~
 - 2) Description of program activities of the past year, including at a minimum the number of applications received, the number of and type of equipment and/or vouchers distributed, the number and location of ~~selection~~regional centers, and the number of maintenance/repair/exchange incidents;~~;~~ and
 - 3) Description and brief evaluation of program effectiveness including at a minimum the following information:
 - ~~A)~~ ~~the number and type of complaint incidents;~~
 - ~~B)~~ the average period of time needed to process a typical application;~~;~~
 - ~~C)~~ the average period of time between the processing of an application and the receipt of the equipment or voucher;~~;~~ and
 - ~~D)~~ a list of issues or problem areas identified by the Advisory Council and any action taken by the carriers or ITAC in response.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART C: ELIGIBILITY AND PARTICIPATION

Section 755.200 Disability Certification

- a) An applicant with a hearing disability seeking ITAP eligibility shall have completed by a licensed physician, licensed audiologist, a designated counselor with the Illinois Department of Human Services-~~Division~~Office of Rehabilitation Services (~~DHS-DRSORS~~), or a care coordinator with the University of Illinois Division of Specialized Care for Children (DSCC) a standard form (provided by ITAC, on behalf of the carriers) certifying that the applicant is deaf or hard-of-hearing as those terms are defined in this Part.
- b) An applicant who is deaf-blind or hearing-sight disabled seeking ITAP eligibility

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

shall have completed by a licensed physician, licensed audiologist, designated counselor with ~~DHS-DRSORS~~, a designated counselor with any agency with which ITAC contracts to provide services for persons who are deaf-blind or a care coordinator with DSCC a standard form (provided by ITAC, on behalf of the carriers), provisionally certifying the applicant as deaf-blind or hearing-sight disabled as those conditions are defined in this Part. In instances in which deaf-blindness or the hearing-sight disability is certified by an audiologist, the audiologist shall make the provisional certification only upon review of medical records that confirm the applicant's sight disability. An applicant who has been provisionally certified as deaf-blind or hearing-sight disabled, as those conditions are defined in this Part, shall receive final certification only upon determination by a designated counselor with any agency with which ITAC contracts to provide services for persons who are deaf-blind that the applicant has the potential skills and potential ability to appropriately utilize the applicable equipment to make a telephone call.

- c) An applicant who has a speech disability seeking ITAP eligibility shall have completed by a licensed physician, speech-language pathologist, ~~or~~ care coordinator with DSCC, or designated counselor with ~~DHS-DRSORS~~ a standard form (provided by ITAC, on behalf of the carriers) certifying the applicant has a speech disability as that condition is defined in this Part. In instances in which the applicant's speech disability is certified by a designated counselor with ~~DHS-DRSORS~~ or a care coordinator with DSCC, the ~~DHS-DRSORS~~ counselor or DSCC care coordinator shall make this certification only upon review of medical records that confirm the applicant's speech disability.
- d) An applicant who has a speech-sight disability seeking ITAP eligibility shall have completed by a licensed physician, speech-language pathologist, a care coordinator with DSCC, or a designated counselor with ~~DHS-DRSORS~~ a standard form (provided by ITAC, on behalf of the carriers) certifying the applicant as a person with a speech-sight disability as that condition is defined in this Part. In instances in which the applicant has a speech-sight disability and the speech disability is certified by a speech-language pathologist, the speech-language pathologist shall make this certification only upon review of medical records that confirm the applicant's sight disability. In instances in which the applicant's speech disability and the sight disability is certified by a designated counselor with ~~DHS-DRSORS~~ or a care coordinator with DSCC, the ~~DHS-DRSORS~~ counselor or DSCC care coordinator shall make this certification only upon review of medical records which confirm the applicant's speech disability or

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

disabilities.

- e) ~~ITAC, on behalf of the carriers, shall obtain from the Director of ORS a list of designated ORS counselors who have expertise in working with persons with hearing, speech, and sight disabilities and who are authorized to certify individuals for ITAP. ITAC, on behalf of the carriers, shall obtain from the Director of DSCC a list of the Division's designated care coordinators authorized to certify individuals for ITAP. ITAC, on behalf of the carriers, shall obtain updated lists annually.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.205 Eligibility and Application for Equipment for Recipients~~Residents~~

- a) Unless ITAC's tariff or website provides otherwise, one piece of landline or VoIP-compatible equipment shall be provided per subscriber line or per VoIP subscription in a residence that is the permanent legal residence of a certified user. Subject to subsection (g~~f~~), the maximum number of landline and VoIP-compatible pieces of equipment that shall be provided is the lesser of the number of certified users or the number of subscriber lines and VoIP subscriptions in the residence. Subject to subsection (g), there is only one recipient per subscriber line or subscription.
- b) Unless ITAC's tariff or website provides otherwise, one piece of wireless-compatible equipment shall be provided to an eligible, certified user of wireless telephone service. Unless ITAC's tariff or website provides otherwise, there is only one recipient per wireless line.
- ~~c~~b) The equipment shall be granted in the name of the recipient. ~~Subject to subsection (f), there is only one recipient per subscriber line.~~ Recipient status shall be granted to an eligible adult user or within the residence. ~~In the absence of an adult user within the residence, recipient status shall be granted to the parent or legal guardian residing with an eligible~~ a minor user ~~in the residence.~~
- ~~d~~e) The recipient shall assume all responsibilities and liabilities for the equipment as prescribed by this Part.
- ~~e~~d) The recipient shall be required to sign and complete all forms and submit all documents required-provided in the application ~~packet~~ as described in Section

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

755.115(a).

- fe) Along with the completed application, the recipient shall provide copies of drivers' licenses, Illinois State I.D.'s, or some other proof of identification and Illinois residence for the recipient and identification of the person to whom telephone service is billed, and shall comply with all eligibility requirements specified on ITAC's website or in its tariff.
- gf) Notwithstanding the requirements of subsection (a), if two or more certified users with different disabilities reside in the same legal residence, and if the certified users require dissimilar landline or VoIP-compatible equipment in order to engage in regular and routine telephone communications as a result of their differing disabilities, ITAC, on behalf of the carriers, shall provide an additional piece of landline or VoIP-compatible equipment or additional pieces of equipment.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.225 Shared Residence

In the event that two or more recipients share a common permanent legal residence, equipment distributed pursuant to Section 755.100(a) in excess of that permitted under Section 755.205 shall be returned to ITAC.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.230 Change of Recipient Information

If the recipient changes his/her permanent legal address, name, ~~or~~ telephone number, or carrier, wireless carrier, or VoIP provider, he/she must notify ITAC of this change.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART D: POSSESSION AND MAINTENANCE

Section 755.300 Equipment Ownership and Liability

- a) All loaned equipment distributed under Section 755.100(a) ~~of this Part~~ shall remain the property of ITAC. ~~Each recipient shall sign a form indicating that he/she understands and accepts the requirements of this Part regarding ownership~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~and liability.~~

- b) Equipment distributed pursuant to Section 755.100(a) ~~and (b)~~ may not be sold, loaned, or otherwise transferred out of the possession of the original recipient. Transfers will subject the recipient to ~~disqualification from further ITAP participation~~ liability for the full replacement cost of the equipment.
- c) Upon implementation of a voucher system pursuant to Section 755.100(b), the tariff filed ~~or website postings~~ pursuant to Section 755.135(a)(2) shall specify the Program requirements regarding ownership and liability.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.305 Recipient Responsibility

- a) In cases in which the recipient is the sole user within the residence:
 - 1) in the event the recipient permanently relocates outside of Illinois, the recipient must return any loaned equipment distributed under Section 755.100(a) to ITAC prior to leaving the State;
 - 2) in the event of the death of the recipient, the executor of the recipient's estate, or other responsible survivor must return any loaned equipment distributed under Section 755.100(a) to ITAC.
- b) In cases in which the user of the loaned equipment distributed pursuant to Section 755.100(a) resides with a person with a disability and in the event of the user's death or permanent relocation outside of Illinois, the remaining person with the disability or the parent or legal guardian of the remaining person with a disability must give notice to ITAC and make application for the assignment of recipient status to the eligible individual within the residence.
- c) In cases in which the recipient of loaned equipment distributed pursuant to Section 755.100(a) is not a user, on the occasion of the 18th birthday of a minor user, recipient status shall be transferred to the user.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.310 Responsibility for Maintenance

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- a) Unless otherwise specified by this Section, all ordinary expense of maintenance and repair of loaned equipment distributed pursuant to Section 755.100(a) is borne by ITAC, on behalf of the carriers.
- b) If loaned equipment is damaged, lost, or destroyed due to negligence of the recipient and not due to ordinary wear and tear, the recipient shall be held responsible for the cost of replacing the lost or destroyed equipment or ITAC's cost of restoring the damaged equipment to its original condition, unless ITAC, on behalf of the carriers, assumes the responsibility for the costs of repair in these instances. ITAC shall have the right to bill the recipient for the cost of replacing or restoring the lost, destroyed, or damaged equipment, and to withhold further participation by the recipient in the programs offered under Section 755.100(a) and (b) of this Part until payment is made.
- c) The recipient must immediately notify ITAC if any loaned equipment distributed pursuant to Section 755.100(a) is lost, destroyed, stolen, or damaged. If equipment is stolen, damaged, or destroyed due to fire, flood, or other acts of God, the police, fire, or insurance adjustor's report, specifying the stolen, damaged, or destroyed ITAC equipment, must be forwarded to ITAC within 30 days after the date the incident was reported.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART E: OVERSIGHT AND REVIEW

Section 755.400 Staff Liaison

The Executive Director of the Commission shall appoint one Staff member to act as Staff Liaison to the programs required by Section 13-703 of the Act. The Staff Liaison shall serve as a contact person, advisor and monitor of the ITAP administrators and the Advisory Council. ~~The Staff Liaison shall assemble for dissemination equipment specifications, training, and testing information in response to the equipment distributed pursuant to Section 755.100 to assist emergency telephone services Public Safety Answering Points ("PSAP").~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.405 Advisory Council

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

An Advisory Council composed of seven members who are representatives of persons with disabilities shall function as an organ for the input of individuals with disabilities to ITAP.

- a) For the purpose of selecting representatives to the Advisory Council, the Commission shall divide the Statestate into the following five districts:
 - 1) District 1: Cook, DuPage, Grundy, Iroquois, Kane, Kankakee, Kendall, Lake, LaSalle, McHenry, Putnam, and Will Counties;
 - 2) District 2: Boone, Carroll, DeKalb, Jo Daviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside, and Winnebago Counties;
 - 3) District 3: Bureau, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Knox, Livingston, Logan, Marshall, Mason, McDonough, McLean, Peoria, Piatt, Stark, Tazewell, Vermilion, Warren, and Woodford Counties;
 - 4) District 4: Adams, Brown, Cass, Christian, Clark, Coles, Cumberland, Douglas, Edgar, Effingham, Greene, Macon, Macoupin, Menard, Montgomery, Morgan, Moultrie, Pike, Sangamon, Schuyler, Scott, and Shelby Counties; and
 - 5) District 5: Alexander, Bond, Calhoun, Clay, Clinton, Crawford, Edwards, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson Counties.
- b) The Advisory Council shall be made up of seven members.
 - 1) Three members shall be selected from District 1;
 - 2) One member shall be selected from each of the four remaining districts; and
 - 3) The Advisory Council members shall be elected to staggered terms of three years with an election being held annually.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- c) In each district, nominations for seats on the Advisory Council shall be solicited by ITAC. The sitting Advisory Council shall identify appropriate local organizations, including, but not limited to, all ~~selection~~~~distribution~~ centers, local chapters of the Illinois Association for the Deaf, the Association for Late-Deafened Adults, and Self Help for Hard of Hearing. Each nomination shall be accompanied by a resume of the nominee. Any nominee who is affiliated with or otherwise acts in concert with an owner or vendor of equipment or services promoted for use by persons with disability, or whose relationship with an owner or vendor could give rise to a conflict of interest, shall be disqualified.
- d) Those local organizations identified in subsection (c) shall be entitled to vote for the Advisory Council members representing that district.
- e) If no nominations are received for a seat in any district, that seat shall become an at-large seat, and the organizations specified in subsection (c) shall submit nominations, accompanied by resumes of the nominee, without regard to the residence of the nominee. All the local organizations identified in subsection (c) shall be entitled to vote for at-large seats.
- f) The seven members of the Advisory Council shall elect a chairperson.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.410 Advisory Council Rights

- a) ITAC shall serve ~~notice~~~~one copy~~ of all filings, reports or other information pertaining to ITAP provided to the Commission on the chairperson of the Advisory Council.
- b) Upon receipt of complaints concerning this program, ITAC shall inform the recipient that if he/she remains dissatisfied in his/her dispute, the recipient may contact the Advisory Council. ITAC shall provide the recipient with the name, telephone number and business address of a designated member of the Advisory Council and inform the recipient that the Advisory Council may be able to aid the recipient in his/her dispute.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART F: LINE CHARGE AND ASSESSMENT ADJUSTMENT MECHANISM

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755.500 Annual Filings

- a) On or before April 1 of each year, ITAC shall file with the Commission a verified petition requesting that the Commission establish the annual line charge and assessment, and shall file with the petition the following information, and shall serve the filing as provided in Section 755.515(b):
- 1) ITAC's audited financial statements as of December 31 of the prior calendar year;
 - 2) A projected balance sheet, projected statement of revenues and expenses, projected statement of cash flows, and a summary of significant projection assumptions and accounting policies for the projection period;
 - 3) A pro forma adjustment to annualize December levels of revenues and expenses for the projection period shall be added to the projected revenues and expenses;
 - 4) A statement from an independent certified public accountant that the projected balance sheet and statements of revenues and expenses and cash flows comply with the guidelines for presentation of a projection established in the "Prospective Financial Information Guide", [November 1, 2012, March 1, 2009](#) by the American Institute of Certified Public Accountants (1211 Avenue of the Americas, New York NY 10036), and that the underlying assumptions provide a reasonable basis for management's projections. No later amendment or edition of the "Prospective Financial Information Guide" is included by this incorporation; and
 - 5) Schedules for the projection period presenting the following information in the format of Exhibit A through Exhibit M:
 - A) A calculation of the proposed monthly line charge and assessment (Exhibit A);
 - B) A comparison of present and proposed line charges and assessments, as adjusted (Exhibit B);

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- C) A statement of revenues and expenses at present line charge and assessments, as adjusted (Exhibit C);
 - D) A statement of prior calendar year actual revenues over/(under) expenses (Exhibit D);
 - E) A schedule of adjustment to projected cash balance (Exhibit E);
 - F) A supporting schedule of planned capital expenditures during projection period (Exhibit F);
 - G) A schedule of projected increase to cash under proposed line charge and assessment before cash adjustment (Exhibit G);
 - H) A schedule of projected and historical TRS call volumes and projected and historical subscriber lines, wireless lines, subscriptions, and prepaid wireless telecommunications services retail transactions and assessments (Exhibit H);
 - I) A depreciation schedule (Exhibit I); and
 - J) Comparative actual and projected balance sheets, at proposed line charge and assessment, as adjusted (Exhibit L).
- b) For purposes of projecting subscriber lines, wireless lines, and subscriptions for the projection period as required by subsection (a), it shall be assumed, with the exception of the 20162011 calendar year period, that subscriber lines, wireless lines, and subscriptions will increase or decrease annually from the number of subscriber lines, wireless lines, and subscriptions on December 31 of the prior calendar year reported by ITAC pursuant to subsection (a)(5)(H), at a weighted average growth rate. This growth rate shall be based on historical Illinois rates of increase or decrease in subscriber lines, wireless lines, and subscriptions. ~~For purposes of projecting subscriber lines and subscriptions for calendar year 2011 as required by subsection (a), it shall be assumed that subscriber lines and subscriptions will increase or decrease annually, from the number of subscriber lines on December 31 of the prior calendar year reported by ITAC pursuant to subsection (a)(5)(H) plus reported subscriptions as of December 31, 2010, at a weighted average growth rate. For purposes of projecting subscriptions for calendar year 2011, the weighted average growth rate shall be assumed to be zero.~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- c) For purposes of projecting TRS call volumes for the projection period as required by subsection (a), forecasts of call volumes shall be based on historical Illinois TRS call volumes.
- d) For purposes of projecting expenses for the projection period as required by subsection (a), an annual inflation factor equal to the consensus Gross National Product implicit price deflator for the projection period, as reported in the publication "Blue Chip Economic Indicators" for January of the year in which the filing is made, shall be applied to all costs, excluding depreciation and costs fixed by contract between ITAC and another party, and other reasonably estimated costs.
- e) For purposes of establishing the proposed line charge and assessment for the projection period, ITAC shall make calculations so that the following amounts are reflected in the proposed line charge and assessment over a 12 month period:
- 1) projection period revenues (over)/under expenses at present line charge and assessment, as adjusted;
 - 2) the total difference, if any, between ITAC's actual revenues and ITAC's actual expenses for the prior calendar year; and
 - 3) any adjustment necessary so that ITAC's cash balance, under the proposed line charge and assessment, at the end of the projection period will be no less than one-eighth and no greater than one-fourth of ITAC's projected expenses, as adjusted, for the projection period, excluding depreciation, plus an allowance for planned capital expenditures during the projection period.
- f) ITAC shall make available to the Commission Staff all workpapers, documentation, and calculations supporting its annual filing.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.505 Carrier, Wireless Carrier, and Interconnected VoIP Provider Reports and Remittances to ITAC

- a) Each carrier, wireless carrier (with the exception of providers of prepaid wireless

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

services), and interconnected VoIP provider (or affiliated entity on its behalf), as defined in this Part, shall provide a monthly remittance report to ITAC, indicating the number of subscriber lines excluding centrex lines, the number of telecommunications carriers' centrex lines, PBX lines and other technologies indicated in ITAC's tariff or on its website, the number of wireless lines, and the number of VoIP subscriptions; the applicable line charges and assessments; revenues from each source; adjustments for errors (if any) in prior monthly reports; and the total remittance. All revenue amounts shall be reported net of uncollectible amounts prescribed by 83 Ill. Adm. Code 756.220(d) and shall be remitted to ITAC as reported. This data shall be presented in the format defined in ITAC's tariff or on its website. The Staff Liaison shall provide assistance to ITAC in monitoring remittances. Indirect remittances to ITAC shall indicate the interconnected VoIP provider or wireless carrier on whose behalf reports are being remitted. The requirements of this subsection (a) shall become effective for interconnected VoIP providers on January 1, 2011. The requirements of this subsection (a) shall become effective for wireless carriers (with the exception of providers of prepaid wireless services) on June 1, 2016, but notwithstanding the effective date reports and remittances shall only be required with respect to periods following the wireless carrier's implementation of rates established by Commission orders. ~~In addition, interconnected VoIP providers shall provide, on or before February 1, 2011, a report to ITAC indicating the number of residential subscriptions and the number of business subscriptions as of June 30, 2010. interconnected VoIP providers shall provide, on or before March 7, 2011, a report to ITAC indicating the number of residential subscriptions and the number of business subscriptions as of December 31, 2010.~~

- b) Information at the reporting entity level, submitted to ITAC pursuant to this Section, shall be considered confidential and shall only be disclosed (other than to the Commission and its staff) pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act [5 ILCS 140]. Information reported pursuant to this Part may, however, be aggregated (e.g., according to carrier class and/or technology) and reported publicly provided subscribership information specific to each reporting entity is not disclosed or discernible from the information reported to the public.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.510 Determination and Adjustment of the Line Charge and Assessment

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- a) ~~The Commission shall issue its order establishing the competitively neutral amount to be charged or assessed to subscribers of telecommunications carriers and wireless carriers, Interconnected VoIP service providers and purchasers of prepaid wireless telecommunications service on or prior to June 1 of each year. The Commission may, upon complaint, its own motion, or the petition of ITAC, enter upon a hearing concerning the propriety of the proposed line charge and assessment. If no hearing is held, the Commission shall issue an order determining the line charge and assessment level within 45 days after ITAC's annual filing. If a hearing is conducted, the Commission shall issue an order determining the line charge and assessment level within 105 days after ITAC's annual filing. If the Commission is unable to issue an order within this 105-day period, the Commission shall extend this period for a further period not exceeding six months.~~
- b) The Commission's order establishing the line charge and assessment shall be served on ITAC, the ITAP Advisory Council chairperson, the Staff Liaison, the Director of the Commission's Policy Division~~Telecommunications Department~~, all carriers and wireless carriers, all, and interconnected VoIP providers, and the Department of Revenue.
- c) If any change in the line charge and assessment is ordered, the order shall direct each carrier, wireless carrier, interconnected VoIP service provider, and seller to implement the new rate and assessment~~file a tariff~~ within 60~~45~~ days in compliance with the order and without further notice.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.515 Notice and Filing Requirements

- a) ITAC shall, beginning not later than ten days after it files the information required under Section 755.500 or under Section 755.520, cause to be published once each week for two consecutive weeks a notice of its filing in the official state newspaper and in a secular newspaper (that has been regularly published for at least six months prior to the first publication of this notice) in general circulation in the cities of Chicago and Springfield. This notice shall be not less than one column in width and three inches in length.
- b) ITAC shall file with the Chief Clerk of the Commission the required reports and schedules pursuant to Section 755.500 and 755.520. Any documents filed with

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

the Commission pursuant to those Sections shall also be served on the following persons: Director of the Commission's Consumer Services Division and ~~Policy~~Telecommunications Division, the Manager of the Accounting Department of the Commission's Financial Analysis Division, the Staff Liaison, the Director of the Department of Revenue, and the ITAP Advisory Council chairperson.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 755.520 Interim Line Charge and Assessment Adjustments

- a) ITAC may request, by petition, an interim line charge and assessment adjustment. This petition shall be verified and shall include documentation in substantially the same form as Exhibit A through Exhibit L of this Part supporting the need for an interim line charge and assessment adjustment and a projected cash flow statement. If a hearing is conducted, ITAC shall bear the burden of proof regarding the need for an interim line charge and assessment adjustment.
- b) The Commission shall issue an order on an expedited basis addressing any requested interim line charge and assessment adjustment, either denying, granting in full, or granting in part the requested interim line charge and assessment adjustment. The Commission's order shall be served on the same persons as in Section 755.510(b). If the Commission determines that an interim line charge and assessment adjustment is necessary, the order shall authorize an interim line charge and assessment, to remain in effect until subsequent order of the Commission. If the Commission's order authorizes an interim line charge and assessment adjustment, it shall direct all carriers, wireless carriers, interconnected VoIP providers and sellers to implement the new rate and assessment~~file tariffs~~ in compliance with the order.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755.EXHIBIT A Calculation of Monthly Line Charge and Assessment (Schedule A-1)

Line (A)	Description (B)	Amount (C)
1	Projection Period Revenues (Over)/Under Expenses at Present Line Charge and Assessment, As Adjusted (a)	_____
2	Prior Calendar Year Actual Revenues (Over)/Under Expenses (b)	_____
3	Adjustment to Projected Cash Balance (c)	_____
4	Subtotal	_____
45	End-of-Period Projected Subscriber Lines	_____
56	Annual Revenue Adjustment Per Subscriber Line (Line 34 Divided by Line 45 – Rounded to 4 Decimal Places)	_____
67	Increase (Decrease) in Monthly Line Charge and Assessment for Projection Period (Line 56 Divided by 12 Months – Rounded to 4 Decimal Places)	_____
78	Add: Present Line Charge and Assessment	_____
89	Subtotal (Line 67 Plus Line 78)	_____
940	Proposed Monthly Line Charge and Assessment (Line 89 Rounded to Next Higher Cent)	_____
	(a) Amount from Line 17, column E, schedule A-3.	
	(b) Amount from line 17, column D, schedule A-4.	
	(c) Amount from line 6 or 11, column D, schedule A-5.	

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

<u>10</u>	<u>Prepaid wireless sale (d)</u>	_____
<u>11</u>	<u>Proposed Monthly Line Charge (Line 9 as a Percentage of Line 10)</u>	_____
<u>12</u>	<u>3% Retailer Surcharge Collected Before ITAC Remittance (Line 11 multiplied by 1.03)</u>	
<u>13</u>	<u>2% IDOR Surcharge Collected After Retailer Surcharge and Before ITAC Remittance (Line 12 multiplied by 1.02)</u>	_____
<u>14</u>	<u>Proposed Prepaid Wireless Line Charge Percentage</u>	_____

NOTES:

- (a) Amount from Line 17, column E, schedule A-3.
- (b) Amount from line 17, column D, schedule A-4.
- (c) Amount from line 6 or 11, column D, schedule A-5.
- (d) Estimated value of a prepaid wireless sale based 9-1-1 prepaid wireless charges.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755.EXHIBIT B Comparison of Present and Proposed Line Charges and Assessments (Schedule A-2)

Line (A)	Description (B)	Projection Period (Year) As Adjusted At Present Line Charge and Assessment (C)	Projection Period (Year) As Adjusted At Proposed Line Charge and Assessment (D)	Difference (Column D - Column C) (E)	Percentage Change (Column E/ Column C) (F)
1	Number of VoIP Residential Subscriptions , Wireless and Subscriber Lines and Equivalents , Excluding Centrex*	_____	_____	_____	_____
2	Number of Business Subscriptions and Centrex Lines	_____	_____	_____	_____
3	Subscriber Line Charge and Assessment Excluding Centrex	_____	_____	_____	_____
4	Centrex Line Charge	_____	_____	_____	_____
5	Subtotal	_____	_____	_____	_____
6	Investment Income	_____	_____	_____	_____
7	TRS	_____	_____	_____	_____
8	Other:	_____	_____	_____	_____

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

	_____	_____	_____	_____
9	Total Revenues	_____	_____	_____
10	Expenses	_____	_____	_____
11	Revenue Over/(Under) Expenses	_____	_____	

*Includes PBX and other advanced line equivalents.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755.EXHIBIT C Projection Period Statement of Revenues and Expenses at Present Line Charge and Assessment, As Adjusted (Schedule A-3)

Line (A)	Description (B)	Projection Period Ending 12/31/___ (C)	Adjustment to Annualize December Levels (D)	Total (E)
1	Revenues	_____	_____	_____
2	Subscriber Line Charge and Assessment	_____	_____	_____
3	Investment Income	_____	_____	_____
4	TRS	_____	_____	_____
5	Other Income:	_____	_____	_____
6	TOTAL REVENUES	_____	_____	_____
7	Expenses:			
8	TRS	_____	_____	_____
9	Administration	_____	_____	_____
10	Equipment Distribution and Maintenance	_____	_____	_____
11	Legal	_____	_____	_____
12	Accounting and Consulting	_____	_____	_____
13	Depreciation	_____	_____	_____

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

14	(Gain)/Loss on Property and Equipment Retirements	_____	_____	_____
15	Other Expenses:	_____	_____	_____
16	TOTAL EXPENSES	_____	_____	_____
17	Revenues Over (Under) Expenses	_____	_____	_____

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

**Section 755.EXHIBIT D Prior Calendar Year Actual Revenues Over/(Under) Expenses
(Schedule A-4)**

Line (A)	Description (B)	Year Ended 12/31/____ (C)	Amount (D)
1	Revenues:		
2	Subscriber Line Charge and Assessment	_____	
3	Investment Income	_____	
4	TRS	_____	
5	Other Income:	_____	
6	TOTAL REVENUES		_____
7	Expenses:		
8	TRS	_____	
9	Administration	_____	
10	Equipment Distribution & Maintenance	_____	
11	Legal	_____	
12	Accounting and Consulting	_____	
13	Depreciation	_____	
14	(Gain)/Loss on Property and Equipment Retirements	_____	

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

15	Other Expenses:	_____	

16	TOTAL EXPENSES		_____
17	Revenue Over/(Under) Expenses		_____

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755.EXHIBIT G Schedule of Projected Increase to Cash Under Proposed Line Charge and Assessment Before Cash Adjustment (Schedule A-7)

Line (A)	Description (B)	Amount (C)	Amount (D)
1	Projected Cash Balance at Present Rates, as adjusted		<hr/>
2	Projected increase to Cash Balance at proposed line charge and assessment before cash adjustment calculation		
3	Projection Period Revenues (Over)/Under Expenses at Present Line Charge and Assessment, as adjusted (a)	<hr/>	
4	Prior period actual revenues (Over)/Under Expenses (b)	<hr/>	
5	Subtotal (Line 3 plus Line 4)	<hr/>	
6	Projected increase/(decrease) to cash under proposed line charge and assessment before cash adjustment (One- Fourth One-Half of Line 5)		<hr/>
7	Projected Cash Balance at proposed line charge and assessment before cash adjustment (Line 1 plus Line 6)		<hr/> <hr/>

NOTES:

- (a) Amount of Line 17, Column E, Schedule A-3.
- (b) Amount from Line 17, Column D, Schedule A-4.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755.EXHIBIT H Call Volumes and ~~Subscriber~~ Lines and Assessments (Schedule A-8)

Line (A)	Month (B)	TRS Call Volume			Subscriber Lines and Equivalents		
		Actual Prior Cal Yr (C)	Proj Period (D)	Diff Col D - Col C (E)	Actual Prior Cal Yr (F)	Proj Period (G)	Diff Col G - Col F (H)
1	Jan	_____	_____	_____	_____		
2	Feb	_____	_____	_____	_____		
3	Mar	_____	_____	_____	_____		
4	Apr	_____	_____	_____	_____		
5	May	_____	_____	_____	_____		
6	June	_____	_____	_____	_____		
7	July	_____	_____	_____	_____		
8	Aug	_____	_____	_____	_____		
9	Sept	_____	_____	_____	_____		
10	Oct	_____	_____	_____	_____		
11	Nov	_____	_____	_____	_____		
12	Dec	_____	_____	_____	_____	_____	_____
13	Total	_____	_____	_____			

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Telecommunications Relay Services
- 2) Code Citation: 83 Ill. Adm. Code 756
- 3)

<u>Section Numbers</u> :	Proposed Actions:
756.10	Amendment
756.105	Amendment
756.110	Amendment
756.125	Amendment
756.200	Amendment
756.225	Amendment
756.305	Amendment
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments stem from the enactment of PA 99-6, which expanded the sources of funding for the access programs to include wireless carriers and sellers of prepaid wireless service, in addition to the existing funding sources of local exchange carriers and fixed or non-nomadic voice over Internet protocol (VoIP) providers. The proposed amendments reflect these additional sources of funding, and make other agreed-upon changes recommended by the Illinois Telecommunications Access Corporation.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 16-0336 with:

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping and filing procedures
 - C) Types of professional skills necessary for compliance: Managerial and accounting skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 756
TELECOMMUNICATIONS RELAY SERVICES

SUBPART A: GENERAL PROVISIONS

Section

- 756.10 Definitions
- 756.15 Dispute Procedures
- 756.20 Notice (Repealed)
- 756.30 Waiver

SUBPART B: TELECOMMUNICATIONS CARRIER OBLIGATIONS

Section

- 756.100 Components of Relay Service
- 756.105 Relay Service Execution and Administration
- 756.110 Publicity Concerning Relay Service
- 756.115 RFP Selection Process
- 756.116 Commission Approval of Proposal
- 756.120 System Provider Interactions
- 756.125 Filing Requirements

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

Section

- 756.200 Relay Service General Quality Standards
- 756.205 Relay Service Operations and Specifications
- 756.210 Communications Assistant Standards
- 756.215 System Provider Reporting Requirements
- 756.220 Relay Service Billing and Collection Procedures
- 756.225 Relay Service Revenues

SUBPART D: OVERSIGHT AND REVIEW

Section

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

756.300	Staff Liaison
756.305	Advisory Council Rights
756.310	Biannual Workshop

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].

SOURCE: Adopted at 12 Ill. Reg. 17321, effective October 15, 1988; amended at 15 Ill. Reg. 5618, effective April 15, 1991; emergency amendment at 16 Ill. Reg. 14470, effective September 3, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1848, effective February 1, 1993; amended at 17 Ill. Reg. 12294, effective July 15, 1993; amended at 28 Ill. Reg. 6974, effective May 1, 2004; amended at 36 Ill. Reg. 15086, effective October 1, 2012; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 756.10 Definitions

"7-1-1" means the abbreviated dialing code for accessing all types of relay services anywhere in the United States.

"Act" means the Public Utilities Act [220 ILCS 5].

"Advisory Council" means the advisory council established by 83 Ill. Adm. Code 755.405.

"American Sign Language" or "ASL" means a visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.

"ASCII" is an acronym for the American Standard Code for Information Interexchange that employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400 and higher.

"Baudot" means a seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.

"Call release" means a Telecommunications Relay Service (TRS) feature that

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

allows the Communications Assistant (CA) to sign-off or be "released" from the telephone line after the CA has set up a telephone call between the originating text telephone (TTY) caller and a called TTY party, such as when a TTY user must go through a TRS facility to contact another TTY user because the called TTY party can only be reached through a voice-only interface, such as a switchboard.

"Communications Assistant" or "CA" means a person who transliterates or interprets conversations between two or more end users of TRS. CA supersedes the term "TRS operator".

"Commission" means the Illinois Commerce Commission.

"Disability" refers to a condition of being permanently hearing disabled, deaf-blind, speech-disabled, hearing-sight disabled, or speech-sight disabled, as those terms are defined in 83 Ill. Adm. Code 755.10.

"FCC" means Federal Communications Commission.

"Hearing carry over" or "HCO" means a form of TRS ~~in which~~^{where} the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. Two-line HCO is an HCO service that allows TRS users to use one telephone line for hearing and the other for sending TTY messages. HCO-to-TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay conversation to take place between two HCO users.

"Illinois Telecommunications Access Corporation" or "ITAC" means the not-for-profit corporation jointly established by the Illinois telecommunications carriers providing local exchange service in order to administer the programs mandated by Section 13-703 of the Act ~~[220 ILCS 5/13-703]~~ on behalf of the carriers.

"Interconnected Voice over Internet Protocol Provider" or "Interconnected VoIP Provider" has the same meaning as defined in Section 13-235 of the Act. For purposes of this Part, Interconnected VoIP providers are limited to those providers subject to Section 13-401.1 of the Act.

"Interexchange carrier" or "IXC" means a telecommunications carrier providing interexchange service as defined in Section 13-205 of the Act.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Non-English language relay service" means a telecommunications relay service that allows persons with hearing or speech disabilities who use languages other than English to communicate with voice telephone users in a shared language other than English, through a CA who is fluent in that language.

"Public Safety Answering Point" or "PSAP" means a facility that has been designated to receive 9-1-1 calls and route them to emergency services personnel.

"Qualified interpreter" means an interpreter who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary.

"Relay system" means the configuration, provision and operation of the facilities, equipment and personnel through which the telecommunications carriers shall provide relay service.

"Speech-to-speech relay service" or "STS" means a telecommunications relay service that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.

"Speed dialing" means a TRS feature that allows a TRS user to place a call using a stored number maintained by the TRS facility. In the context of TRS, speed dialing allows a TRS user to give the CA a "short-hand" name or number for the user's most frequently called telephone numbers.

"SS7" or "Signaling System 7" means a carrier to carrier out-of-band signaling network used for call routing, billing and management. SS7 provides for the delivery of Caller ID, improves access to 9-1-1, and eliminates the need to collect some information currently collected manually through caller profiles.

"Staff Liaison" means the Staff Liaison established by 83 Ill. Adm. Code 755.400.

"System provider" means that corporation, organization, coalition or entity who, under contract to the ITAC, provides the relay system through which the telecommunications carriers shall provide relay service.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Telecommunications carrier" or "carrier" has the same meaning as in Section 13-202 of the Act that is providing local exchange telecommunications service as defined in Section 13-204 of the Act. For purposes of this Part, "telecommunications carrier" or "carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.

"Telecommunications relay service " or "TRS" or "relay service" means telephone transmission services that provide the ability for an individual with a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. This term includes services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device, speech-to-speech services, non-English language relay service, and video relay service. TRS supersedes the terms "dual party relay system", "message relay services" and "TDD Relay".

"Text telephone" or "TTY" means a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY supersedes the term "TDD" or "telecommunications device for the deaf" and "TT".

"Three-way calling" means a TRS feature that allows more than two parties to be on the telephone line at the same time with the CA.

"Transliterate" means to verbally express a message received by TTY or to send by TTY a verbal message received.

"Video relay service" or "VRS" means a telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.

"Voice carry over" or "VCO" means a form of TRS in which the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation. Two-line VCO is a VCO service that allows TRS users to use

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY TRS call allows a relay conversation to take place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users.

"Wireless carrier" has the meaning given to that term in Section 10 of the Wireless Emergency Telephone Safety Act [50 ILCS 751].

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART B: TELECOMMUNICATIONS CARRIER OBLIGATIONS

Section 756.105 Relay Service Execution and Administration

Each telecommunications carrier shall:

- a) Fund the relay service in part through tariffed charges or charges included in a written service offering on its website to relay service users as provided in Section 756.125(a). The telecommunications carriers shall derive the balance of the relay service funding requirements from the revenues collected as authorized by the Commission pursuant to Section 13-703(c) and (f) of the Act;
- b) Jointly administer the relay service through the ITAC, on behalf of the carriers;
- c) Direct the ITAC, on behalf of the carriers, to develop and circulate, pursuant to the requirements of Section 756.115, a Request-for-Proposal (RFP) for the provision of the relay system;
- d) Direct the ITAC, on behalf of the carriers, to establish a system provider selection procedure pursuant to the requirements of Section 756.115;
- e) Direct the ITAC, on behalf of the carriers, to contract, pursuant to Section 756.120, with a system provider for the provision of the relay system;
- f) Bill and collect charges for relay-assisted calls pursuant to the requirements of Sections 756.125(a) and 756.220; and
- g) Retain individual and collective responsibility for ensuring the provision and maintenance of the relay service consistent with the standards set forth in this

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Part.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 756.110 Publicity Concerning Relay Service

- a) Telecommunications carriers or ITAC, on their behalf, shall publicize the relay service to increase awareness of the availability and use of all forms of TRS offered in Illinois. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are hard of hearing or speech disabled and senior citizens, as well as members of the general population. Publicity shall include, at a minimum:
- 1) Annual bill inserts and notices published in the directories;
 - 2) Placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories; and
 - ~~3) Notification, at least annually, to conventional news media such as daily, weekly, or monthly newspapers or magazines, television or radio stations, electronic media, or other cost-effective means of communication;~~
 - ~~4) Written notification, at least annually, to organizations and to newsletters serving individuals with disabilities. Organizations and newsletters wishing to receive such notification must contact the telecommunications carriers through ITAC and place themselves on a relay service information service list;~~
 - ~~5) Written notification to designated offices of the social service agencies, as provided in 83 Ill. Adm. Code 755.110(b)(3); and~~
 - 36) Ongoing education and outreach programs that publicize the availability of ~~7-1-1 access to~~ TRS in a manner reasonably designed to reach the largest number of consumers in a cost-effective manner possible.
- b) Relay service information publicized by the telecommunications carriers or ITAC, on their behalf, shall include the items listed in this subsection. Each publication shall include all items whenever feasible and consistent with the purpose of the

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

publicity.

- 1) Relay service access numbers;
- 2) A description of the relay service functions offered, which shall include, at a minimum, those prescribed in Section 756.100;
- 3) Statements of the full time availability of relay service; and
- 4) Statements advising that for the quickest response, TTY users should directly contact their local 9-1-1 service in emergency situations, or appropriate local emergency agencies in areas where 9-1-1 is not in service, instead of employing the relay service to complete emergency calls, and explaining the process defined in Section 756.205(e).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 756.125 Filing Requirements

In addition to the filing requirements prescribed in other Sections of this Part, the following filing requirements shall apply:

- a) Each telecommunications carrier shall file a tariff or include a written service offering on its website:
 - 1) Providing a description of the relay service functions offered, that shall include, at a minimum, those mandated in Section 756.100; and
 - 2) Setting forth the basis for rates that shall be charged for relay-assisted calls.
 - A) Local TRS payphone calls shall be free.
 - B) TRS users shall not be charged for local calls placed or received through the relay system. For calls other than local calls, TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to thosesueh factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- C) Any discounts ~~that~~which would apply to a direct call between the originating and terminating points on the same day, time and duration of the relay-assisted call, shall be applied to the charges billed for the relay-assisted call.
- D) Access via the 7-1-1 dialing code to all relay services shall be toll free.
- b) Each IXC shall file a tariff or include a written service offering on its website setting forth the basis for rates ~~that~~which shall be charged for relay-assisted calls ~~that~~which originate and terminate in different exchanges and ~~that~~which if dialed directly without intervention by the relay service, would have been transmitted by an IXC.
- 1) TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.
 - 2) Access via the 7-1-1 dialing code to all relay services shall be toll free.
 - 3) Any discounts that would apply to a direct call between the originating and terminating points on the same day, time and duration of the relay-assisted call shall be applied to the charges billed for the relay-assisted call.
- c) The ITAC, on behalf of the carriers, shall file an annual report with the Commission (to be filed no later than April 30 of each year) that shall contain the following information:
- 1) Updates on administration procedures for the relay service;
 - 2) A description of program activities of the past year;
 - 3) A description and brief evaluation of program effectiveness; and
 - 4) As an appendix, the annual report provided by the system provider to the ITAC per the requirement of Section 756.215.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

Section 756.200 Relay Service General Quality Standards

Service provided under this Part shall conform to 83 Ill. Adm. Code 730 or 737, as applicable, unless specifically indicated otherwise in this Part. In addition, no rule in this Part is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to persons with disabilities.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 756.225 Relay Service Revenues

- a) Each telecommunications carrier shall remit to ITAC the revenues collected each month pursuant to Section 13-703(c) of the Act. Each Interconnected VoIP provider and each wireless carrier shall remit to ITAC the revenues collected each month pursuant to Section 13-703(f) of the Act. The Commission will remit to ITAC amounts available to the Commission for distribution to ITAC pursuant to Section 13-703(f).
- b) From those revenues ITAC, on behalf of the carriers, shall pay the system provider for any fees or charges due under the contract specified in Section 756.120.
- e) ~~The relay system provider shall credit ITAC monthly in an amount equal to the intrastate TRS toll revenues billed by the relay system provider. This credit will not include intrastate toll calls processed through any carrier of choice other than the system provider.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART D: OVERSIGHT AND REVIEW

Section 756.305 Advisory Council Rights

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- a) ~~The~~ ITAC and the telecommunications carrier shall serve ~~notice~~~~one copy~~ of all filings, reports, or other information pertaining to the relay service provided to the Commission on the chairperson of the Advisory Council.
- b) Upon the receipt of complaints concerning the relay service, the system provider, ITAC or the telecommunications carrier staff shall inform the complainant that if the complainant remains dissatisfied in the complainant's dispute, the complainant may contact the Advisory Council. The system provider, ITAC, or the telecommunications carrier staff shall provide the complainant with the name, telephone number and business address of designated members of the Advisory Council and inform the recipient that the Advisory Council may be able to aid the complainant in the complainant's dispute.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Interconnection
- 2) Code Citation: 83 Ill. Adm. Code 790
- 3) Section Number: 790.350 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Sections 8-501, 8-502, 8-503, 8-504, 8-506, 13-505.1, 13-505.5 and 13-512 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-501, 8-502, 8-503, 8-504, 8-506, 13-505.1, 13-505.5, 13-512, and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment is a product of the biennial review of telecommunications-related rules that the Commission is required to undertake pursuant to Section 13-512 of the Public Utilities Act (220 ILCS 5/13-512). The proposed amendment would modify reporting obligations contained in Section 790.350. Under the amendment, local exchange carriers would provide interconnection information upon the request of the Commission rather than on a regular annual basis, and information in a report would be treated as confidential and proprietary for five years, eliminating the need for a separate order by the Commission granting that protection.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 16-0337 with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping and filing procedures
 - C) Types of professional skills necessary for compliance: Managerial and accounting skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

790.415	Special Access and Private Line Interconnection – Standards for Interconnection Arrangements
790.420	Special Access and Private Line Interconnection – Pricing and Rate Structure Issues
790.430	Switched Transport Interconnection – Availability of Expanded Interconnection
790.435	Switched Transport Interconnection – Standards for Expanded Interconnection Arrangements
790.440	Switched Transport Interconnection – Pricing and Rate Structure Issues
790.445	Implementation of Switched Transport Interconnection
790.450	Reporting Requirements under Subpart D

AUTHORITY: Implementing Sections 8-501, 8-502, 8-503, 8-504, 8-506, 13-505.1, 13-505.5 and 13-512 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-501, 8-502, 8-503, 8-504, 8-506, 13-505.1, 13-505.5, 13-512, and 10-101].

SOURCE: Adopted at 18 Ill. Reg. 6147, effective May 1, 1994; amended at 19 Ill. Reg. 14779, effective November 1, 1995; old Part repealed and new Part adopted at 27 Ill. Reg. 6179, effective May 01, 2003; amended at 40 Ill. Reg. _____, effective _____.

SUBPART C: OBLIGATIONS OF INCUMBENT LOCAL EXCHANGE CARRIERS

Section 790.350 Reporting Requirements under Subpart C

- a) Each ILEC shall, upon request of the Commission, file a report with the Commission ~~on March 1 of every year~~ providing the following information as known on December 31 of the previous year:
- 1) The telecommunications carriers that are collocated and interconnected at ILEC premises, and the collocators that have purchased unbundled network elements;
 - 2) The general location in the ILEC's network (as identified as a central office, adjacent space, or a remote location) at which point each interconnection occurs;
 - 3) The specific unbundled network elements purchased by each particular telecommunications carrier and the total quantity of each unbundled network element that has been purchased by the telecommunications carrier;

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 4) With respect to telecommunications carriers that have been refused interconnection and collocation, and the telecommunications carriers that have been refused unbundled network elements, the reason for refusal and the premises relating to the refusal.
- b) For purposes of collocation, each ILEC that has received a request for collocation must maintain a publicly available document, posted on the ILEC's publicly available website, that indicates all premises that are filled to capacity. If the Commission determines that a premises no longer has available collocation space, the ILEC must update such document within ten days after the date of the Commission's determination. Correspondingly, if a previously-filled premises were to subsequently have space available, the ILEC must update the document within ten days after the date that a premises has open collocation space.
- c) Information included in each report filed by each ILEC pursuant to subsection (a) shall be marked confidential by the ILEC and shall be treated as proprietary and exempt from public disclosure and will be accessible only by the Commission and Commission Staff for a period of five years following the date the report is filed.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Provisions for Radiation Protection
- 2) Code Citation: 32 Ill. Adm. Code 310
- 3) Section Number: 310.20 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 11]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking amends the definition of "unrefined and unprocessed ore" as required for compatibility, category B, with the U.S. Nuclear Regulatory Commission's (USNRC) changes to 10 CFR 40.4 pursuant to RATS ID 2013-2 (78 FR 32310, published May 29, 2013).

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is EXEMPT from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations or orders as necessary and appropriate for authorization or maintenance of the program. The USNRC has reviewed the proposed amendment and has provided comments to the Agency. Changes based on USNRC's review have been incorporated where necessary. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State, or at a date required or authorized by the relevant federal laws, regulations or orders as stated in the notice of the rulemaking, and shall be published in the Illinois Register.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No, this rule is being amended solely on the basis of compatibility with the USNRC's changes to 10 CFR Part 40.4 pursuant to RATS ID #2013-2 (78 FR 32310, published May 29, 2013).
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking is not expected to require local governments to establish, expand or modify their 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 rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/785-9860
fax: 217/524-3698
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 310

GENERAL PROVISIONS FOR RADIATION PROTECTION

Section

310.10	Scope
310.15	Incorporations by Reference
310.20	Definitions
310.30	Exemptions
310.40	Records
310.50	Inspections
310.60	Tests
310.70	Additional Requirements
310.74	Cost Assessment
310.75	Emergency Response Cost Recovery
310.78	Deliberate Misconduct
310.80	Violations
310.81	Policy for Assessment of Civil Penalties
310.82	Procedures for Assessment of Civil Penalties
310.90	Impounding
310.100	Prohibited Uses
310.110	Communications
310.120	Plans and Specifications
310.130	The International System of Units (SI) (Repealed)
310.140	Units of Exposure and Radiation Dose
310.150	Units of Activity
310.APPENDIX A	Transport Grouping of Radionuclides (Repealed)
310.APPENDIX B	Tests for Special Form Licensed Material (Repealed)
310.APPENDIX C	Penalty Assessment Worksheet (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Reg. 15657; amended at 10 Ill. Reg. 17259, effective September 25, 1986; amended at 15 Ill. Reg. 10604, effective July 15, 1991; amended at 17 Ill. Reg. 18472, effective January 1, 1994; amended at 20 Ill. Reg. 15978, effective December 9, 1996; amended at 23 Ill. Reg. 14454, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20748, effective December 16, 2005; amended at 31 Ill. Reg. 11573, effective July 26, 2007; amended at 35 Ill. Reg. 2908, effective February 7, 2011; amended at 38 Ill. Reg. 21428, effective October 31, 2014; amended at 40 Ill. Reg. _____, effective _____.

Section 310.20 Definitions

As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the following terms have the definitions set forth in this Section. Additional definitions used only in a certain Part will be found in that Part.

"Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

"Accelerator" or "particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV).

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Act" means the Radiation Protection Act of 1990 [420 ILCS 40].

"Activity" means the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the ~~becquerel~~Bequerel (Bq) and the curie (Ci).

"Adult" means an individual 18 or more years of age.

"Agency" means the Illinois Emergency Management Agency.

"Agreement State" means any state with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954, as amended

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

(42 USC 2021(b) et seq.).

"Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors or gases.

"Airborne radioactivity area" means any room, enclosure or operating area in which airborne radioactive material, composed wholly or partly of licensed material, exists in concentrations:

in excess of the derived air concentrations (DACs) specified in appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007, exclusive of subsequent amendments or editions; or

to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

"Annually" means at intervals not to exceed 1 year or once per year, at about the same time each year (plus or minus 1 month).

"As low as is reasonably achievable" or "ALARA" means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Background radiation" means radiation from cosmic sources, naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material) and global fallout as it exists in the environment from the testing of nuclear explosive devices, or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. Background radiation does not include radiation from radioactive materials regulated by the Agency.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Becquerel" or "Bq" means the SI unit of activity. One becquerel (~~Bq~~) is equal to 1 disintegration (transformation) per second (dps or tps).

"Bioassay" or "radiobioassay" means the determination of kinds, quantities or concentrations and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

"Brachytherapy" means a method of radiation therapy in which sealed sources are used to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, intraluminal or interstitial application.

"Brachytherapy source" means a radioactive source, a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

"By-product material" means:

any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material;

the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes;

any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity;

any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

commercial, medical, or research activity before, on, or after August 8, 2005, and which the U.S. Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate ~~federal~~ agency, determines would pose a threat to the public health and safety or the common defense and security similar to the threat posed by a discrete source or radium-226. [420 ILCS 40/4(a-5)]

"Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him for determining calendar quarters except at the beginning of a year.

"Calibration" means the determination of:

the response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or

the strength of a source of radiation relative to a standard.

"CFR" means Code of Federal Regulations.

"Chelating agent" means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carboic acid, and glucinic acid).

"Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

"Commencement of construction" means, except as specified in 32 Ill. Adm. Code 601.20, taking any action defined as "construction" or any other activity at the site of a facility subject to this Part that has a reasonable nexus to radiological health and safety.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Committed dose equivalent" or " $H_{T,50}$ " means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

"Committed effective dose equivalent" or $H_{E,50}$ means the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \sum w_T H_{T,50}$).

"Construction" means the installation of foundations or in-place assembly, erection, fabrication or testing for any structure, system, or component of a facility or activity subject to this Part that is related to radiological safety or security. The term "construction" does not include:

changes for temporary use of the land for public recreational purposes;

site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;

preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion control and other environmental mitigation measures, and construction of temporary roads and borrow areas;

erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this Part;

excavation;

erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility;

building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities and transmission lines);

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or

taking any other action that has no reasonable nexus to radiological health and safety.

"Critical group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

"Curie" or "Ci" means a unit of quantity of radioactivity. One ~~curie~~ Curie (Ci) is that quantity of radioactive material ~~that~~which decays at the rate of 3.7×10^{10} disintegrations (transformations) per second (dps or tps).

"Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of property for unrestricted use and termination of the license.

"Declared pregnant woman" means any woman who has voluntarily informed the licensee or registrant, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

"Dedicated check source" means a radioactive source that is used to assure the constant operation of a radiation detection or measurement device over several months or years.

"Deep dose equivalent" or " H_d " means the dose equivalent at a tissue depth of 1 centimeter (1000 milligrams per square centimeter) from external whole-body exposure.

"Densitometer" means a device that is used to provide a quantitative measurement of the optical density of x-ray film to determine the response of the film to exposure and development.

"Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Director" means the Director of the Illinois Emergency Management Agency.

"Discrete source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical or research activities.

"Distinguishable from background" means the detectable radioactivity is statistically different from background in the vicinity of the site, or, in the case of structures, in similar materials using adequate measurement technology, survey and statistical techniques.

"Dose" or "radiation dose" means either absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent or total effective dose equivalent.

"Dose equivalent" or " H_T " means the product of the absorbed dose in tissue, quality factor and all other necessary modifying factors (e.g., a distribution factor for ~~nonuniform~~~~non-uniform~~ deposition) at the location of interest. The units of dose equivalent are the sievert (Sv) and the rem.

"Dose limits" or "limits" means the permissible upper bounds of radiation doses established by, or in accordance with, 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to ~~those~~~~such~~ devices.

"Effective dose equivalent" or " H_E " means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (W_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \sum W_T H_T$).

"Embryo/fetus" means the developing human organism from conception until the time of birth.

"Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

permit human entry, irrespective of their intended use.

"Exposure" means:

the quotient of dQ divided by dm where " dQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " dm " are completely stopped in air. (See Section 310.140 for SI unit coulomb per kilogram (C/kg) and the special unit roentgen (R).); or

irradiation by ionizing radiation or radioactive material.

AGENCY NOTE: The context makes clear which is the appropriate definition.

"Exposure rate" means the exposure per unit of time, such as roentgen per minute (R/min) and milliroentgen per hour (mR/h).

"External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

"Extremity" means a hand, elbow, arm below the elbow, foot, knee and leg below the knee.

"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

"Gray" or "Gy" means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (J/kg) (100 rad).

"Healing arts" means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases or infirmities, and has the same meaning as "medicine" when the latter term is used in its comprehensive sense.

"High radiation area" means any area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

"Human use" means the internal or external administration of radiation or radioactive materials to human beings.

"Individual" means any human being.

"Individual monitoring" means the assessment of:

Dose equivalent by the use of individual monitoring devices or by the use of survey data; or

Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed (i.e., DAC-hours). (For the definition of DAC-hours, see 32 Ill. Adm. Code 340.30.)

"Individual monitoring devices" (personnel dosimeter or dosimeter) means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring devices are film badges, thermoluminescence dosimeters (TLDs), optically stimulated luminescence dosimeters (OSLs), pocket ionization chambers, personal air sampling devices and electronic dosimeters (e.g., silicon diode dosimeters).

"Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Agency.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

"Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

"License" means any license issued by the Agency in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Licensed material" means radioactive material received, possessed, used, transferred or disposed of under a general or specific license issued by the Agency.

"Licensee" means any person who is licensed by the Agency in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensing State" means any state ~~that~~^{which} has been provisionally or finally designated as such by the Conference of Radiation Control Program Directors, Inc., which reviews state regulations to establish equivalency with the Suggested State Regulations and ascertains whether a state has an effective program for control of naturally occurring or accelerator-produced radioactive material (NARM). The Conference will designate as licensing states those states with regulations for control of radiation relating to, and an effective program for the regulatory control of, NARM.

"Lost or missing source of radiation" means any licensed or registered source of radiation whose location is unknown. This definition includes, but is not limited to, radioactive material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

"Major processor" means a person, other than medical programs, universities, industrial radiography services, or wireline service operations, who is licensed to process, handle, or manufacture radioactive material as unsealed sources in quantities exceeding the quantities specified in appendix C to 10 CFR 20, published at 60 Fed. Reg. 20186, April 25, 1995, exclusive of subsequent amendments or editions, by a factor of at least 10^3 , or radioactive material as sealed sources in quantities exceeding the quantities specified in appendix C to 10 CFR 20 by a factor of at least 10^{10} .

"Member of the public" means any individual, except an individual who is performing assigned duties for the licensee or registrant involving exposure to sources of radiation.

"Minor" means an individual less than 18 years of age.

"Monitoring" or "radiation monitoring" or "radiation protection monitoring" means the measurement of radiation, radioactive material concentrations, surface

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

"NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include byproduct, source or special nuclear material.

"Natural radioactivity" means radioactivity of naturally occurring nuclides.

"Nuclear Regulatory Commission" or "NRC" means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

"Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties for the licensee or registrant involve exposure to sources of radiation. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released as authorized by the Agency, from voluntary participation in medical research programs, or as a member of the public.

"Operator" means an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting the business or activities carried on within a radiation installation. [420 ILCS 40/4(d-7)]

"Package" means the packaging, together with its radioactive contents, as presented for transport.

"Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 32 Ill. Adm. Code 341. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding and devices for cooling or absorbing mechanical shocks. The vehicle, tie down system and auxiliary equipment may be designated as part of the packaging.

"Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV). For purposes of this definition, "accelerator" is an equivalent term.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto. "Person" also includes a federal entity (and its contractors) if the federal entity agrees to be regulated by the State or as otherwise allowed under federal law. [420 ILCS 40/4(e)]

"Personnel monitoring equipment" (see "Individual monitoring devices").

"PET" means positron emission tomography.

"Pharmacist" means an individual licensed by the State pursuant to the Pharmacy Practice Act ~~of 1987~~ [225 ILCS 85] to compound and dispense drugs, prescriptions, and poisons.

"Physician" means an individual licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25] or the Podiatric Medical Practice Act of 1987 [225 ILCS 100], who may use radiation for therapeutic, diagnostic or other medical purposes within the limits of the individual's licensure.

"Positron emission tomography radionuclide production facility" means a facility operating a particle accelerator for the purpose of producing PET radionuclides.

"Protective apron" means any apron made of radiation attenuating materials, at least 0.25 millimeter lead equivalent, that may be used to reduce exposure to radiation.

"Qualified engineering expert" means any person qualified under the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and/or any required combination thereof.

"Quality factor" or "Q" means the modifying factor (listed in Section 310.140, Tables 1 and 2) that is used to derive dose equivalent from absorbed dose.

"Quarterly" means at intervals not to exceed 3 months.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (J/kg) (0.01 Gy).

"Radiation" or "ionizing radiation" means *gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves, or visible infrared or ultraviolet light.* [420 ILCS 40/4(f)]

"Radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in 1 hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

"Radiation dose" (see "Dose").

"Radiation emergency" means *the uncontrolled release of radioactive material from a radiation installation which poses a potential threat to the public health, welfare and safety.* [420 ILCS 40/4(f-5)]

"Radiation Installation" *is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed or used for any purpose* [420 ILCS 40/4(g)], except ~~when the~~~~where such~~ radioactive materials or facility are subject to regulation by the NRC.

"Radiation machine" means *any device that produces radiation when in use* [420 ILCS 40/4(h)], except those that produce radiation only from radioactive materials.

"Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned that responsibility by the licensee or registrant.

"Radioactive material" means *any solid, liquid, or gaseous substance which emits radiation spontaneously.* [420 ILCS 40/4(i)] It includes material defined as "byproduct material" in the Act.

"Radioactivity" means the disintegration (transformation) of unstable atomic

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

nuclei by the emission of radiation.

"Radiobioassay" (see "Bioassay").

"Registrant" means any person who is registered with the Agency and is legally obligated to register with the Agency pursuant to the Radiation Protection Act of 1990 [420 ILCS 40] and 32 Ill. Adm. Code 320.10.

"Registration" means registration with the Agency in accordance with 32 Ill. Adm. Code 320.10.

"Regulations of the U.S. Department of Transportation" or "regulations of USDOT" means the regulations in 49 CFR 100-189, revised [November 14, 2014](#)~~October 1, 2008~~, exclusive of subsequent amendments or editions.

"Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

"Research and development" means:

theoretical analysis, exploration, or experimentation; or

the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Residual radioactivity" means radioactivity in structures, materials, soils, groundwater and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of 32 Ill. Adm. Code 340 or the equivalent provisions of 10 CFR 20.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Restricted area" means any area access to which is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to sources of radiation. Restricted area shall not include areas used for residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

"Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58×10^{-4} coulombs per kilogram (C/kg). (See "Exposure" and Section 310.140.)

"Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material.

"Sealed source and device registry" means the national registry that contains all the registration certificates generated by the Agency, U.S. Nuclear Regulatory Commission or an Agreement State that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.

"Sensitometer" means a device that is used to test the setup and stability of film processing procedures and equipment by providing a standard pattern of light exposure of x-ray film.

"Shallow dose equivalent" or " H_s ", which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 milligrams per square centimeter).

"SI" means the abbreviation for the International System of Units.

"Sievert" or "Sv" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in ~~grays~~ multiplied by the quality factor (1 Sv = 100 rem).

"Source material" means:

uranium or thorium, or any combination thereof, in any physical or chemical form; or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

ores that contain by weight ~~one twentieth of one percent~~ (0.05 percent) or more of uranium, thorium or any combination thereof.

Source material does not include special nuclear material.

"Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

"Special form radioactive material" means radioactive material that satisfies the following conditions:

It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

The piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and

It satisfies the test requirements specified in 10 CFR 71.75 and 71.77, published at 60 Fed. Reg. 50264, September 28, 1995, exclusive of subsequent amendments or editions, except that special form radioactive material designed or constructed prior to July 1, 1985 need only meet the requirements of 10 CFR 71.75 and 71.77 in effect on June 30, 1983.

"Special nuclear material" means:

plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Agency declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or

any material artificially enriched by any of the foregoing, but does not include source material. [420 ILCS 40/4(1)]

"Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; U-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them, except source material, in accordance with the following formula: For each kind

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified ~~in this definition~~^{above} for the same kind of special nuclear material. The sum of ~~these~~ ratios for all of the kinds of special nuclear material in combination shall not exceed one. For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

"Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. Such an evaluation includes, but is not limited to, measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.

"Test" means the process of verifying compliance with an applicable regulation.

"Total effective dose equivalent" or "TEDE" means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

"Total organ dose equivalent" or "TODE" means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in 32 Ill. Adm. Code 340.1160(a)(6).

"Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting ~~or~~, beneficiating, ~~or~~ any refining. Processing does not include sieving or encapsulation of ore or preparation of samples for laboratory analysis.

"Unrestricted area" means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters. AGENCY NOTE: Licensees or registrants may control access to certain areas for purposes other than radiation protection, but such action does not affect whether the areas are unrestricted areas as defined in this Part.

"Uranium fuel cycle" means the operations of milling of uranium ore, chemical

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel and reprocessing of spent uranium fuel to the extent that these activities directly support the production of electrical power for public use. Uranium fuel cycle does not include mining operations, operations at waste disposal sites, transportation of radioactive material in support of these operations and the reuse of recovered non-uranium special nuclear and byproduct materials from the cycle.

"U.S. Department of Energy" means the agency created by the Department of Energy Organization Act (established by P.L. 95-91, 91 Stat. 565, 42 USC 7101 et seq.), to the extent that the Department of Energy, or its duly authorized representatives, exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (P.L. 93-438, 88 Stat. 1233 at 1237, 42 USC 5814) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (P.L. 95-91, 91 Stat. 565 at 577-578, 42 USC 7151).

"Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in 1 hour at 1 meter from a radiation source or 1 meter from any surface that the radiation penetrates.

AGENCY NOTE: For very high doses received at high dose rates, units of absorbed dose (e.g., gray and rad) are appropriate rather than units of dose equivalent (e.g., sievert and rem).

"Waste" means those low-level radioactive wastes containing source, special nuclear or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in Section 4(a-5)(2) of the Act.

"Waste handling licensee" means a person licensed by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to receive radioactive

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

wastes for storage or treatment, or both storage and treatment, prior to disposal as well as any person licensed to receive radioactive waste for disposal away from the point of generation.

"Week" means 7 consecutive days starting on Sunday.

"Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow or legs above the knee.

"Worker" means any individual engaged in work under a license or registration issued by the Agency and controlled by a licensee or registrant, but does not include the licensee or registrant.

"Working level" or "WL" means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are for:

radon-222: polonium-218, lead-214, bismuth-214 and polonium-214; and
~~for~~

radon-220: polonium-216, lead-212, bismuth-212 and polonium-212.

"Working level month" or "WLM" means an exposure to 1 working level (WL) for 170 hours. (2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month.)

"Year" means the period of time beginning in January used to determine compliance with the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the decision to make the change is made not later than December 31 of the previous year. If a licensee or registrant changes a year, the licensee or registrant shall assure that no day is omitted or duplicated in consecutive years.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
330.30	Amendment
330.210	Amendment
330.280	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 11]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments establish new requirements for distributors of source material to persons exempt from the regulations or for use under a general license. In addition, the proposed amendments reduce certain possession limits and modify use requirements for general licensees to align the requirements with current health and safety standards. Finally, the proposed amendment revise, clarify or delete certain exemptions to make the exemptions more current with today's market and more risk informed. These changes will affect manufacturers and distributors of products and materials containing source material and future users of some products used under exemptions from licensing and under a general license. The products include certain glass lenses, heat resistant ceramics, ceramic tableware, certain halide lamps, counterweights and certain metals.

These proposed amendments are required for compatibility, category B, C and D with the U.S. Nuclear Regulatory Commission's (USNRC) changes to 10 CFR 40 pursuant to RATS ID 2013-2 (78 FR 32310, published May 29, 2013). The regulations are required to be adopted by the state of Illinois no later than August 27, 2016.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is EXEMPT from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations or orders as necessary and appropriate for authorization or maintenance of the program. The USNRC has reviewed these proposed amendments and has provided comments to the Agency. Changes based on USNRC's review have been incorporated where necessary. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

become effective following the first notice period immediately upon filing for adoption with the Secretary of State, or at a date required or authorized by the relevant federal laws, regulations or orders as stated in the notice of the rulemaking, and shall be published in the *Illinois Register*.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.355:

No, this rule is being amended solely on the basis of compatibility with the USNRC's changes to 10 CFR Part 40 pursuant to RATS ID #2013-2 (78 FR 32310, published May 29, 2013).

- 7) Will this rulemaking replace an emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking is not expected to require local governments to establish, expand or modify their 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 rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860
fax: 217-524-3698

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency does not believe small businesses, small municipalities or not-for-profit corporations will be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Radioactive material licensees will be required to maintain manufacturing records, inventories, contamination control records and records of transfers/disposals of material.
 - C) Types of professional skills necessary for compliance: Generally, these proposed amendments will only affect existing facilities with radiation safety experts on staff. Additional clerical skills are required for accountability and reporting of certain benchmarks.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016 (It was incorrectly labeled under 32 Ill. Adm. Code 310.)

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Renewal Requirements for Specific Licenses
330.325	Termination Requirements for Specific Licenses and Locations of Use

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

330.330	Renewal of Licenses (Repealed)
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. 5789, effective April 16, 2013; amended at 37 Ill. Reg. 7960, effective May 31, 2013; amended at 38 Ill. Reg. 21451, effective October 31, 2014; amended at 39 Ill. Reg. 11905, effective August 17, 2015; amended at 39 Ill. Reg. 15706, effective November 24, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 330.30 License Exemption – Source Material

- a) Any person is exempt from this Part to the extent that ~~thesueh~~ person receives, possesses, uses, owns or transfers source material in any chemical mixture, compound, solution or alloy in which the source material is by weight less than one-twentieth of one percent (0.05 percent) of the mixture, compound, solution or alloy.
- b) Any person is exempt from this Part to the extent that ~~thesueh~~ person receives, possesses, uses or transfers unrefined and unprocessed ore containing source material; provided that, except as authorized in a specific license, ~~thesueh~~ person shall not refine or process ~~thatsueh~~ ore.
- c) Any person is exempt from the requirements for a license set forth in section 62 of the Atomic Energy Act of 1954, as amended, this Part and 32 Ill. Adm. Code 340 and 400~~from this Part~~ to the extent that ~~thesueh~~ person receives, possesses, uses or transfers:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Any quantities of thorium contained in:
 - A) Incandescent gas mantles;
 - B) Vacuum tubes;
 - C) Welding rods;
 - D) Electric lamps for illuminating purposes, provided that each lamp does not contain more than 50 milligrams of thorium;
 - E) Germicidal lamps, sunlamps and lamps for outdoor or industrial lighting, provided that each lamp does not contain more than 2 grams of thorium;
 - F) Rare earth metals and compounds, mixtures and products containing not more than 0.25 percent by weight thorium, uranium or any combination of these; or
 - G) Personnel neutron dosimeters, provided that each dosimeter does not contain more than 50 milligrams of thorium.

- 2) Source material contained in the following products:
 - A) Glazed ceramic tableware, manufactured before August 27, 2016, provided that the glaze contains not more than 20 percent by weight source material;
 - B) Piezoelectric ceramic containing not more than two percent by weight source material;
 - C) Glassware containing not more than two percent by weight source material or, for glassware manufactured before August 27, 2016, not more than ten percent by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass or ceramic used in construction; and
 - D) Glass enamel or glass enamel frit containing not more than ten percent by weight source material imported or ordered for

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983.

- 3) Photographic film, negatives and prints containing uranium or thorium.
- 4) Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed four percent by weight and that this exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of ~~the~~any such product or part.
- 5) Uranium contained in counterweights installed in aircraft, rockets, projectiles and missiles, or stored or handled in connection with installation or removal of ~~those~~such counterweights, provided that:

~~A)~~ ~~The counterweights are manufactured in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or the Atomic Energy Commission authorizing distribution by the licensee pursuant to 10 CFR 40.13(c)(5)(i), as in effect on June 30, 1969, exclusive of subsequent amendments or editions;~~

~~AB)~~ Each counterweight has been impressed with the following legend clearly legible through any plating or other covering:
"DEPLETED URANIUM";

AGENCY NOTE: The requirement specified in subsection (c)(5)(B) ~~above~~ does not need to be met by counterweights manufactured prior to December 31, 1969; provided that ~~the~~such counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend, "CAUTION – RADIOACTIVE MATERIAL – URANIUM", as previously required by 10 CFR 40.13(c)(5)(ii), as in effect on June 30, 1969, exclusive of subsequent amendments or editions.

~~BC)~~ Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement:
"UNAUTHORIZED ALTERATIONS PROHIBITED"; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

AGENCY NOTE: The requirement specified in ~~subsection (c)(5)(A) and (B) do~~ subsection (c)(5)(A) and (B) do ~~not need~~ not need to be met by counterweights manufactured prior to December 31, 1969; provided that ~~thesueh~~ counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend, "CAUTION – RADIOACTIVE MATERIAL – URANIUM", as previously required by 10 CFR 40.13(c)(5)(ii), as in effect on June 30, 1969, exclusive of subsequent amendments or editions.

- ~~(C)~~ This exemption shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or covering.
- 6) Natural or depleted uranium metal used as shielding constituting part of any shipping container, provided that:
- A) The shipping container is conspicuously and legibly impressed with the legend, "CAUTION – RADIOACTIVE SHIELDING – URANIUM"; and
 - B) The uranium metal is encased in mild steel or equally fire resistant metal of minimum wall thickness of 3.2 millimeters (1/8 inch).
- 7) Thorium or uranium contained in or on finished optical lenses and mirrors, provided that each lens or mirror does not contain more than ten percent by weight thorium or uranium or, for lenses manufactured before August 27, 2016, does not contain more than 30 percent by weight of thorium and that this exemption shall not be deemed to authorize either:
- A) The shaping, grinding or polishing of ~~thesueh~~ lens or mirror or manufacturing processes other than the assembly of ~~thesueh~~ lens or mirror into optical systems and devices without any alteration of the lens or mirror; or
 - B) The receipt, possession, use or transfer of uranium or thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 8) ~~Uranium contained in detector heads for use in fire detection units, provided that each detector head contains not more than 185 Bq (5 nCi) of uranium; or~~
- 89) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:
- A) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and
 - B) The thorium content in the nickel-thoria alloy does not exceed four percent by weight.
- 9) No person may initially transfer for sale or distribution a product containing source material to persons exempt under this subsection (c) unless authorized by an NRC license issued under 10 CFR 40.52 to initially transfer such products for sale or distribution.
- A) Persons initially distributing source material in products covered by the exemptions in this subsection (c) before August 27, 2016 without specific authorization may continue distribution for one year beyond this date. Initial distribution may also be continued until NRC takes final action on a pending application for license or license amendment to specifically authorize distribution submitted no later than one year beyond this date.
 - B) Persons authorized to manufacture, process or produce these materials or products containing source material under a specific license issued by the Agency and persons who import finished products or parts, for sale or distribution, must be authorized by an NRC license issued under 10 CFR 40.52 for distribution only and are exempt from the requirements of 10 CFR 19, 20 and 40.32(b) and (c).
- d) The exemptions in subsection (c) ~~above~~ do not authorize the manufacture of any of the products described.
- e) Any licensee is exempt from the requirements of this Part to the extent that its

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

activities are subject to the requirements of 32 Ill. Adm. Code 601, except as specifically provided for in 32 Ill. Adm. Code 601.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART B: TYPES OF LICENSES

Section 330.210 General Licenses – Source Material

- a) A general license is hereby issued authorizing commercial and industrial firms; research, educational and medical institutions; and federal, State and local government agencies to receive, possess, use and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium, for research, development, educational, commercial or operational purposes in the following forms and quantities:
- 1) No more than 1.5 kilograms (3.3 pounds) of uranium and thorium in dispersible forms (e.g., gaseous, liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use and transfer source material under this subsection (a) may not receive more than a total of 7 kilograms (15.4 pounds) of uranium and thorium in any one calendar year. Persons possessing source material in excess of these limits as of August 27, 2016 may continue to possess up to 7 kilograms (15.4 pounds) of uranium and thorium at any one time for one year beyond this date, or until the Agency takes final action on a pending application submitted on or before August 27, 2017, for a specific license for that material and may receive up to 70 kilograms (154 pounds) of uranium or thorium in any one calendar year until December 31, 2017, or until the Agency takes final action on a pending application submitted on or before August 27, 2017, for a specific license for that material; and
 - 2) No more than:
 - A) a total of 7 kilograms (15.4 pounds) of uranium and thorium at any one time. A person authorized to possess, use and transfer source material under this subsection (a)(2)(A) may not receive more than a total of 70 kilogram (154 pounds) of uranium and thorium in any

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

one calendar year. A person may not alter the chemical or physical form of the source material possessed under this subsection (a)(2)(A) unless it is accounted for under the limits of subsection (a)(1); or

B) 7 kilogram (15.4 pounds) of uranium, removed during the treatment of drinking water, at any one time. A person may not remove more than 70 kilogram (154 pounds) of uranium from drinking water during a calendar year under this subsection (a)(2)(B); or

C) 7 kilograms(15.4 pounds) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. A person authorized to possess, use and transfer source material under this subsection (a)(2)(C) may not receive more than a total of 70 kilograms (154 pounds) of source material in any one calendar year. A general license is hereby issued authorizing commercial and industrial firms, research, educational and medical institutions, and State and local government agencies to use, possess and transfer not more than 6.82 kilograms (15 pounds) of source material at any one time for research, development, educational, commercial or operational purposes. A person authorized to use, possess or transfer source material, pursuant to this general license, may not receive more than a total of 68.2 kilograms (150 pounds) of source material in any 1 calendar year.

b) Any person who receives, possesses, uses or transfers source material in accordance with the general license in subsection (a):

1) Is prohibited from administering source material, or the radiation therefrom, either externally or internally, to human beings, except as may be authorized by the Agency in a specific license;

2) Shall not abandon that source material. Source material may be disposed of as follows:

A) A cumulative total of 0.5 kilogram (1.1 pounds) of source material in a solid, nondispersible form may be transferred each calendar

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

year, by a person authorized to receive, possess, use and transfer source material under the general license to persons receiving the material for permanent disposal. The recipient of source material transferred under the provisions of this subsection (b)(2)(A) is exempt from the requirement to obtain a license under this Part to the extent the source material is permanently disposed. This provision does not apply to any person who is in possession of source material under a specific license issued under this Subchapter b; or

B) In accordance with 32 Ill. Adm. Code 340.1010;

- 3) Is subject to the provisions in 32 Ill. Adm. Code 310, 330.310(a) through (c), 330.400, 330.500 and 340.1220(a) through (d);
- 4) Shall respond to written requests from the Agency to provide information relating to the general license within 30 calendar days after the date of the request, or other time specified in the request. If the person cannot provide the requested information within the allotted time, the person shall, within that same time period, request a longer period to supply the information by providing the Agency a written justification for the request; and
- 5) Shall not export such source material except in accordance with 10 CFR 110. ~~Persons who receive, possess, use or transfer source material pursuant to the general license issued in subsection (a) are exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that such receipt, possession, use or transfer is within the terms of such general license; provided, however, that this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this Part.~~

- c) Any person who receives, possesses, uses or transfers source material in accordance with subsection (a) shall conduct activities to minimize contamination of the facility and the environment. When activities involving the source material are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the Agency about that contamination and may consult with the Agency as to the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material remaining at the site where source material was used under the general license is

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

not likely to result in exposures that exceed the limits in Section 330.325(b)(1)(B)(ii).

- d) Any person who receives, possesses, uses or transfers source material in accordance with the general license granted in subsection (a) is exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that the receipt, possession, use and transfer are within the terms of this general license, except that person shall comply with the provisions of Section 330.325(b)(1)(B)(ii) and 32 Ill. Adm. Code 340.1010 to the extent necessary to meet the provisions of subsections (b)(2) and (c) of this Section. However, this exemption does not apply to any person who also holds a specific license issued under this Subchapter b.
- e) No person may initially transfer or distribute source material to persons generally licensed under subsection (a)(1) or (2) unless authorized by a specific license issued in accordance with Section 330.280(o). This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by subsection (a) before August 27, 2016, without specific authorization, may continue for one year beyond that date. Distribution may also be continued until the Agency takes final action on a pending application for license or license amendment to specifically authorize distribution submitted on or before August 27, 2017.
- f) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use or transfer source material.
- g) Depleted Uranium in Industrial Products and Devices
- 1) A general license is hereby issued to receive, acquire, possess, use or transfer, in accordance with this subsection (g)~~the provisions of subsections (d)(2) through (5)~~, depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.
 - 2) The general license in subsection (g)(1) applies only to industrial products or devices ~~that~~which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to Section 330.280(1) ~~of this Part~~ or in

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

accordance with a specific license issued to the manufacturer by ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State that authorizes manufacture of the products or devices for distribution to persons generally licensed by ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State.

- 3) Persons who receive, acquire, possess or use depleted uranium pursuant to the general license established by subsection (g~~d~~)(1) shall:
 - A) File the form, "Registration Certificate – Use of Depleted Uranium Under General License," with the ~~Agency~~Department. The form shall be submitted within 30 days after the first receipt or acquisition of ~~such~~ depleted uranium. The registrant shall furnish ~~the following information~~ on the form "~~Registration Certificate – Use of Depleted Uranium Under General License~~," ~~the following information~~:
 - i) Name and address of the registrant;
 - ii) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in subsection (g~~d~~)(1) and designed to prevent transfer of ~~the~~such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and
 - iii) Name and/or title, address and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in subsection (g~~d~~)(3)(A)(ii).
 - B) Report in writing to the Agency any changes in information furnished by the registrant in the form, "~~Registration Certificate – Use of Depleted Uranium Under General License~~." The report shall be submitted within 30 days after the effective date of ~~the~~such change.
- 4) A person who receives, acquires, possesses or uses depleted uranium pursuant to the general license established by subsection (g~~d~~)(1):

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) Shall not introduce ~~thesuch~~ depleted uranium, in any form, into a chemical, physical or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;
- B) Shall not abandon ~~thesuch~~ depleted uranium;
- C) Shall transfer or dispose of ~~thesuch~~ depleted uranium only ~~by transfer~~ in accordance with ~~the provisions of~~ Section 330.400 ~~of this Part~~. ~~WhenIn the case where~~ the transferee receives the depleted uranium pursuant to the general license established by subsection (~~gd~~)(1), the transferor shall furnish the transferee a copy of this Part and a copy of the form, "Registration Certificate – Use of Depleted Uranium Under General License". ~~WhenIn the case where~~ the transferee receives the depleted uranium pursuant to a general license contained in ~~NRC's the U.S. Nuclear Regulatory Commission's~~ regulation 10 CFR 40.25(a) or Agreement State's regulation equivalent to subsection (~~gd~~)(1), the transferor shall furnish the transferee a copy of this Part and a copy of the form, "~~Registration Certificate – Use of Depleted Uranium Under General License~~", accompanied by a note explaining that use of the product or device is regulated by ~~NRC the U.S. Nuclear Regulatory Commission~~ or ~~an~~ Agreement State under requirements substantially the same as those in this Part;
- D) Within 30 days after any transfer, shall report in writing to the Agency the name and address of the person receiving the depleted uranium ~~through that pursuant to such~~ transfer; and
- E) Shall not export ~~thesuch~~ depleted uranium except in accordance with a license issued by ~~NRC the U.S. Nuclear Regulatory Commission~~ pursuant to 10 CFR 110.
- 5) Any person receiving, acquiring, possessing, using or transferring depleted uranium pursuant to the general license established by subsection (~~gd~~)(1) is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to the depleted uranium covered by that general license.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

- a) Licensing the Introduction of Radioactive Material into Products in Exempt Concentrations
 - 1) In addition to the requirements set forth in Section 330.250, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the radioactive material to persons exempted from this Part pursuant to Section 330.30 or 330.40(a) will be issued if:
 - A) The applicant submits:
 - i) a description of the product or material into which the radioactive material will be introduced;
 - ii) intended use of the radioactive material and the product or material into which it is introduced;
 - iii) method of introduction;
 - iv) initial concentration of the radioactive material in the product or material;
 - v) control methods to assure that no more than the specified concentration is introduced into the product or material;
 - vi) estimated time interval between introduction and transfer of the product or material; and
 - vii) estimated concentration of the radioactive material in the product or material at the time of transfer; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in Appendix A, that reconcentration of the radioactive material in concentrations exceeding those in Appendix A is not likely, that use of lower concentrations is not feasible and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.
- 2) Each person licensed under this subsection (a) is required to maintain records of transfer of material and shall file a report with the Agency that shall identify the following:
- A) Type and quantity of each product or material into which radioactive material has been introduced during the reporting period;
 - B) Name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction;
 - C) The radionuclide, activity and activity assay date of radioactive material introduced into each product or material; and
 - D) The initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee.
- 3) The licensee shall file the report within 30 days after any of the following events:
- A) 5 years have passed since the preceding report was filed; or
 - B) The licensee has:
 - i) Filed an application for renewal of the license under Section 330.320; or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ii) Notified the Agency under Section 330.325(c) that the licensee has ended activities authorized under the license issued under this subsection (a).
 - 4) The report shall cover the period between the filing of the preceding report and an occurrence specified in subsection (a)(3). If no transfers of radioactive material have been made under this subsection (a) during the reporting period, the report shall so indicate.
 - 5) The licensee shall maintain the record of a transfer for a period of one+ year after the event has been included in a report to the Agency.
 - 6) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under Section 330.30 or 330.40(a) or the equivalent regulations of NRCthe U.S. Nuclear Regulatory Commission (10 CFR 30.14) or of an Agreement State, except in accordance with a specific license issued underpursuant to this subsection (a).
- b) Licensing the Distribution of Radioactive Material in Exempt Quantities
- AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington DC 20555.
- c) Licensing the Incorporation of Naturally Occurring and Accelerator-Produced Radioactive Material into Gas and Aerosol Detectors.
- AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington DC 20555.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- d) Licensing the Manufacture and Distribution of Devices to Persons Generally Licensed Under Section 330.220(a).

AGENCY NOTE: Subsection (pe) describes requirements for radioactive material transfer reports and records.

- 1) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Section 330.220(a) or equivalent regulations of NRC or an Agreement State will be approved if:
 - A) The applicant satisfies the general requirements of Section 330.250.
 - B) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions and potential hazards of the device to provide reasonable assurance that:
 - i) The device can be safely operated by persons not having training in radiological protection;
 - ii) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device and it is unlikely that any person will receive in ~~one~~ year a dose in excess of 10 percent of the annual limits specified in 32 Ill. Adm. Code 340.210(a); and
 - iii) Under accident conditions such as fire and explosion associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

Whole body; head and trunk; active blood-forming organs; gonads or lens of eye	150 mSv (15 rem)
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ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Hands and forearms; feet and ankles
or localized areas of skin averaged
over areas no larger than ~~one~~
square centimeter 2 Sv (200 rem)

Other organs 500 mSv (50 rem).

C) Each device bears a durable, legible, clearly visible label or labels approved by the Agency; that ~~contain~~contain in a clearly identified and separate statement:

i) Instructions and precautions necessary to assure safe installation, operation and servicing of the device. Documents such as operating and service manuals may be identified ~~on~~in the label and used to provide this information;

ii) The requirement, or lack of requirement, for testing for leakage or contamination, or for testing any on-off mechanism and indicator, including the maximum time interval for ~~the~~such testing, and the identification of radioactive material by radionuclide, activity and activity assay date; and

iii) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

The receipt, possession, use and transfer of this device, Model____, Serial No.____, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or a ~~state~~State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

OR

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

CAUTION – RADIOACTIVE MATERIAL

Name of Manufacturer or Distributor

AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

- D) Each device having a separable source housing that provides the primary shielding for the source also bears on the source housing a durable label displaying the device model and serial number, the radionuclide and activity, the words "Caution – Radioactive Material", the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A and the name of the manufacturer or distributor.
- E) Each device meeting the criteria of 10 CFR 31.5(c)(13)(i); ~~published at (73 Fed. Reg. 42673, July 23, 2008), exclusive of subsequent amendments or editions~~ bears a permanent (e.g., embossed, etched, stamped or engraved) label affixed to the source housing, if separable, or the device, if the source housing is not separable, that includes the words "Caution – Radioactive Material"; and, if practicable, the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A.
- F) The device has been registered in the Sealed Source and Device Registry in accordance with subsection (m)(2).
- 2) Except as provided in this subsection (d)(2), the interval between tests for proper operation of the on-off mechanism and indicator, if any, shall not exceed ~~six~~6 months. The interval between tests for contamination of the device or for leakage of radioactive material from the device or for both shall not exceed ~~three~~3 months for devices containing sources designed to emit alpha particles and 6 months for all other devices. In the event the applicant desires that the device be required to be tested at ~~longer~~ longer intervals ~~longer than the above~~, the applicant shall include in the application sufficient information to demonstrate that ~~those such~~ longer intervals are justified. The information shall include a description of the performance characteristics of the device or similar devices and of design features that

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

have a significant bearing on the probability or consequences of contamination of the device or leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material or contamination of the device, the Agency will consider information that includes, but is not limited to:

- A) Primary containment or source capsule;
 - B) Protection of primary containment;
 - C) Method of sealing containment;
 - D) Containment construction materials;
 - E) Form of contained radioactive material;
 - F) Maximum temperature withstood during prototype tests;
 - G) Maximum pressure withstood during prototype tests;
 - H) Maximum activity of contained radioactive material;
 - I) Radiotoxicity of contained radioactive material; and
 - J) Operating experience with identical devices or similarly designed and constructed devices.
- 3) In the event the applicant desires that the general licensee under ~~Section~~[subsection](#) 330.220(a), or under equivalent regulations of NRC or an Agreement State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of, or contamination by, radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated annual doses associated with ~~the~~[such](#) activity or activities and bases for ~~the~~[such](#) estimates. The submitted information shall demonstrate that performance of ~~the~~[such](#) activity or activities by an individual untrained in radiological protection, in addition to other

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

handling, storage and use of devices under the general license, is unlikely to cause that individual to receive an annual dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

- 4) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(4) to each person to whom a device is to be transferred for possession and use under the general license in Section 330.220(a). This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to transfer to the intermediate person. The required information is:
 - A) A copy of Section 330.220(a);

AGENCY NOTE: If certain provisions of Section 330.220(a) do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.
 - B) A copy of 32 Ill. Adm. Code 310.40, 330.310 and 340.1210, [340.1220](#) and [340.1260](#);
 - C) A list of the services that may only be performed by a specific licensee;
 - D) Information on acceptable disposal options, including estimated costs of disposal; and
 - E) A statement of the Agency's policy to take escalated enforcement action for improper disposal.
- 5) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(5) to each person to whom a device is to be transferred for possession and use under a general license equivalent to Section 330.220(a) in the regulations of NRC or an Agreement State. This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

user prior to transfer to the intermediate person. The required information is:

- A) A copy of the following regulations of NRC, ~~exclusive of subsequent amendments or editions~~, or the equivalent regulations of an Agreement State. NRC regulations are 10 CFR 31.5, ~~published at~~ (73 Fed. Reg. 42673, July 23, 2008), 10 CFR 31.2, ~~published at~~ (65 Fed. Reg. 79187, December 18, 2000), 10 CFR 30.51, ~~published at~~ (61 Fed. Reg. 24673, May 16, 1996), 10 CFR 20.2201, ~~published at~~ (67 Fed. Reg. 3585, January 25, 2002) and 10 CFR 20.2202, ~~published at~~ (63 Fed. Reg. 39483, July 23, 1998). If NRC regulations are provided to a prospective general licensee in lieu of applicable Agreement State regulations, they shall be accompanied by a note explaining that use of the device is regulated by the Agreement State;

AGENCY NOTE: If certain provisions of the regulations do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

- B) A list of the services that may only be performed by a specific licensee;
- C) Information on acceptable disposal options, including estimated costs of disposal;
- D) A statement of the policies of NRC and most Agreement States to take escalated enforcement action for improper disposal; and
- E) The name or title, address and phone number of the contact at NRC or Agreement State regulatory agency from whom additional information may be obtained.
- 6) A person licensed under this subsection (d) may propose, for approval by the Agency, an alternative method of informing customers.
- 7) Each device transferred after February 19, 2002, shall meet the labeling requirements of subsections (d)(1)(C), (D) and (E).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 8) If a license is to be terminated or if notification of bankruptcy is required by Section 330.310(j), a person licensed under this subsection (d) shall, upon request, provide to the Agency, NRC or an Agreement State the records of final disposition required by subsection ~~(pe)~~(8).
- e) Special Requirements for the Manufacture, Assembly or Repair of Luminous Safety Devices for Use in Aircraft
 - 1) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft, for distribution to persons generally licensed under Section 330.220(b) will be approved if:
 - A) The applicant satisfies the general requirements specified in Section 330.250; and
 - B) The applicant satisfies the requirements of the following regulations of NRC, ~~exclusive of subsequent amendments or editions~~, or their equivalent. The regulations are 10 CFR 32.53, ~~published at~~ (77 Fed. Reg. 43693, July 25, 2012), 10 CFR 32.54, ~~published at~~ (63 Fed. Reg. 39483, July 23, 1998) and 10 CFR 32.55, ~~published at~~ (77 Fed. Reg. 43693, July 25, 2012).
 - 2) Each person licensed under this subsection (e) shall file an annual report with the Agency that shall state the total activity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(b) or equivalent regulations of NRC or an Agreement State. The report shall identify each general licensee by name and address, state the kinds and numbers of luminous devices transferred and specify the activity of tritium or promethium-147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the Agency.
 - 3) Each person licensed under this subsection (e) shall also file an annual report with the Director, Office of Nuclear Material Safety and Safeguards, ATTN: Document Control Desk/GLTS, [U.S. Nuclear](#)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

[Regulatory Commission, Washington DC 20555-0001](#), by an appropriate method listed in 32 Ill. Adm. Code 310.110, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(b). The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed by July 30. If no transfers have been made to persons generally licensed under Section 330.220(b) during the reporting period, the report must so indicate.

- f) Special Requirements for License to Manufacture Calibration Sources Containing Americium-241, Plutonium or Radium-226 for Distribution to Persons Generally Licensed Under Section 330.220(d). An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under Section 330.220(d) will be approved if:
- 1) The applicant satisfies the general requirements of Section 330.250; and
 - 2) The applicant satisfies the requirements of 10 CFR 32.57, ~~published at (77 Fed. Reg. 43693, July 25, 2012)~~ and 10 CFR 70.39, ~~published at (43 Fed. Reg. 6925, February 17, 1978)~~. The applicant shall also certify that it will satisfy, and subsequently satisfies, the requirements of 10 CFR 32.58 and 32.59, ~~published at (77 Fed. Reg. 43694, July 25, 2012)~~, ~~exclusive of subsequent amendments or editions~~.
- g) Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Section 330.220(e), or equivalent regulations of NRC or an Agreement State, will be approved if:
- 1) The applicant satisfies the general requirements specified in Section 330.250.
 - 2) The radioactive material is to be prepared for distribution in prepackaged units of:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) Carbon-14 in units not exceeding 370 kBq (10 μ Ci) each.
 - B) Cobalt-57 in units not exceeding 370 kBq (10 μ Ci) each.
 - C) Hydrogen-3 (tritium) in units not exceeding 1.85 MBq (50 μ Ci) each.
 - D) Iodine-125 in units not exceeding 370 kBq (10 μ Ci) each.
 - E) Mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.
 - F) Iodine-131 in units not exceeding 370 kBq (10 μ Ci) each.
 - G) Iron-59 in units not exceeding 740 kBq (20 μ Ci) each.
 - H) Selenium-75 in units not exceeding 370 kBq (10 μ Ci) each.
- 3) Each prepackaged unit bears a durable, clearly visible label:
- A) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 370 kBq (10 μ Ci) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; 1.85 MBq (50 μ Ci) of hydrogen-3 (tritium); 740 kBq (20 μ Ci) of iron-59; or mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each; and
 - B) Displaying the radiation caution symbol described in 32 Ill. Adm. Code 340.910(a) and the words; "CAUTION – RADIOACTIVE MATERIAL"; and "Not for Internal or External Use in Humans or Animals".
- 4) The following statement, or a statement that contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of ~~NRC the U.S. Nuclear Regulatory Commission~~ or of a state with which ~~NRC the Commission~~ has entered into an agreement for the exercise of regulatory authority.

- 5) The label affixed to the unit, or the leaflet or brochure that accompanies the package, contains information about the precautions to be followed in handling and storing that radioactive material. In the case of the mock iodine-125 reference or calibration source, the manufacturer shall state in the directions that this item shall be disposed of in compliance with 32 Ill. Adm. Code 340.1010(a) or the equivalent regulations of NRC or an Agreement State.
- h) Licensing the Manufacture and Distribution of Ice Detection Devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Section 330.220(f) will be approved if:
 - 1) The applicant satisfies the general requirements of Section 330.250; and
 - 2) The criteria of 10 CFR 32.61 and 32.62, ~~both published at (77 Fed. Reg. 43694, July 25, 2012), exclusive of subsequent amendments or editions,~~ are met.
- i) Manufacture and Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use Under Specific Licenses. An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Section 330.260(a), (b) or (c) for the uses described in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010 will be approved if:
 - 1) The applicant satisfies the general requirements specified in Section 330.250;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) The applicant submits information showing that:
 - A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act (21 USC 301) or the Public Health Service Act (42 USC 201 et seq.); or
 - B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide; chemical and physical form; ~~packaging including~~ maximum activity per vial, syringe, generator or other container of the radioactive drug; and the package and shielding provided by the packaging to show the packaging of the radioactive material that is appropriate for safe handling and storage of radiopharmaceuticals by medical usespecific licensees; and
- 4) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, activity and activity assay date and the label affixed to each package, or the leaflet or brochure ~~that which~~ accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a), (b) or (c) for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010, as appropriate, or under equivalent licenses of NRC or an Agreement State. The labels, leaflets or brochures required by this subsection (i) are in addition to the labeling required by the FDA and may be separate from, or, with the approval of FDA, may be combined with, the labeling required by FDA.
- j) **Manufacture and Distribution of Generators or Reagent Kits for Preparation of Radiopharmaceuticals Containing Radioactive Material**

AGENCY NOTE: Although the Agency does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of those reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have those reagent kits approved by the Agency for use by persons licensed pursuant to Section 330.260(a), (b) or (c) for generators or reagent kits specified in 32 Ill. Adm. Code 335.4010 may submit the pertinent information specified in this subsection (j).

