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INTRODUCTION

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

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or 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

BOARD OF EXAMINERS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certificate of Certified Public Accountant
- 2) Code Citation: 23 Ill. Adm. Code 1400
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1400.10	Amendment
1400.20	Amendment
1400.30	Amendment
1400.40	Amendment
1400.50	Amendment
1400.55	Repealed
1400.60	Amendment
1400.80	Amendment
1400.90	Amendment
1400.100	Amendment
1400.105	Amendment
1400.110	Amendment
1400.116	Amendment
1400.117	Amendment
1400.120	Amendment
1400.130	Amendment
1400.140	Amendment
1400.150	Amendment
1400.160	Amendment
1400.170	Amendment
1400.175	Amendment
1400.177	Amendment
1400.180	Amendment
1400.190	Amendment
1400.200	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2 and 26 of the Illinois Public Accounting Act [225 ILCS 450/2, 26, as amended by PA 98-254, effective August 9, 2013]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments would make changes throughout the Part regarding the administration of the Uniform Certified Public Accountant examination. The proposed amendments would also make a number of technical changes to update references and reflect current practices and circumstances.

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NOTICE OF PROPOSED AMENDMENTS

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 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? No
- 10) Are there any other proposed 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: Interested persons may present their comments concerning this proposed rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Russ Friedewald, Executive Director
Illinois Board of Examiners
1120 E. Diehl Road, Suite 107
Naperville IL 60563

815/753-8900
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Those providing or desiring to provide the services of public accountants and certified public accountants
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: Public accounting skills are required.

BOARD OF EXAMINERS

NOTICE OF PROPOSED AMENDMENTS

- 14) These rulemakings were not included on either of the two most recent Agendas because:
The need for rulemaking was not anticipated at that time, together with drafting and approval delays.

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

BOARD OF EXAMINERS

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VI: BOARD OF EXAMINERS

PART 1400

CERTIFICATE OF EDUCATION AND EXAMINATION REQUIREMENTS~~CERTIFIED~~
PUBLIC ACCOUNTANT

Section

1400.10	Administrative Functions
1400.20	Duties of the <u>IBOE</u> Board of Examiners
1400.30	Appointment to the Board of Examiners
1400.40	Board Address
1400.50	Organization and Compensation of the Board of Examiners
1400.55	Admission to the Examination; Issuance of Reciprocal Certified Public Accountant Certificates (<u>Repealed</u>)
1400.60	Filing of the Application and Payment of Fees
1400.70	Rebate of Fees
1400.80	Appeals; Hearings
1400.90	The Educational Requirement
1400.100	Examinations – General
1400.105	Examinations – Misconduct
1400.110	Examinations – Uniform Examination – Non-Disclosure – Security
1400.115	Examinations – Required Confidentiality Statements
1400.116	Examination – Violations
1400.117	Examinations – Penalties for Violation of Non-Disclosure Provisions
1400.120	Examinations – Frequency
1400.130	Examinations – Scope
1400.140	Examinations – Length
1400.150	Examinations – Preparations and <u>Scoring</u> Grading
1400.160	<u>Grading Scale</u> , Transitional Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates
1400.170	Re-Examination
1400.175	Candidate Request for Scoring Review
1400.177	Required Exam on Rules of Professional Conduct
1400.180	Certificate of <u>Education and Examination Requirement</u> – Awarding <u>Certified</u> <u>Public Accountant</u>
1400.190	Retention of Records
1400.200	Disposition of Fees
1400.210	Granting Variances

BOARD OF EXAMINERS

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AUTHORITY: Implementing and authorized by Sections 2 and 26 of the Illinois Public Accounting Act [225 ILCS 450/2, 26], as amended by P.A. 98-254, effective August 9, 2013.

SOURCE: Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342; amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. 14143, effective August 26, 1994; emergency amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days; transferred from Chapter V, 23 Ill. Adm. Code 1300 (Board of Trustees) pursuant to 225 ILCS 450, January 1, 1994, at 19 Ill. Reg. 6325; amended at 20 Ill. Reg. 6262, effective May 1, 1996; amended at 21 Ill. Reg. 13315, effective September 26, 1997; amended at 28 Ill. Reg. 4548, effective March 5, 2004; emergency amendment at 28 Ill. Reg. 16485, effective December 17, 2004, for a maximum of 150 days; emergency expired May 15, 2005; amended at 29 Ill. Reg. 19524, effective November 21, 2005; emergency amendment at 31 Ill. Reg. 11373, effective July 27, 2007, for a maximum of 150 days; emergency expired December 23, 2007; amended at 35 Ill. Reg. 16071, effective September 26, 2011; amended at 40 Ill. Reg. _____, effective _____.

Section 1400.10 Administrative Functions

The administrative functions of the Illinois Board of Examiners (the Board or IBOE) under the Illinois Public Accounting Act (the Act) shall be performed by an Executive Director ~~of the Board of Examiners~~, appointed by and responsible to the Board, or others designated by the Executive Director or the Board.