An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to Section 330.260(a), (b) or (c) for the uses specified in 32 Ill. Adm. Code 335.4010 will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250;
- 2) The applicant submits evidence that:
 - A) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or
 - B) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide, chemical and physical form, packaging, including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;
- 4) The label affixed to the generator or reagent kit contains information on the radionuclide, activity and activity assay date; and
- 5) The label affixed to the generator or reagent kit, or the leaflet or brochure that accompanies the generator or reagent kit, contains:
 - A) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) A statement that the generator or reagent kit, as appropriate, is approved for use by persons licensed by the Agency pursuant to Section 330.260(a), (b) or (c) and 32 Ill. Adm. Code 335.4010 or under equivalent licenses of NRC or an Agreement State. The labels, leaflets or brochures required by this subsection (j) are in addition to the labeling required by the FDA and they may be separate from, or, with the approval of FDA, may be combined with, the labeling required by FDA.
- k) Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Section 330.260(a) or (b) for use as a calibration, transmission or reference source in 32 Ill. Adm. Code 335.2040 or for the uses listed in 32 Ill. Adm. Code 335.2140, 335.6010, 335.7010 and 335.8010 will be approved if:
- 1) The applicant satisfies the general requirements in Section 330.250;
 - 2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:
 - A) The radioactive material contained and; its chemical and physical form and activity;
 - B) Details of design and construction of the source or device;
 - C) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;
 - D) For devices containing radioactive material, the radiation profile of a prototype device;
 - E) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- F) Procedures and standards for calibrating sources and devices;
 - G) Legend and methods for labeling sources and devices as to their radioactive content; and
 - H) Instructions for handling and storing sources or devices from the radiation safety standpoint. These instructions shall be included on a durable label attached to each source or device or attached to a permanent storage container for the source or device; provided, that instructions ~~that which~~ are too lengthy for ~~thesuch~~ label may be summarized on the label and printed in detail on a brochure that is referenced on the label;
- 3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, activity and activity assay date, radiation symbol and/or "~~CAUTION – RADIOACTIVE MATERIAL~~~~Caution Radioactive Material~~", serial number, model, manufacturer name or logo, and a statement that the source or device is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a), (b) or (c) and 32 Ill. Adm. Code 335.2040, 335.2140, 335.6010, 335.7010 and 335.8010 or under equivalent licenses of NRC or an Agreement State, provided that the labeling for sources that do not require long-term storage may be on a leaflet or brochure that accompanies the source;
 - 4) In the event the applicant desires that the source or device be required to be tested for leakage of, or contamination by, radioactive material at intervals longer than 6 months, the applicant shall include in the application sufficient information to demonstrate that the longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of radioactive contamination or leakage of radioactive material from the source;
 - 5) In determining the acceptable interval for tests of leakage of, or contamination by, radioactive material, the Agency will consider information that includes, but is not limited to:
 - A) Primary containment or source capsule;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) Protection of primary containment;
 - C) Method of sealing containment;
 - D) Containment construction materials;
 - E) Form of contained radioactive material;
 - F) Maximum temperature withstood during prototype tests;
 - G) Maximum pressure withstood during prototype tests;
 - H) Maximum activity of contained radioactive material;
 - I) Radiotoxicity of contained radioactive material;
 - J) Operating experience with identical sources or devices or similarly designed and constructed sources or devices; and
 - K) Proposed use of source; and
- 6) The source or device has been registered in the Sealed Source and Device Registry in accordance with subsection (m)(2).
- 1) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications. An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Section 330.210(~~gd~~) or equivalent regulations of NRC or an Agreement State will be approved if:
- 1) The applicant satisfies the general requirements specified in Section 330.250.
 - 2) The applicant submits sufficient information relating to the design (including blueprints), manufacture (construction materials and methods), prototype testing (description of testing that will be done and the acceptance criteria), quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

assure that possession, use or transfer of the depleted uranium in the product or device will not cause any individual to receive, in any period of ~~one~~ year, a radiation dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

- 3) The applicant submits information assuring that the presence of depleted uranium for a mass-volume application in the product or device will provide a unique benefit to the public, i.e., a benefit that could not be achieved but for the use of depleted uranium. The applicant's methods for use and handling of the product or device will not result in uncontrolled disposal or dispersal of depleted uranium into the environment.
- 4) The Agency will deny any application for a specific license under this subsection (l) if the end uses of the industrial product or device cannot be reasonably foreseen.
- 5) Each person licensed pursuant to this subsection (l) shall:
 - A) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;
 - B) Label or mark each unit to:
 - i) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium and the activity of depleted uranium in each product or device; and
 - ii) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of NRC or an Agreement State;
 - C) Assure that the depleted uranium, before being installed in each product or device, has been impressed with the following legend, clearly legible through any plating or other covering: "Depleted Uranium";

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- D) Furnish:
- i) A copy of the general license contained in Section 330.210(~~g~~) and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom the licensee transfers depleted uranium in a product or device for use pursuant to the general license contained in Section 330.210(~~g~~); or
 - ii) A copy of the general license contained in NRC's or Agreement State's regulation equivalent to Section 330.210(~~g~~) and a copy of NRC's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Section 330.210(~~g~~) and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom he or she transfers depleted uranium in a product or device for use pursuant to the general license of NRC or an Agreement State, with a note explaining that use of the product or device is regulated by NRC or an Agreement State under requirements substantially the same as those in Section 330.210(~~g~~);
- E) Report to the Agency all transfers of industrial products or devices to persons for use under the general license in Section 330.210(~~g~~). The report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Agency and the general licensee, the type and model number of device transferred, and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which the product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Section 330.210(~~g~~) during the reporting period, the report shall so indicate;
- F) File a report that identifies each general licensee by name and address, an individual by name and/or position who constitutes a

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

point of contact between the Agency and the general licensee, the type and model number of the device transferred, and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which ~~the~~ product or device is transferred to the generally licensed person. The licensee shall report:

- i) To NRC, all transfers of industrial products or devices to persons for use under NRC general license in 10 CFR 40.25;
 - ii) To the responsible state agency, all transfers of devices manufactured and distributed pursuant to this subsection (l) for use under a general license in that state's regulations equivalent to Section 330.210(~~g~~);
 - iii) To NRC, if no transfers have been made by the licensees during the reporting period;
 - iv) To the responsible Agreement State agency, upon the request of that agency, if no transfers have been made to general licensees within a particular Agreement State during the reporting period; and
- G) Keep records showing the name, address and point of contact for each general licensee to whom the licensee transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Section 330.210(~~g~~) or equivalent regulations of NRC or an Agreement State. The records shall be maintained for a period of 2 years and shall show the date of each transfer, the activity of depleted uranium in each product or device transferred, and compliance with the report requirements of this subsection (l).
- m) Special Requirements for License to Manufacture or Initially Distribute Sealed Sources or Devices Containing Sealed Sources
- 1) An application for license to manufacture or initially distribute sealed sources or devices containing sealed sources for initial transfer to persons

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

having a specific license to receive ~~those such~~ sealed sources or devices will be approved subject to the following conditions:

- A) The applicant satisfies the general requirements specified in Section 330.250;
 - B) The licensee subject to this subsection (m) shall not transfer a sealed source or device containing a sealed source to any person, except in accordance with the requirements of Section 330.400.
- 2) Any manufacturer or initial distributor of a sealed source or device containing a sealed source may submit a request to the Agency for evaluation of radiation safety information about its product and for filing an evaluation sheet in the NRC "Registry of Radioactive Sealed Sources and Devices".
 - 3) The request for review of a sealed source or a device must include sufficient information about the design, manufacture, prototype testing, quality control program, labeling, proposed uses and leak testing, and, for a device, the request must also include sufficient information about installation, service and maintenance, operating and safety instructions, and the device's potential hazards to provide reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property.
 - 4) The Agency normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the Agency formulates reasonable standards and criteria with the help of the manufacturer or distributor. The Agency shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property. Other subsections of this Section have specific criteria that apply to certain products.
 - 5) After completion of the evaluation, the Agency issues a certificate of registration to the person making the request. The certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

product, or concerning use under an exemption from licensing or general license, as applicable, for the category of certificate.

- 6) The person submitting the request for evaluation and registration of safety information about the product shall manufacture and distribute the product in accordance with:
 - A) The statements and representations, including quality control program, contained in the request; and
 - B) The provisions of the registration certificate.
- 7) Authority to manufacture or initially distribute a sealed source or device to specific licensees may be provided in the license without the issuance of a certificate of registration in the following cases:
 - A) Calibration and reference sources containing no more than:
 - i) 37 MBq (1 mCi), for beta and/or gamma emitting radionuclides; or
 - ii) 0.37 MBq (10 μ Ci), for alpha emitting radionuclides; or
 - B) The intended recipients are qualified by training and experience, and have sufficient facilities and equipment, to safely use and handle the requested quantity of radioactive material in any form, in the case of unregistered sources, or, for registered sealed sources contained in unregistered devices, are qualified by training and experience, and have sufficient facilities and equipment, to safely use and handle the requested quantity of radioactive material in unshielded form, as specified in their licenses; and
 - i) The intended recipients are licensed under Section 330.270 or comparable provisions of NRC or an Agreement State; or
 - ii) The recipients are authorized for research and development; or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- iii) The sources and devices are to be built to the unique specifications of the particular recipient and contain no more than 740 GBq (20 Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.
- 8) After the certificate is issued, the Agency may conduct an additional review as it determines is necessary to ensure compliance with current regulatory standards. In conducting its review, the Agency will complete its evaluation in accordance with criteria specified in this Section. The Agency may request such additional information as it considers necessary to conduct its review and the certificate holder shall provide the information ~~as~~ requested.
- 9) A certificate holder who no longer manufactures or initially transfers any of the sealed sources or devices covered by a particular certificate issued by the Agency shall request inactivation of the registration certificate. The request must be made to the Agency by an appropriate method listed in 32 Ill. Adm. Code 310.110 and must normally be made no later than two years after initial distribution of all the sources or devices covered by the certificate has ceased. However, if the certificate holder determines that an initial transfer was in fact the last initial transfer more than 2 years after that transfer, the certificate holder shall request inactivation of the certificate within 90 days after this determination and briefly describe the circumstances of the delay.
- 10) If a distribution license is to be terminated in accordance with Section 330.325, the licensee shall request inactivation of its registration certificates associated with that distribution license before the Agency will terminate the license. A request for inactivation of certificates must indicate that the license is being terminated and include the associated specific license number.
- 11) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer the sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- n) Manufacture and Distribution of Radioactive Material for Medical Use Under General License. A specific license authorizing the distribution of radioactive materials for diagnostic medical use by a physician under a general license shall be issued only if the applicant for the specific license satisfies the requirements of Section 330.250 and:
- 1) The applicant submits evidence that the radioactive material is to be manufactured, labeled and packaged in accordance with an approval by the commissioner of Food and Drugs, U.S. Food and Drug Administration, or in accordance with an approval for a biologic product issued by the Secretary, U.S. Department of Health and Human Services; and
 - 2) The following statement, or a statement that contains the information called for in the following statement, appears on the label affixed to the container or appears in the leaflet or brochure that accompanies the package:

This radiopharmaceutical may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of the [NRC U.S. Nuclear Regulatory Commission](#) or of a state with which [NRC the Commission](#) has entered into an agreement for the exercise of regulatory authority.
- o) [Requirements for License to Initially Transfer Source Material for Use Under the "Small Quantities of Source Material" General License](#)
- 1) [An application for a specific license to initially transfer source material for use under Section 330.210 will be approved if:](#)
 - A) [The applicant satisfies the general requirements specified in Section 330.250; and](#)
 - B) [The applicant submits adequate information on the methods to be used for quality control, labeling and providing safety instructions to recipients.](#)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) Each person licensed under this subsection (o) shall label the immediate container of each quantity of source material with the type and quantity of source material and the words "radioactive material".
- 3) Each person licensed under this subsection (o) shall ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.
- 4) Each person licensed under this subsection (o) shall provide the information specified in this subsection (o)(4) to each person to whom source material is transferred for use under Section 330.210. This information shall be transferred before the source material is transferred for the first time in each calendar year to the particular recipient. The required information includes:
 - A) A copy of Sections 330.210 and 330.400; and
 - B) Appropriate radiation safety precautions and instructions relating to handling, use, storage and disposal of the material.
- 5) Each person licensed under this subsection (o) shall report transfers as follows:
 - A) File a report with the Agency that includes the following information:
 - i) The name, address and license number of the person who transferred the source material;
 - ii) For each general licensee under Section 330.210 to whom greater than 50 grams (0.11 pounds) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form and quantity of source material transferred; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.
 - B) File a report with each responsible Agreement State or NRC, as appropriate, that identifies all persons, operating under provisions equivalent to Section 330.210, to whom greater than 50 grams (0.11 pounds) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the Agreement State or NRC licensees:
 - i) The name, address and license number of the person who transferred the source material;
 - ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form and quantity of source material transferred; and
 - iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients within the Agreement State or NRC jurisdiction.
 - C) Submit each report by January 31 of each year covering all transfers for the previous calendar year. If no transfers were made to persons generally licensed under Section 330.210, or equivalent Agreement State or NRC provisions, during the current period, a report shall be submitted to the Agency indicating so. If no transfers have been made to general licensees in a particular Agreement State during the reporting period, this information shall be reported to each responsible Agreement State agency or NRC upon request.
- 6) Each person licensed under this subsection (o) shall maintain all information that supports the reports required by subsection (o)(5)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

concerning each transfer to a general licensee for a period of one year after the event is included in a report to the Agreement State agency or NRC.

- p Material Transfer Reports and Records
Each person licensed under subsection (d) to distribute devices to generally licensed persons shall comply with the requirements of this subsection (p).
- 1) The person shall report:
 - A) To the Agency and to the responsible regulatory agency all transfers of devices to persons for use under the general license in Section 330.220(a) or the equivalent regulations of NRC or an Agreement State;
 - B) To the Agency and to the responsible regulatory agency all receipts of devices from persons generally licensed under Section 330.220(a) or the equivalent regulations of NRC or an Agreement State;
 - C) To the Agency if no transfers were made to or from general licensees during the reporting period; and
 - D) To the responsible regulatory agency upon the request of the agency if no transfers during the reporting period were made to or from general licensees in the agency's area of jurisdiction.
 - 2) The report shall be on NRC Form 653, "Transfers of Industrial Devices Report", or in a clear and legible format containing all of the information required by the form. The report shall cover each calendar quarter, shall be filed within 30 days after the end of the calendar quarter, and shall clearly indicate the period covered.
 - 3) For a transfer to a general licensee, the report shall provide:
 - A) The identity of the general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted, along with information on the actual location of use;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) The name, title and phone number of the individual identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;
 - C) The date of transfer;
 - D) The type, model and serial number of the device transferred; and
 - E) The radionuclide and activity contained in the device.
- 4) If one or more intermediate persons will temporarily possess a device at the intended place of use before its possession by the user, the report shall include the same information for both the intended user and each intermediate person and shall clearly designate all intermediate persons.
 - 5) For a device received from a general licensee, the report shall provide the name and address of the general licensee and the type, model and serial number of the device and the date of receipt. For a device not initially transferred by the reporting person, the report shall provide the name of the manufacturer or distributor.
 - 6) If the person makes a change to a device possessed by a general licensee that necessitates a change in the label, the report shall identify the general licensee, the device and the changes to information on the device label.
 - 7) The report shall clearly identify the person licensed under subsection (d) that is furnishing the report and shall include the person's specific license number.
 - 8) The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this subsection (p~~h~~). These records shall be maintained for 5 years following the recorded event.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1800.110	Amendment
1800.430	Amendment
- 4) Statutory Authority: Authorized by Section 78(a)(3) and (b) of the Video Gaming Act [230 ILCS 40/78(a)(3) and (b)]
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking amends the definition of a "person with significant influence or control" (PSIC) in Sections 1800.110 and 1800.430 c) to include the following categories of persons:
 - Any person or entity receiving any net terminal income pursuant to a contractual agreement.
 - Any person or entity holding an option agreement to acquire an equity stake in a terminal operator licensee.
 - Persons and entities in the above two categories should be classified as PSICs because they can potentially exercise significant influence or control over the licensees with which they have entered into agreements.
 - As PSICs, these categories of persons will be required to comply with more extensive disclosure requirements in connection with license application and renewals, and be subject to a continuing duty to report information as provided by Section 1800.220.
- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rule currently in effect? No
- 8) Does this proposed rulemaking contain an automatic repeal date? No

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

9) Does this rulemaking contain incorporations by reference? No

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
1800.440	New Section	40 Ill. Reg. 5753; April 8, 2016
1800.690	Amendment	40 Ill. Reg. 7275; May 13, 2016
1800.790	Amendment	40 Ill. Reg. 7275; May 13, 2016

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

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

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

fax: 312/814-7253
James.pellum@igb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect small businesses that either receive net terminal income under a contractual agreement or hold an option to agreement to acquire an equity stake in a terminal operator licensee.

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

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection
1800.130	Board Meetings

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Information
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1800.420 Qualifications for Licensure
- 1800.430 Persons with Significant Influence or Control

SUBPART E: LICENSING PROCEDURES

- Section
- 1800.510 Coverage of Subpart
- 1800.520 Applications
- 1800.530 Submission of Application
- 1800.540 Application Fees
- 1800.550 Consideration of Applications by the Board
- 1800.555 Withdrawal of Applications and Surrender of Licenses
- 1800.560 Issuance of License
- 1800.570 Renewal of License
- 1800.580 Renewal Fees and Dates
- 1800.590 Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

- Section
- 1800.610 Coverage of Subpart
- 1800.615 Requests for Hearing
- 1800.620 Appearances
- 1800.625 Appointment of Administrative Law Judge
- 1800.630 Discovery
- 1800.635 Subpoenas
- 1800.640 Motions for Summary Judgment
- 1800.650 Proceedings
- 1800.660 Evidence
- 1800.670 Prohibition on Ex Parte Communication
- 1800.680 Sanctions and Penalties
- 1800.690 Transmittal of Record and Recommendation to the Board
- 1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

- 1800.710 Coverage of Subpart
- 1800.715 Notice of Proposed Disciplinary Action Against Licensees
- 1800.720 Hearings in Disciplinary Actions
- 1800.725 Appearances
- 1800.730 Appointment of Administrative Law Judge
- 1800.735 Discovery
- 1800.740 Subpoenas
- 1800.745 Motions for Summary Judgment
- 1800.750 Proceedings
- 1800.760 Evidence
- 1800.770 Prohibition on Ex Parte Communication
- 1800.780 Sanctions and Penalties
- 1800.790 Transmittal of Record and Recommendation to the Board
- 1800.795 Persons Subject to Proposed Orders of Economic Disassociation

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

Section

- 1800.810 Location and Placement of Video Gaming Terminals
- 1800.820 Measurement of Distances from Locations
- 1800.830 Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section

- 1800.910 Approvals Required, Applicability, Scope of Approval
- 1800.920 Notice of Enforcement of a Security Interest
- 1800.930 Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section

- 1800.1010 Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1800.1020 Transportation of Video Gaming Terminals into the State
- 1800.1030 Receipt of Video Gaming Terminals in the State
- 1800.1040 Transportation of Video Gaming Terminals Between Locations in the State
- 1800.1050 Approval to Transport Video Gaming Terminals Outside of the State
- 1800.1060 Placement of Video Gaming Terminals
- 1800.1065 Registration of Video Gaming Terminals
- 1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

- Section
- 1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

- Section
- 1800.1210 Definitions
- 1800.1220 Entities Authorized to Perform Fingerprinting
- 1800.1230 Qualification as a Livescan Vendor
- 1800.1240 Fingerprinting Requirements
- 1800.1250 Fees for Fingerprinting
- 1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

- Section
- 1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

- Section
- 1800.1410 Ticket Payout Devices
- 1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

Section
1800.1610 Use of Gaming Device or Individual Game Performance Data

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

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. _____, effective _____.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions

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

"Act": The Video Gaming Act [230 ILCS 40].

"Adjusted gross receipts" means the gross receipts less winnings paid to wagerers. The value of expired vouchers shall be included in computing adjusted gross receipts.

"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

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

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Applicant": A person applying for any license under the Act.

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

Illinois laws, regulations and requirements as codified or otherwise set forth; and

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Board-approved video gaming industry standards.

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

"Board": The Illinois Gaming Board.

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

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours and sells motor fuel and a limited selection of snacks and general goods.

"Credit": One, five, 10 or 25 cents.

"Distributor": An individual, partnership, corporation or limited liability company licensed under the Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on a video gaming terminal.

"Facility-pay" or "facility payment" means a manual payment of currency by an authorized employee of a licensed video gaming location or an authorized employee of a terminal operator for amounts owed to a patron by a video gaming terminal when a video gaming terminal or ticket payout device has malfunctioned and is unable to produce or redeem a ticket.

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code (26 USC 501(c)(8) or (c)(10)).

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

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

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

With respect to an individual, an individual who is either:

domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

is required to file an Illinois tax return during the taxable year.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

An investment company registered under section 8 of the Investment Company Act of 1940 (15 USC 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 USC 80b-1 through 80b-21); or

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

"Licensed establishment": Any retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5] or a riverboat licensed under the Riverboat Gambling Act [230 ILCS 10].

"Licensed fraternal establishment": The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed technician": An individual who is licensed under the Act to repair, service and maintain video gaming terminals. A licensed technician is not licensed under the Act to possess or control a video gaming terminal or have access to the inner workings of a video gaming terminal (i.e., the logic area maintained in a separately locked cabinet of the video gaming terminal that houses electronic components that have the potential to significantly influence the operation of the video gaming terminal).

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under the Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5/18b-101]. The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

"Licensed veterans establishment": The location licensed under the Act where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Act and this Part.

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

"Manufacturer": An individual, partnership, corporation or limited liability company that is licensed under the Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Payout device": A device, approved by the Board and provided by a supplier or distributor, that redeems for cash tickets dispensed by a video gaming terminal in exchange for credits accumulated on a video gaming terminal.

"Person": Includes both individuals and business entities.

"Person with significant interest or control": Any of the following:

Each person in whose name the liquor license is maintained for each licensed video gaming location;

Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee, or elect a majority of its board of directors, other than a bank or licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;

Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation;

Each person who receives any net terminal income pursuant to a contractual agreement;

Any business entity that holds an option agreement to acquire an equity stake in a terminal operator licensee.

"Place of worship under the Religious Corporation Act": A structure belonging to, or operated by, a church, congregation or society formed for the purpose of religious worship and eligible for incorporation under the Religious Corporation Act [805 ILCS 110], provided that the structure is used primarily for purposes of religious worship and related activities.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

"Redemption period": The one-year period, starting on the date of issuance, during which a ticket dispensed by a video gaming terminal may be redeemed for cash.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

When, with respect to a corporation, an individual or his or her spouse is an officer or director or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder,

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

"Supplier": An individual, partnership, corporation or limited liability company that is licensed under the Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location, and complying with all of the minimum standards for use agreements contained in Section 1800.320.

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 USC 501(c)(19)).

"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

"Video gaming manager": An employee or owner or designated representative of a licensed video gaming location who manages, oversees or is responsible for video gaming operations at the location, and coordinates the video gaming operations with a terminal operator or the central communications system vendor.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART D: LICENSING QUALIFICATIONS

Section 1800.430 Persons with Significant Influence or Control

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.
- b) Each person identified as a person with significant influence or control shall comply with the following:

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Cooperate fully with any investigation conducted by or on behalf of the Board;
 - 2) Comply with the Act and this Part; and
 - 3) Submit initial and annual disclosure information on forms provided by the Board.
- c) An owner or person with significant influence or control of a terminal operator shall not play any video gaming terminal owned or leased by the terminal operator at any operating licensed location for recreational purposes.
- d) Persons with significant influence or control include, but are not limited, to the following:
- 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
 - 2) Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee or elect a majority of its board of directors, other than a bank or other licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;
 - 3) Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation;
 - 4) Any person or business entity receiving any net terminal income pursuant to a contractual agreement;
 - 5) Any person or business entity holding an option agreement to acquire an equity stake in a terminal operator licensee.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans With Disabilities Grievance Procedures
- 2) Code Citation: 4 Ill. Adm. Code 1200
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1200.10	New Section
1200.20	New Section
1200.30	New Section
1200.40	New Section
1200.50	New Section
1200.60	New Section
1200.70	New Section
- 4) Statutory Authority: 5 ILCS 100/1-1 and Section 3-8-8 of the Unified Code of Corrections [5 ILCS 100/1-1]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to establish the grievance procedure required by 56 Fed. Reg. 35,718 (1991) (to be codified at 28 CFR 35.107) pursuant to Title II of the Americans With Disabilities Act of 1990 (ADA) (42 U.S.C.A. 12131 et seq.(Supp. 1991) for the purpose of resolving grievances asserted by qualified individuals with disabilities.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: Establishes universal statewide grievance procedures pursuant to 56 Federal Register 35,718 (1991).

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Peggy Snyder
Legislative Director
Illinois Historic Preservation Agency
313 S. 6th Street
Springfield IL 62701

217/785-9045
fax: 217/785-7937
email: peggy.snyder@illinois.gov

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

- 13) Initial Regulatory Flexibility Analysis: The Agency has determined that the proposed amendments do not have an economic impact on small business.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was included on the Agency's January 2014 Regulatory Agenda.

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

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XLIV: HISTORIC PRESERVATION AGENCYPART 1200
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
1200.10	Purposes
1200.20	Definitions
1200.30	Procedure
1200.40	Designated Coordinator Level
1200.50	Final Level
1200.60	Accessibility
1200.70	Case-By-Case Resolution

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 5(c) of the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/5(c)].

SOURCE: Adopted at 40 Ill. Reg. _____, effective _____.

Section 1200.10 Purposes

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Historic Preservation Agency (Agency), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Agency to foster open communication with all individuals requesting readily accessible programs, services and activities. The Agency

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 1200.20 Definitions

"Act" or "ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"Complainant" is an individual with a disability who files a Grievance Form provided by the Director of the Historic Preservation Agency (Director) under this procedure.

"Designated Coordinator" is the person appointed by the Director who is responsible for the coordination of efforts of the Agency to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at Illinois Historic Preservation Agency, 313 South Sixth Street, Springfield IL 62701; ATTN: ADA Coordinator.

"Disabilities" shall have the same meaning as set forth in the Americans With Disabilities Act.

"Grievance" is any complaint under the ADA that is reduced to writing by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Agency and believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Agency or has been subject to discrimination by the Agency.

"Grievance Form" is prescribed for the purpose of filing a grievance under this Part and includes information such as name, address, phone number, and nature of the grievance, with specificity, including date of incident, time, place and witnesses if applicable.

"Qualified Individual With a Disability" means an individual with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of architectural, communication or transportation barriers, or the

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Agency.

Section 1200.30 Procedure

- a) Grievances must be submitted in accordance with procedures established in Sections 1200.40 and 1200.50. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer, at the Designated Coordinator and/or the Final Levels described in Sections 1200.40 and 1200.50.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response from the Agency given in the grievance procedure.
- c) The Agency shall, upon being informed of individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 1200.40 Designated Coordinator Level

- a) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance in completing the Grievance Form shall be provided by the Agency.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

complainant and Director within 15 business days after receipt of the Grievance Form.

Section 1200.50 Final Level

- a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within 15 business days after receipt by the complainant of the Designated Coordinator's response.
- b) Within 15 business days, the Director shall appoint a three-member panel to review the grievance at the Final Level. One member shall be designated chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b), the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall sign the recommendation.
- e) Within 15 business days after receipt of recommendations from a panel, the Director or designee shall approve, disapprove or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his or her decision; and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

disapproves or modifies the panel's recommendations, the Director may include written reasons for such disapproval or modification.

- f) The Grievance Form, the Designated Coordinator's response, the statement of the reasons for dissatisfaction, the recommendations of the panel, and the decision of the Director shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

Section 1200.60 Accessibility

The Agency shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 1200.70 Case-By-Case Resolution

Each grievance involves a unique set of factors that includes, but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Agency. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Inclusion and Removal of Places from the Illinois Register of Historic Places
- 2) Code Citation: 17 Ill. Adm. Code 4120
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
4120.5	Repealed
4120.10	Repealed
4120.20	Repealed
4120.30	Repealed
4120.40	Repealed
- 4) Statutory Authority: 20 ILCS 3410
- 5) A Complete Description of the Subjects and Issues Involved: This Part proposed for repeal the criteria for adding or removing a place on the Illinois Register of Historic Places. The Illinois Register of Historic Places program was repealed from the Illinois Historic Preservation Act by PA 97-785.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this repealer replace any emergency rule currently in effect? No
- 8) Does this repealer contain an automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

Peggy Snyder
Legislative Director
Illinois Historic Preservation Agency
313 S. 6th Street
Springfield IL 62701

217/785-9045
fax: 217/785-7937
email: peggy.snyder@illinois.gov

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

- 13) Initial Regulatory Flexibility Analysis: The Agency has determined that the proposed amendments do not have an economic impact on small business.
- 14) Regulatory Agenda on which this repealer was summarized: This rule was included on the Agency's January 2014 Regulatory Agenda.

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

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

TITLE 17: CONSERVATION
CHAPTER VI: HISTORIC PRESERVATION AGENCYPART 4120
INCLUSION AND REMOVAL OF PLACES FROM THE
ILLINOIS REGISTER OF HISTORIC PLACES (REPEALED)

Section

4120.5	Illinois Register of Historic Places
4120.10	Criteria for Listing
4120.20	Criteria for Removal
4120.30	Amendments
4120.40	Effective Date

AUTHORITY: Implementing and authorized by Sections 6 and 10 of the Illinois Historic Preservation Act (Ill. Rev. Stat. 1983, ch. 127, pars. 133d6 and 133d10).

SOURCE: Guidelines for Inclusion and Removal of Places from the Illinois Register of Historic Places Pursuant to Section 6 and Section 10 of the Illinois Historic Preservation Act, adopted February 1, 1977, effective March 1, 1977; codified at 5 Ill. Reg. 10617; recodified from 17 Ill. Adm. Code 330 (Department of Conservation) to 17 Ill. Adm. Code 4120 (Historic Preservation Agency) pursuant to Article III of P.A. 84-25, effective July 18, 1985 at 10 Ill. Reg. 3277; repealed at 40 Ill. Reg. _____, effective _____.

Section 4120.5 Illinois Register of Historic Places

In 1976 the Illinois Historic Preservation Act created an Illinois Register of Historic Places. This Register recognizes places which have an inherent cultural value to the people of Illinois and makes provisions for protection of the people's interest in the cultural value. Although these guidelines for inclusion in that Register do not require listing on any National or local Register, maximum protection of cultural resources is provided by listing on the Illinois Register of Historic Places and the National Register of Historic Places; therefore, listing on both Registers is encouraged.

Section 4120.10 Criteria for Listing

A place may be listed on the Illinois Register of Historic Places if it:

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

- a) *"(has) special historical, architectural, archeological, cultural, or artistic interest or value"; and*
- b) fits the definition of "place" found in Section 2(e) of the Illinois Historic Preservation Act (Ill. Rev. Stat. 1979, ch. 127, par. 133d2(e))
 - (e) *"Place' means (1) any parcel or contiguous grouping of parcels of real estate under common or related ownership or control, where any significant improvements are at least 40 years old, or (2) any aboriginal mound, fort, earthwork, village, location, burial ground, historic or prehistoric ruin, mine case or other location which is or may be the source of important archeological data;" and*
- c) satisfies the criteria listed in Section 6 of the Illinois Historic Preservation Act which are as follows: *"The criteria shall include, but not be limited to, requirements that Registered Illinois Historic Places be limited to those places that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:*
 - 1) *that are associated with events or the lives of persons that have made a significant contribution to the broad patterns of our history; or*
 - 2) *that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
 - 3) *that exemplify elements of our cultural, economic, social or historic heritage; or*
 - 4) *that have yielded, or are likely to yield, information important in prehistory or history".*

Section 4120.20 Criteria for Removal

A place may be removed from the Illinois Register of Historic Places if it no longer satisfies the

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

guidelines for inclusion on the Illinois Register of Historic Places contained in Section 4120.10.

Section 4120.30 Amendments

These guidelines may be amended from time to time by a majority vote of the Council.

Section 4120.40 Effective Date

The effective date of this Part shall be March 1, 1977.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: The Illinois Register of Historic Places
- 2) Code Citation: 17 Ill. Adm. Code 4140
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
4140.4	Repealed
4140.7	Repealed
4140.10	Repealed
4140.20	Repealed
4140.30	Repealed
4140.40	Repealed
- 4) Statutory Authority: 20 ILCS 3410
- 5) A Complete Description of the Subjects and Issues Involved: This Part proposed for repeal established the processes by which a place may be added to or removed from the Illinois Register of Historic Places. The Illinois Register of Historic Places program was repealed from the Illinois Historic Preservation Act by PA 97-785.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this repealer replace any emergency rule currently in effect? No
- 8) Does this repealer contain an automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

Peggy Snyder
Legislative Director
Illinois Historic Preservation Agency
313 S. 6th Street
Springfield IL 62701

217/785-9045
fax: 217/785-7937
email: peggy.snyder@illinois.gov

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

- 13) Initial Regulatory Flexibility Analysis: The Agency has determined that the proposed amendments do not have an economic impact on small business.
- 14) Regulatory Agenda on which this repealer was summarized: This rule was included on the Agency's January 2014 Regulatory Agenda.

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

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

TITLE 17: CONSERVATION
CHAPTER VI: HISTORIC PRESERVATION AGENCY

PART 4140

THE ILLINOIS REGISTER OF HISTORIC PLACES (REPEALED)

Section

- 4140.4 Illinois Register of Historic Places
- 4140.7 Definitions
- 4140.10 Regulations pertaining to Nomination and Designation to the Illinois Register of Historic Places in Accordance with Section 6 of the "Illinois Historic Preservation Act"
- 4140.20 Regulations Pertaining to the Amendment of an Order Designating an Illinois Registered Historic Place in accordance with Section 6 of the "Illinois Historic Preservation Act"
- 4140.30 Regulations Pertaining to Removal of a Place from the Illinois Register of Historic Places in Accordance with Section 10 of the "Illinois Historic Preservation Act"
- 4140.40 Regulations Pertaining to the Reconsideration of Applications which have been Rejected in Accordance with Section 5 of the "Illinois Historic Preservation Act"

AUTHORITY: Implementing and authorized by Sections 2, 5, 6, 10, and 14 of the Illinois Historic Preservation Act (Ill. Rev. Stat. 1983, ch. 127, pars. 133d2, 133d5, 133d6, 133d10, and 133d14).

SOURCE: Rules and Regulations Pertaining to the Illinois Register of Historic Places Issued in Accordance with Provisions of the Illinois Historic Preservation Act, adopted April 11, 1977, effective May 1, 1977; codified at 5 Ill. Reg. 11898; amended at 6 Ill. Reg. 11898, effective September 22, 1982; recodified from 17 Ill. Adm. Code 350 (Department of Conservation) to 17 Ill. Adm. Code 4140 (Historic Preservation Agency) pursuant to Article III of P.A. 84-25, effective July 18, 1985 at 10 Ill. Reg. 3276; repealed at 40 Ill. Reg. _____, effective _____.

Section 4140.4 Illinois Register of Historic Places

In 1976, the Illinois Historic Preservation Act created an Illinois Register of Historic Places. This Register recognizes places which have an inherent cultural value to the people of Illinois and

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

makes provisions for protection of the people's interest in this cultural value. The designation of a Registered Illinois Historic Place is not contingent on designation to any National or local Register. However, the information required for designation to the Illinois Register of Historic Places includes all information required for designation to the National Register of Historic Places and an identification of the Critical Historic Features of the Place.

Section 4140.7 Definitions

- a) The following definitions set forth in Section 2 of the "Illinois Historic Preservation Act" will apply throughout this Part:

"Council" means the Illinois Historic Sites Advisory Council

"Department" means the Illinois Department of Conservation

"Director" means the Director of the Department who will serve as the State Historic Preservation Officer

"Critical Historic Feature" means those physical and environmental components which taken singly or together, make a place eligible for designation as a Registered Illinois Historic Place

"Place" means (1) any parcel or contiguous grouping of parcels of real estate under common or related ownership or control, where any significant improvements are at least 40 years old, or (2) any aboriginal mound, fort, earthwork, village, location, burial ground, historic or prehistoric ruin, mine case or other location which is or may be the source of important archeological data

"Registered Illinois Historic Place" means any place listed on the "Illinois Register of Historic Places" pursuant to Section 6 of this Act

"Person" means any natural person, partnership, corporation, trust, estate, association, body politic, agency, or unit of government and its legal representatives, agents, or assigns

- b) For the purpose of clarity, the following definitions will also apply throughout this part:

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

"Applicant" means any person who prepares an Illinois Register Application.

"Designation Order" means an Illinois Register Form which shall be an order signed by the Director designating the place as a Registered Illinois Historic Place.

"Guidelines" means the criteria adopted by the Council and made available to the public in 17 Ill. Adm. Code 330.

"Illinois Register Application" means an Illinois Register Form designated to provide information, including Critical Historic Features, to the Department and the Council.

"Nomination Order" means an Illinois Register Form completed by the Department as directed by the Council which shall be an order of the Council nominating Places to the Register and describing therein Critical Historic Features of the Place.

Section 4140.10 Regulations pertaining to Nomination and Designation to the Illinois Register of Historic Places in Accordance with Section 6 of the "Illinois Historic Preservation Act"

- a) Any person may apply to have a place considered for nomination to the Illinois Register of Historic Places by submitting to the Department an Illinois Register Application. The Applicant identified thereon, shall be responsible for completing the Application.
- b) An Application which is deemed incomplete by the Department, will be returned to the Applicant with an explanation of the deficiencies which must be corrected.
- c) When the Illinois Register Application is completed, Department staff will prepare a proposed Nomination Order and schedule its consideration at the next appropriate Council meeting. At least 30 days prior to that meeting, notice, which lists the date, and place of the meeting where it is to be considered, and a copy of the proposed Nomination Order, will be mailed to the Applicant, the owner of record, and the presiding Officer of the county and municipal government where

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

the Place is located. The owner and the public shall have the right to be heard and to present evidence at the Council meeting.

- d) The Council will accept, reject or defer the Application based upon criteria defined in 17 Ill. Adm. Code 330. If the application is accepted, the Council will issue a Nomination Order. The Department will notify the Applicant, the owner of record and the presiding officer of the county and municipal government where the Place is located, of actions taken on the Application.
 - 1) Approved Nomination Orders will be forwarded to the Director and sent with the notices of Council action.
 - 2) Deferred Applications will be forwarded to the Applicant with an explanation of the reasons for deferral and the actions which must be taken before the Application can be reconsidered.
 - 3) Rejected Applications will be forwarded with an explanation of the criteria for reapplication as provided for in 17 Ill. Adm. Code 4140.40.
- e) Nomination Orders forwarded to the Director shall be made publicly available for review at least thirty (30) days before the Director takes any action designating the Place. A Place designated by the Director shall be listed in the Illinois Register of Historic Places and immediately be subject to the protection granted by the "Illinois Historic Preservation Act." The Department shall notify the Recorder of Deeds of the county or counties in which the Place is located, of its designation.

Section 4140.20 Regulations Pertaining to the Amendment of an Order Designating an Illinois Registered Historic Place in accordance with Section 6 of the "Illinois Historic Preservation Act"

- a) Any change in the list of Critical Historic Features of a registered site must be in an amendment to the designation order.
- b) At least thirty (30) days prior to a regularly scheduled meeting of the Council, the Director shall make available for public review and send to the owner or owners of record any proposed amendments to the designation order.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

- c) The Council shall advise the Director on the content of the amendment. The owner and the public shall have the right to be heard and to present evidence at the Council meeting.
- d) Amendments shall become effective upon the Director's signature.
- e) Amendments to designation orders shall be sent to the owner or owners of record of the Registered Illinois Historic Place and to the Recorder of Deeds in the county or counties where the Place is located.

Section 4140.30 Regulations Pertaining to Removal of a Place from the Illinois Register of Historic Places in Accordance with Section 10 of the "Illinois Historic Preservation Act"

- a) Any Person may petition the Council in writing for the removal of a Place from the Illinois Register of Historic Places by submitting to the Department the reasons why it is believed the Place is no longer eligible. The petition must include information showing conditions changed since the date of designation and the Petitioner shall be responsible for showing changes.
- b) At least 30 days prior to the next regularly scheduled Council meeting notice will be sent to the person who submitted the petition, the owner of record, and the presiding officer of the county and municipal government where the place is located. This notice will include the date, and place of the meeting where the petition for removal will be considered.
- c) The Council shall consider the petition at a regularly scheduled meeting and may recommend removal of a Place from the Illinois Register of Historic Places if it makes a finding as set forth in Section 10 of the Act. The owner and the public shall have the right to be heard and to present evidence at the Council meeting.
- d) The Director may order the removal of any Place upon the recommendation of the Council and this will be based upon criteria defined in 17 Ill. Adm. Code 330. The Place shall lose the protection provided registered historic sites by the "Illinois Historic Preservation Act" immediately upon its removal.

Section 4140.40 Regulations Pertaining to the Reconsideration of Petitions and

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED REPEALER

Applications which have been Rejected in Accordance with Section 5 of the "Illinois Historic Preservation Act"

- a) Applications rejected by the Director or Council may be resubmitted to the Department when the following conditions are met:
 - 1) One full year has elapsed from the date of the Council's decision; and
 - 2) A completed new Illinois Register Application has been submitted; and
 - 3) New information of a significant nature has been included in the new Illinois Register Application.
- b) Department staff will determine if these conditions have been met.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Number: 110.160 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 200/2-10 and 2-15
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates newly formed, as well as previously omitted, multi-township assessment districts contained in Section 110.160. In addition, the revised language updates the effective dates for the multi-township assessment districts and makes slight grammatical changes to the language concerning the appointment of vacancies for open assessor positions.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Robin Gill
Associate Counsel
Illinois Department of Revenue
Legal Services Office

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

101 West Jefferson
Springfield IL 62794

217/524-4886

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 110
PROPERTY TAX CODE

Section	
110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.112	Procedures for Assessment of Section 515 Low-income Housing Projects
110.113	Fraternal Organization Assessment Freeze
110.115	Non-Homestead Exemption Proceedings
110.116	Charitable Exemption Eligibility: Low Income Housing Projects
110.120	Oil Right Lessees and Producers
110.125	Reports to be Filed with the Department
110.130	Hearings and Records of Chief County Assessment Officers
110.135	Review of Assessments – Counties of 3,000,000 or More
110.140	Board of Review Procedures and Records – Counties of Less than 3,000,000
110.141	Farmland Factor Review Procedures (Repealed)
110.145	Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue
110.150	Records Reproduction
110.155	Course and Examination Requirements for Board of Review Members
110.160	Multi-township Assessment Districts
110.162	Township and Multi-township Assessor Qualifications
110.165	Farmland Assessment Review Procedures
110.170	Assessors' Bonus
110.175	Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants
110.180	Supervisor of Assessments Examination
110.190	Property Tax Extension Limitation
110.192	Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

110.ILLUSTRATION A State of Illinois Board of Review Course and Exam Requirements

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; emergency expired December 29, 1999; amended at 23 Ill. Reg. 14759, effective December 8, 1999; amended at 24 Ill. Reg. 2428, effective January 25, 2000; amended at 25 Ill. Reg. 191, effective December 26, 2000; amended at 25 Ill. Reg. 6396, effective May 1, 2001; amended at 26 Ill. Reg. 3727, effective February 26, 2002; emergency amendment at 27 Ill. Reg. 17094, effective October 24, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1395, effective January 9, 2004; amended at 28 Ill. Reg. 2257, effective January 22, 2004; emergency amendment at 28 Ill. Reg. 9690, effective June 28, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14662, effective October 19, 2004; amended at 28 Ill. Reg. 15599, effective November 17, 2004; amended at 31 Ill. Reg. 12994, effective August 21, 2007; amended at 32 Ill. Reg. 13253, effective July 28, 2008; amended at 34 Ill. Reg. 6921, effective April 29, 2010; amended at 34

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Ill. Reg. 11804, effective July 27, 2010; amended at 40 Ill. Reg. _____, effective _____.

Section 110.160 Multi-township Assessment Districts

- a) The Department has promulgated the following list of multi-township assessment districts in accordance with Sections 2-10 and 2-15 of the Property Tax Code [35 ILCS 200/~~2-10 and 2-15~~] (Code). ~~and~~ This list will remain in effect subject only to the following:
 - 1) for purposes of candidates for assessor with terms beginning January 1, ~~20142006~~, the multi-township assessment districts will remain in effect until the Department certifies the pre-election requirements of the candidates as authorized under Sections 2-50 and 2-52 of the Code;
 - 2) for purposes of appointing assessors or contracting with qualified persons to fill assessor vacancies under Section 2-60 of the Code, the multi-township assessment districts will remain in effect from January 1, ~~20142006~~ through December 31, ~~20172009~~;
 - 3) for purposes of disbursements and distributions under Sections 2-10 and 2-25 of the Code, the multi-township assessment districts will remain in effect through November 30, ~~20172009~~;
 - 4) for assessment purposes, the multi-township assessment districts will remain in effect from January 1, ~~20142006~~ through December 31, ~~20172009~~.

County

Townships in District

Adams

- 1. Liberty, Columbus
- 2. Burton, Gilmer, Honey Creek
- 3. Lima, Keene
- 4. Houston, Northeast
- 5. Concord, McKee, Beverly, Richfield
- 6. Fall Creek, Payson

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Bond	1.	Mills, Tamalco
	2.	LaGrange, Old Ripley
Boone	1.	Manchester, LeRoy
	2.	Bonus, Spring, Poplar Grove , Caledonia
Brown	1.	Lee, Pea Ridge, Missouri, Ripley, Cooperstown
	2.	Buckhorn, Elkhorn, Versailles
Bureau	1.	Bureau, Walnut
	2.	Berlin, Westfield
	3.	Leepertown, Selby
	4.	Fairfield, Gold, Mineral
	5.	Neponset, Macon
	6.	Greenville, Manlius
	7.	Indiantown, Arispie, Milo, Wheatland
	8.	Ohio, Dover
	9.	LaMoille, Clarion
Carroll	1.	Washington, Woodland, Freedom
	2.	Salem, Fairhaven
	3.	Elkhorn Grove, Wysox
Cass	1.	Sangamon Valley, Virginia
	2.	Ashland, Philadelphia
	3.	Panther Creek, Newmansville, Chandlerville
	4.	Bluff Springs, Arenzville, Hagener
Champaign	1.	East Bend, Newcomb, Condit, Hensley
	2.	Ludlow, Rantoul
	3.	Harwood, Kerr, Compromise
	4.	Stanton, Ogden
	5.	Colfax, Sadorus
	6.	Pesotum, Crittenden
	7.	Raymond, Ayers, South Homer
Christian	1.	Mt. Auburn, Mosquito

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|------------|-----------------|--|
| | 2. | Stonington, Prairieton |
| | 3. | King, Bear Creek, Johnson |
| | 4. | Greenwood, Rosamond, Locust |
| Clark | 1. | Westfield, Parker |
| | 2. | Dolson, Auburn, Douglas, Anderson, Darwin |
| | 3. | Johnson, Orange, Melrose, York |
| Clay | 1. | Larkinsburg, Oskaloosa, Blair |
| | 2. | Bible Grove, Hoosier, Pixley |
| | 3. | Stanford, Clay City |
| | 4. | Songer, Xenia |
| Clinton | 1. | St. Rose, Wheatfield, Irishtown |
| | 2. | Santa Fe, Lake |
| | 3. | Clement, Meridian, East Fork |
| Coles | 1. | Seven Hickory, Charleston, Ashmore, Hutton |
| | 2. | Morgan, East Oakland |
| | 3. | Ashmore, Hutton |
| | 3,4. | North Okaw, Humboldt |
| Crawford | 1. | Licking, Prairie |
| | 2. | Lamotte, Hutsonville, Montgomery |
| | 3. | Martin, Honey Creek, Southwest |
| Cumberland | 1. | Cottonwood, Union, Crooked Creek |
| | 2. | Spring Point, Woodbury |
| Dekalb | 1. | South Grove, Mayfield |
| | 2. | Malta, Milan |
| | 3. | Afton, Pierce |
| | 4. | Shabbona, Paw Paw |
| | 5. | Victor, Somonauk |
| DeWitt | 1. | Waynesville, Barnett |
| | 2. | Wilson, Rutledge, Harp, DeWitt |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|-----------|----|---|
| | 3. | Tunbridge, Texas |
| | 4. | Nixon, Creek |
| Douglas | 1. | Murdock, Newman |
| | 2. | Bowdre, Sargent |
| Edgar | 1. | Brouilletts Creek, Edgar, Prairie |
| | 2. | Buck, Kansas, Grandview |
| | 3. | Elbridge, Hunter, Stratton |
| | 4. | Shiloh, Young America, Embarrass |
| Effingham | 1. | Banner, Liberty, Moccasin |
| | 2. | Jackson, Mason, Mound, West |
| | 3. | St. Francis, Teutopolis |
| | 4. | Watson, Union |
| | 5. | Bishop, Lucas |
| Fayette | 1. | North Hurricane, South Hurricane, Shafter, Bear Grove |
| | 2. | Seminary, Pope, Kaskaskia |
| | 3. | Wilberton, Lone Grove, LaClede |
| | 4. | Sefton, Otego, Wheatland |
| | 5. | Loudon, Carson, Bowling Green |
| Ford | 1. | Drummer, Dix |
| | 2. | Patton, Button |
| | 3. | Sullivant, Peach Orchard, Lyman, Wall |
| | 4. | Brenton, Pella, Mona, Rogers |
| Franklin | 1. | Goode, Barren |
| | 2. | Ewing, Northern |
| | 3. | Eastern, Cave |
| Fulton | 1. | Ellisville, Young Hickory, Deerfield, Lee |
| | 2. | Fairview, Joshua |
| | 3. | Harris, Cass, Bernadotte, Farmers |
| | 4. | Pleasant, Isabel, Woodland, Kerton, Waterford |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|-----------|----|---|
| | 5. | Banner, Liverpool |
| Gallatin | 1. | New Haven, Shawnee, Gold Hill |
| | 2. | Omaha, Asbury, North Fork |
| | 3. | Equality, Bowlesville, Eagle Creek |
| Greene | 1. | Patterson, Roodhouse |
| | 2. | Athensville, Rubicon, Wrights |
| | 3. | Walkerville, Bluffdale, Woodville |
| | 4. | Linder, Rockbridge |
| Grundy | 1. | Norman, Wauponsee |
| | 2. | Highland, Vienna, Mazon |
| | 3. | Goodfarm, Garfield, Greenfield |
| | 4. | Maine, Braceville |
| | 5. | Nettle Creek, Erienna |
| Hamilton | 1. | Dahlgren, Knights Prairie |
| | 2. | Flannigan, South Flannigan, Twigg, South Twigg,
Mayberry |
| | 3. | Crouch, South Crouch, Beaver Creek, Crook |
| Hancock | 1. | Nauvoo, Appanoose, Sonora |
| | 2. | Pontoosuc, Dallas City, Rock Creek |
| | 3. | Prairie, Carthage |
| | 4. | Warsaw, Wilcox, Rocky Run |
| | 5. | Durham, Pilot Grove, Fountain Green, Hancock |
| | 6. | Wythe, Walker, St. Albans, Bear Creek |
| | 7. | Harmony, St. Mary, Chili, Augusta |
| Henderson | 1. | Biggsville, Rozetta, Bald Bluff |
| | 2. | Media, Raritan, Terre Haute, Lomax |
| | 3. | Stronghurst, Carman |
| Henry | 1. | Edford, Osco, Munson |
| | 2. | Lynn, Andover |
| | 3. | Burns, Weller, Galva |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|------------|-----------------|---|
| | 4. | Loraine, Yorktown, Alba, Cornwall |
| | 5. | Oxford, Clover |
| Iroquois | 1. | Ridgeland, Onarga, Artesia |
| | 2. | Pigeon Grove, Fountain Creek |
| | 3. | Milford, Stockland, Lovejoy, Prairie Green |
| | 4. | Crescent, Ash Grove |
| | 5. | Milks Grove, Ashkum |
| | 6. | Beaver, Concord |
| | 7. | Papineau, Beaverville |
| | 8. | Danforth, Iroquois |
| Jackson | 1. | Ora, Vergennes |
| | 2. | Degonia, Kinkaid, Fountain Bluff, Levan |
| | 3. | Sand Ridge, Grand Tower, Pomona |
| Jasper | 1. | Crooked Creek, Grandville, Hunt City |
| | 2. | Smallwood, Fox, Sainte Marie, Willow Hill |
| | 3. | Grove, North Muddy, South Muddy |
| Jefferson | 1. | Grand Prairie, Casner |
| | 2. | Blissville, Bald Hill, Elk Prairie |
| | 3. | Field, Farrington |
| | 4. | Pendleton, Moores Prairie |
| Jersey | 1. | Ruyle, Jersey, Fidelity |
| | 2. | Richwood, English |
| | 3. | Rosedale, Otter Creek |
| Jo Daviess | 1. | Apple River, Thompson |
| | 2. | Berremans, Derinda, Pleasant Valley, Wards
Grove |
| | 3. | Council Hill, Guilford, Scales Mound |
| | 4. | Elizabeth, Woodbine, Hanover, Rice |
| | 5. | Hanover, Rice |
| | 5.6. | Menominee, Rawlins, Vinegar Hill |
| | 6.7. | Nora, Rush, Warren |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Kankakee	<ol style="list-style-type: none">1. Rockville, Manteno2. Sumner, Yellowhead3. Essex, Salina
Kendall	<ol style="list-style-type: none">1. Lisbon, Seward, Na-au-say
Knox	<ol style="list-style-type: none">1. Galesburg, Knox, Cedar, Orange, Haw Creek, Elba, Indian Point, Chestnut, Maquon, Salem2. Rio, Ontario, Walnut Grove, Lynn, Henderson, Sparta, Copley, Victoria, Persifer, Truro
LaSalle	<ol style="list-style-type: none">1. Meriden, Ophir, Troy Grove2. Freedom, Serena3. Mission, Miller4. Dimmick, Waltham, Wallace5. Fall River, Grand Rapids6. Vermilion, Farm Ridge, Deer Park7. Hope, Richland, Osage, Groveland8. Brookfield, Allen
Lawrence	<ol style="list-style-type: none">1. Allison, Denison2. Christy, Lukin3. Petty, Bond, Russell
Lee	<ol style="list-style-type: none">1. Nachusa, Franklin Grove2. Nelson, Harmon3. South Dixon, Marion, East Grove, Hamilton4. Reynolds, Alto, Viola, Willow Creek5. Brooklyn, Wyoming6. Ashton, Bradford7. Amboy, Lee Center8. May, Sublette
Livingston	<ol style="list-style-type: none">1. Chatsworth, Germanville2. Reading, Newton3. Sunbury, Nevada, Esmen

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

4. Round Grove, Broughton, Sullivan
 5. Long Point, Amity
 6. Rooks Creek, Waldo, Pike
 7. Owego, Eppards Point, Avoca
 8. Saunemin, Pleasant Ridge, Charlotte, Union
 9. Indian Grove, Belle Prairie
 10. Forrest, Fayette
- Logan
1. Prairie Creek, Sheridan
 2. Orvil, Eminence, West Lincoln
 3. Atlanta, Oran
 4. Chester, Mount Pulaski
 5. Corwin, Broadwell, Elkhart, Hurlbut
 6. Aetna, Laenna, Lake Fork
- McDonough
1. Blandinsville, Hire
 2. Sciota, Walnut Grove
 3. Bushnell, Prairie City, Macomb, Mound
 4. Chalmers, New Salem, Scotland
 5. Tennessee, Lamoine, Bethel
 6. Industry, Eldorado
- McLean
1. Allin, Dale
 2. West, Bellflower, Cheneys Grove
 3. Yates, Lawndale, Cropsey, Anchor
 4. Blue Mound, Martin
 5. Dawson, Arrowsmith
 6. White Oak, Dry Grove
 7. Mount Hope, Funk's Grove
- Macon
1. Austin, Illini
 2. Oakley, Whitmore
 3. Niantic, Harristown
 4. Blue Mound, Pleasant View
 - ~~5. Mount Zion, Milam~~
- Macoupin
1. Scottville, Barr, Western Mound, Chesterfield

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|------------|----|---|
| | 2. | North Palmyra, North Otter |
| | 3. | South Palmyra, South Otter |
| | 4. | Nilwood, Shaws Point, Honey Point |
| | 5. | Bird, Polk, Hillyard, Brushy Mound |
| Madison | 1. | New Douglas, Leef |
| Marion | 1. | Patoka, Carrigan |
| | 2. | Foster, Tonti |
| | 3. | Kinmundy, Meacham |
| | 4. | Alma, Omega |
| | 5. | Stevenson, Haines |
| | 6. | Iuka, Romine |
| Marshall | 1. | Saratoga, Whitefield, La Prairie |
| | 2. | Hopewell, Roberts, Bell Plain, Richland |
| Mason | 1. | Forest City, Quiver |
| | 2. | Allens Grove, Pennsylvania, Salt Creek |
| | 3. | Crane Creek, Kilbourne, Sherman |
| | 4. | Bath, Lynchburg |
| Mercer | 1. | Eliza, Duncan, Perryton |
| | 2. | Keithsburg, Abington, Ohio Grove |
| | 3. | Suez, North Henderson |
| | 4. | New Boston, Millersburg |
| Montgomery | 1. | Harvel, Pitman, Zanesville |
| | 2. | Butler Grove, Irving, Rountree |
| | 3. | Audubon, Nokomis |
| | 4. | Witt, Fillmore, South Fillmore |
| | 5. | Grisham, Walshville, East Fork |
| Moultrie | 1. | Dora, Marrowbone |
| | 2. | Lowe, Jonathan Creek |
| | 3. | East Nelson, Whitley |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|-------------|----|---|
| Ogle | 1. | Eagle Point, Buffalo, Woosung |
| | 2. | Brookville, Forreston |
| | 3. | Scott, White Rock |
| | 4. | Maryland, Lincoln |
| | 5. | Pine Creek, Grand Detour |
| | 6. | Taylor, Lafayette, Pine Rock |
| | 7. | Lynnville, Dement |
| Peoria | 1. | Millbrook, Brimfield |
| | 2. | Princeville, Akron |
| | 3. | Logan, Trivoli |
| Piatt | 1. | Goose Creek, Willow Branch |
| Pike | 1. | Fairmount, Perry, Chambersburg |
| | 2. | Hadley, New Salem, Pleasant Vale, Derry |
| | 3. | Flint, Detroit, Montezuma, Pearl |
| | 4. | Newburg, Hardin, Spring Creek |
| | 5. | Atlas, Martinsburg |
| | 6. | Pleasant Hill, Ross |
| | 7. | Kinderhook, Levee, Cincinnati |
| Putnam | 1. | Hennepin, Senachwine |
| Richland | 1. | Noble, Decker, Denver |
| | 2. | German, Claremont |
| | 3. | Madison, Bonpas |
| Rock Island | 1. | Buffalo Prairie, Drury |
| | 2. | Canoe Creek, Zuma |
| | 3. | Cordova, Port Byron |
| St. Clair | 1. | Mascoutah, Engelmann |
| | 2. | East St. Louis, Stites |
| Saline | 1. | Galatia, Long Branch, Tate |
| | 2. | Brushy, Raleigh |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|------------|----|---|
| | 3. | Rector, East Eldorado, Cottage |
| | 4. | Stonefort, Independence, Mountain |
| Sangamon | 1. | Buffalo Hart, Mechanicsburg |
| | 2. | Lanesville, Illiopolis |
| | 3. | Maxwell, Loami, Talkington |
| | 4. | Cooper, Cotton Hill |
| | 5. | Island Grove, New Berlin |
| Schuyler | 1. | Birmingham, Brooklyn, Littleton, Oakland,
Huntsville, Camden |
| | 2. | Browning, Hickory, Woodstock, Bainbridge,
Frederick |
| Shelby | 1. | Flat Branch, Ridge, Rural, Pickaway, Penn |
| | 2. | Todds Point, Okaw |
| | 3. | Richland, Ash Grove |
| | 4. | Oconee, Cold Spring |
| | 5. | Herrick, Dry Point |
| | 6. | Lakewood, Holland, Clarksburg |
| | 7. | Big Spring, Sigel |
| Stark | 1. | Elmira, Osceola |
| | 2. | Goshen, West Jersey |
| | 3. | Essex, Valley, Penn |
| Stephenson | 1. | Winslow, Waddams |
| | 2. | Erin, Kent |
| | 3. | Jefferson, Loran |
| | 4. | Dakota, Rock Grove |
| | 5. | Florence, Silver Creek |
| Tazewell | 1. | Dillon, Delavan, Sand Prairie, Malone |
| | 2. | Hopedale, Boynton, Hittle, Little Mackinaw |
| Vermilion | 1. | Pilot, Middlefork |
| | 2. | Georgetown, Love, McKendree |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

3. Jamaica, Vance
 4. Carroll, Elwood
 5. [Butler, Grant](#)
- Warren
1. Kelly, Coldbrook, Floyd, Berwick
 2. Lenox, Sumner, Hale
 3. Greenbush, Swan, Point Pleasant
 4. Tompkins, Ellison
- Washington
1. Venedy, Johannsburg, Lively Grove
 2. Covington, Hoyleton
 3. Beaucoup, Ashley, Richview
 4. Plum Hill, Oakdale, Pilot Knob
 5. Bolo, DuBois
- Wayne
1. Garden Hill, Orchard, Hickory Hill, Four Mile
 2. Keith, Zif, Mt. Erie, Elm River
 3. Indian Prairie, Berry, Arrington
 4. Massilon, Barnhill, Leech
- White
1. Mill Shoals, Burnt Prairie
 2. Heralds Prairie, Emma, Hawthorne
- Whiteside
1. Ustick, Clyde
 2. Genesee, Jordan, Hopkins
 3. Albany, Garden Plain
 4. Newton, Fenton, Portland
 5. Union Grove, Mt. Pleasant
 6. Hume, Montmorency, Hahnaman
- Will
1. Florence, Wilton
- Winnebago
1. Laona, Durand
 2. Harrison, Burritt
 3. Pecatonica, Seward
- Woodford
1. Partridge, Cazenovia

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 2. Linn, Clayton, Greene, Panola
- 3. Cruger, Olio
- 4. Palestine, Kansas

b) The Department has promulgated the following list of multi-township assessment districts in accordance with Sections 2-10 and 2-15 of the Code, ~~and~~ ~~The~~ ~~this~~ list will remain in effect subject only to the following:

- 1) for purposes of candidates for assessor with terms beginning January 1, ~~20182019~~, the multi-township assessment districts will remain in effect until the Department certifies the pre-election requirements of the candidates as authorized under Sections 2-50 and 2-52 of the Code;
- 2) for purposes of appointing assessors or contracting with qualified persons to fill assessor vacancies under Section 2-60 of the Code, the multi-township assessment districts will remain in effect from January 1, ~~20182019~~ through December 31, ~~20212013~~;
- 3) for purposes of disbursements and distributions under Sections 2-10 and 2-25 of the Code, the multi-township assessment districts will remain in effect through November 30, ~~20212013~~;
- 4) for assessment purposes, the multi-township assessment districts will remain in effect from January 1, ~~20182019~~ through December 31, ~~20212013~~.

County

Townships in District

Adams

- 1. Liberty, Columbus
- 2. Burton, Gilmer, Honey Creek
- 3. Lima, Keene
- 4. Houston, Northeast
- 5. Concord, McKee, Beverly, Richfield
- 6. Fall Creek, Payson

Bond

- 1. Mills, Tamalco
- 2. LaGrange, Old Ripley

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Boone	1.	Manchester, LeRoy
	2.	Bonus, Spring, Poplar Grove, Caledonia
Brown	1.	Lee, Pea Ridge, Missouri, Ripley, Cooperstown
	2.	Buckhorn, Elkhorn, Versailles
Bureau	1.	Bureau, Walnut
	2.	Berlin, Westfield
	3.	Leepertown, Selby
	4.	Fairfield, Gold, Mineral
	5.	Neponset, Macon
	6.	Greenville, Manlius
	7.	Indiantown, Arispie, Milo, Wheatland
	8.	Ohio, Dover
	9.	LaMoille, Clarion
Carroll	1.	Washington, Woodland, Freedom
	2.	Salem, Fairhaven
	3.	Elkhorn Grove, Wysox
Cass	1.	Sangamon Valley, Virginia
	2.	Ashland, Philadelphia
	3.	Panther Creek, Newmansville, Chandlerville
	4.	Bluff Springs, Arenzville, Hagener
Champaign	1.	East Bend, Newcomb, Condit, Hensley
	2.	Ludlow, Rantoul
	3.	Harwood, Kerr, Compromise
	4.	Stanton, Ogden
	5.	Colfax, Sadorus
	6.	Pesotum, Crittenden
	7.	Raymond, Ayers, South Homer
Christian	1.	Mt. Auburn, Mosquito
	2.	Stonington, Prairieton
	3.	King, Bear Creek, Johnson

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|------------|----|---|
| | 4. | Greenwood, Rosamond, Locust |
| Clark | 1. | Westfield, Parker, Martinsville |
| | 2. | Dolson, Auburn, Douglas, Anderson, Darwin |
| | 3. | Johnson, Orange, Melrose, York |
| Clay | 1. | Larkinsburg, Oskaloosa, Blair |
| | 2. | Bible Grove, Hoosier, Pixley |
| | 3. | Stanford, Clay City |
| | 4. | Songer, Xenia |
| Clinton | 1. | St. Rose, Wheatfield, Irishtown |
| | 2. | Santa Fe, Lake |
| | 3. | Clement, Meridian, East Fork |
| Coles | 1. | Ashmore, Hutton , Seven Hickory, Charleston |
| | 2. | Morgan, East Oakland |
| | 3. | Humboldt, Lafayette, Mattoon, North Okaw Ashmore, Hutton |
| | 4. | Paradise, Pleasant Grove North Okaw, Humboldt |
| Crawford | 1. | Licking, Prairie |
| | 2. | Lamotte, Hutsonville, Montgomery |
| | 3. | Martin, Honey Creek, Southwest |
| Cumberland | 1. | Cottonwood, Union, Crooked Creek |
| | 2. | Spring Point, Woodbury |
| DeKalb | 1. | South Grove, Mayfield |
| | 2. | Malta, Milan |
| | 3. | Afton, Pierce |
| | 4. | Shabbona, Paw Paw |
| | 5. | Victor, Somonauk |
| DeWitt | 1. | Waynesville, Barnett, Wapella |
| | 2. | Wilson, Rutledge, Harp, DeWitt |
| | 3. | Tunbridge, Texas |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|-----------|---------------|---|
| | 4. | Nixon, Creek |
| Douglas | 1. | Murdock, Newman, <u>Bowdre, Sargent</u> |
| | 2. | Bowdre, Sargent |
| Edgar | 1. | <u>Edgar, Brouilletts Creek, Hunter, Stratton</u> Edgar, Prairie |
| | 2. | Buck, Kansas, Grandview |
| | 3. | <u>Symmes, Elbridge, Hunter, Stratton</u> |
| | 4. | Shiloh, Young America, Embarrass |
| | <u>5.</u> | <u>Ross, Prairie</u> |
| Effingham | 1. | Banner, Liberty, Moccasin |
| | 2. | Jackson, Mason, Mound, West |
| | 3. | St. Francis, Teutopolis |
| | 4. | Watson, Union |
| | 5. | Bishop, Lucas |
| Fayette | 1. | North Hurricane, South Hurricane, Shafter, Bear Grove |
| | 2. | Seminary, Pope, Kaskaskia |
| | 3. | Wilberton, Lone Grove, LaClede |
| | 4. | Sefton, Otego, Wheatland |
| | 5. | Loudon, Carson, Bowling Green |
| Ford | 1. | Drummer, Dix |
| | 2. | Patton, Button |
| | 3. | Sullivant, Peach Orchard, Lyman, Wall |
| | 4. | Brenton, Pella, Mona, Rogers |
| Franklin | 1. | Goode, Barren |
| | 2. | Ewing, Northern |
| | 3. | Eastern, Cave |
| Fulton | 1. | Ellisville, Young Hickory, Deerfield, Lee |
| | 2. | Fairview, Joshua, <u>Vermont</u> |
| | 3. | Harris, Cass, Bernadotte, Farmers |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|-----------|----|---|
| | 4. | Pleasant, Isabel, Woodland, Kerton, Waterford |
| | 5. | Buckheart , Banner, Liverpool |
| Gallatin | 1. | New Haven, Shawnee, Gold Hill |
| | 2. | Omaha, Asbury, North Fork, Ridgeway |
| | 3. | Equality, Bowlesville, Eagle Creek |
| Greene | 1. | Patterson, Roodhouse |
| | 2. | Athensville, Rubicon, Wrights, Linder ,
Rockbridge |
| | 3. | Walkerville, Bluffdale, Woodville |
| | 4. | Carrollton , Kane Linder , Rockbridge |
| Grundy | 1. | Norman, Wauponsee |
| | 2. | Highland, Vienna, Mazon |
| | 3. | Goodfarm, Garfield, Greenfield |
| | 4. | Maine, Braceville |
| | 5. | Nettle Creek, Erienna |
| Hamilton | 1. | Dahlgren, Knights Prairie |
| | 2. | Flannigan, South Flannigan, Twigg, South
Twigg, Mayberry |
| | 3. | Crouch, South Crouch, Beaver Creek, Crook |
| Hancock | 1. | Nauvoo, Appanoose, Sonora |
| | 2. | Pontoosuc, Dallas City, Rock Creek |
| | 3. | Prairie, Carthage |
| | 4. | Warsaw, Wilcox, Rocky Run |
| | 5. | Durham, Pilot Grove, Fountain Green, Hancock |
| | 6. | Wythe, Walker, St. Albans, Bear Creek |
| | 7. | Harmony, St. Mary, Chili, Augusta |
| Henderson | 1. | Biggsville, Rozetta, Bald Bluff |
| | 2. | Media, Raritan, Terre Haute, Lomax |
| | 3. | Stronghurst, Carman |
| | 4. | Gladstone , Oquawka |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|------------|----|---|
| Henry | 1. | Edford, Osco, Munson |
| | 2. | Lynn, Andover |
| | 3. | Burns, Weller, Galva |
| | 4. | Loraine, Yorktown, Alba, Cornwall |
| | 5. | Oxford, Clover |
| Iroquois | 1. | Ridgeland, Onarga, Artesia |
| | 2. | Pigeon Grove, Fountain Creek |
| | 3. | Milford, Stockland, Lovejoy, Prairie Green |
| | 4. | Crescent, Ash Grove |
| | 5. | Milks Grove, Ashkum, Chebanse |
| | 6. | Beaver, Concord, Martinton |
| | 7. | Papineau, Beaverville |
| | 8. | Danforth, Iroquois |
| Jackson | 1. | Ora, Vergennes |
| | 2. | Degognia, Kinkaid, Fountain Bluff, Levan |
| | 3. | Sand Ridge, Grand Tower, Pomona |
| Jasper | 1. | Crooked Creek, Grandville, Hunt City |
| | 2. | Smallwood, Fox, Sainte Marie, Willow Hill |
| | 3. | Grove, North Muddy, South Muddy |
| Jefferson | 1. | Grand Prairie, Casner |
| | 2. | Blissville, Bald Hill, Elk Prairie |
| | 3. | Field, Farrington |
| | 4. | Pendleton, Moores Prairie |
| Jersey | 1. | Ruyle, Jersey, Fidelity |
| | 2. | Richwood, English |
| | 3. | Rosedale, Otter Creek |
| Jo Daviess | 1. | Apple River, Thompson |
| | 2. | Berreman, Derinda, Pleasant Valley, Stockton ,
Wards Grove |
| | 3. | Council Hill, Guilford, Scales Mound |
| | 4. | Elizabeth, Woodbine, Hanover , Rice |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- ~~5.~~ [Hanover, Rice](#)
~~5.6.~~ Menominee, Rawlins, Vinegar Hill
~~6.7.~~ Nora, Rush, Warren
- Kankakee
1. Rockville, Manteno
 2. Sumner, Yellowhead
 3. Essex, Salina
 4. [Norton, Pilot](#)
- Kendall
1. Lisbon, Seward, Na-au-say
- Knox
1. Galesburg, Knox, Cedar, Orange, Haw Creek, Elba, Indian Point, Chestnut, Maquon, Salem
 2. Rio, Ontario, Walnut Grove, Lynn, Henderson, Sparta, Copley, Victoria, Persifer, Truro
- LaSalle
1. Meriden, Ophir, Troy Grove
 2. Freedom, Serena
 3. Mission, Miller
 4. Dimmick, Waltham, Wallace
 5. Fall River, Grand Rapids
 6. Vermilion, Farm Ridge, Deer Park
 7. Hope, Richland, Osage, Groveland
 8. Brookfield, Allen
- Lawrence
1. Allison, Denison
 2. Christy, Lukin
 3. Petty, Bond, Russell
- Lee
1. Nachusa, Franklin Grove
 2. Nelson, Harmon
 3. South Dixon, Marion, East Grove, Hamilton
 4. Reynolds, Alto, Viola, Willow Creek
 5. Brooklyn, Wyoming
 6. Ashton, Bradford
 7. Amboy, Lee Center
 8. May, Sublette

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|------------|-----------------|---|
| Livingston | 1. | Chatsworth, Germanville |
| | 2. | Reading, Newtown |
| | 3. | Sunbury, Nevada, Esmen |
| | 4. | Round Grove, Broughton, Sullivan |
| | 5. | Long Point, Amity |
| | 6. | Rooks Creek, Waldo, Pike |
| | 7. | Owego, Eppards Point, Avoca |
| | 8. | Saunemin, Pleasant Ridge, Charlotte, Union |
| | 9. | Indian Grove, Belle Prairie |
| | 10. | Forrest, Fayette |
| Logan | 1. | Prairie Creek, Sheridan |
| | 2. | Orvil, Eminence, West Lincoln |
| | 3. | Atlanta, Oran |
| | 4. | Chester, Mount Pulaski |
| | 5. | Corwin, Broadwell, Elkhart, Hurlbut |
| | 6. | Aetna, Laenna, Lake Fork |
| McDonough | 1. | Blandinsville, Hire |
| | 2. | Sciota, Walnut Grove |
| | 3. | Bushnell, Prairie City, Macomb, Mound |
| | 4. | Chalmers, New Salem, Scotland |
| | 5. | Tennessee, Lamoine, Bethel |
| | 6. | Industry, Eldorado |
| McLean | 1. | Allin, Dale |
| | 2. | West, Bellflower, Cheneys Grove |
| | 3. | Chenoa , Yates, Lawndale, Cropsey, Anchor |
| | 4. | Blue Mound, Martin |
| | 5. | Dawson, Arrowsmith |
| | 6. | White Oak, Dry Grove |
| | 7. | Mount Hope, Funk's Grove |
| Macon | 1. | Austin, Illini |
| | 2. | Oakley, Whitmore |
| | 2,3. | Niantic, Harristown |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

	3,4-	Blue Mound, Pleasant View
Macoupin	1.	Scottville, Barr, Western Mound, Chesterfield
	2.	North Palmyra, North Otter
	3.	South Palmyra, South Otter
	4.	Nilwood, Shaws Point, Honey Point
	5.	Bird, Polk, Hillyard, Brushy Mound
Madison	1.	New Douglas, Leef
Marion	1.	Patoka, Carrigan
	2.	Foster, Tonti
	3.	Kinmundy, Meacham
	4.	Alma, Omega
	5.	Stevenson, Haines
	6.	Iuka, Romine Romaine
Marshall	1.	Saratoga, Whitefield, La Prairie, Steuben
	2.	Hopewell, Roberts, Bell Plain, Richland
Mason	1.	Forest City, Quiver
	2.	Allens Grove, Pennsylvania, Salt Creek
	3.	Crane Creek, Kilbourne, Sherman
	4.	Bath, Lynchburg
Mercer	1.	Eliza, Duncan, Perryton
	2.	Keithsburg, Abington, Ohio Grove
	3.	Suez, North Henderson
	4.	New Boston, Millersburg
Montgomery	1.	Bois d'Arc , Harvel, Pitman, Zanesville
	2.	Butler Grove, Irving, Rountree
	3.	Audubon, Nokomis
	4.	Witt, Fillmore, South Fillmore
	5.	Grisham, Walshville, East Fork
Moultrie	1.	Dora, Marrowbone

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- | | | |
|----------|----|--|
| | 2. | Lowe, Jonathan Creek |
| | 3. | East Nelson, Whitley |
| Ogle | 1. | Eagle Point, Buffalo , Woosung, <u>Pine Creek, Grand Detour</u> |
| | 2. | Brookville, Forreston |
| | 3. | Scott , White Rock, <u>Lynnville, Dement</u> |
| | 4. | Maryland, Lincoln |
| | 5. | <u>Pine Rock, Lafayette, Taylor</u> Pine Creek, Grand Detour |
| | 6. | Taylor, Lafayette, Pine Rock |
| | 7. | Lynnville, Dement |
| Peoria | 1. | Millbrook, Brimfield |
| | 2. | Princeville, Akron |
| | 3. | Logan, Trivoli |
| Piatt | 1. | Goose Creek, Willow Branch |
| Pike | 1. | <u>Levee, Kinderhook, Cincinnati, Pleasant Vale</u> Fairmount, Perry, Chambersburg |
| | 2. | <u>Barry, Hadley, New Salem, Pleasant Vale</u> , Derry |
| | 3. | <u>Atlas, Martinsburg, Ross, Pleasant Hill</u> Flint, Detroit, Montezuma, Pearl |
| | 4. | Newburg , Hardin, Spring Creek, <u>Pearl, Montezuma, Detroit</u> |
| | 5. | <u>Pittsfield, Newburg</u> Atlas, Martinsburg |
| | 6. | <u>Fairmont, Perry, Chambersburg, New Salem, Griggsville, Flint</u> Pleasant Hill, Ross |
| | 7. | Kinderhook, Levee, Cincinnati |
| Putnam | 1. | Hennepin, Senachwine |
| Richland | 1. | Noble, Decker, Denver |
| | 2. | German, Claremont |
| | 3. | Madison, Bonpas |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Rock Island	1.	Buffalo Prairie, Drury
	2.	Canoe Creek, Zuma
	3.	Cordova, Port Byron
	4.	Blackhawk, Rural
St. Clair	1.	Mascoutah, Engelmann
	2.	East St. Louis, Stites
Saline	1.	Galatia, Long Branch, Tate
	2.	Brushy, Raleigh
	3.	Rector, East Eldorado, Cottage
	4.	Stonefort, Independence, Mountain
Sangamon	1.	Buffalo Hart, Mechanicsburg
	2.	Lanesville, Illiopolis
	3.	Maxwell, Loami, Talkington
	4.	Cooper, Cotton Hill
	5.	Island Grove, New Berlin
Schuyler	1.	Birmingham, Brooklyn, Littleton, Oakland, Huntsville, Camden
	2.	Browning, Hickory, Woodstock, Bainbridge, Frederick
Shelby	1.	Flat Branch, Ridge, Rural, Pickaway, Penn
	2.	Todds Point, Okaw
	3.	Richland, Ash Grove
	4.	Oconee, Cold Spring
	5.	Herrick, Dry Point
	6.	Lakewood, Holland, Clarksburg
	7.	Big Springs, Sigel
Stark	1.	Elmira, Osceola
	2.	Goshen, West Jersey
	3.	Essex, Valley, Penn
Stephenson	1.	Winslow, Waddams

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

	2.	Erin, Kent
	3.	Jefferson, Loran
	4.	Dakota, Rock Grove
	5.	Florence, Silver Creek
Tazewell	1.	Dillon, Delavan, Sand Prairie, Malone
	2.	Hopedale, Boynton, Hittle, Little Mackinaw
Vermilion	1.	Pilot, Middlefork
	2.	Georgetown, Love, McKendree
	3.	Jamaica, Vance
	4.	Carroll, Elwood
	5.	Butler, Grant
Warren	1.	Kelly, Coldbrook, Floyd, Berwick
	2.	Lenox, Sumner, Hale
	3.	Greenbush, Swan, Point Pleasant
	4.	Tompkins, Ellison
Washington	1.	Venedy, Johannsburg, Lively Grove
	2.	Covington, Hoyleton
	3.	Beaucoup, Ashley, Richview
	4.	Plum Hill, Oakdale, Pilot Knob
	5.	Bolo, DuBois
Wayne	1.	Garden Hill, Orchard, Hickory Hill, Four Mile
	2.	Keith, Zif, Mt. Erie, Elm River
	3.	Indian Prairie, Berry, Arrington
	4.	Massilon, Barnhill, Leech
White	1.	Mill Shoals, Burnt Prairie, Enfield
	2.	Heralds Prairie, Emma, Hawthorne
Whiteside	1.	Ustick, Clyde
	2.	Genesee, Jordan, Hopkins
	3.	Albany, Garden Plain
	4.	Newton, Fenton, Portland

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 5. Union Grove, Mt. Pleasant
- 6. Hume, Montmorency, Hahnaman

- Will
 - 1. Florence, Wilton

- Winnebago
 - 1. Laona, Durand
 - 2. [Shirland](#), Harrison, Burritt
 - 3. [Pecatonica](#)~~Pectonica~~, Seward

- Woodford
 - 1. Partridge, Cazenovia
 - 2. Linn, Clayton, Greene, Panola
 - 3. Cruger, Olio
 - 4. Palestine, Kansas

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois State Police Merit Board Personnel Rules
- 2) Code Citation: 80 Ill. Adm. Code 160
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
160.100	New Section
160.110	New Section
160.120	New Section
160.130	New Section
160.140	New Section
160.150	New Section
160.160	New Section
160.170	New Section
160.180	New Section
160.190	New Section
160.200	New Section
160.210	New Section
160.220	New Section
160.230	New Section
160.240	New Section
160.250	New Section
160.260	New Section
160.270	New Section
160.280	New Section
160.290	New Section
160.300	New Section
160.310	New Section
160.320	New Section
- 4) Statutory Authority: 20 ILCS 2610/6
- 5) A Complete Description of the Subjects and Issues Involved: These additional Sections will be used by the Illinois State Police Merit Board to determine personnel issues and set guidelines for staff.
- 6) Published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- 7) Will this proposed rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect or create or expand a State mandate under the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within forty-five days after this issue of the *Illinois Register* to:

Mr. Ronald P. Cooley, Executive Director
Department of State Police Merit Board
531 Sangamon Avenue East
Springfield IL 62702

217/786-6240
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities or not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Agendas because the Board has just recently voted on the addition.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

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

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: STATE POLICE MERIT BOARD

PART 160

ILLINOIS STATE POLICE MERIT BOARD PERSONNEL RULES

Section

160.100	Introduction; Definitions
160.110	Position Classification and Compensation
160.120	Application and Appointment
160.130	Work Schedule and Attendance
160.140	Continuous Service
160.150	Personnel Records and Performance Reviews
160.160	Probationary Status
160.170	Promotion
160.180	Employee Transfer
160.190	Demotion
160.200	Layoff
160.210	Voluntary Reduction
160.220	Resignation and Reinstatement
160.230	Employee Conduct
160.240	Discipline and Discharge
160.250	Grievance Procedure
160.260	Sick Leave
160.270	Vacation Leave
160.280	Leave for Personal Business
160.290	Leaves of Absence
160.300	Holidays
160.310	Overtime
160.320	Interpretation and Application of Rules

AUTHORITY: Authorized by and implementing Section 3 of the State Police Act [20 ILCS 2610].

SOURCE: Adopted at 40 Ill. Reg. _____, effective _____.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

Section 160.100 Introduction; Definitions

- a) General
- 1) Subject
This Part establishes the basic policies governing the personnel in the Office of the Illinois State Police Merit Board.
 - 2) Equal Employment
The Office of the Illinois State Police Merit Board does not discriminate with respect to recruitment, hiring, promotion, renewal of employment, discharge, discipline, demotion, privileges or conditions of employment against any individual on any unlawful basis, including race, color, religion, sex, sexual orientation, age, marital status, physical or mental disability, national origin, citizenship, political affiliation, ancestry, military status or unfavorable discharge from military service.
 - 3) Scope
All payroll employees of the Office of the Illinois State Police Merit Board are subject to the provisions of this Part.
- b) Definitions
- "Act" means the State Police Act [20 ILCS 2610].
- "Allocation" means the distribution of duties within a job classification.
- "Board" means the Illinois State Police Merit Board created by Section 3 of the State Police Act.
- "Certified Employee" means an employee who has satisfactorily completed a required period of probation and attained certified status in any position during the employee's most recent period of continuous service with the Office.
- "Certified Status" means status achieved through the successful completion of a probationary period of 6 months.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

"Executive Director" means Executive Director of the Board.

"General Counsel" means the designated head of legal counsel as reflected in the organizational chart of the Board.

"Immediate Family" means spouse, parents, stepparents, children, stepchildren, siblings, grandparents, grandchildren, same sex partners, and other persons abiding within the same household eligible to be covered as dependents for health insurance or claimed for income tax purposes.

"Office" means the Office of the Illinois State Police Merit Board.

"Organizational Unit" means the unit to which an employee's position is assigned, as set forth in the Board's organizational chart.

"Personnel Transaction" means any transaction that affects an employee's salary, service date, title and/or position number change.

"Probationary Employee" means an employee serving a probationary period after initial hiring from outside the Office.

"Probationary Period" means a period of at least 6 calendar months preceding receipt of notice of certification and after initial hiring from outside the Office or at least 4 months after appointment to a position within the Office in which the employee has not previously been certified.

"Retirement System" or "SERS" means the State Employees' Retirement System of Illinois.

"State Service" means employment with those agencies, boards and/or commissions covered by SERS.

Section 160.110 Position Classification and Compensation

- a) Position Classification
 - 1) Organizational Structure

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

The organizational structure of the Office shall be as established by the Executive Director and maintained on file in the Office of Personnel.

- 2) **Positions and Service**

The establishment and abolition of positions and duties shall be at the discretion of the Executive Director and the Board. All employees serve at the discretion of the Board, subject to the employee rights established by this Part.
- 3) **Classification Plan**

The Director of Personnel shall maintain, and revise when necessary, a uniform position classification plan for positions necessary to carry out the duties of the Office. The classification plan shall be based on the similarity of duties and responsibilities assigned so that the same schedule of pay may be equitably applied to all positions within a classification, under the same or substantially the same employment conditions. Employees shall be classified by position and each position classification shall be governed by a formal, written position description approved by the Executive Director. Any change in salary or position description shall be recorded as a personnel transaction.
- 4) **Allocation**

It is the responsibility of each Director and Manager to report to the Executive Director and the Director of Personnel any significant changes in the duties of any position within the organizational unit. At the Executive Director's request, a survey, audit or other investigation as may be deemed necessary by the Executive Director shall be made to determine the proper allocation of any position to a classification. Upon written request of an employee to a Director, and upon approval of the Executive Director and the Director of Personnel, the investigation by a Director shall be made to determine the proper allocation of the employee's position. It shall be the responsibility of the Director of the organizational unit in which the position is located to notify the employee and the Director of Personnel of the determination concerning the proper allocation of the employee's position.
- 5) **Reconsideration**

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- A) Within 30 days after receiving notice of the determination concerning proper allocation of a position, the employee may make a request in writing to the Executive Director for reconsideration of the determination. Thereafter, the Executive Director shall reinvestigate the duties and responsibilities of the position and, if necessary, of related positions. The employee shall be given a reasonable opportunity to be heard by the Executive Director.
 - B) After the reinvestigation, the Executive Director shall render a decision in writing and it shall be served on the employee in person or by certified mail, return receipt requested, at the employee's last address shown in the personnel file and to the Director of Personnel. The effective date of the reconsidered decision shall be the effective date of the allocation decision giving rise to the reconsideration request.
- 6) **Assignments to Other Classifications**
An employee whose position has been allocated to a classification having a higher, lower or same maximum permissible salary or rate may remain in the position; provided, however, that the Executive Director shall determine, in the case of allocation to a class having a higher maximum salary or rate, whether, considering the nature of the change in duties, the employee is qualified for the position.
- 7) **Revised Class Requirements**
When requirements for a classification are revised and the duties and responsibilities of positions comprising the classification remain essentially unchanged, incumbents in these positions who qualified under previous requirements for the classification shall be considered qualified.
- b) **Compensation Plan**
- 1) **Establishment of Plan**
The Executive Director shall establish and maintain on file in the Office of Personnel a Pay Plan for all employees. The Pay Plan shall designate a salary range for each position classification. The salary for any particular

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

position shall be fixed by the Executive Director within the designated salary range and based, in his or her discretion, on the duties, responsibilities and work requirements of that position as they relate to the total duties, responsibilities and work requirements of the Office.

- 2) Provisions of the Pay Plan
 - A) The Pay Plan shall provide for starting rates of pay and the time and manner in which subsequent changes of salary may be made. The rate each employee is to be paid shall be set forth in appropriate documents contained within his or her personnel file. The Pay Plan may also include other provisions not inconsistent with law to assist in the administration of good personnel practices for the Office.
 - B) The Executive Director shall have discretion, subject to Board approval, over whether to grant pay increases for any employee within his or her organizational unit. Merit increases shall be granted by the Executive Director and the Board. The Board shall have complete discretion over whether to grant pay increases for all employees, including Executive Employees (i.e., Rutan exempt employees) and Directors.

Section 160.120 Application and Appointment

- a) Applications for Employment
 - 1) Notice
Positions shall be posted in the office of the Board and on the established job posting website, unless the Executive Director directs otherwise.
 - 2) Submission of Application
 - A) Persons seeking employment must submit an application, resume or other documents demonstrating education and experience.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- B) Employees seeking positions within the Office must apply in writing to the Director of Personnel. The Director of Personnel shall submit copies of applications received to the Executive Director.
- 3) Screening of Applicants
- A) Interviews
Directors or their designees are responsible for screening applications for non-Executive Employee positions. Interviews may be conducted as part of the screening process. Interviews shall be conducted by the Director of Personnel and the Executive Director.
 - B) The Board shall conduct interviews for the position of Executive Director.
 - C) Examinations
The Executive Director may require any applicant for any position to take examinations as a means to assess knowledge, skills and the ability to perform the duties of the position.
- 4) Criteria for Selection
- A) Selection may be based on education, experience, interviews, references and examinations, if conducted. Other factors, such as experience within the Office, may also be considered.
 - B) Pre-employment screening of applicants may include, but is not limited to, background checks and routine reference verifications.
 - C) If, following the screening process, the Director of Personnel desires to place an applicant in a position, the Director of Personnel shall submit his or her recommendation to the Executive Director for final action, which may include a decision not to fill the position.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- D) A central file of all applicants who applied for or were considered for a position, along with appropriate supporting material, shall be maintained in the Office of Personnel for a minimum of three years from the date the position is filled or a decision to not fill the position is made.
- b) Appointment
- 1) Notice of Appointment
Upon approval of the Executive Director, the Director of Personnel shall notify applicants in writing of their appointment to a position. The notification shall state the position classification, work location, starting salary, and beginning date of employment, all contained in a conditions of employment agreement that shall be signed by all new appointees. Appointments become effective upon the applicant's reporting for work at the place and time designated in the notification.
- 2) Types of Appointment
The following types of appointments may be made by the Executive Director:
- A) Probationary Employees
All appointments for newly hired employees shall be subject to the employee's performance through 2 consecutive performance appraisals by the Executive Director or his or her designee of approximately 3 months each and receipt of notification that the employee has been certified in the position to which appointed. At any time during this probationary period, newly hired employees may be discharged without notice, cause or any right to hearing.
- B) Certified Employees
Employees successfully completing a probationary period shall be appointed to certified status. Appointment to certified status shall be effective upon receipt of written notice from the Executive Director or his or her designee.
- C) Temporary Employees

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

Employees authorized by the Executive Director to perform duties and responsibilities on a temporary basis shall receive compensation at the designated rate of a temporary employment agency supplying the worker or as agreed to by the employee and the Executive Director.

D) Acting Status in a Non-Executive Employee Position

An employee assigned to acting status for any position shall, at the Executive Director's discretion, be paid in accordance with the salary range allocated to the position and the responsibilities incurred as a result of the acting assignment; provided, however, that payment shall not be lower than the employee's base salary immediately prior to the acting assignment. An employee removed from acting status shall be returned to the same or a similar position to the one held prior to the acting status appointment. The employee's salary shall be not less than his or her salary at the time he or she was appointed to the acting status.

E) Acting Status in an Executive Employee Position

An employee assigned to acting status for an Executive Employee position classification shall only be appointed by the Board or Executive Director.

F) Trainee Appointments

Employees appointed to a trainee position shall be promoted by the Executive Director to the permanent targeted title with no probationary period only after successful completion of the training period, which shall be a period of 6 to 12 months. Employees appointed to trainee positions may be discharged at any time prior to promotion without rights to appeal.

3) Other Appointments

Executive Employees shall be appointed by the Board. Executive Employees serve at the discretion of the Board and may be discharged or demoted by the Board at any time, without notice, cause or any rights to a hearing.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- c) Contractual Employee
Contractual employees have no rights under this Part.

Section 160.130 Work Schedule and Attendance

- a) The Executive Director shall establish and maintain on file in the Office of Personnel a schedule of working hours for the Office.
- b) The Office of Personnel shall maintain attendance records for all employees.
- c) An employee shall, whenever possible, provide advance notice of absence from work. For those positions specified in the Pay Plan, any time away from scheduled work hours that is not specifically authorized by the Executive Director or his or her designee in writing shall constitute cause for a deduction from pay. Absence of an employee for five consecutive workdays without reporting to the appropriate Director may be cause for discharge.
- d) Employees who do not have earned time off credited to their name, yet are absent from work, shall be marked as unexcused and their pay shall be adjusted to reflect the absence. More than 3 unexcused absences annually could result in disciplinary action, up to and including discharge.
- e) Emergency Shut-Down
 - 1) The Executive Director (or his or her designee) shall declare an emergency shut-down of the Office when there occurs a disruption of the work at the worksite caused by a condition beyond the control of the Office, such as equipment failure, terrorist attack, fire, flood, snow, tornado or other natural disaster, or interruption of services such as water or electricity. The Executive Director may require certain employees to work during this period to maintain essential services, to help restore services or for other necessary purposes.
 - 2) It shall be the responsibility of the Executive Director (or his or her designee) to notify affected employees of the emergency shut-down. Time in nonwork status is with pay. Those employees on approved sick

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

leave or vacation at the time of emergency shut-down shall be reimbursed for those days previously approved.

Section 160.140 Continuous Service

- a) Definition
 - 1) Continuous service is the uninterrupted period of service from the date of original appointment to State service.
 - 2) Employees who have previous State service that qualified for earning of vacation benefits shall be given credit for that service, as determined by the Office or as required by law.
- b) Interruptions in Continuous Service
 - 1) Resignation; provided, however, that continuous service shall not be interrupted by resignation when an employee is employed in another position in State service within 4 calendar days after resignation.
 - 2) Discharge; provided, however, that continuous service shall not be interrupted if the employee is retained in the position after a hearing before the Board.
 - 3) Termination; if an employee has not been reemployed by the Office within one year after layoff.
- c) Deductions from Continuous Service
 - Except as provided in subsection (f), the following shall be deducted from, but shall not interrupt, continuous service:
 - 1) Time away from work for any leave of absence without pay totaling more than 30 calendar days in any 12-month period;
 - 2) Time away from work because of disciplinary suspensions totaling more than 30 calendar days in any 12-month period.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- 3) Time away from work because of layoff.
- d) **Veteran's Continuous Service**
Leaves of absence shall be granted to all employees who leave their positions and enter military service for 4 years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or similar position on making an application within 90 days after separation from active duty or from hospitalization continuing after discharge of not more than one year. The employee must provide evidence of satisfactory completion of training and military service or a qualified health care provider's statement when making application and be qualified to perform duties of the position. Continuous service and reemployment rights for veterans subject to federal law shall be as provided in the Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4333).
- e) **Peace Corps or Job Corps Enrollees Continuous Service**
Any employee who volunteers and is accepted for service in the overseas or domestic Peace Corps or Job Corps shall be given a leave of absence from his or her State employment for the duration of his or her initial period of service and be restored to the same or similar position provided that the employee returns to employment within 90 days after the termination of service or release from hospitalization from a Peace Corps or Job Corps service connected disability.
- f) **Accrual and Retention of Continuous Service During Certain Leaves**
During an absence for family and medical, educational, administrative, military, Peace Corps or Job Corps, disaster service volunteer or service-connected disability leaves, an employee shall retain and accrue continuous service, provided appropriate application and return is made as required by this Part.

Section 160.150 Personnel Records and Performance Reviews

- a) **Personnel Records**
 - 1) A personnel file shall be established for each employee upon entry into employment and shall be maintained in the Division of Personnel. When the following records are maintained, they must be maintained in the personnel file:

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- A) Applications for employment, letters of recommendation, resumes and school transcripts;
 - B) Offers and acceptances of employment;
 - C) Employment information cards;
 - D) Personnel transaction forms;
 - E) Written commendations and disciplinary actions;
 - F) Annual performance appraisals.
- 2) Records that are nonconfidential are not made confidential because of their inclusion in the personnel file.
 - 3) An employee is entitled to view his or her personnel file during working hours with reasonable notice to the Director of Personnel or his or her designee. These records may be inspected only in the presence of the Executive Director or his or her designee or the Director of Personnel or his or her designee. Certain records in the personnel file, in accordance with the law, may be withheld from the employee's inspection. In addition, personnel files may be viewed by the Board, Executive Director and the Director of Personnel or his or her designee. Other employees, only at the discretion of the Executive Director, may view an employee's personnel file on a need to know basis.
 - 4) An employee shall be notified of any additions to or deletions from his or her personnel file. If an employee disagrees with any information contained in the personnel record, the employee may submit a written statement to the Director of Personnel explaining his or her position for inclusion in the employee's personnel file.
 - 5) Performance records shall constitute material in an employee's personnel file that is relevant to determining the appropriateness of proposed or recommended personnel transactions.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- 6) Performance records shall be considered in all cases, unless excepted by this Part, of promotion, demotion, discharge, layoff, reinstatement, merit salary increases and certification. In considering any potential change in an employee's current status, the employee's most recent performance records may be given greater weight than the employee's earlier performance records.
- b) Performance Evaluations
- Performance records of non-Executive Employees shall include an evaluation of employee performance prepared at least annually on prescribed forms. Executive employees shall be evaluated in the time and manner prescribed by the Executive Director or the Board.
- 1) Additional performance evaluations of individual employees may be conducted by the Executive Director or the Director of Personnel as deemed necessary by the Executive Director.
 - 2) Performance evaluations shall be conducted by the Director of the employee's organizational unit or the employee's direct supervisor. The Executive Director shall conduct performance evaluations for Executive Employees.
 - 3) Employees shall be required to sign all evaluation forms to indicate they have read the evaluation and it has been discussed with them by the Executive Director or the Director of Personnel, whichever is appropriate.

Section 160.160 Probationary Status

- a) Probationary Period
- 1) A probationary period of approximately 6 months shall be served by a full-time employee who is newly hired from outside the Office.
 - 2) A probationary period of approximately 4 months shall be served by a full-time employee who is promoted. A probationary employee transferred during the probationary period shall serve that portion of the

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

probationary period that was not completed at the time of the transfer. Trainee appointments promoted to the target title after successful completion of the trainee period shall not be subject to a probationary period.