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

Section 1400.20 Duties of the IBOEBoard of Examiners

- a) The Board shall receive all requests for credential evaluations and applications for examinations under the Act, shall examine all evidence pertaining to any request for credential evaluation or application for examination, shall inform candidates, by electronic mail or U. S. First Class Mail, of their eligibility to test and shall issue an Authorization to Test to the qualifying submitted in support of or in opposition to such applications, and shall issue letters of approval to the candidates to take the examination sections requested. After paying the appropriate fees to the IBOE and other entities or vendors selected by the IBOE regarding the administration of the examinations, such as the National

BOARD OF EXAMINERS

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~~The candidate may~~ shall contact Prometric or any approved test vendor to schedule an appropriate time and location for the examinations. ~~center identified by the Board to schedule the time and place for the examination at an approved test site.~~

- b) The Board shall inform the candidates to contact Prometric or any approved test vendor for test locations. ~~of the addresses and telephone numbers of the testing sites, shall advertise the same according to the provisions of the Act, and shall oversee the conduct of such examinations.~~
- c) The Board ~~may~~ shall contract with the American Institute of Certified Public Accountants (AICPA) or other test vendor to who shall deliver examinations examination questions via a Virtual Private Network to designated testing centers, ~~to be stored encrypted until such time as they are provided to the examination candidate.~~
- d) The Board shall ~~approve~~ determine the scores of all candidates who have taken the examinations ~~under the Act~~ and ~~shall~~ certify the names of the candidates who attain passing scores and satisfy the other qualifications prescribed by the Act and this Part.
- e) The Board shall receive all applications for the ~~certified public accountant~~ certificate of completion of education and examination filed under Section 5 of the Act, shall examine all evidence submitted in support of ~~or in opposition to those such~~ applications, and shall certify the names of the applicants whose qualifications have been determined by the Board to comply with ~~the provisions of~~ this Part.
- f) The Board will, at the request of the candidates and upon payment of the required evaluation fee, provide an unofficial evaluation of transcripts to determine any deficiencies. The candidate will not be considered an applicant until the candidate submits a credential evaluation application and pays the full credential evaluation fee. ~~shall receive all applications for the certified public accountant certificate filed under Section 1400.160(d) of this Part, shall examine all evidence submitted in support of or in opposition to such applications, and shall certify the names of the applicants whose qualifications have been determined by the Board to comply with the provisions of the Act and this Part.~~

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

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Section 1400.30 Appointment to the Board of Examiners

The members of ~~the~~this Board of Examiners, having the qualifications ~~as~~ specified in Section 2 of the Act, shall be appointed by the Governor or nominated as provided in Section 1400.50(c)(3). Nominations under Section 1400.50(c)(3)~~The nominations~~ shall be forwarded to the Governor of Illinois.

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

Section 1400.40 Board Address

- a) The mailing address of the Board is:

Board of Examiners
1120 E. Diehl Road, Suite 107
Naperville, Illinois 60563
~~Room 216~~
505 E. Green Street
Champaign, Illinois 61820-5723

- b) The Board's rules are available for inspection and copying. Notices and notices of Board and Board Committee meetings are posted pursuant to the Open Meetings Act [5 ILCS 120]. Information on the examination, including an application to sit for the examination, the location where the examination is given, qualifications for the examination, and information on the application process are available by contacting the Board at the address in subsection (a); by email at help@ilboe.org; by visiting the Board website at: www.ilboe.org; by telephone at: 815-753-8900; or by telefax at: 815-753-8963. A candidate may not submit an application for the examination via fax.~~at:~~

~~Room 216~~
~~505 E. Green~~
~~Champaign, Illinois 61820-5723~~

- e) ~~The Board's telephone number, at which the public may request information on the examination, including an application to sit for the examination, dates of the examination, the location where the examination is given, qualifications for the examination, and information on the application process, is (217) 333-1565.~~
- d) ~~The Board's fax number, through which the public may submit written requests~~

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~~for information on the examination, including an application to sit for the examination, dates of the examination, the locations where the examination is given, qualifications for the examination, and information on the application process, is (217) 333-3126. PLEASE NOTE: A candidate may not submit an application to sit for the examination via fax.~~

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

Section 1400.50 Organization and Compensation of the Board of Examiners

- a) The Board shall annually elect a Chair and a Vice-Chair as officers of the Board, to serve a one year term from August 1 through July 31 of the following year, as follows:
- 1) On or before August 1 of each year, Board members ~~who have been duly appointed pursuant to Section 2 of the Act to serve during the subsequent year~~ will meet to elect from among the Board members a Chair and Vice-Chair.
 - 2) ~~The nominating committee created under subsection (c)(3) of this Section shall propose one nominee for Chair and one nominee for Vice Chair. The recommendations of the nominating committee shall be forwarded to each member by June 1 of each year.~~
 - 3) ~~Nominations in addition to those made by the nominating committee may be made by any three Board members at or before the meeting at which the officers shall be elected.~~
 - 2)4) The ~~only~~ order of business at the meeting shall be limited to:
 - A) the election of the Chair and Vice-Chair;
 - B) and establishment of dates for regular Board meetings for the coming fiscal year by the newly elected Board Chair.
 - 3) The meeting shall be presided over by the ~~current~~previous year's Chair, or such other Board member as the Board may agree upon.
 - 4)5) If only one person is nominated for an office, election may be by voice vote. If more than one person is nominated, election shall be by secret

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ballot. In order to be elected Chair or Vice-Chair, a Board member must receive a majority of the~~no fewer than five~~ votes cast.