- 3) If an employee is absent from work for more than 15 calendar days during the probationary period, the probationary period shall be extended by the length of the absence.
- b) **Certified Status**
A probationary employee shall attain certified status only after successful completion of the probationary period.

Section 160.170 Promotion

- a) **Definition**
A promotion is the appointment by the Executive Director of an employee to a position in a classification with a higher maximum permissible salary than the former classification.
- b) **Promotions from Within**
If an outside applicant and an internal applicant are equally qualified for a position, the employee of the Office may be given preference.
- c) **Salary Increases Resulting from Promotion**
Upon promotion, the salary of an employee shall be as provided in the Pay Plan.
- d) **Failure to Complete Probationary Period**
 - 1) A promoted, previously certified employee who fails to satisfactorily complete the probationary period in the promoted position because of inability to perform the duties and responsibilities of the promoted position shall be returned to a position in the classification from which promoted.
 - 2) A promoted employee who has been previously certified in any position within the Office may be discharged during the probationary period and,

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

in this event, the employee has the same rights to appeal as a certified employee.

- 3) No probationary employee shall be promoted unless the employee has previously held certified status during the current period of continuous service.

Section 160.180 Employee Transfer

- a) **Definition**
A transfer is the assignment of an employee to a position whose classification has the same maximum permissible salary as the former classification.
- b) **Intra-Agency Transfer**
An employee may be transferred to a position involving similar qualifications, duties, responsibilities and salary range in another division, section, or other unit within the Office. Transfers may be made by the Executive Director as he or she deems necessary or desirable, in his or her sole discretion.
- c) **Inter-Agency Transfer**
An employee may be transferred to a position in the same class, or to a position involving similar qualifications, duties, responsibilities and salary range in another agency of the State of Illinois, with the approval of the other agency and the Executive Director and/or a Director, and with the consent of the employee. For the purposes of this Section, however, an employee who has laterally transferred from another State agency with less than one year service in the Office shall not be awarded a promotion within the Office unless there are no eligible and qualified candidates with more than one year's service with the Office.
- d) **Rights of Transferred Employees**
A transferred employee shall retain status, continuous service, and all accrued benefits.
- e) **Transfer of Duties**
When the duties of a position are relocated by transfer or by abolition and reestablishment, and when the duties are substantially the same as the employee's current position classification, an incumbent employee may elect to relocate and

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

retain the duties of the position. Expenses incurred for transportation and moving expenses are not subject to reimbursement.

Section 160.190 Demotion

- a) Definition
 - 1) Demotion is the assignment of an employee to a position in a classification having a lower maximum permissible salary than the former classification, made for reasons of inability of the employee to perform the work of the position from which the demotion was made or due to the restructuring of duties and responsibilities within the organizational unit.
 - 2) The Executive Director may initiate demotion of an employee by submitting to the Director of Personnel a written statement of reasons for demotion containing sufficient facts to show good cause for the demotion. No demotion shall become effective until prior approval of the Executive Director and written notice is served upon the employee.
- b) Notice to Employee

If the statement of reasons for demotion of a certified employee is approved by the Executive Director, a copy of the approved statement of reasons for demotion shall be served on the employee in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.
- c) Employee Obligations

Upon receipt of the approved statement of reasons for demotion or upon the effective date of demotion, whichever is later, the employee shall leave the position to which assigned prior to receipt of the notice of demotion and report to work to the position to which demoted. An employee's report for work to the position to which demoted shall be without waiving any right to appeal under subsection (e).
- d) Salary and Other Benefits of Employee

Upon receipt by the employee of the approved statement of reasons for demotion, or on the effective date of the demotion, whichever is later, all salaries and benefits of the employee in the position to which assigned prior to receipt of the

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

reasons shall be adjusted to reflect the demotion. An employee assigned to a demotion due to a restructuring of duties and responsibilities within the organizational unit as defined in subsection (a)(1), upon receipt of the approved statement of demotion, or on the effective date of the demotion, whichever is later, shall continue at the same rate of pay of the position in which assigned prior to the receipt of notice of demotion for a period of 6 months. After 6 months in the demoted position, the employee's salary shall be adjusted to the appropriate rate of the demotion.

- e) **Appeal by Certified Employee**
An employee who is certified in the position from which demoted may appeal the demotion to the Board by submitting a request in writing to the Executive Director within 15 calendar days after receipt of the approved statement of reasons for demotion. No later than 10 working days prior to the hearing, the employee shall submit a written statement setting forth his or her position to the Board, unless the time is extended in writing by the Chair of the Board.
- f) **Demotion of Other Employees**
The Executive Director may approve the demotion of probationary employees. Notice of demotion shall be served on the employee in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file. The demotion of probationary employees is not subject to appeal.
- g) **Status of Demoted Employees**
A demoted employee shall serve a probationary period in the position to which demoted unless the employee previously held certified status in that classification, in which case the demotion shall be to certified status in the demoted classification.

Section 160.200 Layoff

- a) **Layoff Procedure**
 - 1) An Executive Director may request the layoff of an employee because of lack of funds, material change in duties or organization, reduced workload or lack of work, or abolition of the employee's position. Based on

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

classification, division or other designation, the order of layoffs shall be within organizational units, justified by operations.

- 2) A proposed layoff plan prepared by the Director of Personnel is subject to the Executive Director's and the Board's approval before becoming effective and shall include the following:
 - A) A list of all employees in the organizational unit in classifications affected by the layoff plan, showing status and total continuous service for each employee;
 - B) A list of those employees to be laid off;
 - C) Performance records of all employees affected by the layoff plan; and
 - D) An explanation of the organizational unit selected, reflecting division, geographical, operational, and other elements deemed relevant by the Director.
- b) Order of Layoff
 - 1) No certified employee may be laid off until all newly-hired probationary employees in the same position classification, work location and organizational unit are terminated.
 - 2) In accordance with the layoff plan submitted under subsection (a), consideration shall be given to performance records and continuous service.
- c) Effective Date of Layoff

Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no layoff shall be effective until 10 working days after the Executive Director's and the Board's approval of the layoff plan.
- d) Layoff Rights

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

For a period of one year following the effective date of the layoff, a laid off employee shall be notified of any vacancy in the position classification, work location and organizational unit held by the employee at the time of layoff and be given an opportunity to apply for that vacancy.

Section 160.210 Voluntary Reduction

- a) **Voluntary Reduction of Certified and Probationary Employees**
Certified and probationary employees may voluntarily request or accept assignment to a vacant position in the same organizational unit in a classification having a lower maximum permissible salary. All requests for or acceptances of the voluntary reductions shall be in writing and signed by the employee and be directed to the Director of the organizational unit in which the vacancy exists. No reduction shall become effective without the written approval of the Executive Director. The plan shall be effective upon delivery to the employee. A certified employee who is assigned and accepts a voluntary reduction shall be certified in the lower classification without serving a probationary period.
- b) Certified employees who are subject to layoff shall be advised by the Director of Personnel by written notice of the opportunity to request a voluntary reduction. Requests for voluntary reduction must be received prior to the proposed effective date of layoff.

Section 160.220 Resignation and Reinstatement

- a) **Resignation**
An employee who voluntarily leaves his or her position of employment with the Office shall, except in emergency circumstances approved by the Executive Director, give advance notice of intent not less than 10 working days before the effective date of the resignation. Once an employee submits a resignation, the resignation shall not be revoked unless the revocation is requested by the employee and the revocation is approved by the Executive Director. Resignation in good standing means that the employee gave the required notice, or that emergency circumstances justified failure to do so, and that the employee's conduct and work performance were satisfactory at the effective date of the resignation.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- b) **Reinstatement**
On request of an employee for reinstatement, the Executive Director shall respond within 30 days after receipt of the request for reinstatement. At his or her discretion, the Executive Director may reinstate an employee who was formerly certified and who resigned or was terminated in good standing or whose position was reallocated downward or who was laterally transferred. The reinstatement may be to a position in the classification to which the employee was assigned prior to resignation, termination, downward allocation, lateral transfer, or layoff or to an equivalent or lower position in a related classification. If deemed necessary by the Executive Director, a reinstated employee may be required to serve a 6-month probationary period in the position to which reinstated.

Section 160.230 Employee Conduct

- a) **Standards of Conduct**
Employees of the Board shall obey the rules of conduct of the Office and shall be aware that the absence of a specified published rule of conduct covering an act tending to discredit an employee, this Office or the State of Illinois does not mean that act is condoned or permissible or would not call for, and result in, disciplinary action. Any act of violence or threat of violence in the workplace, especially resulting in bodily harm or intent to commit bodily harm to another person, may be cause for immediate discharge.
- b) **Disclosure Statements**
- 1) The purpose of the Disclosure Statement required by subsection (b)(4) is to aid the Executive Director in maintaining the objectivity and impartiality of the conduct of the activities of the Office and, when a potential conflict is unavoidable, to provide for the full disclosure of the facts and circumstances involved.
 - 2) Disclosure Statements shall be confidential. The Office of Personnel shall be responsible for the safekeeping of Disclosure Statements. The Executive Director, Director of Personnel, General Counsel and the Board may review the Disclosure Statements.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- 3) The Executive Director and Director of Personnel shall review all Disclosure Statements. If a potential conflict of interest is found, the statements shall be submitted to the Board for review and response.
 - 4) Each employee shall file a Disclosure Statement with the Division of Personnel immediately upon employment and shall refile statements by May 1 annually thereafter indicating all involvements or relationships that could affect the employee's performance of his or her official duties. Employees shall be under a continuing duty to advise the Director of Personnel or his or her designee promptly in writing of any change that would affect an answer given on their current Disclosure Statements or that might affect the objective or efficient performance of their duties.
 - 5) **Statement of Economic Interests**
Certain employees are required to file a Statement of Economic Interests as provided in the Illinois Governmental Ethics Act [5 ILCS 420/4A-101]. The Ethics Officer shall review completed statements prior to their being filed with the Secretary of State's Index Department.
- c) **Political Activities**
- 1) **Participation in Political Activities**
No employee may participate in political activities, with the exception of voting, while on duty in the employment of the Illinois State Police Merit Board.
 - 2) **Prohibited Activity**
Employees shall not, at any time, use, threaten to use or offer to use the influence or authority of their position to coerce or to persuade any person to follow any course of political action or to make any contribution to a political cause.
- d) **Official Conduct**
- 1) **Criticism of Agencies**
No employee shall make use of any information gained in the course of employment with the Office to publicly criticize any State, local or private

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

agency, such as confidential information obtained during the course of employment with the Office, including information contained in the record of all cases.

- 2) **Handling Antagonism or Refusals**
When an employee is faced with a situation in which a co-worker or any outside source appears hostile or antagonistic or refuses to release information or documentation relevant to the operation of the Office, unless the requested information is deemed privileged, the employee shall report the fact to his or her supervisor. Employees shall at no time threaten or coerce any person.
 - 3) **Self-Disqualification from Certain Assignments**
When an employee receives an assignment involving a person acting as a representative for any public or private agency or involving the entity itself with whom he or she has had business or other relationships of a nature that might impair, or give the appearance of impairing, the employee's impartiality or independence, the employee shall discuss with his or her supervisor the possible need to have the matter reassigned.
 - 4) **Use of Identification**
Credentials issued to employees are for use only in establishing identity or authority in connection with official duties. An employee shall not allow the use of his or her credentials by any other person.
- e) **Use of State Time, Position and Property**
- 1) **Personal Use Prohibited**
An employee is forbidden to use State time, position or property for personal purposes.
 - 2) **Protection of Property**
An employee has a responsibility to protect and conserve all State property.
 - 3) **Liability for Damage or Loss**

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

An employee may be held financially liable for damage or loss of State property resulting from his or her negligent, willful or wanton acts or omissions. Costs for damage to or loss of State property may be deducted from the responsible employee's pay.

- 4) **Reporting Loss or Damage**
An employee shall promptly report any loss, theft or damage to State property or documents in his or her custody to the Executive Director.
 - 5) **Return of Equipment**
Upon leaving his or her position with the Office, the employee shall return to the Director of his or her organizational unit all property and credentials assigned to him or her. The Director shall assess the condition of property at the time of its return to assure all equipment is fully operational. At its option, the Office may withhold an employee's final paycheck pending return of State property and credentials assigned to or in the possession of that employee or deduct the value of any property from the departing employee's final paycheck.
- f) **Disclosure of Official or Confidential Information**
- 1) **Testifying and Responding to Subpoenas**
When requested or subpoenaed to testify or produce documentation pertaining to confidential information before an executive or legislative commission, a court of law or an administrative tribunal, an employee shall notify the Executive Director and the General Counsel prior to giving the testimony or producing the documentation.
 - 2) **Engagements to Speak or Write**
 - A) No employee may accept invitations for public addresses or submit articles for publication that concern the official activities of the Office without obtaining the prior approval of the Executive Director.
 - B) An employee may not accept compensation, or permit his or her expenses to be paid by sources other than the State of Illinois, for

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

speaking engagements or writings performed as official duties, except with the prior written approval of the Executive Director.

Section 160.240 Discipline and Discharge

- a) **Termination at the Discretion of the Executive Director**
Probationary employees who have not obtained certified status and Executive Employees in the Office may be terminated at any time without notice, cause or any right to a hearing, upon the recommendation of the Director of the employee's organizational unit, at the discretion of the Board and/or the Executive Director. Probationary employees who have not obtained certified status in the Office do not have any right to progressive corrective discipline procedures, as set forth in this Section.
- b) **Progressive Corrective Discipline**
 - 1) Unless grounds clearly are present warranting immediate discharge or suspension pending decision on discharge, employees shall be subject to corrective discipline progressively applied utilizing counseling, warnings and/or suspensions as the facts and circumstances dictate, prior to discharge. If an employee's work or work-related conduct remains unacceptable after the application of progressive corrective discipline, the employee may be discharged in accordance with this Part. This subsection (b)(1) does not apply to employees subject to subsection (a).
 - 2) Grounds warranting immediate discharge or suspension pending decision on discharge shall include, but are not limited to, violence within the workplace resulting in harm to another person, flagrant insubordination, or threat of violence causing imminent fear of physical harm.
- c) **Discipline – Written Warnings**
The Executive Director or his or her designee may warn an employee either orally or in writing as a disciplinary measure. A copy of any written warning shall be signed by the appropriate Director and placed in the employee's personnel file. A copy of the written warning shall be delivered within three working days after the warning in person or sent by certified mail, return receipt requested, to the last address of the employee appearing in the personnel file. An employee shall have

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

the right to respond to the warning in writing within 10 calendar days after its receipt and any response shall be included in the employee's personnel file.

d) Suspension

- 1) The Executive Director may suspend an employee without pay for up to 30 working days in any 12-month period. A longer suspension may be approved by the Board. The Executive Director shall provide the employee with written reasons for the suspension in person or sent by certified mail, return receipt requested, to the last address of the employee appearing in the personnel file. The written charges shall be signed by the Executive Director and contain a clear and concise statement of facts showing cause for the suspension. One copy of the notice of suspension shall be placed in the employee's personnel file and one copy shall be delivered to the Director of Personnel. Unless delay will result in clear harm or damage to a division, the employee shall be informed in writing of the proposed suspension, and the accompanying reasons, at least four working days prior to the effective date of the suspension. The employee shall have 2 working days after being informed of the proposed suspension within which to deliver to the Executive Director written rebuttal to the reasons given for the suspension. A decision not to suspend the employee shall be rendered in writing, before the proposed suspension date, by the Executive Director. In the Executive Director's absence, his or her designee shall render a decision.
- 2) The Executive Director shall have final approval on the decision to suspend or not to suspend an employee. If the employee is a Director, the Executive Director shall follow the procedure in subsection (d)(1) and notify the Board of the intention to suspend. The Board shall have final approval on the decision to suspend or not to suspend a Director.

e) Discharge of Certified Employee

- 1) Cause for Discharge
The Director of an employee's organizational unit, with the concurrence of the Executive Director, shall determine if there is cause for discharge consisting of some substantial shortcoming supported by disciplinary

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

documentation that renders the continuance of an employee of the Office in some way detrimental to the discipline and/or efficiency of the Office and that the law or sound public policy recognizes as good cause for the employee to no longer be held in that position.

- 2) Pre-Termination Notification and Procedures
Before charges for discharge may be brought against any certified, non-Executive Employee, the employee shall be apprised of the basis for this action by the Director and the Executive Director and provided with an opportunity to respond to the charges in accordance with the following standards:
 - A) The employee shall be notified in writing by the Director and the Executive Director of the intended discharge.
 - B) A statement of charges in support of the proposed action, full and complete to the Office's knowledge at the time it is drawn, shall be given to the employee, including the name of any known witness and a copy of any document pertinent to the charges.
 - C) The employee shall have five working days after receipt of the charges in which to respond to them orally or in writing.
 - D) The Director and the Executive Director shall receive the response of the employee, whether it is oral or written.
 - E) The employee is entitled to be present and may be accompanied by a representative of his or her choice in any meeting. Only such other persons as the Executive Director deems necessary shall be entitled to attend the meeting.
 - F) The employee, pending the response, may not necessarily be permitted to work or to be present at the Office.
 - G) The employee or the employee's representative shall be permitted access to a designated, secure area of the work place to investigate the charges and, upon request, be provided a copy of other

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

pertinent documents. The documents may be inspected only in the presence of an authorized employee designated by the Executive Director.

- H) The employee or the employee's representative shall be given the opportunity to interview witnesses prior to the Pre-Termination Meeting.
 - I) The failure of the employee to respond to the charges within the time limits mentioned in subsection (e)(2)(C) shall not bar the Office from proceeding with the discharge.
 - J) When the investigation of the charges causes them to be altered in fact, form, context or reference from those given the employee at the time the notice was issued and for which the employee has not had an opportunity to respond, a second notice and opportunity for response shall be given to the employee within five working days. Employees shall be given the opportunity to respond to the notice within five working days.
- 3) **Suspension Pending Decision on Discharge**
The Executive Director may suspend any employee for up to 30 working days pending the decision on whether charges for discharge will be approved against the employee. The Executive Director shall, at the time of this suspension, provide the employee with written reasons for the suspension in person or by certified mail, return receipt requested, at the employee's last address appearing in the employee's personnel file. The Executive Director shall promptly investigate the facts and circumstances and render a decision. Should the Executive Director determine that the facts and circumstances do not warrant disciplinary suspension or charges for discharge, the employee shall be made whole pursuant to subsection (i). Should the Executive Director determine that discharge of the employee is appropriate, subsection (e)(4) shall apply in its entirety.
- 4) **Discharge of Certified Employee**
The Executive Director or his or her designee may, after compliance with subsection (e)(2), initiate discharge of a certified employee by filing

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

signed written charges for discharge. Written charges shall contain a clear and concise statement of facts showing good cause for discharge and shall be accompanied by a copy of the employee's evaluations. The final notice of discharge shall contain a statement that the response of the certified employee has been considered before a final decision was made or that no response was submitted. Notice of approved charges for discharge shall be served on the employee, in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.

- f) **Discharge of Probationary Employee**
Upon recommendation of the Director of the employee's organizational unit, the Executive Director may approve the discharge or suspension of a probationary employee who has not attained certified status in the Office. Written notice of discharge or suspension shall be delivered to the employee in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.
- g) **Employee Obligations**
Upon receipt by the employee of any disciplinary suspension or charges for discharge, the employee shall immediately leave the place of employment and return to the Director of his or her organizational unit all Board property. The Office shall withhold the employee's final paycheck or take other action to insure compliance.
- h) **Hearing – Certified Employees**
Certified employees who have been served with approved charges for suspension or discharge may appeal to the Board by submitting a request for hearing, in writing, within 15 calendar days after receipt of the approved charges for suspension or discharge. No later than 10 working days prior to the hearing, the employee shall submit a written statement to the Executive Director setting forth his or her position, unless the time is extended in writing by the Executive Director.
- i) **Reinstatement from Suspension or Discharge**
An employee reinstated for the period for which he or she was suspended or discharged shall receive full compensation for that period if subsequent investigation results in reversal of the charges. Full compensation shall mean

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

compensation the suspended or discharged employee would have earned in the position during the period of suspension or discharge, less any amounts earned by the employee from any other source and any unemployment compensation payments received during that period.

- j) Suspension/Discharge Resulting from Arrest or Criminal Indictment
- 1) The arrest or criminal indictment of any employee shall not necessarily result in immediate grounds for suspension or discharge. The facts resulting in either an arrest or criminal indictment may be grounds for suspension or discharge if they meet one or more of the following criteria:
 - A) resulted from an employee's conduct in the course of employment duties, including failure to perform these duties;
 - B) occurred on or proximate to Office premises and as a result of the employee's conduct on those premises; or
 - C) raises reasonable doubt concerning the employee's suitability for continued Office employment in the present assignment or position.
 - 2) If an employee is not subject to suspension or discharge under this subsection (j), upon recommendation of the Director of the employee's organizational unit, the Executive Director may, depending upon the needs of the Office, at the request of the employee, place the employee on indefinite leave status, without pay, pending a final court determination of the charges.
- k) When the Executive Director is the Director of an employee's organizational unit, the Executive Director may perform any actions provided for in this Section relative to the employee without any required recommendation of any other Director.

Section 160.250 Grievance Procedure

- a) Grievance

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

Any certified employee, unless otherwise excepted by this Part, may file a grievance as to the application of this Part or any policy arising under this Part as to the impact of the application upon his or her employment condition or his or her status. The existence of a grievance procedure is not intended to discourage the informal resolution of complaints. The Office intends this procedure to be used infrequently and only for major matters.

- b) **Grievance Procedure – Limitation**

The rules of the Office and the official policy arising under this Part are not subject to grievance. The following are not subject to the grievance process: the discipline, demotion or discharge of Executive Employees and probationary employees who have not obtained certified status in the Office; the demotion of a certified employee from a position in which he or she is serving a probationary period; layoff; and appointment, discharge, reinstatement and intra-agency transfers of employees.
- c) **An employee shall be allowed reasonable time with pay during working hours for the presentation of a grievance, provided that the employee has obtained permission from his or her Director, the employee is currently in active status on payroll, and the employee's absence will not interfere with agency operations.**
- d) **Grievance Procedure – Extension – Abandonment**
 - 1) **Failure of either the grievant or the Grievance Review Committee (see subsection (f)) to comply with the form or time requirements of the grievance procedure shall resolve the matter in favor of the other. The parties may mutually extend the time limits in writing at any level of the procedure. However, whenever the last day of a specified time requirement falls on a day on which the Office is closed for regular business, that time requirement shall automatically be extended to the next day on which the Office is open for regular business.**
 - 2) **An employee's failure to advance a grievance to the next level of this procedure within specified time limits shall mean that the employee has withdrawn the grievance or, if the employee so indicated, accepted the last answer given in the grievance procedure.**

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- e) Grievance Procedure – Steps
- 1) Step 1: A grievant shall submit the grievance to the appropriate Director in writing, including the requested resolution to the grievance. The Director shall note the date and time of receipt of the grievance and shall, within 5 working days after the grievance is filed, issue a written decision and serve a copy of the decision in person on the grievant and place a copy of the decision in the employee's personnel file.
 - 2) Step 2: If the grievance is not satisfactorily resolved or no answer is given within the time limit set forth in Step 1, the grievant may submit, within 10 calendar days after the date the Director's decision was due, to the Executive Director a copy of the written statement of grievance submitted in Step 1, along with a request for a grievance hearing.
- f) Grievance Review Committee
- 1) The Executive Director or Assistant Executive Director shall appoint a Chair. The Chair, no later than 5 working days following receipt of an employee's request for a grievance hearing, shall appoint a Grievance Review Committee. The Committee shall consist of 3 members. The Director or the immediate supervisor of the grievant shall not be appointed to the Committee. If the Chair is a party to the grievance or is unavailable, the Executive Director shall designate another committee member to chair the Grievance Review Committee.
 - 2) Immediately upon appointment of the Committee, the Chair shall designate the location, time and date for hearing, which shall be no later than 20 working days after receipt of the employee's request for a grievance hearing. The grievant shall promptly be notified in person or by certified mail, return receipt requested, of the time, date and place of the hearing.
 - 3) The grievant and others who have knowledge of the relevant facts shall have an opportunity to present evidence in person or by written statement, after which the Committee shall meet privately to reach a recommendation. Testimony shall be given under oath or by sworn

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

affidavit and will be recorded by an audio recording device. In the event the testimony is recorded by an audio recording device, the recording shall be retained in the office of the Director of Administrative Services for a period of three years.

- 4) The members of the Committee shall reduce to writing their recommendations as to the disposition of the grievance and submit them to the Executive Director within 5 working days following the hearing. A dissenting member of the Committee may make separate recommendations. All recommendations will bear the signatures of the concurring Committee members. Upon receipt of the recommendations from a Grievance Review Committee, the Executive Director, or his or her designee, shall approve, disapprove or modify the Committee recommendations, render a decision in writing within 5 working days, and cause a copy of the decision to be served upon the parties. The Executive Director's decision shall be final as to the grievant.
 - 5) The written statement of the employee's grievance, the recommendations of the Grievance Review Committee, and the decision of the Executive Director shall be made part of the grievant's personnel file.
 - 6) The Executive Director, for good cause, may extend any deadline set forth in this subsection (f).
- g) Representation: The grievant is entitled to be present and may be accompanied by a representative of his or her choice at the hearing. Only such other persons the Chair deems advisable shall be entitled to attend the hearing.

Section 160.260 Sick Leave

- a) Accrual
Full-time employees shall earn sick leave at the rate of one day for each calendar month's service. Temporary employees do not earn sick leave. No employee shall accrue sick leave while remaining on the payroll to collect accrued vacation prior to the effective date of termination.
- b) Use

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

Sick leave may be used in quarter hour increments up to a full day, for illness, disability or injury of the employee, appointments with doctors, dentists or other professional medical practitioners, and in the event of serious illness, disability, injury or death of an immediate family member of the employee. Documentation to substantiate that leave days were used for the purposes stated may be required by the Director of Personnel if reasonable grounds to suspect abuse exist. In the event an employee does not use any sick leave in any calendar year, the employee shall be awarded one additional personal day on January 1 of the next calendar year after one year of service. A calendar year is the period from January 1 through December 31 of each year. The additional personal leave shall be used in accordance with Section 212.280.

- c) Accumulation: Employees shall be allowed to carry over any unused sick leave allowed under subsection (a), from year to year of continuous service.
- d) Payment in lieu of Sick Leave:
 - 1) Upon termination of employment for any reason, or upon indeterminate layoff, an employee or the employee's estate is entitled to be paid for unused sick leave that accrued on or after January 1, 1984 and prior to January 1, 1998, provided the employee is not employed in another position in State service within four calendar days after the termination.
 - 2) Use of Sick Leave
 - A) For purposes of this subsection (d), sick leave is deemed to be used by an employee within the following priority order:
 - i) Sick leave earned through December 31, 1983.
 - ii) Sick leave earned on or after January 1, 1998.
 - iii) Sick leave earned on or after January 1, 1984 and prior to January 1, 1998.
 - B) The first earned sick leave shall be the first utilized within each category.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- 3) In order to determine the amount of sick leave to be paid upon termination of employment, the Office shall:
 - A) compute the number of sick leave days granted to the employee between January 1, 1984 and December 31, 1997;
 - B) compute the employee's sick leave balance for that time period at time of termination; and
 - C) cause lump sum payment to be made for one half of the amount of sick leave in subsection (d)(3)(A) or (B), whichever is the lesser amount, multiplied by the employee's current daily salary rate.
- 4) An employee who is reemployed, reinstated or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days shall have these days restored provided the employee repays at his or her last rate of pay upon return to active employment the gross amount paid by the State for the number of days to be so restored to the employee's sick leave account.
- 5) The payment provided by this subsection (d) shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining payment.
- 6) The accrued leave shall be certified in writing to the employee by the Office. This certification may be held by the employee or forwarded to SERS.

Section 160.270 Vacation Leave

- a) Accrual
 - 1) Full-time employees shall earn vacation leave, accrued monthly on a prorated basis in accordance with the following schedule:

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- A) From the date of hire until the completion of 5 years of continuous service: 10 days annually.
 - B) From the completion of five years of continuous service until the completion of 9 years of continuous service: 15 days annually.
 - C) From the completion of 9 years of continuous service until the completion of 14 years of continuous service: 17 days annually.
 - D) From the completion of 14 years of continuous service until the completion of 19 years of continuous service: 20 days annually.
 - E) From the completion of 19 years of continuous service until the completion of 25 years of continuous service: 22 days annually.
 - F) From the completion of 25 years of continuous service: 25 days annually.
 - G) Temporary employees do not accrue vacation leave.
- 2) No employee shall accrue vacation leave while remaining on the payroll to collect accrued vacation prior to the effective date of termination.
- b) Use
Vacation leave may be used in quarter hour increments up to a full day. Employees may use vacation leave only upon the approval of the Director of Personnel or, if the employee is a Director, upon the approval of the Executive Director. No employee may approve his or her own request for vacation leave.
- c) Continuous Service
Computation of vacation leave of Office employees who have interrupted continuous State service shall be determined as though all previous State service that qualified for earning of vacation benefits is continuous with present service.
- d) Accumulation
Employees shall not be allowed to accumulate vacation time for more than 24 months after the end of the calendar year in which it is earned. If an employee

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

does not request and take accrued vacation within the 24-month period, vacation earned during that calendar year shall be lost.

- e) Payout
- 1) Upon leaving employment with the Office, an employee, at his or her option:
 - A) may be paid in a lump sum for accrued and unused vacation; or
 - B) may remain on the payroll for the period of time equal to accrued and unused vacation days. However, if, during this period, the employee is placed on another State payroll, he or she shall be removed from the Board's payroll. In that event, the employee may receive a lump sum payment for, or transfer to his or her account with the new employer, the remaining balance of his or her maximum accrued vacation days less any vacation days used under this subsection (e)(1)(B).
 - 2) The payment provided by subsection (e)(1)(A) shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining payment.
 - 3) The payment provided by subsection (e)(1) shall not be deemed to extend the effective date of termination by the number of days represented by the payment. Payment shall be computed by multiplying the number of days (hours) of accumulated vacation by the employee's current daily (hourly) rate. The accrued leave amount shall be certified in writing to the employee and may be held by the employee or forwarded to SERS.
 - 4) Upon the death of a State employee, the person or persons specified in Section 14a of the State Finance Act [30 ILCS 104/14a] shall be entitled to receive, from the appropriation for personal services available for payment of the employee's compensation, the sum for any accrued vacation period to which the employee was entitled at the time of death. The sum shall be computed by multiplying the employee's last daily rate of pay by the number of days of accrued vacation due.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

Section 160.280 Leave for Personal Business

- a) **Accrual**
Full-time employees shall be permitted 22.5 hours of leave for personal business each calendar year with pay. Full-time employees who enter service with the Office during any calendar year shall be given credit for personal business leave at the rate of 3.75 hours for each two months of service for the calendar year in which hired. Temporary employees do not accrue personal leave. In the event an employee does not use any sick leave in any calendar year, the employee shall be awarded one additional personal day on January 1 of the next calendar year after one year of State service. A calendar year is the period beginning January 1 through December 31 of each year.
- b) **Personal business leave may be used for occurrences or observance of religious holidays, absence due to severe weather conditions, or other similar personal reasons, but shall not be used to extend a holiday, vacation or other leave without prior approval. Personal business leave may be used by employees in quarter hour increments up to a full day. Except for those emergency situations that preclude the making of prior arrangements, personal business leave shall be scheduled sufficiently in advance to be consistent with the Office's operating needs.**
- c) **Carry Over**
Personal business leave shall not accumulate or carry over from year to year. If the services of an Office employee are terminated by reason of retirement, disability or death, the employee, or the employee's estate, as the case may be, shall be paid a lump sum for the number of days of leave for personal business that the employee had accumulated but not used as of the date the employee's services were terminated, in an amount equal to one half of the employee's last rate of pay per working day times the number of leave days accumulated. The accrued leave amount paid under this subsection shall be certified by the Office in writing to the employee. This certification shall be held by the employee or forwarded to SERS.

Section 160.290 Leaves of Absence

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

a) Types

1) Illness

An employee who has expended his or her accumulated sick leave may be granted a leave without pay, provided that he or she submits a required statement from an appropriate health care provider setting forth the reasons for the employee's inability to work. The leave may continue for an appropriate period approved by the Executive Director provided that an appropriate health care provider's statement is submitted within the first 10 calendar days of each month during the leave. The Office shall continue to pay the premiums for the basic (State-paid) health and life insurances for an employee on illness leave until expiration of authorized leave and return to active service, but not to exceed 24 months. Failure to submit a statement from an appropriate health care provider within the first 10 days of each month during the leave could result in termination of the leave.

2) On-the-Job Injury and Service-Connected Disease

An employee who suffers an on-the-job injury or contracts a service-connected disease shall provide notice to the Executive Director and the Director of Personnel and be allowed full pay during the first five working days of absence without utilization of any accumulated sick leave or other benefits. Thereafter, the employee shall be permitted to utilize accumulated sick leave or other benefits unless the employee has applied for and been granted temporary total disability benefits in lieu of salary or wages pursuant to the Workers' Compensation Act [820 ILCS 305] or through the State's self-insurance program. In the event the service-connected illness or on-the-job injury becomes the subject of payment benefits provided in the Workers' Compensation Act by the Illinois Workers' Compensation Commission, the courts, the State self-insurance program or other appropriate authority, the employee shall restore to the State the dollar equivalent that duplicates payments made as sick leave or other accumulated benefit time, and the employee's benefit accounts shall be credited with leave time equivalents. Employees whose compensable service-connected injury or illness requires appointments with a doctor, dentist or other professional medical practitioner shall, with supervisor approval, be allowed to go to those appointments without loss of pay and without utilization of sick leave.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

3) Family and Medical Leave

A) Eligibility

i) Employees who have been employed by the Office for at least 12 months and have worked at least 1,250 hours during the 12 months prior to the start of the federal Family Medical Leave Act of 1993 (FMLA) (29 USC 2601) leave are entitled to up to 12 workweeks leave in any 12-month period for one or more of the following reasons:

- because of the birth of a son or daughter of the employee and in order to care for the child;
- because of the placement of a son or daughter with the employee for adoption or foster care;
- to care for the spouse, or a son, daughter, or parent of the employee, if the spouse, son, daughter or parent has a serious health condition;
- because of a serious health condition that makes the employee unable to perform the function of the position of the employee.

ii) Spouses employed by the Board may be limited to a combined total of 12 workweeks of family leave for the birth and care of a child, placement of a child for adoption or foster care, or to care for an employee's parent who has a serious health condition.

B) Use

The entitlement to leave under subsections (a)(3)(A)(i) and (iii) expires at the end of the 12-month period beginning on the date of the birth or placement of a son or daughter. The entitlement to leave under subsections (a)(3)(A)(iii) and (iv) may be taken

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

intermittently when medically necessary and when scheduled, so as to not unduly disrupt the Office's operations.

- C) **Benefits**
Family and medical leave shall be unpaid. Accrued sick and vacation leave may be applied to the periods of absence at the employee's option. The Office shall continue to pay the premiums for the basic (State-paid) health and life insurances for an employee on family and medical leave.
- D) **Restoration**
Employees who take leave under this subsection (a)(3) shall be returned to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment as held by the employee when the leave commenced.
- E) **Optional Extension**
Family and medical leave may be extended up to a total of 6 months in any 12-month period at the discretion of the Executive Director.
- F) **Notice and Certification**
An employee shall provide the Office with not less than 30 days' notice of the employee's intent to take family and medical leave, or other notice as is practical under the circumstances.
Documentation supporting the reasons for taking a leave may be required. The Office may obtain a second opinion from a health care provider of its choosing. Authorization from an appropriate health care provider to return to work may be required.
- G) **The terms and conditions of family and medical leave shall be governed by FMLA.**
- H) **In determining whether a veteran meets the FMLA eligibility requirement, the months employed and the hours that were actually worked for the Board shall be combined with the months and hours**

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

that would have been worked during the 12 months prior to the start of the leave requested but for the military service.

- 4) **Administrative Leave**
The Executive Director may grant administrative leaves of absence to employees for purposes deemed appropriate. The Executive Director shall determine the duration of the leave and whether the leave shall be with or without pay, full or partial, and with or without State-paid benefits.
- 5) **Excused Absence**
An employee may be granted an excused absence with pay upon the approval of the Executive Director.
- 6) **Military, Job Corps and Peace Corps Leaves**
Leaves of absence shall be allowed employees who enter military service, the Peace Corps or the Job Corps as provided below and as may be required by law.
 - A) **Military Service Leave**
Leave of absence without pay shall be granted to all employees who leave their positions and enter military service for four years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or a similar position on making application to the Executive Director within 90 days after separation from active duty or from hospitalization continuing after discharge for not more than one year. The employee must provide evidence of satisfactory completion of training and military service when making application for reinstatement and be qualified to perform the duties of the position. Continuous service and reemployment rights for veterans subject to federal law shall be as provided in the Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4333).
 - B) **Military Reserve Training Leave**
 - i) Any full-time employee of the Office, other than an independent contractor, who is a member of any reserve

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be granted leave from Office employment for any period actively spent in military service, including:

- basic training;
- special or advanced training, whether or not within the State and whether or not voluntary; and
- annual training.

ii) During the leaves, the employee's seniority and other benefits shall continue to accrue. During leaves for annual training, the employee shall continue to receive his or her regular compensation as a State employee. During leaves for basic training and for up to 60 days of special or advanced training, if an employee's compensation for military activities is less than his or her regular compensation as a State employee, he or she shall receive his or her regular compensation as a State employee minus the amount of his or her base pay for military activities.

C) Federal or State Active Duty/Emergency Call Up
Any member of the National Guard employed by the Office whose absence from a position of employment is necessitated by reason of being called to State Active Duty, whether or not voluntary, shall be entitled to reemployment rights and benefits and other employment benefits as provided under the Illinois National Guard Employment Rights Law [20 ILCS 1805/Art. V] or the Uniformed Services Employment and Reemployment Rights Act (38 USC 4301) or any other applicable State law, regulation or policy. Except as otherwise provided by law, a member entitled to reemployment upon completion of a period of Federal or State Active Duty shall be promptly reemployed in the position of employment that he or she left with the same increases in status, seniority and wages that were earned during the period of Federal

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

or State Active Duty by employees in like positions who are on the job at the time the returning member entered Federal or State Active Duty, or to a position of like seniority, status and pay, unless the Office's circumstances have so changed as to make it impossible or unreasonable to do so. Any member of the National Guard who is reemployed or seeks reemployment to a position of employment under this subsection (a)(6)(C) shall be considered as having been on furlough or leave of absence during Federal or State Active Duty and shall be reemployed without loss of seniority and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices related to employees on furlough or leave of absence in effect at the time the member entered Federal or State Active Duty.

- D) **Active Duty Pay**
Any full-time employee of the State of Illinois, other than an independent contractor, who is a member of the Illinois National Guard or a reserve component of the United States Armed Forces or the Illinois State Militia and who is mobilized to active duty shall continue during the period of active duty to receive benefits and regular compensation as a State employee, minus an amount equal to his or her military active duty base pay. The terms and conditions of active duty leave shall be as determined by the Department of Central Management Services and the State Comptroller. Employees on active duty leave retain all rights to reemployment benefits, including insurance.
- E) **Certification of Leave**
To be eligible for military leave or emergency call-up pay, the employee must provide certification from the commanding officer of his or her unit that the leave taken was for either of these purposes.
- F) **Leave for Military Physical Examinations**
Any employee drafted into military service shall be allowed up to 3 days leave with pay to take a physical examination required by the draft. Upon request, the employee must provide the Office

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

with certification by a responsible authority that the period of leave was actually used for that purpose.

- G) **Peace Corps or Job Corps Enrollees Continuous Service**
Any employee who volunteers and is accepted for service in the overseas or domestic Peace Corps or Job Corps shall be given a leave of absence from State employment for the duration of the initial period of service. The employee shall be restored to the same or similar position provided that the employee returns to employment within 90 days after the termination of service or release from hospitalization for a Peace Corps or Job Corps service-connected disability, in which case a physician's statement shall be provided to the Office.
- H) **Veterans Hospital Leave**
An employee who is also a veteran shall be permitted two days with pay per year to visit a veteran's hospital for examination of a military service-connected disability. The two days shall not be charged against any sick leave currently available to the employee.
- 7) **Disaster Service Volunteer Leave**
Any employee who is a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Agency Act [20 ILCS 3305], the Emergency Management Assistance Compact Act [45 ILCS 151], or applicable administrative rules may be granted leave from work with pay for not more than 20 working days in any 12-month period to participate in specialized disaster relief services for one of those agencies. Upon the Executive Director's approval, the employee shall be granted disaster service volunteer leave without loss of seniority, pay, vacation time or any other employee benefit.
- 8) **Attendance in Court**
Any employee called for jury duty or subpoenaed by any legislative, judicial or administrative tribunal shall be allowed time away from work with pay for these purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

minus the amount paid for mileage, to the Fiscal Office to be returned to the fund in the State Treasury from which the original payroll warrant was drawn; provided, however, an employee may elect to fulfill the call or subpoena on accrued time off and retain the full amount received for the service.

- 9) Maternity/Paternity and Adoption Leave
 - A) All employees who show proof that they have received prenatal care in the first 20 weeks shall be eligible for 4 weeks (20 work days) paid maternity leave. Proof shall be provided to the Office no later than the 24th week of pregnancy. All employees who show proof that their spouses have received prenatal care in the first 20 weeks, with notification to the Office within 24 weeks, shall be eligible for 4 weeks (20 work days) of paid paternity leave. The Office may require proof of the birth and marriage for a noncovered spouse. Maternity and/or paternity leave shall be limited to one leave per family for each birth. If both spouses are employed by the State, they are limited to one Maternity/Paternity Leave per birth and care of a child.
 - B) All employees are eligible for 4 weeks (20 work days) of paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the employee, provided that the employee can show that the formal adoption process is underway. The office must be notified, and the employee must submit proof that the adoption has been initiated. Adoption leave shall be limited to one leave per family per year.
- 10) Educational Leave

The Executive Director may grant an employee an educational leave of absence for the purpose of engaging in a training course. No educational leave may be granted unless, in the Executive Director's judgment, the training course would benefit the Office by improving the employee's qualifications to perform the duties of the employee's position in Office service. During a period of educational leave, only State-paid health

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

benefits and life insurance benefits shall continue as provided under Section 10(c) of the State Group Insurance Act [5 ILCS 375/10(c)].

- 11) Organ Donor/Blood Donor Leave
 - A) Upon request and approval by the Office, an employee may be entitled to organ donor and/or blood donor leave with pay as follows:
 - i) up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow or organ donor. Medical documentation of the proposed organ or bone marrow donation shall be required before the leave is approved by the Executive Director;
 - ii) up to one hour to donate blood every 56 days. Medical documentation to substantiate the use of leave time for this purpose may be required;
 - iii) up to two hours to donate blood platelets in accordance with appropriate medical standards established by the American Red Cross or other nationally recognized standards. Leave to donate blood platelets may not be granted more than 24 times in a 12-month period.
 - B) An employee may not be required to use accumulated sick or vacation leave time before being eligible for leave under this subsection (a)(11). Medical documentation to substantiate the use of leave time for these purposes may be required.
- 12) Leave Due to Domestic or Sexual Violence

An employee who is a victim of domestic or sexual violence or who has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may be entitled to take up to 12 workweeks of unpaid leave during any 12-month period for the purposes and under the terms and conditions provided in the Victims' Economic Security and

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

Safety Act [820 ILCS 180] and implementing regulations (56 Ill. Adm. Code 280).

- b) **Employee Rights After Leave**
When an employee returns from a leave of absence of six months or less, the Office shall return the employee to the same or similar position in which the employee was incumbent prior to the commencement of leave, provided that all requirements for substantiation of use of leave or physical fitness have been furnished and that application for reassignment is made within the specified time limit of the leave. When an employee returns from a leave of absence exceeding 6 months in duration, other than leave of absence granted under subsection (a)(6), and there is no vacant position in the same position classification in which the employee was incumbent prior to the commencement of leave, the employee may be laid off. An employee returning from a leave of absence under subsection (a)(6) shall be returned to the same or similar position in which the employee was incumbent prior to the commencement of leave, provided that all requirements for substantiation of use of leave or physical fitness have been furnished, that application for reassignment is made within the specified time limits of the leave, and that the Office's circumstances have not changed so as to make reassignments impossible or unreasonable.
- c) **Failure to Return**
Failure of an employee to return from leave within five working days after the expiration or termination date of a leave, whichever is applicable, may be cause for discharge. Leave shall automatically terminate upon the employee's securing other employment during the leave period. It shall be the employee's responsibility to notify the Executive Director and the Director of Personnel of other employment.
- d) **Accrual and Retention of Continuous Service during Certain Leaves**
During the following leaves, an employee shall retain and accrue continuous service, provided appropriate application and return is made as required by this Section: family and medical leave; educational leave; administrative leave; military leave; Peace Corps or Job Corps leave; disaster service volunteer leave; or service-connected disability leave.

Section 160.300 Holidays

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- a) Authorized Holidays
All full-time employees shall have time off, with full salary payment, on the day designated as a holiday for the following:
- 1) New Year's Day
 - 2) Martin Luther King Day
 - 3) Lincoln's Birthday
 - 4) Washington's Birthday (President's Day)
 - 5) Memorial Day
 - 6) Independence Day
 - 7) Labor Day
 - 8) Columbus Day
 - 9) Veterans Day
 - 10) Thanksgiving
 - 11) Christmas Day
 - 12) General Election Day (on which members of the House of Representatives are elected). Employees required to work on General Election Day shall be granted equivalent time off in the following 12-month period at a time convenient to the employee and consistent with the Office's operating needs. Temporary employees shall not be compensated for nonworking days or holidays.
 - 13) Any additional days proclaimed by the Governor of the State of Illinois or the President of the United States.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- b) **Holiday Observance**
When employees are scheduled and required to work on a holiday, employees will be compensated at time and a half.
- c) **Holiday during Vacation**
When a holiday falls on an employee's regularly scheduled work day during the employee's vacation period, an extra day shall be added to the employee's accumulated vacation days.

Section 160.310 Overtime

- a) **Overtime**
For those positions that are not considered executive, administrative or professional, as defined under 29 CFR 541, and for those executive, administrative or professional positions for which compensatory time is authorized by the Executive Director, authorized work in excess of the scheduled workweek as established by subsection (a)(2) shall be overtime. Overtime may be compensated in cash or compensatory time for all employees of the Board.
 - 1) The Executive Director shall determine the need for and establish an overtime schedule that recognizes the unique mission and workload of the organizational unit. The Executive Director may require employees to work overtime or at times other than their regular work schedule to meet workloads or service requirements of the Office.
 - 2) The definition of a scheduled workweek is as follows:
 - A) The Springfield office's regularly scheduled work hours shall be 37.5 hours, Monday through Friday, 8:00 A.M to 4:30 P.M.
 - B) Scheduled work hours for employees on an approved flex-time work schedule, as approved by the Executive Director, shall be reflected on the employee's timesheet.
 - C) The Executive Director and the Board shall set a Telecommuting Policy that meets the needs of the Board.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED RULES

- b) **Compensatory Time**
An employee's overtime accumulations shall be liquidated by the utilization of compensatory time off, when that utilization is practical. Compensation shall be made at a straight-time rate for work in excess of the scheduled workweek.
- c) **Compensatory Time Schedule**
Compensatory time must be pre-approved by the Executive Director.
- d) **Overtime Compensation Liquidation**
Whenever it is not practical to liquidate an employee's overtime with compensatory time off, or whenever the employee's accrued compensatory time exceeds 240 hours, the employee shall be reimbursed on normal payroll, subject to withholding.
- e) **Overtime – Accumulation**
All employee overtime compensation shall be liquidated by the end of the fiscal year unless prior approval is obtained by the Executive Director.
- f) **All overtime records shall be approved by the Executive Director and kept in the Office of Personnel and entered on the monthly Time and Attendance System.**

Section 160.320 Interpretation and Application of Rules

The Executive Director shall determine the proper interpretation and application of each provision of this Part. The decision of the Executive Director as to the proper interpretation or application of any rule shall be final and binding upon all affected employees unless modified or reversed by the Board, the courts or an administrative tribunal.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1650.486	New Section
1650.530	Amendment
1650.1200	Repealed
1650.1201	Repealed
1650.1202	Repealed
1650.1203	Repealed
1650.1204	Repealed
1650.1205	Repealed
1650.3010	Amendment
1650.3017	New Section
1650.3020	Amendment
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]
- 5) A Complete Description of the Subjects and Issues Involved: Due to IRS tax guidance, the TRS payroll deduction program (PDP) was terminated and the rules governing administration of that program have become obsolete. TRS is repealing Subpart N: Payroll Deduction Program, with the exception of Section 1650.1205, which is not really a PDP rule, but rather, explains the employer pickup of a member's optional service, refund, or upgrade contribution balance. The text of 1650.1205 is being relocated into Subpart E: Contribution Credits and Payments, renumbered as new Section 1650.486.