- b) Duties of Chair, Vice-Chair and Board Members; Removal
- 1) The Chair shall preside at and prepare an agenda for all Board meetings. The Chair will make appointments as indicated in subsection (c) of this ~~Section~~ and shall supervise the activities of the Executive Director in accordance with the Board directives and ~~policies~~policy.
 - 2) The Vice-Chair shall preside at Board meetings in the absence of the Chair, shall serve as Chair during any term of disability of the Chair, and shall serve the remainder of the term in the event of the death, resignation or removal of the Chair.
 - 3) The meetings of the Board are subject to all requirements of the Open Meetings Act [5 ILCS 120]. Board members are expected to attend all Board meetings and to accept assignment by the Board Chair to and attend all meetings of Board Committees to which the members have been assigned.
 - 4) ~~An~~The Chair or Vice-Chair of the Board may be removed from his or her position as an officer of the Board, including the Chair or Vice-Chair, may be removed from that position by the affirmative vote of a majority plus one of all six Board members of the Board taken at any regular Board meeting or at any special Board meeting called for that purpose. Not less than 15 days written notice shall be given to each Board member of the intent to call for a vote to remove the ~~officer~~Chair or Vice-Chair from ~~his/her~~ office.
 - 5) ~~Any Board member who misses three consecutive Board meetings, or four or more consecutive Board and/or Board Committee meetings, without an excuse reasonably acceptable to the Chair, shall be subject to removal by the Chair. The Chair shall accept as an excuse such reasons as illness of the Board member, serious illness or death of a family member, unavoidable conflict with other professional commitments, and other reasons which make it highly difficult for a Board member to fulfill his/her obligations. A Board member's previous attendance record may be considered by the Chair in determining the reasonableness of an excuse offered by the Board member. Any Board member removed by operation~~

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~~of this subsection (b)(5), or whose excuse for failure to attend a Board meeting or Board committee meeting is not reasonably accepted by the Chair, may appeal to the full Board. In the event of such an appeal, in order to uphold the Chair's determination and/or removal of a Board member, the Board must affirm the determination or removal by an affirmative vote of five Board members, of which the Chair may be one.~~

- c) The Chair shall appoint the following committees:
- 1) An Administrative Committee, composed of three members, one of whom shall be appointed Chair of the Committee by the Chair of the Board. The function of the Administrative Committee is to review and make recommendations to the Board for changes in the Board rules and policies as may be appropriate or necessary. The Committee shall undertake additional responsibilities as delegated by the Board or the Board Chair.
 - 2) A Finance Committee, composed of the Chair or Vice-Chair of the Board, and such additional members as the Board or Board Chair may determine. The Board Chair or Vice-Chair shall serve as Chair of the Finance Committee. The function of the Finance Committee is to prepare and recommend a budget for Board approval, to make such recommendations for adjustment of fees as it deems necessary or appropriate, and to maintain oversight of the financial operations of the Board, the Board's budget, applicable laws and regulations relating to financial issues, and any accounting procedures adopted by the Board.
 - 3) A Nominating Committee, composed ~~entirely of all of the immediate past Chair, two members of the current Board and two former~~ members of the Board, ~~shall meet as a committee of the whole~~. The function of the Nominating Committee ~~will~~ shall be to nominate members ~~of~~ the Board to fill vacancies on the Board and to nominate officers for the Board as set forth in subsection (a)~~(2) of this Section~~. The Nominating Committee shall prepare its recommendations by April 1 of each year for nominations to fill the terms of Board members whose terms expire July 31 of that year. The Nominating Committee shall also meet at such other times as may be necessary to make nominations to fill positions that have been vacated due to the death, resignation or removal of a Board member. In carrying out its duties to nominate individuals to the Board, the Nominating Committee ~~may~~ shall give preference to current Board members who are eligible for an additional term, unless the individual has

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requested that he/she not be reappointed. ~~To avoid conflicts of interest and the appearance of conflicts of interest, before any person is nominated to the Board, he or she shall agree that from the time of appointment to the Board and for one year following termination of his or her Board service, the nominee will not participate in any capacity or have any interest in a CPA examination coaching or review course of any kind, and will not engage in any capacity or enter into any relationship that might involve or reasonably appear to others to involve a conflict of interest with his or her position as a Board member.~~ The Nominating Committee ~~may~~will also consider recommendations from past Board members and ~~any~~the professional ~~association~~associations of certified public accountants in developing its recommendations. The Nominating Committee shall nominate only that number of individuals as are needed to fill vacancies on the Board. The Nominating Committee shall forward its nominations to the Governor of Illinois.

- 4) A Candidacy Committee, composed of three or more members, one of whom shall be appointed Chair of the Committee by the Chair of the Board. The function of the Candidacy Committee will be to review questions that arise regarding qualifications of applicants for examination and requests from applicants for a waiver or deferral under Section 2 of the Act, or for other relief under the Americans With Disabilities Act (42 USC 12101) or similar laws, and determine the disposition of such petitions, subject to appeal pursuant to Section 1400.80 of this Part. The Candidacy Committee shall also make such recommendations to the Board for promulgation of rules or policies with regard to petitions for waiver or deferral under Section 2 of the Act, or under the Americans With Disabilities Act or similar laws, as it deems appropriate.
- ~~5) A State Liaison to provide liaison between the Board and such other professional associations of certified public accountants as the Board shall deem appropriate regarding current issues in the accounting profession.~~
- 56) Such other ~~Committee~~committees as the Chair or Board shall deem to be necessary to carry out the duties and responsibilities of the Board.
- 6) Except as may be specifically authorized by the Board or this Part, the actions of any Committee shall be advisory only and are subject to approval or rejection by the Board.

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- 7) Except as may be specifically authorized by the Board or by ~~this Part~~these regulations, the actions of any Committee shall be advisory only and are subject to approval or rejection by the Board.
- d) Board and Committee Meetings
- 1) Board meetings shall be held at such times, dates and places as may be determined by the Board Chair or three Board members as follows:
- A) ~~At the Board, which shall at~~ its meeting at which officers are elected, establish dates for the following year at which regular meetings of the Board shall take place (see subsection (a));
- B) call of the Board Chair, a notice of which shall be communicated to all Board members not less than 15 days prior to the date of the meeting, except as provided in subsection (d)(1)(D). ~~The, and which~~ notice shall specify the subject or subjects to be discussed;
- C) call of any three Board members, a notice of which shall be communicated to all Board members not less than 15 days prior to the date of the meeting, except as provided for in subsection (d)(1)(D). ~~The, and which~~ notice shall specify the Board members calling for ~~the such~~ meeting and the subject or subjects to be discussed; or
- D) on an emergency basis by the Chair or any three Board members, on less than 15 days notice, in which case notice shall be given not less than 48 hours before the meeting and shall specify the Board members calling for ~~the such~~ meeting and the specific subject or subjects to be discussed and the emergency ~~that which~~ is the basis for calling a meeting under the provisions of this subsection (d)(1)(D).
- 2) ~~For the purpose of notice required by subsection (d)(1)(D), such notice may be waived by unanimous consent of all Board members, reflected by a written statement signed by all Board members and placed in the official minutes of the meeting.~~
- 23) Public notice of all Board and Committee meetings shall be given in accordance with the Open Meetings Act. Committee meetings will be

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~~conducted at such times, dates and locations as may be requested~~ ~~may be called~~ by the Board Chair, the Committee Chair, or ~~by~~ a majority of the members of any Committee. ~~Notice of the time, date and place of a Committee meeting, and the subjects to be discussed, shall be communicated to all Committee members and the Chair of the Board not less than 15 days prior to the date of the meeting. Notice may be waived by unanimous consent of all Committee members, which shall be reflected by a written statement signed by all Committee members and placed in the official minutes of the meeting.~~ 4) Any actions taken at a meeting for which notice fails to comply with the notice requirements of this Section or of the Open Meetings Act shall be void and of no effect.

- 35) A quorum of the Board necessary to conduct the business of the Board shall be a simple majority of the current Board membership. ~~six members~~. Action of the Board, ~~except as specified in subsection (a)(5) of this Section~~, shall be by a majority vote of those present at the Board meeting.
- 46) A quorum of any Board Committee shall be a simple majority of the members appointed to the Committee. Committee action shall be by a simple majority of Committee members present, except as may be specified by the Board Chair or Committee Chair in the case of delegation of specific Board authority to a Committee.
- 57) At all Board and Committee meetings, ~~except hearings conducted under the provisions of Section 1400.80 of this Part~~, a quorum of members must be physically present at the location of the meeting. Attendance of members by video or audio conference is allowed if:
- A) a quorum of the members is physically present at the meeting location;
 - B) the member is physically prevented from attending due to personal illness, disability, employment requirements, tending to the business of the IBOE, or a family or other emergency; and
 - C) the requirements of the Open Meetings Act are satisfied.
- 6) Attendance by video or audio conference is also allowed as provided in the Open Meetings Act.

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- 7) ~~Any~~ Board member may designate another Board member to vote as his or her proxy on his or her behalf on any issue before the Board. To be valid, ~~the~~ designation must be in writing and signed by the Board member so designating, and shall clearly set forth the extent of the grant of authority, the specific issue or issues to which the grant of authority applies, and any limits or restrictions to which the grant of authority is subject ~~to~~. The Board member receiving the proxy authority may, if present, exercise any or all authority granted under the terms of the proxy or may choose to decline exercise of all or any portion of ~~that~~ authority.
- 8) For purposes of this Part, any Board member will be considered present at any meeting of the Board or Board ~~Committee~~ committee, except hearings conducted under ~~the provisions of~~ Section 1400.80 ~~of this Part~~, if he or she is physically present, has given his or her valid proxy to a Board member who is otherwise present, or takes part in the meeting and deliberations by teleconference and/or video conference.
- 9) Compliance with the Open Meetings Act ~~[5 ILCS 120]~~. The Executive Director shall publish notice of all meetings of the Board and Board Committees by posting a notice and agenda ~~thereof~~ at the Board Office.
- e) Members of the Board of Examiners shall be reimbursed for travel in accordance with the Governor's Travel Control Board Rules (80 Ill. Adm. Code 2800) and the Travel Regulation Rules (80 Ill. Adm. Code 3000).