To address a Recommendation made by JCAR, TRS has drafted new Section 1650.3017 to provide more specifics about the metrics included in the candidate profile drafted by investment staff for each investment manager search. This rulemaking also reflects increased transparency by indicating that a link to all TRS investment searches posted on the TRS website will be added to the Procurement Policy Board website.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section 1650.530(a) is being amended to remove the requirement that power of attorney papers must be certified or original copies. In this age of electronic records, this requirement is no longer needed.

- 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 rulemakings pending on this Part? Yes

<u>Sections:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
1650.202	Amendment	40 Ill. Reg. 6770; April 29, 2016
1650.203	Amendment	40 Ill. Reg. 6770; April 29, 2016
1650.3200	New Section	40 Ill. Reg. 6770; April 29, 2016
1650.3220	New Section	40 Ill. Reg. 6770; April 29, 2016
1650.3221	New Section	40 Ill. Reg. 6770; April 29, 2016
1650.3222	New Section	40 Ill. Reg. 6770; April 29, 2016
1650.3230	New Section	40 Ill. Reg. 6770; April 29, 2016

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Cynthia M. Fain
 Senior Legal Counsel
 Teachers' Retirement System
 2815 West Washington,
 P. O. Box 19253
 Springfield IL 62794-9253

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

217/753-0375

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

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1650.208	Disability Payments
1650.209	Computation of Annual Salary When Member Has Different Semester Salary Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1650.357 Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
- 1650.360 Settlement Agreements and Judgments
- 1650.370 Calculation of Average Salary (Renumbered)
- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill
- [1650.486 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance](#)

SUBPART F: ANNUITANTS AND BENEFICIARIES

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section

1650.505	Beneficiary (Repealed)
1650.510	Re-entry Into Service (Repealed)
1650.511	Separation from Service
1650.512	Verification of Compliance with Post-Retirement Employment Limitations
1650.520	Suspension of Benefits
1650.530	Power of Attorney
1650.540	Conservators/Guardians
1650.550	Presumption of Death
1650.560	Benefits Payable on Death
1650.561	Valid Beneficiary Designations
1650.570	Survivors' Benefits
1650.571	Payment of Monthly Survivor Benefits to a Trust
1650.575	Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580	Evidence of Eligibility
1650.590	Comptroller Offset
1650.595	Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section

1650.605	Policy of the Board Concerning Attorney Generals' Opinion (Repealed)
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SUBPART H: ADMINISTRATIVE REVIEW

Section

1650.610	Staff Responsibility
1650.620	Right of Appeal
1650.630	Form of Written Request
1650.635	Presiding Hearing Officer – Duties and Responsibilities
1650.640	Prehearing Procedure
1650.641	Claims Hearing Committee Hearing Packet
1650.650	Hearing Procedure
1650.660	Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section
1650.710 Amendments

SUBPART J: RULES OF ORDER

Section
1650.810 Parliamentary Procedure

SUBPART K: PUBLIC RECORD REQUESTS

Section
1650.910 Summary and Purpose (Repealed)
1650.920 Definitions (Repealed)
1650.930 Submission of Requests
1650.940 Form and Content of FOIA Requests (Repealed)
1650.950 Appeal of a Denial (Repealed)
1650.960 Executive Director's Response to Appeal (Repealed)
1650.970 Response to FOIA Requests (Repealed)
1650.980 Inspection of Records at System Office
1650.990 Copies of Public Records
1650.995 Materials Immediately Available

SUBPART L: BOARD ELECTION PROCEDURES

Section
1650.1000 Nomination of Candidates
1650.1001 Elections Date/Election Day – Defined
1650.1010 Petitions
1650.1020 Eligible Voters
1650.1030 Election Materials
1650.1040 Marking of Ballots
1650.1050 Return of Ballots
1650.1060 Observation of Ballot Counting
1650.1070 Certification of Ballot Counting
1650.1080 Challenges to Ballot Counting
1650.1090 Special Election to Fill Un-Expired Term of Elected Trustee

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1650.1110 Definitions
- 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1650.1112 Requirements for a Valid QILDRO Calculation Order
- 1650.1113 Required Forms
- 1650.1114 Filing a QILDRO or a Calculation Order with the System
- 1650.1115 Benefits Affected by a QILDRO
- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1650.1118 Alternate Payee's Address
- 1650.1119 Electing Form of Payment
- 1650.1120 Automatic Annual Increases
- 1650.1121 Reciprocal Systems QILDRO Policy Statement (Repealed)
- 1650.1122 Providing Benefit Information for Divorce Purposes
- 1650.1123 Suspension and Expiration of a QILDRO
- 1650.1124 Income Tax Reporting
- 1650.1125 Lump-Sum Death Benefit Allocation to Alternate Payee

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section

- 1650.1200 Payroll Deduction Program Guidelines ([Repealed](#))
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program ([Repealed](#))
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations ([Repealed](#))
- 1650.1203 Payroll Deduction Program – Full Time Employment Defined ([Repealed](#))
- 1650.1204 Payroll Deduction Program – Disability Defined ([Repealed](#))
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance ([Repealed](#))

SUBPART O: RETIREMENT BENEFITS

Section

- 1650.2900 Excess Benefit Arrangement

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

SUBPART P: COMPETITIVE SELECTION PROCEDURES
FOR INVESTMENT SERVICES

Section	
1650.3000	Summary and Purpose
1650.3005	Definitions
1650.3010	Public Markets Manager Database
1650.3015	Emerging Investment Managers
1650.3017	Candidate Profile for Investment Manager Searches
1650.3020	Public Market Searches
1650.3025	Small and Mid Cap Equity Searches
1650.3030	Private Market and Commingled Fund Searches
1650.3032	Co-Investment Opportunities
1650.3035	Private Market Real Estate Separate Account Searches
1650.3040	Consultant Searches
1650.3045	Evaluation by Investment Committee

SUBPART Q: PLAN QUALIFICATION

Section	
1650.3100	Summary and Purpose
1650.3105	Exclusive Benefit Rule
1650.3110	USERRA (Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4335)) Compliance
1650.3115	Required Minimum Distributions
1650.3120	Federal Contribution and Benefit Limitations
1650.3125	Mortality Tables and Interest Rates

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4, 2013; amended at 38 Ill. Reg. 21239, effective October 21, 2014; amended at 39 Ill. Reg. 5259, effective March 20, 2015; amended at 39 Ill. Reg. 14989, effective October 30, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section 1650.486 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

Once per school year, an employer may make a payment toward a member's 2.2 upgrade, optional service and/or refund balance. The employer contribution under this option may be picked up pursuant to section 414(h)(2) of the Internal Revenue Code of 1986, as amended (26 USC 414(h)(2)), or paid on an after-tax basis as certified by the employer. The employer shall certify to the System whether the payment being made is done so on a tax-deferred or after-tax basis by completing and returning the appropriate form with the payment.

(Source: Added at 40 Ill. Reg. _____, effective _____)

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section 1650.530 Power of Attorney

- a) Any annuitant or beneficiary receiving a monthly benefit through payment to his or her attorney-in-fact acting under a power of attorney shall be required to notify the System in writing that such power of attorney is in full force and effect, when reasonably requested to do so by the System. In default of such notice, payment to the attorney-in-fact shall be suspended until notice is received, whereupon payments will be resumed from the date of the last payment. ~~Certified or original copies of the power of attorney papers are required by the System in order to process any benefits.~~
- b) A member information and beneficiary designation (nomination of beneficiary) form may be signed by an attorney-in-fact, provided the attorney-in-fact is given specific power to execute a nomination of beneficiary form on behalf of the member or annuitant.
- c) If a member or annuitant is not capable of signing the form, he or she may make a mark on the signature line if the mark is witnessed by two individuals who will not receive any benefit under the member information and beneficiary designation.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section 1650.1200 Payroll Deduction Program Guidelines (Repealed)

- a) ~~A System-generated payroll deduction agreement, fully executed by the member and the employer, must be filed with the System prior to any deductions being made pursuant to such agreement.~~
- b) ~~The enrollment date shall be the first day of the calendar quarter if deductions will occur on a periodic basis for more than one month. If the deductions will occur during only one calendar month, the enrollment date shall be the first day of the calendar month in which the deduction will be made.~~
- e) ~~A payroll deduction agreement shall become irrevocable when the first deduction is made from a member's pay.~~
- d) ~~A member may have multiple payroll deduction agreements as long as a separate and distinct purchase is made pursuant to each agreement.~~
- e) ~~A member who has a valid irrevocable payroll deduction agreement in effect is prohibited from making after-tax contributions or authorized rollovers to pay for purchases under the agreement.~~
- f) ~~A payroll deduction agreement may cover multiple purchases under the Payroll Deduction Program.~~
- g) ~~The System will accept direct payments for purchases not covered by a payroll deduction agreement.~~
- h) ~~A payroll deduction agreement containing an unapproved change is void.~~
- i) ~~It is the member's responsibility to insure that his or her employer has properly executed a payroll deduction agreement.~~
- j) ~~The minimum monthly deduction allowable under the Payroll Deduction Program is \$50 per month or the balance due if less than \$50.~~

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- k) ~~The monthly deduction must remain constant except for the final payment, which may be less than the amount provided for in the payroll deduction agreement.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 1650.1201 Employer Responsibility Under the Payroll Deduction Program
(Repealed)

- a) ~~Employers shall notify the System of all executed payroll deduction agreements prior to the withholding of any deductions pursuant to such agreement.~~
- b) ~~Prior to or on the 10th day of the month following the month in which deductions are made, the employer shall remit payroll deductions to the System.~~
- c) ~~Payroll deduction remittances shall indicate the name and Social Security number of each member who was scheduled to have an amount remitted but whose payroll deduction agreement was suspended or terminated, and the reasons for the suspension or termination.~~
- d) ~~The employer shall withhold the monthly amount stated in the payroll deduction agreement until the payroll deduction agreement is paid in full, or until the payroll deduction agreement is suspended or terminated.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations
(Repealed)

- a) ~~A payroll deduction agreement will be suspended (rather than terminated) if the member ceases receiving a salary from the employer with whom the member has the payroll deduction agreement for a period of one year or less, and the member has a promise of renewed employment at the end of the period of absence or the member has a right of reemployment under the School Code [105 ILCS 5].~~
- b) ~~If a member is not reemployed at the end of a payroll deduction suspension period, the member's payroll deduction agreement will be terminated.~~

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- e) ~~When a member returns to full-time teaching after a payroll deduction suspension period of one year or less, the member's employer will resume withholding under the payroll deduction agreement.~~
- d) ~~A payroll deduction agreement interrupted by a suspension will be extended by the length of time necessary to purchase the service covered by the payroll deduction agreement.~~
- e) ~~A payroll deduction agreement will be terminated when the payroll deduction agreement is paid in full or upon the occurrence of one of the following:~~
 - 1) ~~death of the member;~~
 - 2) ~~termination of the member's full-time employment;~~
 - 3) ~~retirement of the member; or~~
 - 4) ~~disability of the member for an expected period of one year or more.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 1650.1203 Payroll Deduction Program – Full-Time Employment Defined
(Repealed)

~~For the purposes of the Payroll Deduction Program, "full-time employment" shall mean:~~

- a) ~~employment as a full-time teacher as defined in Section 16-106(1) of the Pension Code [40 ILCS 5/16-106(1)]; or~~
- b) ~~if not currently a full-time teacher under Section 16-106(1) of the Illinois Pension Code, a member who is compensated on a regular basis and considered to be employed full-time in accordance with the rules and practices of his or her employer.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section 1650.1204 Payroll Deduction Program – Disability Defined (Repealed)

~~For purposes of the Payroll Deduction Program, "disability" shall mean receipt of a disability benefit under Section 16-149, 16-149.1, or 16-149.2 of the Illinois Pension Code [40 ILCS 5/16-149, 16-149.1 and 16-149.2].~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance (Repealed)

- a) ~~Once per school year, an employer may make a payment toward a member's 2.2 upgrade, optional service and/or refund balance, provided the member has not commenced participation in a payroll deduction agreement to purchase the same service credit or upgrade, unless the authorization for the pick up is made by the employer prior to the date on which the payroll deduction agreement becomes irrevocable.~~
- b) ~~The employer contribution under this option may be picked up pursuant to section 414(h)(2) of the Internal Revenue Code of 1986, as amended (26 USC 414(h)(2)), or paid on an after tax basis as certified by the employer.~~
- e) ~~The employer shall certify to the System whether the payment being made is done so on a tax deferred or after tax basis by completing and returning the appropriate form with the payment.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

**SUBPART P: COMPETITIVE SELECTION PROCEDURES
FOR INVESTMENT SERVICES****Section 1650.3010 Public Markets Manager Database**

- a) The consultant makes use of an industry database (Manager Database) containing institutional quality firms that are registered investment managers. No fee is required to participate in the Manager Database.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- b) The Manager Database serves as the primary pool from which the System identifies candidates for public market investment manager searches.
- c) To be considered in a public market search, all interested investment managers not currently in the Manager Database should ensure that all required information has been submitted to the Manager Database prior to the screening dates specified in the candidate profiles described in Sections [1650.3017](#), 1650.3020 and 1650.3025. Should a search be conducted for which a developed database does not exist or is incomplete, investment managers may also submit or be requested to submit a written Request for Information (RFI).
- d) The consultant's contact information is available on the TRS website (trs.illinois.gov).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 1650.3017 Candidate Profile for Investment Manager Searches

- a) The candidate profile described in this Subpart P is a customized written document prepared by staff with Board approval that specifically defines the detailed requirements of a given investment manager search and the investment manager qualifications and characteristics that are sought in the particular search.
- b) To ensure accessibility to the public, whenever an investment manager search is initiated, the candidate profile document is posted to the TRS website. To ensure global transparency, all investment manager searches are available on the Illinois Procurement Policy Board website via a link to the TRS website.
- c) The candidate profile document delineates all relevant information and metrics particular to the given search. The information and metrics are specific to each manager search, and customized based on the necessary qualifications for the search. Evaluation criteria and minimum qualifications will generally be comprised of the following:
 - 1) Manager style;
 - 2) Manager type;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 3) Minority investment manager inclusion;
- 4) Amount to be allocated;
- 5) Investment vehicles;
- 6) Process for identification of candidates;
- 7) Process for selection of semi-finalist candidates;
- 8) Process for selection of finalists;
- 9) Minimum asset requirement;
- 10) Minimum professional investment experience;
- 11) Stability of professional staff;
- 12) Geographic location;
- 13) Involvement with other business;
- 14) Financial well-being of firm;
- 15) Long range plan;
- 16) Investment style;
- 17) Investment research;
- 18) Minimum performance record;
- 19) Performance preferred attributes;
- 20) Performance comparisons;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 21) [Client communications and rapport;](#)
- 22) [Fees;](#)
- 23) [Compliance with Illinois State law and divestment restrictions; and](#)
- 24) [Manager guidelines and investment management agreement.](#)

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 1650.3020 Public Market Searches

- a) The Board authorizes the System's asset allocation targets and investment manager structure by recorded vote in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120]. Staff may initiate searches as necessary to implement the System's asset allocation and/or fill vacancies within the manager structure.
- b) At each meeting of the Investment Committee, staff will notify the Board of any new manager search, the status of all existing searches, and the outcome of all completed searches.
- c) With the initiation of a search, staff, working with the consultant, prepares a written candidate profile that lists specific requirements for each search, [as described in Section 1650.3017](#). The candidate profile identifies specific quantitative and qualitative factors, such as:
 - 1) Minimum assets under management;
 - 2) Minimum track record;
 - 3) Risks relative to benchmarks;
 - 4) Return relative to benchmarks over various time periods;
 - 5) Size and tenure of professional staff;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 6) Investment strategy and process; and
 - 7) Organizational stability and strength.
- d) The candidate profile is posted on the TRS website to allow all interested candidates to review the search criteria and understand how to participate in the search.
 - e) The candidate profile identifies a specific screening period during which the consultant will screen the Manager Database or other candidate information to identify all managers meeting the criteria of the candidate profile.
 - f) During the screening period identified in the candidate profile, staff and the consultant identify and rank all candidates in the Manager Database that meet the quantitative criteria specified in the candidate profile.
 - g) Staff and the consultant review the candidate list to eliminate any managers that fail to meet qualitative screens. All emerging managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, that meet the minimum criteria of the search will be identified and the most promising emerging manager candidates will be included in the selection process described in this Section.
 - h) Staff and the consultant further refine the candidate list to identify semi-finalist firms that, based on criteria in the candidate profile, appear to have the highest probability of success over the next three to five years. In the event more information is necessary to narrow the semi-finalist list, a standardized Request for Information (RFI) may be issued to the pool of eligible semi-finalists to facilitate further in-depth analysis by staff and the consultant. Semi-finalists in this case are selected from the RFI submissions.
 - i) Staff conducts in-person interviews of semi-finalist firms at the System's offices or an alternate location agreed upon by the System and the firm. Semi-finalist candidates must be approved by the applicable Oversight Committee.
 - j) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Due diligence meetings and finalist recommendations must be approved by the applicable Oversight Committee.

- k) Following favorable due diligence review and successful contract and fee negotiations, a finalist candidate is, or candidates are, presented to the applicable Oversight Committee for final approval.
- l) With approval from the applicable Oversight Committee, staff will present the recommendation to the Investment Committee Chair and/or Vice Chair. Documentation to the Chair will include a timeline of the search process, a summary of that process, and confirmation that the search was conducted in accordance with TRS policy.
- m) With approval of the Investment Committee Chair and/or Vice Chair, staff is authorized to implement the recommendation.
- n) At the next scheduled meeting of the Investment Committee following the completion of any search, staff will provide the Committee a full report of the search process, including a summary of the search criteria and candidate firms. The Investment Committee and Board will provide final ratification for the long-term selection of the investment manager.
- o) If any eligible managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, meet the minimum criteria of the search, the most qualified emerging candidate will be invited to present as a finalist to the Investment Committee at its next scheduled meeting.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Currency Exchange Act
- 2) Code Citation: 38 Ill. Adm. Code 120
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
120.5	Amendment
120.10	Amendment
120.20	Amendment
120.40	Amendment
120.50	Amendment
120.100	Repealed
120.140	Amendment
120.180	Amendment
120.260	Amendment
120.270	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 19 of the Currency Exchange Act [205 ILCS 405]
- 5) Effective Date of Rules: August 1, 2016
- 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 rules, including any material incorporated by reference, is on file in the principal office of the Division of Financial Institutions and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 5233; April 1, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 120.5, in the definition of "Controlling Person", on the 4th line we changed "purposes" to "purpose".

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 120.270(b), after "Department" we added ", except as allowed under subsection (c)".

Section 120.270(b)(1)(A)-(D), we deleted "by all licensees".

Section 120.270(b)(1)(D), after "including" a comma was added.

Section 120.270(c)(1), on the 6th line we changed "If" to "Except as provided in subsection (c)(2), if".

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments have been promulgated to implement the changes found in Section 1 and 19 of the Currency Exchange Act, as amended by PA 99-445. Amendments to Section 120.270 create a violations subsection addressing fine categories and another for corrective action, which give the licensee and opportunity to remedy and mitigate certain violations. Also, Section 120.100 has been repealed at this time, because Section 3 of the Currency Exchange Act, as amended by PA 99-445, covers this subject matter, rendering this Section of the rules obsolete.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 120

CURRENCY EXCHANGE ACT

Section

120.5	Definitions
120.10	Minimum Requirements for Office Records – Community Currency Exchanges
120.20	Minimum Requirements for Office Records – Ambulatory Currency Exchanges
120.30	Cash Sheet
120.40	Check Register
120.50	Money Order Register
120.60	Money Orders
120.70	Checks Written by Exchange
120.80	"NSF" Checks and Items for Collection
120.90	Returned Items Record
120.100	Postdated Checks (Repealed)
120.110	Timely Deposits
120.120	Food Stamps Account (Repealed)
120.125	Supplemental Nutrition Assistance Program
120.130	Reconciling Accounts
120.140	Reference Material
120.150	Annual Report Information
120.160	Retention of Records
120.170	Physical Condition of Exchange Premises (Repealed)
120.180	Display of Fee Schedules
120.190	Continuity of Operations
120.200	Out-of-Town Trips
120.210	Bribery and Gratuities
120.220	Conviction of Crime
120.230	Ambulatory License Application
120.240	Ambulatory Office Records
120.250	Sale of Capital Stock
120.260	Corporate Officers and Directors
120.270	Fines, Fine , Suspension, or Revocation of License
120.280	Cease and Desist

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

120.290 Hearing Procedures

AUTHORITY: Implementing and authorized by Section 19 of the Currency Exchange Act [205 ILCS 405].

SOURCE: Filed August 15, 1973; amended at 2 Ill. Reg. 5, p. 1, effective February 9, 1978; old rules repealed, new rules adopted at 3 Ill. Reg. 26, p. 167, effective June 30, 1979; emergency amendment at 5 Ill. Reg. 264, effective December 19, 1980, for a maximum of 150 days; codified at 7 Ill. Reg. 11724; amended at 9 Ill. Reg. 1358, effective January 17, 1985; amended at 36 Ill. Reg. 13851, effective September 7, 2012; amended at 40 Ill. Reg. 9167, effective August 1, 2016.

Section 120.5 Definitions

"Act" means the Currency Exchange Act [205 ILCS 405].

"Ambulatory Currency Exchange" means any person, firm, association, partnership, limited liability company or corporation, except banks organized under the laws of this State and national banks organized pursuant to the laws of the United States, engaged in one or both of the businesses, or engaged in performing any one or more of the services authorized by the Act, solely on the premises of the employer whose employees are being served.

"Community Currency Exchange" means any person, firm, association, partnership, limited liability company or corporation, except an ambulatory currency exchange as defined in this Section, banks incorporated under the laws of this State and national banks organized pursuant to the laws of the United States, engaged in the business or service of, and providing facilities for, cashing checks, drafts, money orders or any other evidences of money acceptable to the community currency exchange, for a fee or service charge or other consideration, or engaged in the business of selling or issuing money orders under his/her or their or its name, or any other money orders (other than United States Post Office money orders, Postal Telegraph Company money orders, or Western Union Telegraph money orders), or engaged in both such businesses, or engaged in performing any one or more of the services authorized by the Act.

"Controlling Person" means an officer, director, or person owning or holding

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

power to vote 10% or more of the outstanding voting securities of a licensee or the power to vote the securities of another controlling person of the licensee. For the purpose of determining the percentage of a licensee controlled by a controlling person, the person's interest shall be combined with the interest of any other person controlled, directly or indirectly, by that person or by a spouse, parent, or child of that person. [205 ILCS 405/1]

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

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

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

"Licensed Location" means the premises at which a licensee is authorized to operate a community currency exchange to offer to the public services, products, or activities under the Act. [205 ILCS 405/1]

"Licensee" means any person, firm, association, partnership, limited liability company, or corporation issued one or more licenses by the Secretary under the Act. [205 ILCS 405/1]

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

(Source: Amended at 40 Ill. Reg. 9167, effective August 1, 2016)

Section 120.10 Minimum Requirements for Office Records – Community Currency Exchanges

Every licensed location~~licensee (for the purpose of this Part, a licensee shall be defined to be all community and ambulatory currency exchanges unless otherwise stated)~~ must maintain the following records:

- a) Daily cash sheets (see Section 120.30) must be maintained on premises for 90 days after the date of the daily cash sheet. (~~Section 120.30~~)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- b) Bank statements.
- c) Money order register ([see Section 120.50](#)) or carbonized copy of money order stating original issue amount. (~~Section 120.50~~)
- d) General ledger and supporting journals.
- e) Copy of the latest Annual Report filed with the Department.
- f) Transmittal record for utility bills, vehicle licenses, certificates of title, vehicle stickers, stored value cards, and any other type of transmittal made for the benefit of a third party.
- g) Record of daily transactions.
- h) Check register: ([see Section 120.40](#)).
- i) Corporate records.
- j) Copies of all contracts and business agreements entered into by the currency exchange.

(Source: Amended at 40 Ill. Reg. 9167, effective August 1, 2016)

Section 120.20 Minimum Requirements for Office Records – Ambulatory Currency Exchanges

Every [licensed location](#)~~licensee~~ must maintain the following records:

- a) Bank statements and itemized deposit slips.
- b) Money order register or carbonized copy of money order.
- c) General ledger and support journals.
- d) Copy of the latest Annual Report filed with the Department.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- e) All corporate records.

(Source: Amended at 40 Ill. Reg. 9167, effective August 1, 2016)

Section 120.40 Check Register

- a) A check register must be maintained for all checks, drafts, money orders or other evidence of money that the ~~licensed location~~~~licensee~~ cashes.
- b) The check register must show for each instrument cashed: the maker, the payee, the date of the instrument, its amount and its number.
- c) The foregoing will not apply to those currency exchanges that microfilm or maintain electronic copies of all checks, drafts, money orders or other evidence of money, provided that the microfilms or electronic records are available to the Department at all times and the microfilm machine or method of electronic storage is maintained in working order.

(Source: Amended at 40 Ill. Reg. 9167, effective August 1, 2016)

Section 120.50 Money Order Register

A money order register recording the date issued, money order number, amount and date paid, must be kept by each ~~licensed location~~~~licensee~~. In lieu of the ~~said~~ money order register, a copy of the money order may be kept when carbonized type money orders are used. This ~~Section~~~~rule~~ and all other ~~provisions of this Part related to money orders~~~~order rules~~ apply to money orders sold under the name of the Currency Exchange, as well as second party money orders such as American Express, Travelers, etc.

(Source: Amended at 40 Ill. Reg. 9167, effective August 1, 2016)

Section 120.100 Postdated Checks (Repealed)

~~No licensee may cash any check, draft, money order, or other evidence of money which is undated or postdated.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 40 Ill. Reg. 9167, effective August 1, 2016)

Section 120.140 Reference Material

Each ~~licensed location~~~~licensee~~ shall maintain on its premises, at all times, a copy of the Currency Exchange Act, and ~~this Part~~~~these Rules~~ for easy reference by ~~exchange~~~~Exchange~~ employees.

(Source: Amended at 40 Ill. Reg. 9167, effective August 1, 2016)

Section 120.180 Display of Fee Schedules

- a) In the case of a community currency exchange, each ~~licensed location~~~~licensee~~ must post, at all times, a complete, detailed and unambiguous schedule for all of its fees for the cashing of checks, money orders and other evidence of money; the sale or issuance of money orders; and the rendering of all services authorized by the Act in a conspicuous place on its premises so that it is clearly legible to its customers. The lettering and numerals on this schedule shall be no less than .5 inch in height. The format of the schedule must be approved, in writing, by the Secretary.
- b) In the case of an ambulatory currency exchange, each ~~licensed location~~~~licensee~~ must conspicuously post, in the location it is servicing, a complete, legible, detailed and unambiguous schedule for all of its fees for the cashing of checks, money orders or other evidences of money; the sale or issuance of money orders; and the rendering of all services authorized by the Act. The format of the schedule must be approved, in writing by the Secretary.

(Source: Amended at 40 Ill. Reg. 9167, effective August 1, 2016)

Section 120.260 Corporate Officers and Directors

- a) The provisions of Sections 4 and 10 of the Act, relating to the qualifications of ~~controlling person~~~~officers and directors~~ of corporate licensees, shall apply to all officers and directors of corporate licensees without regard to the time of the election or to the designation of the officers or directors.
- b) When any corporate licensee elects or otherwise designates any person as an

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

officer or director who is not then ~~a controlling person~~~~an officer or director~~ of the corporate licensee, written notice of the fact of the election or designation of the new officer or director, certified by the secretary of the licensee, shall be promptly given to the Secretary. The new officer or director shall not assume the office to which he or she has been elected or designated until he or she has first complied with the provisions of Sections 4 and 10 of the Act, relating to the qualifications of ~~controlling persons~~~~officers and directors~~ of community currency exchanges and ambulatory currency exchanges.

(Source: Amended at 40 Ill. Reg. 9167, effective August 1, 2016)

Section 120.270 Fines, Fine, Suspension, or Revocation of License

- a) The Director may impose any of the sanctions authorized by Section 15 of the Act if the Division finds that any community or ambulatory currency exchange has violated any of the requirements of the Act or this Part. ~~Sanctions will be determined on an individual basis depending on the severity and nature of the violation and the operating history of the currency exchange.~~
- b) Violations
When any licensee violates any Section of the Act or this Part, the Department, except as allowed under subsection (c), will take the following steps to assess remedial action:
 - 1) Category of Fines
 - A) For licensing violations relating to licensure, including, but not limited to, timely and accurate submission of annual renewals and annual reports, the violator may be assessed between \$100 and \$250;
 - B) For disclosure violations relating to representations required under the Act, including, but not limited to, posting of license and/or renewal certificates and posting of all fees charged by the licensee, the licensee may be assessed between \$250 and \$500;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- C) For operational violations relating to nonpecuniary business, including, but not limited to, unauthorized additional services and record keeping requirements, the licensee may be assessed between \$250 and \$1,000; or
- D) For pecuniary violations relating to monetary issues, including, but not limited to, minimum fund requirements, anti-money laundering requirements, cash sheet maintenance, check register maintenance, money orders issued in numerical order and rates charged to consumers in excess of those allowed by law, the licensee may be assessed between \$500 and \$1,000.
- 2) If a licensee commits the same violation or violations within the same category of fines listed in subsection (b)(1) at a licensed location more than once within 3 consecutive examination periods, the Department may assess fines that exceed the categories listed in subsection (b)(1) up to the statutory limit (see 205 ILCS 405/15) or take further remedial measures at the Secretary's discretion (see 205 ILCS 405/15).
- c) Corrective Action
- 1) The Department will allow licensees an opportunity to correct any violation within 15 business days after the Notice for any violation identified in this Section. The licensee shall certify the corrective action to be taken, in writing delivered to the Secretary. The Secretary may then conduct a follow-up examination within 30 days after the certification. Except as proved in subsection (c)(2), if the Department deems that the violation has been corrected, the Department may reduce or dismiss the assessed fine or action and the Secretary may assess an examination fee not to exceed \$175. Dismissal of an assessed fine through corrective action shall not remove repeat violations (see subsection (b)(2)).
- 2) Corrective action taken by licensees shall not serve to mitigate any fine or other remedial action if the violation is related to pecuniary issues or is the same as a prior violation within the last 3 consecutive examination periods.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- db) Notwithstanding the provisions of subsections (b) and (c), if it is determined that the Secretary has the authority to suspend or revoke a license pursuant to Section 15 of the Act, he or she may issue orders as may be reasonably necessary to correct, eliminate or remedy the situation.

(Source: Amended at 40 Ill. Reg. 9167, effective August 1, 2016)

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Access to Records of the Historic Preservation Agency
- 2) Code Citation: 2 Ill. Adm. Code 1580
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1580.100	New Section
1580.120	New Section
1580.210	New Section
1580.220	New Section
1580.230	New Section
1580.310	New Section
1580.320	New Section
1580.330	New Section
1580.410	New Section
1580.420	New Section
1580.430	New Section
1580.440	New Section
1580.450	New Section
1580.460	New Section
1580.470	New Section
1580.480	New Section
1580.510	New Section
1580.520	New Section
1580.530	New Section
1580.APPENDIX A	New Section
- 4) Statutory Authority: Freedom of Information Act [5 ILCS 140/3(g)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]
- 5) Effective Date of Rules: June 21, 2016
- 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 rules, including any material incorporated by reference, is on file in the Agency's Springfield office and is available for public inspection.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- 9) Notice of Proposal published in the *Illinois Register*: This required rulemaking was not published as a proposed rulemaking but was adopted under the provisions of Section 5-15 of the Illinois Administrative Procedure Act.
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: This required rulemaking was not published as a proposed rulemaking but was adopted under the provisions of Section 5-15 of the Illinois Administrative Procedure Act.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Not applicable
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of the rulemaking is to implement the provisions of the Freedom of Information Act [5 ILCS 140] by establishing a procedure to be followed by the public when requesting public records of the IHPA and the procedures to be followed by the Agency in responding to requests for information.
- 16) Information and questions regarding these adopted rules shall be directed to:

Peggy Snyder
Legislative Director
Illinois Historic Preservation Agency
313 S. 6th Street
Springfield IL 62701

217/785-9045
fax: 217/785-7937
e-mail: peggy.snyder@illinois.gov

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

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS AGENCIES
CHAPTER V: HISTORIC PRESERVATION AGENCY

PART 1580

ACCESS TO RECORDS OF THE HISTORIC PRESERVATION AGENCY

SUBPART A: INTRODUCTION

Section	
1580.100	Summary and Purpose
1580.120	Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section	
1580.210	Records that Will Be Disclosed
1580.220	Records that Will Be Withheld from Disclosure
1580.230	Statutory Exemptions

SUBPART C: PROCEDURES FOR REQUESTING
RECORDS FROM THE AGENCY

Section	
1580.310	Submittal of Requests for Records
1580.320	Information To Be Provided in Requests for Records
1580.330	Requests for Records for Commercial Purposes

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section	
1580.410	Timeline for Agency Response
1580.420	Requests for Records that the Agency Considers Unduly Burdensome
1580.430	Recurrent Requesters
1580.440	Requests for Records that Require Electronic Retrieval
1580.450	Denials of Requests for Records
1580.460	Requests for Review of Denials – Public Access Counselor

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- 1580.470 Circuit Court Review
1580.480 Administrative Review

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section

- 1580.510 Inspection and Copying of Records
1580.520 Fees for Records
1580.530 Reduction and Waiver of Fees

1580.APPENDIX A Fee Schedule for Duplication and Certification of Records

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)], implementing Section 5 of the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/5] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 40 Ill. Reg. 9179, effective June 21, 2016.

SUBPART A: INTRODUCTION

Section 1580.100 Summary and Purpose

- a) This Part states the policy of the Illinois Historic Preservation Agency (Agency) for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.
- b) This Part:
 - 1) Establishes the following classifications for records in the Agency's possession:
 - A) Records that shall be disclosed; and
 - B) Records that shall be withheld from disclosure;

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- 2) Contains the procedures by which requesters may obtain records in the Agency's possession; and
- 3) Contains the procedures for claiming and determining that records submitted to the Agency are exempt from disclosure.

Section 1580.120 Definitions

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act [5 ILCS 140]. The following definitions are applicable for purposes of this Part:

"Act" means Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].

"Agency" means the Illinois Historic Preservation Agency as established by the Act.

"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:

to access and disseminate information concerning news and current or passing events;

for articles or opinion or features of interest to the public; or

for the purpose of academic, scientific, or public research or education.
(Section 2(c-10) of FOIA)

"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Agency. (Section 2(d) of FOIA)

"Director" means the Director of the Agency.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station, television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)

"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)

"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)

"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)

"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Agency. (Section 2(c) of FOIA)

"Recurrent requester" means a person that, in the 12 months immediately preceding the request, has submitted to the same public body a minimum of 50 requests for records, a minimum of 15 requests for records within a 30-day period, or a minimum of 7 requests for records within a 7 day period. For the purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods, in this definition when the principal purpose of the requests is to access and disseminate information concerning news and current or passing events, for articles of opinion or features of interest to the public, or for the purpose of academic, scientific, or public research or education. For the purposes of this definition, "request" means a written document (or oral request, if the public body chooses to honor oral requests) that is submitted to a public body via personal delivery, mail, telefax, electronic mail, or other means available to the public body and that identifies the particular public record the requester seeks. One request may identify multiple records to be inspected or copied. (Section 2(g) of FOIA)

"Requester" is any person who has submitted to the Agency a written request, electronically or on paper, for records.

"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)

SUBPART B: CLASSIFICATION OF RECORDS

Section 1580.210 Records that Will Be Disclosed

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

Upon request meeting the requirements of this Part, the Agency shall disclose to the requester all records requested except that it shall not disclose certain records as provided in Section 1580.220 or 1580.230. Records covered under this Section shall include, but are not limited to:

- a) *Records of funds. All records relating to the obligation, receipt and use of public funds of the Agency are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Agency under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Agency prior to disclosure. (Section 2.10 of FOIA)*
- c) *Criminal history records. The following documents maintained by the Agency pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
 - 1) *Court records that are public;*
 - 2) *Records that are otherwise available under State or local law; and*
 - 3) *Records in which the requesting party is the individual identified, except as provided under Section 1580.220(a)(5)(F). (Section 2.15(b) of FOIA)*
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Agency are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 1580.220 or 1580.230 may be redacted. (Section 2.20 of FOIA)*

Section 1580.220 Records that Will Be Withheld from Disclosure

- a) For exemptions from FOIA that are stated in FOIA, see Section 7(1) of the Act.
- b) *A record that is not in the possession of the Agency but is in the possession of a party with whom the Agency has contracted to perform a governmental function on behalf of the Agency, and that directly relates to the governmental function*

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

and is not otherwise exempt under FOIA, shall be considered a record of the Agency for purposes of Subpart C. (Section 7(2) of FOIA)

Section 1580.230 Statutory Exemptions

For exemptions from FOIA that are stated in other statutes, see Section 7.5 of the Act.

SUBPART C: PROCEDURES FOR REQUESTING
RECORDS FROM THE AGENCY**Section 1580.310 Submittal of Requests for Records**

- a) Any request for public records should be submitted in writing to the FOI Officer at the Agency.
- b) The Agency has one FOI Officer, located in the Springfield Office.
- c) Contact information for the FOI Officer can be found online at www.illinois.gov/Pages/foiacontacts.
- d) FOIA requests may be submitted via mail, e-mail, fax, or hand delivery. Requests should be mailed or hand delivered to:

Illinois Historic Preservation Agency
313 South Sixth Street
Springfield IL 62701
Attn: FOI Officer

- e) E-mailed requests should be sent to IHPAFOIAOFFICER@illinois.gov, contain the request in the body of the e-mail, and indicate in the subject line of the e-mail that it contains a FOIA request. Faxed FOIA requests should be faxed to 217/785-7937, Attn: FOI Officer.

Section 1580.320 Information To Be Provided in Requests for Records

A request for records should include:

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- a) The complete name, mailing address and telephone number of the requester;
- b) As specific a description as possible of the records sought. Requests that the Agency considers unduly burdensome or categorical may be denied. (See Section 3(g) of FOIA and Section 1580.420 of this Part.);
- c) A statement as to the requested medium and format for the Agency to use in providing the records sought: for example, paper, specific types of digital or magnetic media, or videotape;
- d) A statement as to the requested manner for the Agency to use in providing the records sought: for example, inspection at Agency headquarters or providing paper or electronic copies;
- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification; and
- f) A statement as to whether the request is for a commercial purpose.

Section 1580.330 Requests for Records for Commercial Purposes

- a) *It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Agency. (Section 3.1(c) of FOIA)*
- b) *The Agency shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
 - 1) *Provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;*
 - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 1580.220 or 1580.230;*

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
- 4) *Provide the records requested.* (Section 3.1(a) of FOIA)
- c) *Unless the records are exempt from disclosure, the Agency shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.* (Section 3.1(b) of FOIA)

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section 1580.410 Timeline for Agency Response

- a) Except as stated in subsection (b) or (c), the Agency will respond to any written request for records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Agency fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested records, it will not impose a fee for those copies. If the Agency fails to respond to a request received, it will not treat the request as unduly burdensome as provided under Section 1580.420. (Section 3(d) of FOIA) A written request from the Agency to provide additional information shall be considered a response to the FOIA request.
- b) *The time limits prescribed in subsection (a) may be extended for not more than 5 business days from the original due date for any of the following reasons:*
 - 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*
 - 2) *The request requires the collection of a substantial number of specified records;*

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
 - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*
 - 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
 - 6) *The request for records cannot be complied with by the Agency within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Agency; or*
 - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*
- c) *The person making a request and the Agency may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Agency agree to extend the period for compliance, a failure by the Agency to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
- d) *When additional time is required for any of the reasons set forth in subsection (b), the Agency will, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Agency fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Agency issues an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 1580.420. (Section 3(f) of FOIA)*

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

Section 1580.420 Requests for Records that the Agency Considers Unduly Burdensome

- a) *The Agency will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Agency, there is no way to narrow the request, and the burden on the Agency outweighs the public interest in the information. Before invoking this exemption, the Agency will extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. (Section 3(g) of FOIA) The amended request must be in writing.*
- b) *If the Agency determines that a request is unduly burdensome, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Agency. The response shall be treated as a denial of the request for information. (Section 3(g) of FOIA)*
- c) *Repeated requests from the same person for records that are unchanged or identical to records previously provided or properly denied under this Part shall be deemed unduly burdensome. (Section 3(g) of FOIA)*

Section 1580.430 Recurrent Requesters

- a) *Notwithstanding any provision of this Part to the contrary, the Agency will respond to a request from a recurrent requester, as defined in Section 1580.120, within 21 business days after receipt. The response shall:*
 - 1) *provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;*
 - 2) *deny the request pursuant to one or more of the exemptions set out in this Part;*
 - 3) *notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- 4) *provide the records requested.*
- b) *Within 5 business days after receiving a request from a recurrent requester, the Agency will notify the requester that the Agency is treating the request as a recurrent request, of the reasons why the Agency is treating the request as a recurrent request, and that the Agency will send an initial response within 21 business days after receipt in accordance with subsection (a). The Agency will also notify the requester of the proposed responses that can be asserted pursuant to subsection (a).*
- c) *Unless the records are exempt from disclosure, the Agency will comply with a request within a reasonable period considering the size and complexity of the request. (Section 3.2 of FOIA)*

Section 1580.440 Requests for Records that Require Electronic Retrieval

- a) A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.
- b) The Agency will retrieve and provide electronic records only in a format and medium that is available to the Agency.

Section 1580.450 Denials of Requests for Records

- a) The Agency will deny requests for records when:
 - 1) Compliance with the request would unduly burden the Agency, as determined pursuant to Section 1580.420, and the requester has not reduced the request to manageable proportions; or
 - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 1580.220 or 1580.230 of this Part.
- b) The denial of a request for records must be in writing.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- 1) The notification shall include a description of the records denied; *the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial* (Section 9(a) of FOIA);
 - 2) *Each notice of denial shall also inform the person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor* (Section 9(a) of FOIA); and
 - 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority* (Section 9(b) of FOIA).
- c) A requester may treat the Agency's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
 - d) If the Agency has given written notice pursuant to Section 1580.410(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.
 - e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Agency fails to act within the time periods provided in Section 1580.410.* (Section 9(c) of FOIA)

Section 1580.460 Requests for Review of Denials – Public Access Counselor

- a) *A person whose request to inspect or copy a record is denied by the Agency may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. The request for review shall be in writing, be signed by the requester, and include a copy of the request for access to records and any response from the Agency.* (Section 9.5(a) of FOIA)

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- b) *A person whose request to inspect or copy a record is made for a commercial purpose may not file a request for review with the Public Access Counselor. A person whose request to inspect or copy a record was treated by the Agency as a request for a commercial purpose may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the Agency properly determined that the request was made for a commercial purpose. (Section 9.5(b) of FOIA)*
- c) *Within 7 business days after the Agency receives a request for review from the Public Access Counselor, the Agency shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. (Section 9.5(c) of FOIA)*
- d) *Within 7 business days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Agency may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)*
- e) *The requester may, but is not required to, respond in writing to the answer within 7 business days and shall provide a copy of the response to the Agency. (Section 9.5(d) of FOIA)*
- f) *In addition to the request for review, and the answer and response to the request, if any, a requester or the Agency may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- g) *A binding opinion from the Attorney General shall be binding upon both the requester and the Agency, subject to administrative review under Section 1580.480. (Section 9.5(f) of FOIA) h) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)**

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- i) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Agency will either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 1580.480. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 1580.480. (Section 9.5(f) of FOIA)*
- j) *If the Agency discloses records in accordance with an opinion of the Attorney General, the Agency is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)*
- k) *If the requester files suit under Section 1580.470 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor. (Section 9.5(g) of FOIA)*
- l) *The Attorney General may also issue advisory opinions to the Agency regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Director of the Agency or the Agency's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Agency in order to assist in the review. If the Agency relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Agency is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. (Section 9.5(h) of FOIA)*

Section 1580.470 Circuit Court Review

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

Section 1580.480 Administrative Review

A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Agency shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section 1580.510 Inspection and Copying of Records

- a) The Agency may make available records for personal inspection at the Agency's headquarters office located at 313 South Sixth Street, Springfield, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record. The Agency may provide records in duplicate forms, including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo.
- b) *When a person requests a copy of a record maintained in an electronic format, the Agency shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Agency shall furnish it in the format in which it is maintained by the Agency, or in paper format at the option of the requester. (Section 6(a) of FOIA)*
- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Agency will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Agency as soon as possible before the appointment.
- d) In order to maintain routine Agency operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. An Agency employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

Section 1580.520 Fees for Records

- a) In accordance with Section 1580.530, unless a fee is otherwise fixed by statute, the Agency will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Agency to reproduce records, the Agency will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(b) of FOIA)*
- c) In order to expedite the copying of records that the Agency cannot copy, due to the volume of the request or the operational needs of the Agency, in the timelines established in Section 1580.410, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the public records at the Agency headquarters in Section 1580.510, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record.
- d) Copies of records will be provided to the requester only upon payment of any fees due. *The Agency may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Agency will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(a) of FOIA) Payment must be by check or money order sent to the Agency, payable to "Treasurer, State of Illinois".*
- e) If a contractor is used to inspect or copy records, the following procedures shall apply:

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- 1) The requester, rather than the Agency, must contract with the contractor;
 - 2) The requester is responsible for all fees charged by the contractor;
 - 3) The requester must notify the Agency of the contractor to be used prior to the scheduled on-site inspection or copying;
 - 4) Only Agency personnel may provide records to the contractor;
 - 5) The Agency must have verification that the requester has paid the Agency, if payment is due, for the copying of the records before providing the records to the contractor; and
 - 6) The requester must provide to the Agency the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.
- f) *The Agency may charge up to \$10 for each hour spent by personnel in searching for and retrieving a requested record. No fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. The Agency may charge the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the Agency. If the Agency imposes a fee pursuant to this subsection (f), it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records. The provisions of this subsection (f) apply only to commercial requests. (Section 6(f) of FOIA)*

Section 1580.530 Reduction and Waiver of Fees

- a) *Fees may be reduced or waived by the Agency if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Agency will consider the following:*

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

- 1) *Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
 - 2) *Whether the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public. (Section 6(c) of FOIA)*
- b) *In setting the amount of the waiver or reduction, the Agency will take into consideration the amount of materials requested and the cost of copying them. (Section 6(c) of FOIA)*
 - c) The Agency will provide copies of records without charge to federal, State and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.
 - d) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)*

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED RULES

Section 1580.APPENDIX A Fee Schedule for Duplication and Certification of Records

TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Paper copy from microfilm original	\$.15/page
Microfilm diazo from original	\$.50/diazo
VHS video copy of tape	Actual cost of the reproduction
Audio tape copy of tape	Actual cost of the reproduction
CD ROM disk	Actual cost of the reproduction
Photograph from negative	Actual cost of the reproduction
Blueprints/oversized prints	Actual cost of the reproduction
Paper copies in color or in a size other than letter or legal	Actual cost of the reproduction
Certification fee	\$1.00/record

NOTE: Expense for delivery other than by First Class U.S. Mail must be borne by the requester.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Manufacturing, Processing, Packing or Holding of Food Code
- 2) Code Citation: 77 Ill. Adm. Code 730
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
730.1000	Amendment
730.1005	Amendment
730.1006	Amendment
730.1010	Repealed
730.1020	Repealed
730.1030	Repealed
- 4) Statutory Authority: Authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- 5) Effective Date of Rules: June 21, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 40 Ill. Reg. 322; January 8, 2016
- 10) Has JCAR issued a State of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes were made during first notice or as a result of public comment. During Second Notice, the citation in Section 730.1005(a)(1) for Fish and Fishery Products was updated from 2010 to 2012.
- 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 an emergency rule currently in effect? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates the incorporation of federal regulations to the most recent version for Fish and Fishery Products, updates federal guidelines for the control of molluscan shellfish to the most recent version, and incorporates the federal regulations for good manufacturing practices and preventative controls for human food. Updating the federally incorporated material will bring Illinois into conformance with the federal requirements as required by the Illinois Food, Drug and Cosmetic Act. This rulemaking also creates a new definitions Section into which definitions located throughout the Part have been consolidated.
- 16) Information and questions regarding these adopted rules shall be directed to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 730
MANUFACTURING, PROCESSING, PACKING OR HOLDING OF FOOD CODE

SUBPART A: GENERAL PROVISIONS

Section	
730.1000	Definitions State and Federal Food, Drug and Cosmetic Acts
730.1005	Incorporated and Referenced Materials
730.1006	Compliance with National Standards
730.1010	Adequate (Repealed)
730.1020	Plant (Repealed)
730.1030	Sanitize (Repealed)

SUBPART B: CURRENT GOOD MANUFACTURING PRACTICE (SANITATION)

Section	
730.2010	Scope

SUBPART C: PLANT AND GROUNDS

Section	
730.3010	Grounds
730.3020	Plant Construction and Design

SUBPART D: EQUIPMENT AND UTENSILS

Section	
730.4010	Suitable for Intended Use
730.4020	Cleanable
730.4030	Maintenance
730.4040	Prevents Contamination
730.4050	Installation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: SANITARY FACILITIES AND CONTROLS

Section

- 730.5000 Adequate Sanitary Facilities and Accommodations
- 730.5010 Water Supply
- 730.5020 Sewage Disposal
- 730.5030 Plumbing
- 730.5040 Toilet Facilities
- 730.5050 Hand-washing Facilities
- 730.5060 Waste Disposal

SUBPART F: SANITARY OPERATIONS

Section

- 730.6010 General Maintenance
- 730.6020 Animal and Vermin Control
- 730.6030 Sanitation of Equipment and Utensils
- 730.6040 Storage and Handling of Cleaned Portable Equipment and Utensils

SUBPART G: PROCESSES AND CONTROLS

Section

- 730.7000 Adequate Sanitation Principles
- 730.7010 Raw Material Inspection, Storage, and Preparation
- 730.7020 Raw Material Carrier Inspection
- 730.7030 Potable Ice
- 730.7040 Cross Contamination
- 730.7050 Equipment Cleaning
- 730.7060 Proper Processing
- 730.7070 Testing Procedures
- 730.7080 Packaging
- 730.7090 Products Coded and Records Retained
- 730.7100 Product Storage and Carriers

SUBPART H: PERSONNEL

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

730.8000	Management Responsibilities
730.8010	Disease Control
730.8020	Cleanliness
730.8030	Education and Training
730.8040	Supervision

SUBPART I: EXCLUSIONS

Section

730.9010 Operations Excluded

AUTHORITY: Implementing and authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS 620].