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

Section 1400.55 Admission to the Examination; Issuance of Reciprocal Certified Public Accountant Certificates (Repealed)

- a) ~~The Executive Director, on behalf of the Board, shall:~~
- 1) ~~issue a letter of approval to any applicant who has timely filed an application, along with the required fee and evidence of compliance with all requirements of the Act and this Part, and forward notification of eligibility to the National Association of State Boards of Accountancy (NASBA) National Candidate Database (NCD);~~
- 2) ~~issue a certificate as a certified public accountant to any individual who~~

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~~holds a valid, unrevoked certificate as a certified public accountant issued under the laws of any other state or territory of the United States, or the District of Columbia, upon receipt of an application, along with the required fee and evidence showing compliance with Section 5 of the Act;~~

- ~~3) issue a certificate as a certified public accountant to any individual who holds a foreign designation, granted in a foreign country, entitling the holder thereof to engage in the practice of public accounting, upon receipt of an application, along with the required fee and evidence showing compliance with Section 5.1 of the Act.~~
- b) ~~In cases in which the Executive Director has denied an application under subsection (a)(1), (2), or (3) of this Section, and in cases in which an applicant requests special consideration under any other provision of the Act or this Part, or under any other applicable law, the Executive Director shall refer the case to the Candidacy Committee established under Section 1400.50(c)(4).~~
- e) ~~The Candidacy Committee shall review all applications referred to it under Section 1400.50(b), including all documents and evidentiary exhibits submitted by the applicant, within 15 days after receipt of requests for special consideration by the Executive Director.~~
- d) ~~The Candidacy Committee may, in cases in which expert testimony is submitted by an applicant, require that an applicant undergo evaluation by an expert retained by the Board, at the Board's expense. The evaluation shall be at a time and place reasonably convenient to the applicant. A copy of the results of the evaluation shall be made available to the applicant upon the applicant's request.~~
- e) ~~A vote of a majority of the members of the Candidacy Committee shall be necessary to take any action. The Executive Director shall advise each applicant by mail, to the address listed on the application, within 15 days after the determination by the Candidacy Committee.~~

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

Section 1400.60 Filing of the Application and Payment of Fees

- a) Applications to take the CPA examination must be made on a form provided by the Board and filed with the Board. An applicant must file an application with the Board together with official transcripts of academic records to establish eligibility

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even if the applicant has tested as a candidate in another jurisdiction. The proper fee must accompany each application for credential evaluation, authorization to test, re-authorization to test, reciprocity, and transfer of examination grades. The fee schedule is as follows:

- | | | |
|---------------|---|-----------------------------|
| 1) | Credentials evaluation: | |
| | A) Domestic credentials evaluation | \$200 175 |
| | B) International credentials evaluation | \$250 |
| | <u>B</u>) Combination of international and domestic credentials evaluation | <u>\$175</u> 250 |
| | <u>C</u>) <u>Pre-evaluation (no application)</u> | <u>\$50</u> |
| 2) | Authorization and re-authorization to test: | |
| | A) 4 different sections | \$120 |
| | B) 3 different sections | \$108 |
| | C) 2 different sections | \$ 76 |
| | D) 1 section | \$ 40 |
| 3) | Application for certification under Section 5 of the Act (reciprocity) | \$345 |
| <u>3</u> 4) | Application for certification by complete transfer of examination grades pursuant to Section 1400.160 | \$345 |
| 5) | Foreign credentials evaluation under Section 5 of the Act (reciprocity) | \$250 |
| 6) | Foreign credentials evaluation by total transfer of credit | \$250 |
| <u>4</u> 7) | <u>Duplicate Certificate of successful completion of Education and Examination</u> Certification of valid Illinois Certified Public Accountant certificate | \$ 30 |

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- | | | |
|----------------|---|------------------|
| 8) | Duplicate Certified Public Accountants certificate | \$ 30 |
| <u>59)</u> | NSF check fee | \$ 25 |
| 10) | Computer disk | \$ 50 |
- b) The Board shall establish and collect fees reasonably calculated to reimburse its actual cost for reproducing the electronic database a fee of \$.50 per page for letter and legal size copies of lists and \$50 per computer disk of the names and addresses of successful candidates and names and addresses of applicants approved to take the examination, released quarterly, as public information under ~~the provision of~~ Section 2 of the Act. For records not in a portable document format (.pdf), the fee shall be \$20 for not more than 2 MB of data, up to \$40 for more than 2 but not more than 4 MB of data, and up to \$100 for more than 4 MB of data. For records in a portable document format (.pdf), the fee shall be up to \$20 for not more than 80 MB of data, up to \$40 for more than 80 MB of data, and up to \$100 for more than 160 MB of data. The fees are for reimbursement for the cost of production, handling and shipping.
- c) An application will not be considered filed until all application fees required by this Section and all required supporting documents have been received, including proof of identity as determined by the Board and specified on the application form, and official transcripts showing that the candidate has satisfied all education requirements.
- d) The Board or its designee will forward notification of eligibility for the examination to the NASBA national candidate database.
- e) Each candidate shall pay to the Board or its designee a candidate testing fee that includes the actual fees charged by the AICPA, NASBA, other entity or vendor selected by the Board, and the examination delivery provider for each examination section scheduled by the candidate.
- f) ~~The Board will waive the evaluation fee for an examination candidate with domestic credentials who paid the application fee to write a pencil and paper exam held within three years from the date of an application for the computer-based examination.~~

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- g) ~~The Board will waive the evaluation fee for an examination candidate with domestic credentials who can present a copy of an official Board of Examiners credential evaluation letter dated within three years prior to the date of application for the authorization to test for the computer-based examination.~~

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

Section 1400.80 Appeals; Hearings

- a) An individual whose application or request is denied by the Candidacy Committee may, within 15 days after the ~~date~~mailing of the notice of a denial or acceptance with modifications of his or her application, appeal to the Board by filing ~~therewith~~ a petition for hearing.
- 1) The petition for hearing ~~shall be sent to the Board by U.S. Mail, must be~~ postmarked ~~no not~~ later than 15 days after the ~~date~~postmark of the notice of denial or acceptance with modifications.
 - 2) The petition for hearing need not be in any particular form, but shall include the name of the petitioner, the nature of the application or request ~~that which~~ was denied, and the specific grounds on which the individual seeks to have the determination of the Candidacy Committee overturned.
- b) A candidate charged with misconduct pursuant to Section 1400.105 ~~of this Part~~, or any person charged with violation of the confidentiality provisions of Section 1400.110 ~~of this Part~~, may, within 30 days following the date notified of the charge, file a petition for hearing before the Board to contest the charge and/or to present evidence and argument requesting leniency in imposition of penalties.
- c) All petitions for hearing, if filed in accordance with subsection (a) or (b) ~~of this Section~~, shall be heard by the Board, except that the members of the Candidacy Committee, any member of the Board who has brought the charge ~~that which~~ is the subject of a hearing under subsection (b), and any member of the Board who is a substantive witness at ~~the such~~ hearing shall be excluded from voting. If a petition for hearing fails to comply with subsection (a) or (b), as applicable, the Board shall deny the petition and notify the petitioner of the denial and the grounds ~~for the denial therefor~~ within 15 days. Individuals whose petitions have been denied for failure to comply with subsection (a) or (b), as applicable, may appeal that denial by filing a written petition in compliance with subsection (a), in which case the Board shall review and make a determination of the adequacy of

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the original petition based solely on written evidence submitted.

- d) All hearings shall be considered "de novo", and neither the Board nor the parties shall be limited to presenting or considering evidence that was previously presented. In hearings under subsection (a), the burden of proving facts ~~that~~which entitle the petitioner to the relief requested, and of establishing an adequate legal basis for the relief requested, shall be on the petitioner. ~~The, who must sustain the~~ burden of proof must be sustained by a preponderance of the evidence. At a hearing to contest the validity of charges under subsection (b), the burden of proving the charge shall be on the accuser, who shall be required to prove the charges by a preponderance of the evidence.
- e) Notice of Hearing. Upon receipt of a timely and sufficient petition, the Board shall notify the petitioner of the time, date and place of hearing, and reference to the substantive and procedural rules ~~that~~which will govern the hearing. The notice shall be sent by certified mail to the petitioner at the address shown on the petition not less than 15 days prior to the date of the hearing.
- f) Continuances-
- 1) Within seven days after the receipt of the notice of hearing, a petitioner may request a continuance of the hearing. The request must reach the Board Office not later than five days prior to the scheduled hearing date. The hearing officer shall reject a request for continuance unless the petitioner shows good cause why he or she cannot attend and present his or her case at the time, date and place indicated in the notice of hearing.
 - 2) The hearing officer may order a continuance of any hearing at any time, whether or not any evidence has yet been presented, as may be necessary to further the interests of justice and fairness.
- g) In the event a petitioner fails to appear, the Board may affirm the decision ~~that~~which is the subject of the appeal without further proceedings.
- h) All hearings shall be presided over by a hearing officer who shall be the Board Chair, or in his or her absence, or if the Board Chair is the person bringing a charge that is the subject of a hearing under subsection (b), or at the discretion of the Board Chair, a Board member who is an attorney licensed to practice in this State or any other attorney licensed to practice in this State as may be appointed by the Board Chair. A hearing officer shall be disqualified on his or her own

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motion or upon motion by either party, upon a showing of bias or conflict of interest. ~~Bias~~~~Such bias~~ or conflict of interest shall include, but not be limited to, the existence of a close family, business or financial relationship or interest between the hearing officer and the petitioner, any Board member or employee of the Board, or any witness. The hearing officer shall have the duty to insure a fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear and complete record. The hearing officer shall have all powers necessary to these ends, including but not limited to:

- 1) ruling upon offers of proof and receive evidence and rule upon objections to the introduction of evidence;
 - 2) regulating the course of the hearings and conduct of the parties and their counsel ~~therein~~; and
 - 3) interrogating witnesses.
- i) Petitioner may represent himself or herself at the hearing, or may be represented by an attorney licensed to practice in the State. The Petitioner shall notify the Board, not less than five business days prior to the hearing, of the names and roles of all persons appearing before the Board on behalf of the Petitioner. The decision of the Candidacy Committee, in an appeal brought under subsection (a) ~~of this Section~~, shall be presented by the Executive Director, a member of the Candidacy Committee who took part in decisions with regard to the particular applicant who is the petitioner in the appeal, or by an attorney licensed to practice in this State. A charge heard under subsection (b) ~~of this Section~~ shall be presented by the Executive Director or his or her designee, or by a Board member who has made the charge, or by an attorney licensed to practice in this State.
- j) The sequence to be followed in hearings is as follows:
- 1) The party bearing the burden of proof shall make a brief opening statement of his/her case, indicating the issues intended to be addressed, the facts sought to be established, and the action being requested of the Board. The opposing party may make an opening statement, indicating the basis of its decision and the issues upon which its decision was based.
 - 2) The party bearing the burden of proof may present evidence and witnesses, after which the opposing party may present evidence and witnesses. Following each witness, the other party may cross-examine the

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witness, and thereafter members of the Board and/or the hearing officer may question the witness.