SOURCE: Filed November 12, 1969, effective January 12, 1970; codified at 8 Ill. Reg. 16832; amended at 35 Ill. Reg. 14187, effective August 2, 2011; amended at 40 Ill. Reg. 9201, effective June 21, 2016.

SUBPART A: GENERAL PROVISIONS

Section 730.1000 Definitions~~State and Federal Food, Drug and Cosmetic Acts~~

The definitions and interpretations contained in section 201 of the Federal Food, Drug and Cosmetic Act (21 USC 321) and Section 502 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] are applicable to terms used in this Part. Additional terms are defined as follows:

"Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.

"Plant" means the building or buildings or parts thereof used for, or in connection with, the manufacturing, processing, packaging, labeling or holding of human food.

"Sanitize" means adequate treatment of surfaces by a process that is effective in destroying vegetative cells of pathogenic bacteria and in substantially reducing other micro-organisms. This treatment shall not adversely affect the product and shall be safe for the consumer.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 40 Ill. Reg. 9201, effective June 21, 2016)

Section 730.1005 Incorporated and Referenced Materials

- a) The following federal guidelines and regulations are incorporated by reference:
- 1) 21 CFR 123: Fish and Fishery Products (April 1, ~~2012~~2010); <https://www.gpo.gov/fdsys/pkg/CFR-2012-title21-vol2/pdf/CFR-2012-title21-vol2-part123.pdf>.
 - 2) Guide for the Control of Molluscan Shellfish ~~2013~~2007 Revision. U.S. Food and Drug Administration, Office of Food Safety, Division of Food Safety, HFS-325, 5100 Paint Branch Parkway, College Park MD 20740-3835; <http://www.fda.gov/downloads/Food/GuidanceRegulation/FederalStateFoodPrograms/UCM415522.pdf>.<http://www.fda.gov/Food/FoodSafety/ProductSpecificInformation/Seafood/FederalStatePrograms/NationalShellfishSanitationProgram/ucm046353.htm>
 - 3) ~~21 CFR 117: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventative Controls for Human Food (September 17, 2015);~~ <http://www.gpo.gov/fdsys/pkg/FR-2015-09-17/pdf/2015-21920.pdf>.~~National Shellfish Sanitation Program 2007 Model Ordinance (NSSP Model Ordinance). U.S. Food and Drug Administration, Office of Food Safety, Division of Food Safety, HFS-325, 5100 Paint Branch Parkway, College Park MD 20740-3835.~~ <http://www.fda.gov/Food/FoodSafety/ProductSpecificInformation/Seafood/FederalStatePrograms/NationalShellfishSanitationProgram/ucm046412.htm>
- b) All incorporations by reference of federal guidelines and regulations refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 40 Ill. Reg. 9201, effective June 21, 2016)

Section 730.1006 Compliance with National Standards

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

No person shall engage in the wholesale handling of shellfish, or operate or conduct an establishment for shipping, post-harvest processing, shucking, repacking or wet storage of shellfish, except in compliance with the requirements of the [National Shellfish Sanitation Program 2007 Model Ordinance and the Guide for the Control of Molluscan Shellfish 2013](#)~~2007~~ Revision.

(Source: Amended at 40 Ill. Reg. 9201, effective June 21, 2016)

Section 730.1010 Adequate (Repealed)

~~"Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.~~

(Source: Repealed at 40 Ill. Reg. 9201, effective June 21, 2016)

Section 730.1020 Plant (Repealed)

~~"Plant" means the building or buildings or parts thereof, used for or in connection with the manufacturing, processing, packaging, labeling, or holding of human food.~~

(Source: Repealed at 40 Ill. Reg. 9201, effective June 21, 2016)

Section 730.1030 Sanitize (Repealed)

~~"Sanitize" means adequate treatment of surfaces by a process that is effective in destroying vegetative cells of pathogenic bacteria and in substantially reducing other micro-organisms. Such treatment shall not adversely affect the product and shall be safe for the consumer.~~

(Source: Repealed at 40 Ill. Reg. 9201, effective June 21, 2016)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
603.60	Amendment
603.75	Amendment
603.160	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rules: July 1, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 2892; February 16, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Only technical, non-substantive changes have been made to the rulemaking.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending in this Part? No
- 15) Summary and Purpose of Rulemaking: In Section 603.60, threshold levels for cetirizine, cimetidine, guaifenesin, and ranitidine are added to the list of therapeutic medications as

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

approved by the Racing Medication and Testing Consortium (RMTC) effective October 2015. Methylprednisolone is also being added to the list as approved by the Association of Racing Commissioners International (ARCI) effective April 2, 2013. The references to the ARCI medication guidelines are being updated to December 2015, version 11.00. As approved by the ARCI in 2014, NSAID stacking provisions are added which prohibits the presence of more than one NSAID with the exceptions of phenylbutazone (0.3 mcg/ml of serum or plasma), flunixin (3.0 ng/ml of serum or plasma), and ketoprofen (1.0 ng/ml of serum or plasma). The penalties for excess amounts of phenylbutazone, flunixin, and ketoprofen are being removed because they are consistent with the ARCI medication guidelines.

In Sections 603.75 and 603.160, the references to the ARCI medication guidelines are being updated to March 2016, version 12.00.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	Androgenic-Anabolic Steroids (AAS)

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 330, effective January 1, 2012; emergency amendment at 36 Ill. Reg. 3290, effective February 15, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 6057, effective April 6, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 8967, effective June 1, 2012; amended at 36 Ill. Reg. 12815, effective August 1, 2012; amended at 36 Ill. Reg. 17078, effective November 28, 2012; emergency amendment at 36 Ill. Reg. 17131, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4993, effective April 1, 2013; emergency amendment at 38 Ill. Reg. 9121, effective April 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18555, effective August 25, 2014; amended at 39 Ill. Reg. 11492, effective August 1, 2015; amended at 40 Ill. Reg. 9208, effective July 1, 2016.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
- 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.
 - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone, flunixin, ketoprofen, pyrillamine, isoxsuprine and the therapeutic medications listed in subsection (f).
 - 3) Laboratory reports of phenylbutazone in a concentration greater than or equal to 2 mcg/ml in serum or plasma, flunixin in a concentration greater than or equal to 20 ng/ml in serum or plasma, and ketoprofen in a concentration greater than or equal to 2 ng/ml in serum or plasma shall be treated as Class 4 drugs, category "C" penalty, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; March 2016 version 12.00; this incorporation includes no later amendments or editions).
 - 4) A finding by the Board's laboratory of any amount of oxyphenbutazone in the absence of phenylbutazone shall be treated as a Class 4 drug, as defined in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
 - 5) The use of multiple permitted NSAIDs shall be discontinued at least 48 hours prior to post time for the race in which the horse is entered. The presence of more than one NSAID is prohibited with the exceptions of:
 - A) Phenylbutazone – in a concentration less than 0.3 mcg/ml in serum or plasma.
 - B) Flunixin – in a concentration less than 3 ng/ml in serum or plasma.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) Ketoprofen – in a concentration less than 1 ng/ml in serum or plasma.
- 6) If the phenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
 - 7) Penalties for violations of this Section shall be based on the following criteria:
 - A) previous warnings and rulings for violations of this Section;
 - B) the age and experience of the violator;
 - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - D) what action, if any, was taken to avoid the violation;
 - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
 - c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal or anti-protozoal drugs, may be present in the body of a horse participating in a race.
 - 1) Anti-Bacterials
 - Amikacin
 - Ampicillin

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Ampicillin sodium
Azolsulfamide
Chloramphenicol
Doxycycline
Enrofloxacin (Baytril)
Erythromycin sulfate
Gentamicin sulfate
Kanamycin sulfate
Methenamine
Metronidazole
Neomycin sulfate
Nitrofurantoin
Oxytetracycline
Penicillin G. Benzathine
Penicillin G. Potassium
Sulfadimethazine
Sulfadimethoxine
Sulfamethoxazole
Sulfamethanidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)
Ponazuril (Marquis)
Pyrimethamine (Daraprim)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- d) This listing of anti-bacterial, anti-fungal and anti-protozoal drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal or anti-protozoal drug, except as provided in subsection (f).
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the Association of Racing Commissioners International (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; March 2016 version 12.00; this incorporation includes no later amendments or editions).
- f) Subject to the prohibition contained in Section 603.40 (24 hour ban), the use of the following therapeutic medications shall be permitted. The official test samples may contain the following therapeutic medications in concentrations less than the following threshold levels:
- 1) Acepromazine – 10 ng/ml as 2-(1-hydroxyethyl) promazine sulfoxide (HEPS) in urine.
 - 2) Albuterol – 1 ng/ml in urine.
 - 3) Betamethasone – 10 pg/ml in serum or plasma.
 - 4) Butorphanol – 300 ng/ml of total butorphanol in urine.
 - 5) Cetirizine – 6 ng/ml in serum or plasma.
 - 6) Cimetidine – 400 ng/ml in serum or plasma.
 - 7) Clenbuterol –140 pg/ml in urine in thoroughbred and quarter horse breeds; and Limit of Detection (which is not less than 10 pg/ml) in serum or plasma in the standardbred breed.
 - 8) Dantrolene –100 pg/ml of 5-hydroxydantrolene in serum or plasma.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 9) Detomidine – Level of Detection for detomidine in serum or plasma.
- 10) Dexamethasone – 5 pg/ml in serum or plasma.
- 11) Diclofenac – 5 ng/ml in serum or plasma.
- 12) Dimethyl sulfoxide (DMSO) – 10 mcg/ml in serum or plasma.
- 13) Firocoxib – 20 ng/ml in serum or plasma.
- 14) Furosemide – 100 ng/ml in serum or plasma.
- 15) Glycopyrrlate – 3 pg/ml in serum or plasma.
- 16) Guaifenesin – 12 ng/ml in serum or plasma.
- 17) Isoflupredone – 100 pg/ml in serum or plasma.
- 18) Lidocaine – 20 pg/ml of total 3-hydroxylidocaine in serum or plasma.
- 19) Mepivacaine – 10 ng total hydroxymepivacaine/ml in urine.
- 20) Methocarbamol – 1 ng/ml in serum or plasma.
- 21) Methylprednisolone – 100 pg/ml in serum plasma.
- 22) Omeprazole sulfide – 10 ng/ml in serum or plasma.
- 23) Prednisolone – 1 ng/ml in serum or plasma.
- 24) Procaine penicillin – 25 ng/ml of procaine in serum or plasma. Procaine penicillin must be reported to the Board at time of administration and shall not be administered after the horse is entered to race.
- 25) Ranitidine – 40 ng/ml in serum or plasma.
- 26) Triamcinolone acetonide – 100 pg/ml in serum or plasma.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 27) Xylazine – 200 pg/ml in serum or plasma.
- g) Laboratory reports of the therapeutic medications listed in subsection (f) greater than or equal to their respective threshold level shall be treated as they are defined and classified in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- h) Official test samples may contain any of the following drug substances, or its metabolites, in a concentration less than the threshold level:
- 1) Isoxsuprine – shall be less than 1,000 ng/ml in urine.
 - 2) Pyrilamine – shall be less than 50 ng/ml of O-desmethyl pyrilamine in urine.
- i) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.
- j) To help licensees determine the test levels of substances contained in this Section, the Board laboratory will test, at the sole expense of the licensee for the actual cost of processing the sample, all equine urine, serum or plasma samples submitted to it that are accompanied by a certification indicating time, method and route of administration.

(Source: Amended at 40 Ill. Reg. 9208, effective July 1, 2016)

Section 603.75 Environmental Contaminants

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse, or are recognized as substances of human use and addiction and that could be found in the horse due to its close association with humans:

- a) Benzoyllecgonine (a metabolite of cocaine):

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Each time the laboratory reports benzoylecgonine in a concentration less than 150 ng/ml in urine, the Stewards shall conduct an inquiry. The presence of benzoylecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to 11 Ill. Adm. Code 508.50.
 - 2) Laboratory reports of benzoylecgonine in a concentration greater than or equal to 150 ng/ml in urine shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)).
- b) Caffeine:
Laboratory reports of caffeine in a concentration greater than or equal to 100 ng/ml in urine shall be treated as a Class 2 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)).
- c) Theobromine:
Laboratory reports of theobromine in a concentration greater than or equal to 2 mcg/ml in urine shall be treated as a Class 4 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)).

(Source: Amended at 40 Ill. Reg. 9208, effective July 1, 2016)

Section 603.160 Penalties

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be redistributed.
- b) Penalties for violations of this Part shall be based on the following criteria:
 - 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
 - 3) the age and experience of the violator;
 - 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - 5) what action, if any, was taken by the violator to avoid the violation;
 - 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.
- d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
- 1) The horses on the stable list shall be placed on the Steward's List unless:
 - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and
 - B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
 - 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- e) Penalties for Class 4 and 5 drug violations:
- 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)). Except as provided in Sections 603.60 and 603.70, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
 - 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)). Except as provided in Sections 603.75 and 603.60(c), upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
 - 3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:
 - A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
 - B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
 - C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.
 - D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
 - E) The criteria set forth in subsection (b).

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) The provisions of this subsection (e) shall be applied retroactively when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

(Source: Amended at 40 Ill. Reg. 9208, effective July 1, 2016)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Cannabis Cultivation Privilege Tax Law
- 2) Code Citation: 86 Ill. Adm. Code 429
- 3) Section Number: 429.110 Adopted Action: Amendment
- 4) Statutory Authority: 410 ILCS 130/215
- 5) Effective Date of Rule: June 24, 2016
- 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*: 40 Ill. Reg. 3173; February 19, 2016.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Only grammatical and technical changes were made. No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rule provides guidance for cultivators to determine the Medical Cannabis Cultivator Privilege Tax on medical cannabis infused products and concentrates. The Compassionate Use of Medical Cannabis Pilot Program

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Act (Act) permits the cultivation and sale of medical cannabis. 410 ILCS 130. Generally, for purposes of the Act, usable cannabis comes in two forms – medical cannabis infused products (foods, oils, ointments, or other products containing usable cannabis that are not smoked) and dry cannabis for smoking. Medical cannabis infused products are either partially-comprised or wholly-comprised of cannabis concentrate. Cannabis concentrate is a substance with a strong concentration of THC or other cannabinoids created through a variety of methods, including carbon dioxide or solvent-based extraction or physical separation, which remove most plant matter from dry cannabis. Concentrates are commonly sold as hash oil, wax, shatter, caviar, kief, budder, bubble hash and hash. Concentrates may be used to by cultivators to create medical cannabis infused products or may be sold in concentrated form.

The Illinois Department of Agriculture adopted rules regarding the packaging of medical cannabis. The labels of packages of medical cannabis infused products must include the pre-mixed total weight (in ounces or grams) of usable cannabis in the package. 8 Ill. Adm. Code 1000.420(d)(6). The Department of Revenue adopted rules to administer and enforce the Medical Cannabis Privilege Tax Law. 86 Ill. Adm. Code 429. The Department of Revenue's rules state that the tax on a package of medical cannabis infused product shall be based on the premixed weight in ounces of usable cannabis as shown on the label required by 8 Ill. Adm. Code 1000.420. 86 Ill. Adm. Code 429.110(d)(5). The rule presently does not provide any explanation to cultivation centers for determining a sales price per ounce for the premixed weight of medical cannabis used to make the infused product. In addition, several cultivation centers have advised the Department of Revenue that using the premixed weight of usable cannabis using the method established by the Department of Agriculture for purposes of calculating tax on the sale of concentrates will lead to the overpayment of tax. The amendment adds methods and examples to Section 429.110 to enable the cultivation centers to calculate and pay the tax on medical cannabis infused products and concentrates.

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

Richard S. Wolters
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 429
MEDICAL CANNABIS CULTIVATION PRIVILEGE TAX LAW

Section

429.105	Definitions
429.110	Nature and Rate of the Tax
429.115	Registration
429.120	Revocation of Certificate of Registration
429.125	Returns
429.130	Claims and Credit Memoranda
429.135	Books and Records
429.140	Penalties and Interest
429.145	Department's Authority to Administer the Law

AUTHORITY: Implementing the Medical Cannabis Cultivation Privilege Tax Law [410 ILCS 130/190 through 215] and authorized by Section 215 of the Medical Cannabis Cultivation Privilege Tax Law [410 ILCS 130/215].

SOURCE: Adopted at 38 Ill. Reg. 17084, effective July 25, 2014; emergency amendment at 40 Ill. Reg. 3305, effective February 3, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 9222, effective June 24, 2016.

Section 429.110 Nature and Rate of Tax

- a) *Beginning January 1, 2014, a tax is imposed upon the privilege of cultivating medical cannabis at a rate of 7% of the sales price per ounce. The tax is paid by a cultivation center and is not the responsibility of a dispensing organization, qualifying patient or designated caregiver [410 ILCS 130/200(a)].*
- b) *The tax imposed under ~~the~~this Law shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof [410 ILCS 130/200(b)].*

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- c) The cultivation center may seek reimbursement of the tax. The charge for reimbursement may not be identified on the invoice as a tax.
- d) Tax Base
 - 1) The tax is calculated based on the sales price of the number of ounces or partial ounces of usable medical cannabis sold by a cultivation center. For example, a cultivation center sells 500 ounces of medical cannabis to a dispensing organization for \$100,000. The tax is 7% of \$100,000, or \$7,000.
 - 2) The sales price is determined without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever. See 86 Ill. Adm. Code 130.415 for rules regarding the treatment of transportation and delivery charges. For example, a cultivation center sells 500 ounces of medical cannabis to a dispensing organization for \$100,000 plus a delivery charge of \$250 and a fuel surcharge of \$50. The cultivation center delivers the medical cannabis to the dispensing organization. The cultivation center and the dispensing organization do not agree upon the delivery charges separately from the sales price of the medical cannabis that is sold. As a result, the cost of the delivery service is part of the "sales price" of the medical cannabis. The sales price for purposes of determining the tax is \$100,300.
 - 3) The tax is computed on the sales price of the medical cannabis sold after the application of any applicable discounts. For example, a cultivation center sells 500 ounces of medical cannabis to a dispensing organization for \$200 an ounce. The cultivation center provides a nondiscriminatory 10% discount for sales over 300 ounces. The total price with the discount is \$90,000. The tax is computed on the sales price of \$90,000.
 - 4) There is no tax on free samples of medical cannabis given to a dispensing organization by a cultivation center. However, the cultivation center will incur Use Tax liability on the cost price of the free samples of medical cannabis given to the dispensing organization. (See 86 Ill. Adm. Code 150.305(c).)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 5) The tax on a package ~~or unit~~ of medical cannabis infused product shall be based on the weight in ounces of usable cannabis as shown on the label required by 8 Ill. Adm. Code 1000.420(e). For purposes of computing the tax imposed by the Law on medical cannabis infused products, the sales price is the cultivation center's average sales price per gram of high grade cannabis flowers. The sales price shall be determined monthly at the beginning of the month and does not change during the month.
- A) EXAMPLE 1: On January 1, the cultivation center offers for sale to dispensing organizations 5 strains of high quality cannabis flowers at \$7, \$8, \$9, \$10 and \$11 per gram. The average sales price is \$9 per gram for January. The label on a package of medical cannabis infused product offered for sale to a dispensing organization states the package contains 1.25 grams of useable cannabis. The tax on the package is $1.25 \times \$9 \times .07$, or \$0.79.
- B) EXAMPLE 2: On January 9, the cultivation center offers for sale a 6th strain of high quality cannabis flower for \$15 per gram, in addition to 5 strains of high quality cannabis flowers offered on January 1 at \$7, \$8, \$9, \$10 and \$11 per gram. The average price per gram for January remains \$9 and does not change due to the addition of the 6th strain of cannabis offered for sale during the month of January. If the cultivation center offers the same 6 strains of high quality cannabis flower on February 1, for purposes of computing the tax for medical cannabis infused products during the month of February, the cultivation center's average wholesale price per gram of high grade or quality cannabis flowers is \$10.
- 6) The tax on medical cannabis concentrate or extract is calculated based on the sales price of the quantity (in ounces or partial ounces) of concentrate or extract sold by a cultivation center to a dispensing organization. The quantity for purposes of the tax is the actual weight of the concentrate or extract contained in the package. For example, a cultivation center sells a package containing 1 gram of hash oil to a dispensing organization for \$14. The tax on the package of hash oil is 7% of \$14, or \$0.98. Concentrates and extracts include, but are not limited to, hash oil, wax, shatter, caviar, kief, budder, bubble hash and hash.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- e) A cultivation center may not either directly or indirectly discriminate in price between different dispensing organizations that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this Part prevents cultivation centers from pricing medical cannabis differently based on differences in the cost of manufacture, the quantities sold, such as volume discounts, or the way the products are delivered.
- f) The Law does not exempt any sales of medical cannabis cultivated by a cultivation center. All sales of medical cannabis are taxable.

(Source: Amended at 40 Ill. Reg. 9222, effective June 24, 2016)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Payment of Taxes by Electronic Funds Transfer
- 2) Code Citation: 86 Ill. Adm. Code 750
- 3) Section Number: 750.300 Adopted Action:
Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-90
- 5) Effective Date of Rule: June 24, 2016
- 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*: 40 Ill. Reg. 1660; January 22, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Only grammatical and technical changes were made. No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: 86 Ill. Adm. Code 750.300, Payments Required to be Paid by Electronic Funds Transfer, is being amended to reflect changes made to Section 2505/2505-210 of the Department of Revenue Law of the Civil Administrative Code of Illinois by PA 96-1027. Beginning October 1, 2010, a taxpayer (other than an

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

individual taxpayer) who has an annual tax liability of \$20,000 or more and an individual taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of tax to the Department by electronic funds transfer. A taxpayer who has an annual tax liability of \$1,000 or more under the Telecommunications Excise Tax must continue to make all payments of tax to the Department by electronic funds transfer. A new subsection (j) has been added to address electronic payments of taxes imposed by the Motor Fuel Tax Law and payments of the fee imposed by the Environmental Impact Fee Law. A new subsection (k) has been added to address electronic payments of the tax imposed by the Medical Cannabis Cultivation Privilege Tax Act.

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

Richard S. Wolters
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 750
PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

Section	
750.100	Scope of the Program and Rules
750.200	Definitions
750.300	Payments Required to be Paid by Electronic Funds Transfer
750.400	Eligibility Determination and Taxpayer Notification
750.500	Voluntary Program Participation
750.600	Methods of Electronic Funds Transfer Payment
750.700	Payment Transmission Errors
750.800	Department Notification Requirement
750.900	Due Date; General Provisions

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5], Use Tax Act [35 ILCS 105], Service Use Tax Act [35 ILCS 110], Service Occupation Tax Act [35 ILCS 115], Retailers' Occupation Tax Act [35 ILCS 120] and Electricity Excise Tax Law [35 ILCS 640] and authorized by Section 2505-210 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-210].

SOURCE: Adopted at 17 Ill. Reg. 18132, effective October 4, 1993; amended at 18 Ill. Reg. 15612, effective October 11, 1994; amended at 20 Ill. Reg. 9111, effective July 2, 1996; amended at 22 Ill. Reg. 10904, effective June 8, 1998; amended at 23 Ill. Reg. 5847, effective May 3, 1999; amended at 24 Ill. Reg. 3867, effective February 28, 2000; amended at 25 Ill. Reg. 185, effective December 26, 2000; amended at 26 Ill. Reg. 1727, effective January 24, 2002; amended at 27 Ill. Reg. 14623, effective August 26, 2003; amended at 30 Ill. Reg. 11583, effective June 26, 2006; amended at 40 Ill. Reg. 9229, effective June 24, 2016.

Section 750.300 Payments Required to be Paid by Electronic Funds Transfer

- a) Income ~~Tax Payments~~tax payments
 - 1) Beginning on October 1, 1993, certain withholding tax payments and estimated income tax payments will be required to be paid by electronic

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

funds transfer. The threshold amounts are set by law, change over time, and are detailed below.

- 2) *Beginning on October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more under Article 7 of the Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1993, a taxpayer who has an average quarterly estimated tax payment obligation of \$450,000 or more under Article 8 of the Act shall make all payments required by rules of the Department by electronic funds transfer. (Section 601.1 of the Illinois Income Tax Act [35 ILCS 5/601.1] ("the IITA"))*
 - A) Beginning on October 1, 1994, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average monthly liability of \$100,000, and, beginning on October 1, 1995, the threshold drops to an average monthly liability of \$50,000.
 - B) Beginning on October 1, 1994, the threshold for taxpayers with liability for estimated tax payments under Article 8 of the IITA drops to an average quarterly estimated tax payment obligation of \$300,000 and, beginning on October 1, 1995, the threshold drops to an average quarterly estimated tax payment obligation of \$150,000.
 - C) Beginning on October 1, 2000, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average annual liability of \$200,000 and the threshold for taxpayers with liability for estimated tax payments under Article 8 of the IITA drops to an average quarterly estimated tax payment obligation of \$50,000.
 - D) *Beginning October 1, 2002, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. The term "annual tax liability" means the greater of the amount of the taxpayer's tax liability under Article 7 of the IITA for the immediately preceding*

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

calendar year or the taxpayer's estimated tax payment obligation under Article 8 of the IITA for the immediately preceding calendar year. [20 ILCS 2505/2505-210]

E) *Beginning October 1, 2010, except as provided in subsection (a)(2)(F), a taxpayer (other than an individual taxpayer) who has an annual tax liability of \$20,000 or more and an individual taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. [20 ILCS 2505/2505-210(b)] The term "annual tax liability" means the greater of the amount of the taxpayer's tax liability under Article 7 of the IITA for the immediately preceding calendar year or the taxpayer's estimated tax payment obligation under Article 8 of the IITA for the immediately preceding calendar year. [20 ILCS 2505/2505-10(d)]*

F) *Beginning with calendar year 2011, payments of withholding required to be made on a semi-weekly basis under IITA Section 704A(c)(1) must be made by electronic funds transfer. (IITA Section 704A(c)(1)) (See 86 Ill. Adm. Code 100.7325(c)(4).)*

- 3) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
- 4) Taxpayers over the statutory thresholds will only be required to make certain types of income tax payments by electronic funds transfer.
 - A) Taxpayers with income tax withholding liabilities over the statutory thresholds shall make IL-501 payments by electronic funds transfer. All other withholding payments by those taxpayers shall be made by conventional means.
 - B) Corporate taxpayers with estimated income and replacement tax liabilities over the statutory thresholds shall make IL-1120-ES

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

payments and IL-505-B payments by electronic funds transfer.

- C) Individual taxpayers with estimated income tax liabilities over the statutory thresholds shall make IL-1040-ES and IL-505-I payments by electronic funds transfer.
 - D) Any other taxpayers not listed above who incur estimated income tax liabilities over the statutory thresholds will, upon contact by the Department, be required to make subsequent estimated payments by electronic funds transfer as directed by the Department.
- b) State and Local Occupation~~local occupation~~ and Use Tax Payments Reported~~use tax payments reported~~ on Form ST-1, Sales and Use Tax and E911 Surcharge Return
- 1) Beginning on October 1, 1993, the Department will require certain State and local occupation and use tax payments to be made by electronic funds transfer. Subsection (b)~~(3) below~~ sets forth the types of payments that must be made by electronic funds transfer.
 - A) *Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "average monthly tax liability", as used in this subsection (b), shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year, divided by 12. (Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3] ("the ROT"))*
 - B) Beginning October 1, 1994, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$100,000.
 - C) Beginning October 1, 1995, the threshold for taxpayers required to make payments by electronic funds transfer drops to those

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

taxpayers with average monthly tax liability of \$50,000.

- D) *Beginning October 1, 2000, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. [35 ILCS 120/3]*
- E) *Beginning October 1, 2002, and through September 30, 2010, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liability reported on that taxpayer's Form ST-1, Sales and Use Tax and E911 Surcharge Return [20 ILCS 2505/2505-210].*
- F) *Beginning October 1, 2010, a taxpayer who has an annual tax liability of \$20,000 or more shall make all payments of that tax to the Department by electronic funds transfer. Before August 1 of each year, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1. The term "annual tax liability" means, for a taxpayer that incurs a tax liability under the Retailers' Occupation Tax Act, Service Occupation Tax Act, Use Tax Act, Service Use Tax Act, or any other State or local occupation or use tax law that is administered by the Department, the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act, Service Occupation Tax Act, Use Tax Act, Service Use Tax Act, and all other State and local occupation and use tax laws administered by the Department for the immediately preceding calendar year. [20 ILCS 2505/2505-210] The term "annual tax liability" shall be the sum of the taxpayer's liability reported on that taxpayer's Form ST-1, Sales and Use Tax and E911 Surcharge Return.*

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 2) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
 - 3) Taxpayers over the statutory thresholds will only be required to make RR-3 sales tax accelerated quarter-monthly payments, ST-1 return payments, PST-1 return payments and PST-3 return payments by electronic funds transfer. Any other payments that accompany a tax return (for example, ST-1-X return payments, 556 return payments, etc.) may not be paid by electronic funds transfer.
- c) Electricity Excise Tax ~~Payments~~payments
- 1) Beginning October 1, 1999, each delivering supplier or self-assessing purchaser whose average monthly liability under the Electricity Excise Tax Law was \$10,000 or more is required to make all payments by electronic funds transfer. The calculation to determine the average monthly liability is made by taking the sum of the liabilities of the delivering supplier or self-assessing purchaser for the immediately preceding calendar year and dividing by the number 12.
 - 2) The Department will calculate the delivering supplier's or self-assessing purchaser's average monthly liability for calendar year 1998, and only for calendar year 1998, by taking the sum of the delivering supplier's or self-assessing purchaser's liabilities for the last 5 months of calendar year 1998 and dividing by the number 12.
 - 3) *Beginning October 1, 2002, and through September 30, 2010, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. The term "annual tax liability" means the sum of the taxpayer's liabilities for the immediately preceding calendar year. [20 ILCS 2505/2505-210]-*

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 4) *Beginning October 1, 2010, a taxpayer who has an annual tax liability of \$20,000 or more shall make all payments of that tax to the Department by electronic funds transfer [20 ILCS 2505/2505-210].*
- d) Other Tax Payments~~tax payments~~
Beginning on October 1, 2002, and through September 30, 2010, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. Before August 1 of each year, beginning in 2002, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1. Beginning October 1, 2010, a taxpayer who has an annual tax liability of \$20,000 or more shall make all payments of that tax to the Department by electronic funds transfer. [20 ILCS 2505/2505-210] This requirement applies to all taxes administered by the Department not otherwise specified in this Sectionexcept the Motor Fuel Tax and the Environmental Impact Fee.
- ~~Electricity Distribution Tax~~
- ~~Gas Revenue Tax~~
- ~~Invested Capital Taxes~~
- ~~Tobacco Products Tax~~
- ~~Bingo Tax~~
- ~~Charitable Games Tax~~
- ~~Coin Operated Amusement Device Tax~~
- ~~Dry Cleaning Solvent Tax~~
- ~~Pull Tabs & Jar Games Tax~~
- ~~County Motor Fuel Tax~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

~~Automobile Rental Occupation and Use Taxes~~

~~Metropolitan Pier and Exposition Authority Tax~~

~~Telecommunications Excise Tax (however, see subsection (i) for more restrictive requirements effective January 1, 2003)~~

- e) Liquor Revenue Tax Payments
Beginning on January 1, 2003, *and through September 30, 2010*, a taxpayer who has an annual tax liability of \$200,000 or more in the immediately preceding calendar year shall make all payments of that tax to the Department by electronic funds transfer. *Beginning October 1, 2010*, a taxpayer who has an annual tax liability of \$20,000 or more shall make all payments of that tax to the Department by electronic funds transfer. [20 ILCS 2505/2505-210] A taxpayer who fails to file an electronic report and electronically pay the tax imposed pursuant to Section 8-1 of the Liquor Control Act of 1934 [235 ILCS 5] to the Department on or before the 15th day of the calendar month following the calendar month in which alcoholic liquor is sold or used by that taxpayer is not entitled to receive the discount provided in Section 8-2 of the Liquor Control Act.
- f) Cigarette and Cigarette Use Tax Payments; Tax Stamp Payments
- 1) Beginning on January 1, 2003, through September 30, 2010, each distributor who has an annual tax liability of \$200,000 or more in the immediately preceding calendar year must pay for its cigarette revenue tax stamps by means of electronic funds transfer. Beginning October 1, 2010, a cigarette manufacturer who is required to file returns pursuant to Section 3 of the Cigarette Tax Act [35 ILCS 130] or Section 3 of the Cigarette Use Tax Act [35 ILCS 135] and has an annual tax liability of \$20,000 or more shall make all payments of tax to the Department by electronic funds transfer [20 ILCS 2505/2505-210].
 - 2) *Beginning on January 1, 2003, through June 30, 2003*, each distributor who pays for cigarette revenue tax stamps with a postdated draft shall pay such draft by means of electronic funds transfer [35 ILCS 135/3]. On and after July 1, 2003, payment for tax stamps affixed to original packages of

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

cigarettes and packages of little cigars containing 20 or 25 little cigars must be made by means of electronic funds transfer.

- 3) Distributors who purchase cigarette revenue tax stamps ~~and are required to pay for these stamps using EFT~~ must pay for their purchases using the ACH debit method. The ACH credit method is not available to taxpayers who are purchasing cigarette tax stamps ~~using EFT~~.
- g) Hotel Operators' Occupation Tax Payments
Beginning on January 1, 2003, and through September 30, 2010, a taxpayer who has an annual tax liability of \$200,000 or more in the immediately preceding calendar year of Hotel Operators' Occupation Tax shall make all payments of that tax to the Department by electronic funds transfer. Beginning October 1, 2010, a taxpayer who has an annual tax liability of \$20,000 or more shall make all payments of that tax to the Department by electronic funds transfer [20 ILCS 2505/2505-210].
- h) Soft Drink Tax Payments
Beginning on January 1, 2003, and through September 30, 2010, a taxpayer who has an annual tax liability of \$200,000 or more in the immediately preceding calendar year of taxes imposed under 8-11-6b of the Illinois Municipal Code [65 ILCS 5/8-11-6b] shall make all payments of that tax to the Department by electronic funds transfer. Beginning October 1, 2010, a taxpayer who has an annual tax liability of \$20,000 or more shall make all payments of that tax to the Department by electronic funds transfer [20 ILCS 2505/2505-210].
- i) Telecommunications Excise Tax and Simplified Municipal Telecommunications Tax Payments
Beginning on January 1, 2003, *a taxpayer who has an average monthly tax liability of the taxes imposed under the Telecommunications Excise Tax Act [35 ILCS 630] and the Simplified Municipal Telecommunications Tax Act [35 ILCS 636/Art. 5] of \$1,000 or more for the immediately preceding calendar year shall make all payments of those taxes to the Department by electronic funds transfer and shall file the return required by Section 6 of the Telecommunications Excise Tax Act by electronic means [35 ILCS 630/6].*
- j) Motor Fuel Tax Law and Environmental Impact Fee Law

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Beginning October 1, 2012, payments of the fee imposed by Section 13a.4 of the Motor Fuel Tax Law [35 ILCS 505] shall be made as provided in 86 Ill. Adm. Code 500.305. Beginning January 1, 2013, payments of taxes and fees imposed by Sections 13a and 13a.5 of the Motor Fuel Tax Law shall be made as provided in 86 Ill. Adm. Code 500.335 and 500.320, respectively. Beginning January 1, 2016, payments of taxes imposed by Sections 2 and 2a of the Motor Fuel Tax Law and payments of the fee imposed by the Environmental Impact Fee Law [415 ILCS 125/Art. 3] shall be made as provided in 86 Ill. Adm. Code 500.203.

- k) Medical Cannabis Cultivation Privilege Tax Law
A taxpayer may voluntarily make payments of the tax imposed by Section 210 of the Medical Cannabis Cultivation Privilege Tax Law [410 ILCS 130/190 through 215] by electronic funds transfer.

(Source: Amended at 40 Ill. Reg. 9229, effective June 24, 2016)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
JULY 12, 2016
11:00 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSChief Procurement Officer for Capital Development Board

44-8-16-06294 MR

1. Chief Procurement Officer for Capital Development Board (44 Ill. Adm. Code 8)
 - First Notice Published: 40 Ill. Reg. 6294 – 4/15/16
 - Expiration of Second Notice: 7/29/16

Chief Procurement Officer for Higher Education

44-4-16-03529 MR

2. Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement (44 Ill. Adm. Code 4)

- First Notice Published: 40 Ill. Reg. 3529 – 3/11/16
- Expiration of Second Notice: 7/29/16

Children and Family Services

89-406-15-10500 EMS

3. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)

-First Notice Published: 39 Ill. Reg. 10500 – 7/31/15

-Expiration of Second Notice: 8/3/16

89-408-15-10540 EMS

4. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)

-First Notice Published: 39 Ill. Reg. 10540 – 7/31/15

-Expiration of Second Notice: 8/3/16

Commerce and Economic Opportunity

14-510-16-06907 ES

5. Illinois Promotion Act Programs (14 Ill. Adm. Code 510)

-First Notice Published: 40 Ill. Reg. 6907 – 5/6/16

-Expiration of Second Notice: 8/4/16

14-520-16-06627 ES

6. Enterprise Zone and High Impact Business Programs (14 Ill. Adm. Code 520)

-First Notice Published: 40 Ill. Reg. 6627 – 4/22/16

-Expiration of Second Notice: 7/30/16

Education

23-1-16-03316 MC

7. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)

-First Notice Published: 40 Ill. Reg. 3316 – 2/26/16

-Expiration of Second Notice: 7/30/16

23-1-16-05527 MC

8. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)

-First Notice Published: 40 Ill. Reg. 5527 – 4/1/16

-Expiration of Second Notice: 7/30/16

23-20-16-05547 MC

9. Standards for Endorsements in Elementary Educaiton (23 Ill. Adm. Code 20)
-First Notice Published: 40 Ill. Reg. 5547 – 4/1/16
-Expiration of Second Notice: 7/30/16

23-25-16-05551 MC

10. Educator Licensure (23 Ill. Adm. Code 25)
-First Notice Published: 40 Ill. Reg. 5551 – 4/1/16
-Expiration of Second Notice: 7/30/16

23-26-16-05638 MC

11. Standards for Endorsements in Early Childhood Education and in Elementary Education (23 Ill. Adm. Code 26)
-First Notice Published: 40 Ill. Reg. 5638 – 4/1/16
-Expiration of Second Notice: 7/30/16

23-27-16-03370 MC

12. Standards for Endorsements in Specific Training Fields (23 Ill. Adm. Code 27)
-First Notice Published: 40 Ill. Reg. 3370 – 2/26/16
-Expiration of Second Notice: 7/30/16

Financial and Professional Regulation

68-1450-15-15183 AC

13. Real Estate License Act of 2000 (68 Ill. Adm. Code 1450)
-First Notice Published: 39 Ill. Reg. 15183 – 11/30/15
-Expiration of Second Notice: 7/29/16

Health Facilities and Services Review Board

77-1130-15-16277 AC

14. Health Facilities and Services Review Operational Rules (77 Ill. Adm. Code 1130)
-First Notice Published: 39 Ill. Reg. 16277 – 12/28/15
-Expiration of Second Notice: 7/20/16

Insurance

50-2004-16-05802

15. Accident and Health Reserves (50 Ill. Adm. Code 2004)
-First Notice Published: 40 Ill. Reg. 5802 – 4/8/16
-Expiration of Second Notice: 8/7/16

Labor Relations Board

80-1200-16-02414 MR/LB

16. General Procedures (80 Ill. Adm. Code 1200)
-First Notice Published: 40 Ill. Reg. 2414 – 2/5/16
-Expiration of Second Notice: 8/10/16

Natural Resources

17-530-16-06305 BT

17. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)
-First Notice Published: 40 Ill. Reg. 6305 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-590-16-06322 BT

18. Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)
-First Notice Published: 40 Ill. Reg. 6322 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-650-16-06377 BT

19. White-Tailed Deer Hunting By Use of Firearms (17 Ill. Adm. Code 650)
-First Notice Published: 40 Ill. Reg. 6377 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-660-16-06397 BT

20. White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)
-First Notice Published: 40 Ill. Reg. 6397 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-670-16-06412 BT

21. White-Tailed Deer Hunting By Use of Bow and Arrow (17 Ill. Adm. Code 670)
-First Notice Published: 40 Ill. Reg. 6412 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-675-16-06436 BT

22. Special White-Tailed Deer Season for Disease Control (17 Ill. Adm. Code 675)
-First Notice Published: 40 Ill. Reg. 6436 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-680-16-06440 BT

23. Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)
-First Notice Published: 40 Ill. Reg. 6440 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-685-16-06445 BT

24. Youth Hunting Seasons (17 Ill. Adm. Code 685)
-First Notice Published: 40 Ill. Reg. 6445 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-690-16-06451 BT

25. Squirrel Hunting (17 Ill. Adm. Code 690)
-First Notice Published: 40 Ill. Reg. 6451 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-710-16-06463 BT

26. The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)
-First Notice Published: 40 Ill. Reg. 6463 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-715-16-06488 BT

27. The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)
-First Notice Published: 40 Ill. Reg. 6488 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-720-16-06496 BT

28. The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)
-First Notice Published: 40 Ill. Reg. 6496 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-730-16-06507 BT

29. Dove Hunting (17 Ill. Adm. Code 730)
-First Notice Published: 40 Ill. Reg. 6507 – 4/15/16
-Expiration of Second Notice: 7/24/16

17-740-16-06525 BT

30. Crow, Woodcock, Snip, Rail and Teal Hunting (17 Ill. Adm. Code 740)
-First Notice Published: 40 Ill. Reg. 6525 – 4/15/16
-Expiration of Second Notice: 7/24/16

Public Health

77-205-16-06722 AC

31. Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)
-First Notice Published: 40 Ill. Reg. 6722 – 4/29/16
-Expiration of Second Notice: 8/4/16

77-500-16-05172 AC

32. Illinois Vital Records Code (77 Ill. Adm. Code 500)
-First Notice Published: 40 Ill. Reg. 5172 – 3/25/16
-Expiration of Second Notice: 8/4/16

77-694-16-03460 AC

33. College Immunization Code (77 Ill. Adm. Code 694)
-First Notice Published: 40 Ill. Reg. 3460 – 3/4/16
-Expiration of Second Notice: 8/5/16

Revenue

86-100-16-05823 ES

34. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 40 Ill. Reg. 5165 – 3/25/16
-Expiration of Second Notice: 8/3/16

State Fire Marshal

41-112-16-05165 BT

35. Carbon Monoxide Alarms and Detectors (41 Ill. Adm. Code 112)
-First Notice Published: 40 Ill. Reg. 5165 – 3/25/16
-Expiration of Second Notice: 7/23/16

41-141-16-05366 BT

36. Policy and Procedures Manual for Fire Protection Personnel (41 Ill. Adm. Code 141)
-First Notice Published: 40 Ill. Reg. 5366 – 4/1/16
-Expiration of Second Notice: 7/23/16

State Universities Civil Service System

80-250-16-00345 MR

37. State Universities Civil Service System (80 Ill. Adm. Code 250)
-First Notice Published: 40 Ill. Reg. 345 – 1/8/16
-Expiration of Second Notice: 7/16/16

Teachers' Retirement System

80-1650-16-06770 MR

38. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
-First Notice Published: 40 Ill. Reg. 6770 – 4/29/16
-Expiration of Second Notice: 7/30/16

Transportation

92-438-16-02449 ES

39. Inspection Procedures for Special Vehicles (92 Ill. Adm. Code 438)
-First Notice Published: 40 Ill. Reg. 2449 – 2/5/16
-Expiration of Second Notice: 8/6/16

92-448-16-02554 ES

40. Official Testing Stations (Repealer) (92 Ill. Adm. Code 448)
-First Notice Published: 40 Ill. Reg. 2554 – 2/5/16
-Expiration of Second Notice: 8/6/16

PEREMPTORY RULEMAKING

Central Management Services

80-310-16-08462 EMS

41. Pay Plan (80 Ill. Adm. Code 310)
-First Notice Published: 40 Ill. Reg. 8462 – 6/17/16

INTERNAL RULEMAKING

Secretary of State

2-552-16-08011 MR

42. Departmental Duties (2 Ill. Adm. Code 552)
-First Notice Published: 40 Ill. Reg. 8011 – 6/3/16

EXPEDITED CORRECTIONSEducation

23-100-16-08228 MC

43. Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 Ill. Adm. Code 100)

-First Notice Published: 40 Ill. Reg. 8011 – 9/4/15

Natural Resources

62-240-16-08018 BT

44. The Illinois Oil and Gas Act (62 Ill. Adm. Code 240)

-First Notice Published: 40 Ill. Reg. 8018 – 6/3/16

AGENCY RESPONSESEnvironmental Protection Agency

35-602-15-14239 JE

45. Permits (35 Ill. Adm. Code 602)

-First Notice Published: 39 Ill. Reg. 14239 – 11/6/15

-Agency Response: Agree

Natural Resources

17-550-16-01413 BT

46. Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)

-First Notice Published: 40 Ill. Reg. 1413 – 1/2/16

-Agency Response: Agree

17-570-16-01430 BT

47. Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)

-First Notice Published: 40 Ill. Reg. 1430 – 1/2/16

-Agency Response: Agree

Pollution Control Board

35-309-15-15103 JE

48. Permits (35 Ill. Adm. Code 309)

-First Notice Published: 39 Ill. Reg. 15103 – 11/20/15

-Agency Response: Disagree

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 21, 2016 through June 27, 2016. The rulemakings are scheduled for review at the Committee's July 12, 2016 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>
7/30/16	<u>Teachers' Retirement System of the State of Illinois</u> , The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)	4/29/16 40 Ill. Reg.6770	7/12/16
8/3/16	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	4/8/16 40 Ill. Reg.5823	7/12/16
8/3/16	<u>Department of Children and Family Services</u> , Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)	7/31/15 39 Ill. Reg.10500	7/12/16
8/3/16	<u>Department of Children and Family Services</u> , Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)	7/31/15 39 Ill. Reg.10540	7/12/16
8/4/16	<u>Department of Commerce and Economic Opportunity</u> , Illinois Promotion Act Programs (14 Ill. Adm. Code 510)	5/6/16 40 Ill. Reg.6907	7/12/16
8/4/16	<u>Department of Public Health</u> , Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)	4/29/16 40 Ill. Reg.6722	7/12/16

8/4/16	<u>Department of Public Health</u> , Illinois Vital Records Code (77 Ill. Adm. Code 500)	3/25/16 40 Ill. Reg.5172	7/12/16
8/5/16	<u>Department of Public Health</u> , College Immunization Code (77 Ill. Adm. Code 694)	3/4/16 40 Ill. Reg.3460	7/12/16
8/6/16	<u>Department of Transportation</u> , Inspection Procedures for Special Vehicles (92 Ill. Adm. Code 438)	2/5/16 40 Ill. Reg.2449	7/12/16
8/7/16	<u>Department of Insurance</u> , Accident and Health Reserves (50 Ill. Adm. Code 2004)	4/8/16 40 Ill. Reg.5802	7/12/16
8/7/16	<u>Department of Transportation</u> , Official Testing Stations (Repealer) (92 Ill. Adm. Code 448)	2/5/16 40 Ill. Reg.2554	7/12/16

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 Illinois Department of Healthcare and Family Services (HFS) gives notice of a proposal to amend the HCBS Waiver for People with HIV/AIDS. The proposed waiver amendment would adjust the personal assistant, individual certified nurse aide, LPN, and RN rates to comply with Fair Labor Standards Act regulations requiring that such workers be paid overtime and travel.