- k) In hearings under subsection (a) ~~of this Section~~, all documents that were a part of the record available to the Candidacy Committee shall be admitted into evidence and copies ~~shall be~~ ~~hereof~~ made available to the petitioner at the hearing or, upon request, prior thereto. In addition, in all hearings the hearing officer shall admit evidence ~~that which~~ is admissible under the rules of evidence pertaining to civil actions in Illinois, and shall admit material, relevant evidence ~~that which~~ would be relied upon by reasonably prudent persons in the conduct of serious affairs ~~that which~~ is reasonably reliable and reasonably necessary to resolve the issue before the Board. The hearing officer shall exclude from consideration immaterial, irrelevant, and repetitious evidence.
- l) At the conclusion of the hearing, including any continuance ~~of the hearing~~ ~~thereof~~, the Board shall deliberate in a closed meeting and, within 15 days after the hearing, notify the petitioner and the petitioner's attorney, if ~~any, represented by an attorney~~, by certified mail of its decision. In a hearing under subsection (a) ~~of this Section~~, the determination of the Candidacy Committee shall be upheld unless the Board ~~overrules~~ ~~shall overrule~~ it by a vote of a majority of Board members present, not including Board members excluded because of participation on the Candidacy Committee. In a hearing under subsection (b) ~~of this Section~~, a vote of a majority of the Board present and voting shall be necessary to sustain a charge and/or to impose penalties. The determination of the Board shall be final.

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

Section 1400.90 The Educational Requirement

- a) Requirements Applicable Until January 1, 2001
- 1) As provided in Section 3 of the Act, to be admitted to take the examination given before January 1, 2001, a candidate for the Illinois ~~Uniform Certified Public Accountant~~ ~~certified public accountant~~ examination must have successfully completed at least 120 semester hours of acceptable credit. Of the semester hours accepted by the Board, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided not more than 6 semester hours shall be in business law. Candidates may apply to take the certified public accountant

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examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given.

- 2) Acceptable credit recognized by the Board is:
 - A) credit earned from a college or university that is a candidate for or is accredited by a regional accrediting association that is a member of the Commission on Recognition of Postsecondary Accreditation (CORPA);
 - B) credit earned at a business school or college of business within the educational institution that is accredited by the American Assembly of Collegiate Schools of Business (AACSB); or
 - C) Association of Collegiate Business Schools and Programs (ACBSP).

- b) Requirements Applicable from January 1, 2001 Until July 1, 2013
 - 1) To be admitted to take the examination for the first time after January 1, 2001 until July 1, 2013, a candidate for the Illinois CPA examination must have successfully completed at least 150 semester hours of acceptable credit and earned a baccalaureate or higher degree. The semester hours accepted by the Board must include an accounting concentration or its equivalent. A candidate will be deemed to have met the education requirement if, as part of the 150 semester hours of education or equivalent as determined by the Board, he or she has met any one of the four conditions listed in subsections (b)(1)(A) through (D). With each of the conditions listed, accounting hours do not include business law, and no more than six semester hours of accounting may be obtained through internships or life-experience.
 - A) Earned a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency recognized by the Board.
 - B) Earned a graduate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed at least 24 additional semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level

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or equivalent combination thereof, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting.

- C) Earned a baccalaureate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed 24 semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting, and completed at least 24 additional semester hours of business courses, or substantially equivalent (other than accounting) courses, at the undergraduate or graduate level.
 - D) Earned a baccalaureate or higher degree from an accredited educational institution or other institution recognized by the Board, including at least 24 semester hours of accounting at the undergraduate and/or graduate level with at least one course each in financial accounting, auditing, taxation, and management accounting and completed at least 24 additional semester hours in business courses or substantially equivalent (other than accounting) courses at the undergraduate or graduate level.
- 2) For purposes of subsection (b)(1), the formula for conversion of quarter hours to semester hours is to multiply quarter hours by two-thirds.
 - 3) Authorization to Test
 - A) Except as otherwise provided in subsection (b)(3)(B), proof of satisfactory completion of all educational requirements must be received by the Board before the Board issues an authorization to test.
 - B) First time candidates who apply for the examination will be granted provisional approval of in-progress courses taken at domestic institutions. Candidates granted provisional approval shall be allowed 120 days from the date of taking the first section of the examination to provide evidence that all requirements have been completed. No grades will be released to the candidate until all final official credentials are received with degree posted, if required, and eligibility verified by Board~~board~~ staff. If final

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transcripts verifying completion of all courses for eligibility to sit are not received by the Board within 120 days after taking the first examination section of the computer-based examination, grades for all examination sections authorized with provisional approval will be voided.