Illinois seeks public input regarding this proposed amendment to the HCBS Waiver for People with HIV/AIDS through two separate statements of public notice and input.

- 1) Electronic public notice posted in the *Illinois Register* at www.cyberdriveillinois.gov
- 2) Electronic public notice posted on the HFS website at www.hfs.illinois.gov.

HFS will be accepting public input regarding the proposed amendment of the HCBS Waiver for People with HIV/AIDS for a 45 day comment period from July 8, 2016, through August 24, 2016. Comments may be submitted via email or by mail.

Email comments should be sent to: HFS.HCBSWaiver@illinois.gov.

3. Name and address of person that written comments should be mailed to:
Illinois Department of Healthcare and Family Services
Attn: Waiver Management
201 South Grand Avenue East, 2nd Floor
Springfield IL 62763

Persons who are unable to access the Internet may request a hard copy of the proposed waiver amendment by calling HFS at 217/524-4148.

A summary of the public notice and comments will be incorporated into the renewal prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services. The summary will include modifications to the initial waiver amendment and the reasons why the State of Illinois did or did not adopt specific comments or recommendations.

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 Illinois Department of Healthcare and Family Services (HFS) gives notice of a proposal to amend the HCBS Waiver for People with Traumatic Brain Injury. The proposed waiver amendment would adjust the personal assistant, individual certified nurse aide, LPN, and RN rates to comply with Fair Labor Standards Act regulations requiring that such workers be paid overtime and travel.

Illinois seeks public input regarding this proposed amendment to the HCBS Waiver for People with a Traumatic Brain Injury through two separate statements of public notice and input. 1) Electronic public notice posted in the *Illinois Register* at www.cyberdriveillinois.gov 2) Electronic public notice posted on the HFS website at www.hfs.illinois.gov.

HFS will be accepting public input regarding the proposed amendment of the HCBS Waiver for People with Traumatic Brain Injury for a 45 day comment period from July 8, 2016, through August 24, 2016. Comments may be submitted via email or by mail.

Email comments should be sent to: HFS.HCBSWaiver@illinois.gov.

Name and address of person that written comments should be mailed to:
Illinois Department of Healthcare and Family Services
Attn: Waiver Management
201 South Grand Avenue East, 2nd Floor
Springfield IL 62763

Persons who are unable to access the Internet may request a hard copy of the proposed waiver amendment by calling HFS at 217/524-4148.

A summary of the public notice and comments will be incorporated into the renewal prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services. The summary will include modifications to the initial waiver amendment and the reasons why the State of Illinois did or did not adopt specific comments or recommendations.

CHIEF PROCUREMENT OFFICER FOR THE CAPITAL DEVELOPMENT BOARD

JULY 2016 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Chief Procurement Officer for the Capital Development Board, (44 Ill. Adm. Code 8)
- 1) Rulemaking:
- A) Description: The Chief Procurement Officer for the Capital Development Board anticipates amendments to the procurement practices rules to provide for clarifications, and to address legislative changes made by the 99th General Assembly.
- B) Statutory Authority: 30 ILCS 500
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: October 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals may affect small businesses that contract with the State of Illinois.
- F) Agency contact person for information:
- Van Austin
Rules Coordinator
Chief Procurement Office for Capital Development Board
401 S. Spring Street
Room 318 Stratton Office Building
Springfield IL 62706
- 217/836-2008
- G) Related rulemakings and other pertinent information: None

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

JULY 2016 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Chief Procurement Officer for General Services Standard Procurement, (44 Ill. Adm. Code 1)
- 1) Rulemaking:
- A) Description: The Chief Procurement Officer for General Services anticipates amendment to the standard procurement rules to implement the changes made by PA 98-1076, PA 98-1038, and to address other legislative changes made by the 98th and 99th General Assembly. Additionally, the Chief Procurement Officer for General Services anticipates amendment to the standard procurement rules to implement the Joint Governmental Purchasing Act including but not limited to application to purchases made with consortiums of governmental entities.
- B) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]; The Small Business Contracts Act [30 ILCS 503]; The Governmental Joint Purchasing Act [30 ILCS 525]
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: November 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals may affect small businesses that contract with the State of Illinois.
- G) Agency contact person for information:

Michelle Casey
Special Advisor and State Purchasing Officer
Chief Procurement Office for General Services
712 Stratton Office Building
Springfield IL 62706

217/494-5577

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

JULY 2016 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

CHIEF PROCUREMENT OFFICER FOR HIGHER EDUCATION

JULY 2016 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement, (44 Ill. Adm. Code 4)
- 1) Rulemaking:
- A) Description: The Chief Procurement Officer for Higher Education anticipates amendment to the standard procurement rules to implement changes to the small purchase threshold on the basis of a Procurement Policy Board resolution, as well as to address any other legislative changes made by the 99th General Assembly.
- B) Statutory Authority: 30 ILCS 500
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: July 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals may affect small businesses that contract with the State of Illinois.
- F) Agency contact person for information:
- Shirley Webb
Deputy Chief Procurement Officer
Chief Procurement Office for Public Institutions of Higher
Education
513 Stratton Office Building
401 S. Spring St.
Springfield IL 62706
- 217/558-2247
- G) Related rulemakings and other pertinent information: None

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

JULY 2016 REGULATORY AGENDA

- a) Part (Headings and Code Citations): General Program (35 Ill. Adm. Code 1500)
- 1) Rulemaking:
- A) Description: 35 Ill. Adm. Code 1500.50 contains the Fund's general program rules related to insurance program requirements. The Council will be amending these regulations to define the operational and reporting requirements of a Council approved compliance program.
- B) Statutory Authority: Implementing and authorized by Section 20 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)]
- C) Scheduled Meeting/Hearing Dates: Public hearings are not required to prescribe the compliance program requirements.
- D) Date Agency anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in September of 2016.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Four hundred sixty one (461) active drycleaning facilities which are insured by the Fund Council are subject to participation in a Council approved compliance program. There should be no effect on these drycleaning facilities. There should be no effect on small municipalities or not-for profit corporations.
- F) Agency Contact Person for information:
- H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council
PO Box 480
Bensenville IL 60106-0480
- 630/741-0022
fax: 630/741-0026

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

JULY 2016 REGULATORY AGENDA

email: hpe@willconsult.com

- G) Related rulemakings and other pertinent information: There are no other related rulemakings.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

- a) Part (Heading and Code Citation): General Procedures; 80 Ill. Adm. Code 1100
- 1) Rulemaking:
- A) Description: This rulemaking will specifically authorize the IELRB to serve documents electronically. This rulemaking will simplify the language concerning when documents are considered to have been filed. This rulemaking will eliminate the requirement that parties obtain approval from the IELRB in order to file documents electronically and provide that parties may file documents by emailing them to the IELRB's general mailbox. This rulemaking will provide that documents must be received by the close of business in order to be considered to have been filed that day. The number of copies to be filed with the Board will be reduced. Sections 1100.40 and 1100.50 will be repealed.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled Meeting/Hearing Dates: None yet scheduled.
- D) Date Agency anticipates First Notice: September 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
- Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103
- 312/793-3170
email: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: This rulemaking is intended to update the IELRB's Rules on filing and service of documents. Sections 1100.40 and 1100.50 are duplicated in the IELRB's Rules on

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

Hearing Procedures, 80 Ill. Adm. Code 1105.

- b) Part(s) (Heading and Code Citation): General Procedures; 80 Ill. Adm. Code 1100: Hearing Procedures; 80 Ill. Adm. Code 1105

1) Rulemaking:

- A) Description: The relationship between subpoenas duces tecum and motions for production of documents will be clarified.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled Meeting/Hearing Dates: None yet scheduled.
- D) Date Agency anticipates First Notice: September 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:

Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103

312/793-3170
email: Susan.Willenborg@illinois.gov

- G) Related rulemakings and other pertinent information: There are issues about whether practice should be more uniform and which method of obtaining documents is preferable.

- c) Part(s) (Heading and Code Citation): General Procedures; 80 Ill. Adm. Code 1100: Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120

1) Rulemaking:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

- A) Description: The provision for an award of costs and reasonable attorney's fees incurred in seeking enforcement of subpoenas in compliance proceedings under certain circumstances will be made applicable to subpoenas in all types of proceedings.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled Meeting/Hearing Dates: None yet scheduled.
- D) Date Agency anticipates First Notice: September 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:

Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103

312/793-3170
email: Susan.Willenborg@illinois.gov

- G) Related rulemakings and other pertinent information: There is an issue about whether there is a reason to treat subpoenas in compliance proceedings differently from other subpoenas.

d) Part (Heading and Code Citation): Hearing Procedures; 80 Ill. Adm. Code 1105

1) Rulemaking:

- A) Description: 80 Ill. Adm. Code 1105.40(a)(1) and 80 Ill. Adm. Code 1105.150(a)(1) will be deleted. The language of 80 Ill. Adm. Code, on continuances, will be reevaluated. In particular, the requirement that a party state that he or she has unsuccessfully attempted to change the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

conflicting date will be eliminated. Multiple motions will be viewed more skeptically. It will be clarified whether a formal motion is necessary or whether an exchange of emails is sufficient.

- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled Meeting/Hearing Dates: None yet scheduled.
- D) Date Agency anticipates First Notice: September 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:

Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103

312/793-3170
email: Susan.Willenborg@illinois.gov

- G) Related rulemakings and other pertinent information: Subsections 1105.40(a)(1) and 1105.150(a)(1) are inconsistent with 80 Ill. Adm. Code 1100.60, which provides that a party may be represented by counsel or any other representative of the party's choosing. The intent is also to clarify and streamline the hearing process.
- e) Parts(s) (Heading and Code Citation): Hearing Procedures; 80 Ill. Adm. Code 1105; Representation Procedures; 80 Ill. Adm. Code 1110; Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120
- 1) Rulemaking:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

- A) Description: This rulemaking will eliminate duplication between language in 80 Ill. Adm. Code 1105.80 and language in Part 1110 and between language in 80 Ill. Adm. Code 1105.220 and language in Part 1120.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled Meeting/Hearing Dates: None yet scheduled.
- D) Date Agency anticipates First Notice: September 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103

312/793-3170
email: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The intent is to have Rules on certain hearing procedures in one place.
- f) Part (Heading and Code Citation): Representation Procedures; 80 Ill. Adm. Code 1110
- 1) Rulemaking:
- A) Description: The IELRB's Rule on voluntary recognition will be amended to provide that only one petition is required. Certain modifications will be made to the IELRB's procedures for majority interest cases. The list of employees, signature examples and response to the petition will all be due at the same time--21 days after service of the petition. The 30 day requirements for holding a hearing and for certifying the bargaining unit will be removed. The model authorization card will be modified to include language that it could be used to obtain recognition without an

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

election and will be called a sample card, rather than a model card. The language of 80 Ill. Adm. Code 1110.140(q) will be corrected.

- B) Statutory Authority: 115 ILCS 5/5(i); 115 ILCS 5/9
- C) Scheduled Meeting/Hearing Dates: None yet scheduled.
- D) Date Agency anticipates First Notice: September 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:

Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103

312/793-3170
email: Susan.Willenborg@illinois.gov

- G) Related rulemakings and other pertinent information: Currently, the Rules on voluntary recognition require a filing both before and after the posting period. Modifications are being made to the IELRB's majority interest procedures based on agency experience. If taken literally, 80 Ill. Adm. Code 1110.140(q) currently provides that there will be a rerun election when there is a tie for second place even if the first place choice receives a majority.
- g) Part (Heading and Code Citation): Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120
- 1) Rulemaking:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

- A) Description: A Rule governing motion practice during unfair labor practice investigations will be added. Language clarifying pleadings will be added. It will be clarified whether the withdrawal of a charge after the issuance of a complaint is with prejudice. The Rule governing affirmative defenses will be rewritten. It will be clarified that an affirmative defense is not waived if it is not included in the answer. This rulemaking will provide that the notice required to be posted after a finding of an unfair labor practice will be posted physically or by other means similarly calculated to provide proper notice.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled Meeting/Hearing Dates: None yet scheduled.
- D) Date Agency anticipates First Notice: September 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
- Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103
- 312/793-3170
email: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The IELRB's currently describe motion practice when cases are at the hearing level, but not when cases are under investigation. This rulemaking also addresses other matters which are not included in the IELB's current Rules, or are not clear from the Rules. This rulemaking allows for posting by other than physical means where that better serves the parties and the employees.

h) Part (Heading and Code Citation): Fair Share Fee Objections; 80 Ill. Adm. Code 1125

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: This rulemaking will explicitly allow the notice to fair share fee to be served on the objectors electronically unless otherwise requested. This rulemaking will address the distribution of fair share funds. This rulemaking will provide that where the parties cannot agree on a charity to receive the funds in the case of a religious objection even after receiving the IELRB's list of sample charities, the IELRB will provide the parties with a panel of three charities taken from the list. If the parties cannot agree on a charity from the panel of three charities, the IELRB will select a charity from the panel. This rulemaking will also provide that if an objector to whom funds from the escrow account are due cannot be located within the period set forth in the Uniform Disposition of Unclaimed Property Act, 765 ILCS 1025/0.05 et seq., the funds will be presumed abandoned and will be paid to the State Treasurer.
 - B) Statutory Authority: 115 ILCS 5/5(i)
 - C) Scheduled Meeting/Hearing Dates: None yet scheduled.
 - D) Date Agency anticipates First Notice: September 2016
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None
 - F) Agency Contact Person for Information:

Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103

312/793-3170
email: Susan.Willenborg@illinois.gov

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: This rulemaking make explicit what was implicit in the current language of the Rules concerning notice of the fair share fee. This rulemaking addresses issues the IELRB has dealt with in the past with regard to the distribution of fair share funds.
- i) Part (Heading and Code Citation): Collective Bargaining and Impasse Resolution; 80 Ill. Adm. Code 1130
- 1) Rulemaking:
- A) Description: This rulemaking will provide that the IELRB will invoke mediation upon request from one of the parties. This rulemaking will eliminate the requirement that employers file collective bargaining agreements with the IELRB.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled Meeting/Hearing Dates: None yet scheduled.
- D) Date Agency anticipates First Notice: September 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
- Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103
- 312/793-3170
email: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: This rulemaking will codify the IELRB's typical practice with respect to mediation. The

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

Rule concerning the filing of collective bargaining agreements has not been consistently observed.

j) Part(s) (Heading and Code Citation): General Procedures; 80 Ill. Adm. Code 1100; Hearing Procedures; 80 Ill. Adm. Code 1105; Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120; Fair Share Fee Objections; 80 Ill. Adm. Code 1125; Public Information, Rulemaking, Organization and Personnel; 2 Ill. Adm. Code 2675

1) Rulemaking:

- A) Description: This rulemaking will delete references to the Chief Administrative Law Judge and replace them with references to the General Counsel or the Executive Director, as appropriate. This rulemaking will modify the description of the Office of the Executive Director to include all of the Executive Director's functions with respect to representation cases. The IELRB's organization chart will be updated.
- B) Statutory Authority: 5 ILCS 100/5-15(a)(1); 115 ILCS 5/5(i)
- C) Scheduled Meeting/Hearing Dates: None yet scheduled.
- D) Date Agency anticipates First Notice: September 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:

Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103

312/793-3170
email: Susan.Willenborg@illinois.gov

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2016 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: The IELRB no longer has a Chief Administrative Law Judge. The current literal language of the IELRB's Rule on the Office of the Executive Director does not include all the Executive Director's functions in representation cases. The organization chart is outdated.
- k) Part (Heading and Code Citation): Freedom of Information; 2 Ill. Adm. Code 2676
- 1) Rulemaking:
- A) Description: This rulemaking will update the IELRB's Freedom of Information Act Rules based on changes to the Illinois Freedom of Information Act.
- B) Statutory Authority: 5 ILCS 140/3(h); 115 ILCS 5/5(i)
- C) Scheduled Meeting/Hearing Dates: None yet scheduled.
- D) Date Agency anticipates First Notice: September 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
- Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103
- 312/793-3170
email: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: This rulemaking is intended to update the IELRB's Freedom of Information Act Rules based on changes to the Illinois Freedom of Information Act.

ENVIRONMENTAL PROTECTION AGENCY

JULY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): General Conditions of State of Illinois Grants for Sewage Treatment Works Under the Anti-Pollution Bond Act of 1970 [35 Ill. Adm. Code 360]

1) Rulemaking:

- A) Description: The Illinois Environmental Protection Agency plans to propose amendments updating existing regulations to require, in the event a grantee becomes eligible for a grant of federal funds or state funds for a project from other than the Anti-Pollution Fund, the grantee to repay to the State of Illinois any funds received exceeding 100 percent of the approved allowable cost of the project.
- B) Statutory authority: Implementing and authorized by Section 4 of the Anti-Pollution Bond Act (30 ILCS 405/1)
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall or Winter 2016
- E) Effect on small business, small municipalities, or not-for-profit corporations: Small businesses, small municipalities, or not-for-profit corporations that becomes eligible for a grant of federal funds or state funds for a project from other than the Anti-Pollution Fund must repay to the State of Illinois any funds received exceeding 100 percent of the approved allowable cost of the project instead of 75 percent.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Rex L. Gradeless
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544

ENVIRONMENTAL PROTECTION AGENCY

JULY 2016 REGULATORY AGENDA

rex.gradeless@illinois.gov

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Procedure for Issuing Grants From the Anti-Pollution Bond Act and the Build Illinois Act for Sewage Treatment Works (35 Ill. Adm. Code 363)

1) Rulemaking:

- A) Description: The Illinois Environmental Protection Agency plans to propose amendments to update existing regulations and to remove local matching requirements for grants from the Anti-Pollution Bond Act and the Build Illinois Act.
- B) Statutory authority: Authorized by Section 4 of the Anti-Pollution Bond Act [30 ILCS 405/4], Section 1-3 of the Build Illinois Act [30 ILCS 750/1-3], and Section 4 of the Environmental Protection Act [415 ILCS 5/4]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall or Winter 2016
- E) Effect on small business, small municipalities, or not-for-profit corporations: All small businesses, small municipalities, or not-for-profit corporations receiving grants from the Anti-Pollution Bond Act and the Build Illinois Act for sewage treatment works could be affected. The proposal removes grant matching limits and provides for the maximum percentage of grant assistance from all available sources, including grants, loans, and the State's share, not to exceed 100% of eligible project costs.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Rex L. Gradeless
Division of Legal Counsel
Illinois Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY

JULY 2016 REGULATORY AGENDA

1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
rex.gradeless@illinois.gov

- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Loan Program (35 Ill. Adm. Code 365)
- 1) Rulemaking:
- A) Description: The Illinois Environmental Protection Agency plans to propose amendments updating existing regulations pertaining to issuing loans from the Water Pollution Control Loan Program in order to be consistent with statutory amendments to the Illinois Environmental Protection Act and the Clean Water Act. Additionally, the proposal will allow the Agency to approve 30-year loans to qualifying loan recipients.
- B) Statutory authority: Authorized by Section 19.1 through 19.10 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.10]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall or Winter 2016
- E) Effect on small business, small municipalities, or not-for-profit corporations: All small businesses, small municipalities, or not-for-profit corporations seeking loans under the Water Pollution Control Loan Program could be affected. Eligibility for loans to small businesses, small municipalities, or not-for-profit corporations may be expanded due to the amendment of “treatment works” under Section 19.2 of the Environmental Protection Act. Additionally, loan applicants qualifying for a hardship or small community fixed loan rate may also qualify for a 30-year loan.

ENVIRONMENTAL PROTECTION AGENCY

JULY 2016 REGULATORY AGENDA

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Rex L. Gradeless
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
- 217/782-5544
rex.gradeless@illinois.gov
- G) Related rulemakings and other pertinent information: This rulemaking mirrors many areas of the Public Water Supply Loan Program of Part 662.
- d) Part (Heading and Code Citation): Procedure for the Certification of Operators of Wastewater Treatment Works (35 Ill. Adm. Code 380)
- 1) Rulemaking:
- A) Description: The proposed amendments update existing regulations pertaining to the certification of operators of wastewater treatment works and provides a framework for continuing education units similar to the Agency's Water Supply Operator Certification program in Part 681.
- B) Statutory authority: Authorized by Sections 13(a)(4) and 13.5 of the Environmental Protection Act [415 ILCS 5/13(a)(4) and 13.5]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall or Winter 2016
- E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations in Illinois to the extent they own or operate a waste water treatment works. The Agency anticipates the proposed rulemaking will benefit small businesses, small

ENVIRONMENTAL PROTECTION AGENCY

JULY 2016 REGULATORY AGENDA

municipalities, or not-for-profit corporations who employ certified operators.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Rex L. Gradeless
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
rex.gradeless@illinois.gov

- G) Related rulemakings and other pertinent information: This rulemaking mirrors many areas of the water supply operator certification rules of Part 681.

- e) Part (Heading and Code Citation): Permits (35 Ill. Adm. Code 652)

1) Rulemaking:

- A) Description: The Illinois Environmental Protection Agency is repealing Part 652, Subparts A- F, but retains Part 652, Subpart G, Public Water Supply Capacity. The regulations, except Subpart G, have been incorporated into 35 Ill. Adm. Code 602 by rulemaking R15-22 before the Illinois Pollution Control Board (Board). Subparts A-F of Part 652 are duplicative and unnecessary. The Joint Committee on Administrative Rules issued a formal recommendation to the Illinois EPA to repeal Part 652.
- B) Statutory authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act. [415 ILCS 14 through 19]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

ENVIRONMENTAL PROTECTION AGENCY

JULY 2016 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: Fall or Winter 2016
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking does not affect small businesses, small municipalities, or not-for-profit corporations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stephanie Flowers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
- 217/782-5544
stephanie.flowers@illinos.gov
- G) Related rulemakings and other pertinent information: This rulemaking is related to rulemaking R15-22 before the Illinois Pollution Control Board.
- f) Part (Heading and Code Citation): General Conditions of Grants for the Financing and Construction of Public Water Supply Facilities (35 Ill. Adm. Code 661)
- 1) Rulemaking:
- A) Description: The Illinois Environmental Protection Agency plans to propose amendments clarifying existing regulations pertaining to the State's maximum grant share. Specifically, the total percentage of State grant funding for allowable project costs, as described in Section 661.701 will be subject to any matching requirements as set forth in the Act.
- B) Statutory authority: Implementing and authorized by Sections 4(k) and 4(x)(1) of the Illinois Environmental Protection Act [415 ILCS 5/4(k) and 415 ILCS 5/4(x)(1)]

ENVIRONMENTAL PROTECTION AGENCY

JULY 2016 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall or Winter 2016
- E) Effect on small business, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Rex L. Gradeless
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
- 217/782-5544
rex.gradeless@illinois.gov
- G) Related rulemakings and other pertinent information: None
- g) Part (Heading and Code Citation): Procedures for Issuing Loans from the Public Water Supply Loan Program (35 Ill. Adm. Code 662)
- 1) Rulemaking:
- A) Description: The Illinois Environmental Protection Agency plans to propose amendments updating existing regulations pertaining to issuing loans from the Public Water Supply Loan Program in order to be consistent with statutory amendments to the Illinois Environmental Protection Act and the Safe Drinking Water Act.
- B) Statutory authority: Authorized by Section 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

ENVIRONMENTAL PROTECTION AGENCY

JULY 2016 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: Fall or Winter 2016
- E) Effect on small business, small municipalities, or not-for-profit corporations: All small businesses, small municipalities, or not-for-profit corporations seeking loans under the Water Pollution Control Loan Program could be affected. Eligibility for loans to small businesses, small municipalities, or not-for-profit corporations may be expanded due to the amendment of “treatment works” under Section 19.2 of the Environmental Protection Act. Additionally, disadvantaged communities may also qualify for a 30-year loan.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Rex L. Gradeless
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
- 217/782-5544
rex.gradeless@illinois.gov
- G) Related rulemakings and other pertinent information: This rulemaking mirrors many areas of the Water Pollution Control Loan Program of Part 365.
- h) Part (Heading and Code Citations): Pharmaceutical Collection Program (35 Ill. Adm. Code 889)
- 1) Rulemaking:
- A) Description: The new rules will establish a medication take-back program to ensure there are pharmaceutical product disposal options for residents across the State.

ENVIRONMENTAL PROTECTION AGENCY

JULY 2016 REGULATORY AGENDA

- B) Statutory Authority: Authorized by Section 22.55(l) of the Environmental Protection Act [415 ILCS 5/22.55(l)]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall or Winter 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking has no effect on small businesses, small municipalities, or not-for-profit corporations unless those entities elect to host a pharmaceutical product collection program or one-day pharmaceutical product collection event.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- James Jennings
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
- 217/782-5544
james.m.jennings@illinois.gov
- G) Related rulemakings and other pertinent information: None

EXECUTIVE ETHICS COMMISSION

JULY 2016 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Organization, Information, Rulemaking and Hearings, (2 Ill. Adm. Code 1620)
- 1) Rulemaking:
- A) Description: The amendments will incorporate the provisions of PA 96-1528 that added regional transit boards to the State Officials and Employees Ethics Act and various technical clean-up.
- B) Statutory Authority: State Officials and Employees Ethics Act [5 ILCS 430]
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: The Commission anticipates filing the proposed rulemaking during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Chad Fornoff
Executive Director
Executive Ethics Commission
401 S. Spring St.
513 William Stratton Building
Springfield IL 62706
- 217/558-1393
- G) Related rulemakings and other pertinent information: None

HEALTH FACILITIES AND SERVICES REVIEW BOARD

JULY 2016 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Health Facilities and Services Review Operational Rules (77 Ill. Adm. Code 1130)
- 1) Rulemaking:
- A) Description: The Board will amend this Part as necessary to reflect legislative changes made to 20 ILCS 3960 by the 99th General Assembly.
- B) Statutory Authority: 20 ILCS 3960/12
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: The Board cannot project a date for publication at this time.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Jeannie Mitchell
Assistant General Counsel
69 West Washington Street
Suite 3501
Chicago IL 60602
- Jeannie.Mitchell@illinois.gov
312/814-6226
- G) Related rulemakings and other pertinent information: A Notice of Proposed Amendments was published in the *Illinois Register* on December 28, 2015; 39 Ill. Reg. 16277.
- b) Part (Heading and Code Citation): Long-Term Care (77 Ill. Adm. Code 1125)
- 1) Rulemaking:
- A) Description: The Board will amend the number of years used to determine a planning area's population projection to reflect the current standard in

HEALTH FACILITIES AND SERVICES REVIEW BOARD

JULY 2016 REGULATORY AGENDA

the Illinois Health Facilities Planning Act. The rules state that the Board applies a 10-year population projection. However, 20 ILCS 3960/12.5 requires a five-year population projection. (PA 97-1115).

The Board may make additional changes based on consultations with the Long-Term Care Advisory Subcommittee.

- B) Statutory Authority: 20 ILCS 3960/12
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: The Board cannot project a date for publication at this time.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Jeannie Mitchell
Assistant General Counsel
69 West Washington Street
Suite 3501
Chicago IL 60602

Jeannie.Mitchell@illinois.gov
312/814-6226
- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Public Information Access, Rulemaking and Organization (2 Ill. Adm. Code 1925)

- 1) Rulemaking:
 - A) Description: The Board will amend this Part to reflect changes to the Freedom of Information Act (5 ILCS 140)
 - B) Statutory Authority: 20 ILCS 3960/12

HEALTH FACILITIES AND SERVICES REVIEW BOARD

JULY 2016 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: The Board cannot project a date for publication at this time.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Jeannie Mitchell
Assistant General Counsel
69 West Washington Street
Suite 3501
Chicago IL 60602

Jeannie.Mitchell@illinois.gov
312/814-6226
- G) Related rulemakings and other pertinent information: None

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): Fire Drills in Schools (41 Ill. Adm. Code 110)1) Rulemaking:

A) Description: This rulemaking will repeal outdated regulations on fire drills in schools. These rules were adopted under the authority of "An Act relating to school fire drills" [Ill. Rev. Stat. 1979, ch. 122, par. 842] which has been repealed and superseded by the School Safety Drill Act [105 ILCS 128]. Rules to implement the School Safety Drill Act were adopted in 2006 as joint rules of the Office of the State Fire Marshal and the Illinois State Board of Education at 29 Ill. Adm. Code Part 1500.

B) Statutory Authority: Authorized by Section 2 of "An act relating to school fire drills" [Ill. Rev. Stat. 1979, ch. 122, par. 842] and the School Safety Drill Act [105 ILCS 128]

C) Scheduled Meeting/Hearing Dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date Agency anticipates First Notice: Fall or Winter 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not impact any small businesses. There should be no impact on small schools districts as they will continue to be subject to the requirements of the School Safety Drill Act [105 ILCS 128] and its implementing regulations.

F) Agency Contact Person for Information:

Kevin Switzer
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0639

G) Related rulemakings and other pertinent information: None

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

- b) Part (Heading and Code Citations): Policy and Procedures Manual for Fire Protection Personnel (41 Ill. Adm. Code 141)
- 1) Rulemaking:
- A) Description: This Part will be amended for updates, clarification and consolidation. The Office of the State Fire Marshal intends to clarify this Part by separating the regulatory requirements for course and training facility approvals, state examinations, certifications, reimbursement and fees from non-regulatory provisions which constitute an internal policy and procedure manual. Those provisions which do not constitute regulatory requirements will be repealed and the current certifications will be updated.
- B) Statutory Authority: Implementing and authorized by Sections 8 and 11 of the Fire Protection Training Act [50 ILCS 740/8] and the Peace Officer Fire Investigation Act [20 ILCS 2910]
- C) Scheduled Meeting/Hearing Dates: None Scheduled
- D) Date Agency anticipates First Notice: Summer or Fall 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may impact small municipalities or fire protection districts that elect to participate in the Office of the State Fire Marshal's voluntary certification program and seek reimbursement for training expenditures from funds appropriated to the Office for these reimbursements. Streamlined procedural rules are expected to speed the curriculum approval time and decrease administrative burdens on participants.
- F) Agency Contact Person for Information:

Mitzi Woodson
Manager
Division of Personnel Standards and Education
Office of the State Fire Marshal
1035 Stevenson Drive

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

Springfield IL 62703

217/785-1003

- G) Related rulemakings and other pertinent information: The first phase of amendments to this Part were published for First Notice on April 1, 2016 (40 Ill. Reg. 5366) and are currently pending at Second Notice.
- c) Part (Heading and Code Citations): Race Track Rules for Fire Safety (41 Ill. Adm. Code 150)
- 1) Rulemaking:
- A) Description: This rulemaking will update the agency's current rules applicable to pari-mutuel horse racing tracks. Current rules date to 1976 and cite editions of NFPA standards for which updated editions are available.
- B) Statutory Authority: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9]
- C) Scheduled Meeting/Hearing Dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules are applicable only to facilities which are part of a race track complex where the complex is primarily utilized for the purpose of conducting a horse racing meet where pari-mutuel wagering is authorized.
- F) Agency Contact Person for Information:

Kevin Switzer
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

217/558-0639

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citations): Storage, Transportation, Sale and Use of Gasoline and Volatile Oils: Rules and Regulations\ Relating to General Storage (41 Ill. Adm. Code 160)

1) Rulemaking:

A) Description: This rulemaking will update the agency's rules applicable to aboveground storage tanks (ASTs). This includes two primary rule Parts: 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 180 that are applicable to ASTs used for both dispensing and non-dispensing purposes. Part 160 rules primarily address the use of ASTs for bulk storage of flammable or combustible liquids (storage for other than dispensing purposes). The primary focus of the rules will be to replace the currently outdated rules with references to nationally recognized standards for ASTs.

B) Statutory Authority: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2]

C) Scheduled Meeting/Hearing Dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date Agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules will impact any small business, municipality or not-for-profit corporations that install or relocate an AST containing flammable or combustible liquids. The proposed rules are not anticipated to impose further restrictions upon ASTs that are already in-place.

F) Agency Contact Person for Information:

Cathy Stashak
Division of Fire Prevention--Technical Services
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

Chicago IL 60601

312/814-2425

- G) Related rulemakings and other pertinent information: The proposed changes to 41 Ill. Adm. Code 160 are related to the proposed changes to 41 Ill. Adm. Code 180.
- e) Part (Heading and Code Citations): Petroleum Equipment Contractor Licensing (41 Ill. Adm. Code 172)
- 1) Rulemaking:
- A) Description: This rulemaking will update certification and licensure rules for petroleum equipment contractors doing work on underground storage tanks as a result of changes to the program made by PA 97-428. The rulemaking will address inconsistencies between the rules and the statute raised in internal audit findings. It will also update cross-references to OSFM rules for which the numbering has changed from Part 170 to Parts 175 and 176.
- B) Statutory Authority: Petroleum Equipment Contractor Licensing Act [225 ILCS 729/25, 35(a)(4), and 35(b)(7)]
- C) Scheduled Meeting/Hearing Dates: None scheduled yet.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will have a minimal impact on small businesses that conduct permitted work on underground storage tanks.
- F) Agency Contact Person for Information:

Fred Schneller
Manager
Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62603

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

217/557-3131

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citations): General Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 174); Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 175); Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 176)

1) Rulemaking:

A) Description: This rulemaking will revise the Illinois technical requirements for underground storage tank systems ("USTs") to conform to new federal regulatory requirements that became effective on October 13, 2015. These changes would include requiring federally acceptable proofs of compatibility for underground storage tanks, piping and all related system components whenever such systems store or dispense ethanol blends above 10% ethanol (E10) for gasoline or above 20% biodiesel (B20) for diesel. Federally required changes will also include monthly walkthrough inspections by Certified Operators, tightness testing of spill buckets every three years, inspection of overfill prevention equipment every three years, prohibition of ball float vent valves at time of installation or replacement, full regulation of airport hydrant fueling systems, and full regulation of field constructed tanks. This rulemaking will also update these rules to incorporate and streamline current practices, including the electronic submission of reporting forms and permit applications. This rulemaking will also address an unsafe product piping set-up caused when formerly separate regular, midgrade and premium gasoline product piping lines are installed so that two products are mixed at the dispenser to create the midgrade product. When done incorrectly, this piping set-up may lead to an open pipe end and the release of product if the dispenser is struck by a vehicle and the piping is broken.

B) Statutory Authority: Section 2 of the Gasoline Storage Act [430 ILCS 15/2]

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not-for-profit corporations: Some of the federal requirements will increase costs of UST operation. Other federal requirements will have no fiscal impact on owners and operators of USTs. Other federal requirements have been previously implemented. (Examples: Operator Training, double-wall design requirements, leak detection for emergency power generator USTs, replacement of tanks failing their internal lining inspection, annual leak detection testing, and requirements for under-dispenser containment sumps.) Other changes will decrease costs and increase the flexibility and convenience of compliance, for example, streamlining forms and implementing electronic submission of reporting forms and permit applications. Allowing new third-party (UL) listed tank replacement technologies is likely to reduce costs when a tank fails. These last two items will likely help those small businesses, small municipalities and not-for-profit entities that own and operate underground storage tanks.
- F) Agency Contact Person for Information:
- Fred Schneller
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703
- 217/557-3131
- G) Related rulemakings and other pertinent information: None
- g) Part (Heading and Code Citations): Storage, Transportation, Sale and Use of Gasoline and Volatile Oils (41 Ill. Adm. Code 180)
- 1) Rulemaking:
- A) Description: This rulemaking will update the agency's rules applicable to aboveground storage tanks (ASTs). This includes two primary rule Parts:

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 180 that are applicable to ASTs used for both dispensing and non-dispensing purposes. Part 180 rules primarily address the use of ASTs for flammable or combustible liquids used to dispense fuel into vehicles or portable containers. The primary focus of the rules will be to replace the currently outdated rules with references to nationally recognized standards for ASTs.

- B) Statutory Authority: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- C) Scheduled Meeting/Hearing Dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules will impact any small business, municipality or not-for-profit corporations that install or relocate an AST that contains flammable or combustible liquids used to dispense fuel into vehicles or portable containers. The proposed rules are not anticipated to impose further restrictions upon ASTs that are already in-place.
- F) Agency Contact Person for Information:
- Cathy Stashak
Division of Fire Prevention--Technical Services
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601
- 312/814-2425
- G) Related rulemakings and other pertinent information: The proposed changes to 41 Ill. Adm. Code 180 are related to the proposed changes to 41 Ill. Adm. Code 160.
- h) Part (Heading and Code Citations): Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200)

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: This rulemaking will update the agency's rules applicable to liquefied petroleum gas (LPG) tanks. The primary focus of the rules will be to update the reference to a national standard: NFPA 58 *Liquefied Petroleum Gas Code*. The rule currently references to the 2011 edition of NFPA 58 and the OSFM intends to update that reference to the latest published edition of NFPA 58 (2014 edition) in order to remain current with industry practices. The statute requires that OSFM rules on this topic be in substantial conformity with the national codes published by the National Fire Protection Association (NFPA).
 - B) Statutory Authority: Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3]
 - C) Scheduled Meeting/Hearing Dates: None scheduled
 - D) Date Agency anticipates First Notice: Unknown
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules will impact any small business, municipality or not-for-profit corporation that installs or relocates a LPG (including propane) storage tank. The proposed rules are not anticipated to impose further restrictions upon existing LPG tanks.
 - F) Agency Contact Person for Information:

Cathy Stashak
Division of Fire Prevention--Technical Services
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601

312/814-2425
 - G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Appeals and Enforcement Proceedings (41 Ill. Adm. Code 210)

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: This Part will be amended to delineate and clarify the appeal process utilized during certain OSFM administrative enforcement proceedings. Amendments will include, among other things, clarification concerning the duties of the respective parties, the initiation of contested hearings, pleadings, motions, discovery, the burden and standard of proof, the applicable rules of evidence, the consequences of failing to appear, and default procedures.
 - B) Statutory Authority: Implemented and authorized by Section 10-5 of the Illinois Administrative Procedures Act [5 ILCS 100/10-5]
 - C) Scheduled Meeting/Hearing Dates: The Agency has not yet scheduled meetings or hearings on this proposal.
 - D) Date Agency anticipates First Notice: Unknown
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None Anticipated
 - F) Agency Contact Person for Information:

Matt Taksin
General Counsel--Legal Division
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

312/814-6322
 - G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citations): Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230)
 - 1) Rulemaking:

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

- A) Description: This rulemaking will update referenced industry technical standards and incorporate recent federal requirements relating to OSFM Pyrotechnic Distributor and Operator Licensing Rules. It will also update or delete references to the Music Entertainment Task Force because its work has concluded. It will also develop an expedited licensing protocol for out-of-state production companies with an appropriate fee schedule and require cover license operators to identify out-of-state touring pyrotechnic participants on the display report that summarizes the pyrotechnic event. This will also require that distributors identify certain business information on the regulatory application, for example, any assumed name being used as well as the full legal name for the legal entity submitting the application. Finally, this will add a fee of \$30 for per pyrotechnic assistant at time of license renewal (every three years).
- B) Statutory Authority: Implemented and authorized by Section 30 of Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30]
- C) Scheduled Meeting/Hearing Dates: None scheduled yet.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: A new fee (\$30) would be required for license renewal.
- F) Agency Contact Person for Information:
- Kevin Switzer
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703
- 217/558-0639
- G) Related rulemakings and other pertinent information: None
- k) Part (Heading and Code Citations): Pyrotechnic and Consumer Display Permitting Rules (41 Ill. Adm. Code 235)

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: This rulemaking will update referenced industry technical standards and incorporate recent federal requirements relating to OSFM Pyrotechnic Distributor and Operator Licensing Rules. It will also require local permitting authorities to maintain certain minimum records.
 - B) Statutory Authority: Implementing and authorized by Section 4.1 of the Fireworks Use Act [425 ILCS 35/5]
 - C) Scheduled Meeting/Hearing Dates: None scheduled yet.
 - D) Date Agency anticipates First Notice: Unknown
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated.
 - F) Agency Contact Person for Information:

Kevin Switzer
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0639
 - G) Related rulemakings and other pertinent information: Proposed revisions to 41 Ill. Adm. Code 230's requirements for Flame Effect Licensure and Permit requirements.
- 1) Part(s) (Heading and Code Citations): Fire Equipment Distributor and Employee Standards (41 Ill. Adm. Code 251); and Fire Equipment Administrative Procedures (41 Ill. Adm. Code 280)
 - 1) Rulemaking:

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

- A) Description: This proposed rulemaking will update the OSFM's rules applicable to fire equipment distributor and employee licensing, and will consider combining the Part 251 and Part 280 rules into one document to address procedures for administering the fire equipment contractor and employee licensing programs. This proposed rulemaking will require a copy of a driver's license or State identification for each employee being licensed. This proposed rulemaking will update rule references to cite the updated statutory authority which is now known as the Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217]. This proposed rulemaking will also define the procedures for the citation authority provided in Section 83 of this Act [225 ILCS 217/83]. Finally, this rulemaking will implement recent statutory changes that divided Class II employees into separate classes for pre-engineered industrial fire suppression systems versus kitchen hood fire suppression systems.
- B) Statutory Authority: Implementing and authorized by the Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217]
- C) Scheduled Meeting/Hearing Dates: The agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Any small business, small municipality or not-for-profit corporation that may be licensed by the OSFM as a fire equipment distributor or may be involved in the servicing of portable fire extinguishers and/or fixed fire suppression systems other than water-based systems. By clarifying standards and procedures and providing an enforcement mechanism authorized by statute, this will make compliance more efficient and reliable for the regulated community, including small businesses, small municipalities, and not-for-profit entities. Fire equipment companies will need to ensure their employees have the correct National Institute for Certification in Engineering Technologies (NICET) certification to work on the appropriate systems.
- F) Agency Contact Person for Information:

Kevin Switzer

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0639

- G) Related rulemakings and other pertinent information: None
- m) Part (Heading and Code Citations): Small Equipment Grant Program (41 Ill. Adm. Code 291)
- 1) Rulemaking:
- A) Description: The Office of the Illinois State Fire Marshal (OSFM) administers a program to provide grant funds for the purchase of small firefighting equipment to units of local government (fire department, fire protection district or township fire department) in Illinois that provide fire suppression within a geographical area. This rulemaking will make fire protection districts and volunteer, non-profit, stand-alone ambulance services to fire departments eligible for grants to purchase small fire-fighting and ambulance equipment. It will make other minor edits to achieve consistency with changes made by Public Act 96-386 and Public Act 97-901. This rulemaking will also eliminate the requirement to be compliant with National Fire Incident Reporting System (NFIRS) for two years for fire protection districts formed less than two years ago.
- B) Statutory Authority: Authorized by Section 2.7 of the State Fire Marshal Act [20 ILCS 2905/2.7]
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small municipalities or not-for-profit corporations may benefit from these rules by being able to receive financial assistance to purchase ambulance or small firefighting equipment.

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

F) Agency Contact Person for Information:

Ronny J. Wickenhauser
Chief Fiscal Officer and Chief Administrative Officer
Office of the Illinois State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0577

G) Related rulemakings and other pertinent information: Nonen) Part (Heading and Code Citations): Furniture Fire Safety Regulations (41 Ill. Adm. Code 300)1) Rulemaking:

- A) Description: As required by statute [425 ILCS 45], this rulemaking will update referenced standards to the current "bulletins" (standards) used by the State of California's Department of Consumer Affairs: Bureau of Home Furnishings and Thermal Insulation for descriptions of the tests that are required to be performed on upholstered furniture components.
- B) Statutory Authority: Implementing and authorized by Section 15 of the Furniture Fire Safety Act [425 ILCS 45/15]
- C) Scheduled Meeting/Hearing Dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Any small business or not-for-profit corporation that manufactures upholstered seating furniture used in public occupancies or public assembly areas, or any small business, small municipality or not-for-profit that owns or maintains a public occupancy or public assembly area that contains stuffed or upholstered furniture for specified occupancies. These include assembly occupancies; day care centers;

OFFICE OF THE STATE FIRE MARSHAL

JULY 2016 REGULATORY AGENDA

health care occupancies; detention and correctional facilities; and public assembly areas of hotel and motels that contain seating for more than 10 (individual guest rooms are not included). These proposed rules are not anticipated to impose further restriction upon regulated furniture.

F) Agency Contact Person for Information:

Catherine Stashak
Division of Fire Prevention--Technical Services
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601

312/814-2425

G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2016 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Illinois Prepaid Tuition Program 23 Ill. Adm. Code 2775
- 1) Rulemaking:
- A) Description: Under HB 6302, modification of the definition for "eligible institution" expands the list of eligible institutions for the College Illinois! Prepaid Tuition Program to include all schools that are considered eligible educational institutions under section 529 of the federal internal Revenue Code. Contract holders would benefit from slightly increased flexibility in where they could use their benefits and program administration would be streamlined.
- B) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: Bill passed both houses. Sent to the governor.
- E) Effect on small businesses, small municipalities or not-for-profit corporations:
None
- F) Agency contact person for information:

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

847/948-8500, ext. 18032
email: lynn.hynes@isac.illinois.gov
fax: 847/831-8515

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2016 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

EXECUTIVE ORDER

2016-7
EXECUTIVE ORDER DESIGNATING
THE ILLINOIS DEPARTMENT OF TRANSPORTATION
AS THE STATE SAFETY OVERSIGHT AGENCY

WHEREAS, recent federal law, codified at 49 U.S.C. § 5329, requires the Federal Transit Administration ("FTA") to assume greater responsibility for safety and security oversight of all modes of public transit; and

WHEREAS, federal law also requires each state to designate a state safety oversight ("SSO") agency to assume greater responsibility and accountability for rail transit that is outside the jurisdiction of the Federal Railroad Administration ("FRA"); and

WHEREAS, the Regional Transportation Authority ("RTA") and the St. Clair County Transit District ("SCCTD") have developed and adopted system safety program standards for the Chicago Transit Authority and the Bi-State Development Agency, respectively, as required by federal regulations; and

WHEREAS, the RTA and the SCCTD are not eligible under federal law to perform statewide rail transit oversight functions because their jurisdictions are limited to their respective geographic regions; and

WHEREAS, state law, 20 ILCS 2705/2705-300, authorizes the Illinois Department of Transportation ("IDOT") to "[p]articipate fully in a statewide effort to improve transport safety"; and

WHEREAS, on January 30, 2014, Governor Quinn designated IDOT as the SSO Agency for all rail public transit in the planning phases or in operation within the State of Illinois and not under the safety jurisdiction of the FRA; and

WHEREAS, the RTA, the SCCTD, and IDOT will enter into an intergovernmental contract, as authorized by the Intergovernmental Cooperation Act, 5 ILCS 220/5, pursuant to which IDOT will develop a statewide system safety program, as required by federal law and regulations; **THEREFORE**, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. STATE SAFETY OVERSIGHT

EXECUTIVE ORDER

1. IDOT shall take all necessary steps to effectuate the transition of SSO responsibility, including the negotiation and entry of intergovernmental contracts with the RTA and the SCCTD pursuant to the Intergovernmental Cooperation Act.
2. Pursuant to those intergovernmental contracts, IDOT will assume its role as the designated SSO Agency for the Chicago Transit Authority on July 1, 2016, and its role as the designated SSO Agency for the Bi-State Development Agency, and therefore the SSO Agency for Illinois, on January 1, 2017. In that capacity, IDOT will lead the state safety oversight transition to ensure compliance with 49 U.S.C. § 5329 and other applicable federal laws and regulations.
3. IDOT shall work collaboratively and in partnership with current SSO providers, transit service agencies, and other public transportation stakeholders statewide to develop and adopt a statewide system safety program standard in accordance with 49 C.F.R. part 659 for the safety of rail fixed guideway systems and the personal security of the systems' passengers and employees and establish procedures for safety and security reviews, investigations, and oversight reporting.

II. SAVINGS CLAUSE

This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement.

III. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order.

IV. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

V. EFFECTIVE DATE

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

Issued by Governor: June 24, 2016

Filed with Secretary of State: June 24, 2016

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 40, Issue 28 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

8 - 850	.....	8880
44 - 1	.....	8884
83 - 755	.....	8896
83 - 756	.....	8939
83 - 790	.....	8952
32 - 310	.....	8957
32 - 330	.....	8979
11 - 1800	.....	9024
4 - 1200	.....	9043
17 - 4120	.....	9050
17 - 4140	.....	9055
86 - 110	.....	9063
80 - 160	.....	9092
80 - 1650	.....	9146

ADOPTED RULES

38 - 120	8/1/2016	.....	9167
2 - 1580	6/21/2016	.....	9179
77 - 730	6/21/2016	.....	9201
11 - 603	7/1/2016	.....	9208
86 - 429	6/24/2016	.....	9222
86 - 750	6/24/2016	.....	9229

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

16 - 7	6/24/2016	9302
--------	-----------	-------	------

REGULATORY AGENDA

44 - 8	.....	9254
44 - 1	.....	9255
44 - 4	.....	9257
35 - 1500	9258
80 - 1100	9260
35 - 360	9271
2 - 1620	9280
77 - 1130	9281
41 - 110	9284
23 - 2775	9300

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