- c) Requirements Applicable Beginning July 1, 2013
 - 1) Examination Qualifications
 - A) Beginning July 1, 2013, an applicant must provide proof of successful completion of:
 - i) 150 semester credit hours, as defined, of college or university study ~~that includes an accounting concentration or equivalent~~; and
 - ii) a baccalaureate or higher degree; and
 - iii) the requirements set out in subsection (c)(3).
 - B) Applicants who have taken the Uniform Certified Public Accountant Examination at least once before July 1, 2013 may take the examination under the qualifications in effect when the examination was first taken.
 - 2) Definitions
 - A) Board – Illinois Board of Examiners (IBOE).
 - B) Semester Credit Hours or SCH ~~accredited—conventional~~ college or university semester credit hours.
 - C) 150 SCH – ~~minimum number of credit hours~~ ~~accumulation of all credits~~ earned and posted to the applicant's official college or university transcripts.
 - D) Conversion of Quarter Credit Hours to SCH – quarter credit hours may be converted to SCH by multiplying quarter credit hours by two-thirds.

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- E) Internship – faculty approved and appropriately supervised short-term work experience, usually related to student's major field of study, for which the student earns academic credit as posted to the applicant's official college or university transcripts.
- F) Life Experience – college level life experience posted on a college or university transcript as academic credit that has been assessed by appropriate faculty and/or staff of that institution as earned competence. Those areas addressed in the review of life experience should, at a minimum, contain the context of the experience in relation to work and studies and a detailed description of the experience.
- ~~G) [AICPA Content Specification Outlines or CSOs – extent of the technical content identified to be tested on each of the four sections of the Uniform Certified Public Accountant Examination. The outlines list the areas, groups and topics to be tested.](#)~~
- GH) Colleges or Universities – Board-recognized institutions of higher education accredited by a [national or regional accrediting association recognized by the Council for Higher Education Accreditation \(CHEA\)](#), ~~and/or~~ the U.S. Department of Education (USDE) [and/or any accreditation organization approved by the Board](#). Recognition means the accrediting organization is certified as legitimate and competent. An individual program within a larger accredited institution may be separately accredited by a professional or specialized organization. Business schools recognized by the Board are accredited by the Association to Advance Collegiate Schools of Business (AACSB) or the Association of Collegiate Business Schools and Programs (ACBSP). ~~Programs in accounting recognized by the Board are accredited by AACSB or ACBSP.~~
- HI) Integration of Subject Matter – program of learning in which certain subjects that may be discrete courses in some colleges or universities are integrated or embedded within related courses. Colleges or universities that use an integrated approach to cover multiple course subjects will need to provide evidence of the required coverage. Acceptance of integration of any subject matter

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is subject to Board approval. Proof of coverage may be provided through specific evaluation by a national accrediting organization recognized by CHEA, such as AACSB or ACBSP, in which evidence is provided to assure the Board that the respective subjects adequately cover the desired content.

- ~~I~~) Ethics – program of learning that provides a framework of ethical reasoning, professional values and attitudes for exercising professional skepticism and other behavior that is in the best interest of the public and profession. At a minimum, an ethics program should provide a foundation for ethical reasoning and the core values of integrity, objectivity and independence.
- ~~J~~) Graduate Accounting Credit Hours – hours earned in courses classified by the college or university as post-secondary level courses leading to a master's degree. For purposes of meeting the accounting hours requirement, one graduate SCH is equivalent to 1.6 SCH earned at the undergraduate level.
- ~~K~~) Applicant – person who has applied to sit for the Uniform Certified Public Accountant Examination.
- ~~L~~) Research and Analysis in Accounting or R&A may be a stand-alone course or integrated into a related course or courses. If integrated in a related course or courses, colleges and universities will determine the amount of R&A that will be credited within the related course toward satisfying the R&A requirement.
- ~~M~~) Business Communication, or BC may be a stand-alone course or integrated into a related course or courses. If integrated in a related course or courses, colleges and universities will determine the amount of BC that will be credited within the related course toward satisfying the BC requirement.
- ~~N~~) Authorization to Test or ATT – issued to candidates approved by the Board of Examiners to take the Certified Public Accountant (CPA) Examination.
- ~~O~~) National Association of State Boards of Accountancy or NASBA – the national organization for all State Boards of Accountancy.

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- 3) Examination Admittance
- An applicant will be deemed to have met the educational requirement if, as part of the 150 SCH of education, or equivalent as determined by the Board, the applicant has met any one of the following three conditions:
- A) Earned a graduate degree from an accounting program that is accredited in accounting by an accrediting agency recognized by the Board (see subsection (c)(2)(~~GH~~));
 - B) Earned a graduate degree from a business or accounting program that is accredited in business by an accrediting agency recognized by the Board (see subsection (c)(2)(~~GH~~)) and completed at least 30 SCH in accounting as described in subsection (c)(4) at the undergraduate level, ~~or the equivalent at the graduate level;~~
 - C) Earned a baccalaureate or higher degree (except as defined (c)(3)(A) or (B)) from an accredited education institution recognized by the Board (see subsection (c)(2)(~~GH~~)) and:
 - i) completed 30 SCH in accounting, as described in subsection (c)(4), at the undergraduate level, or the equivalent at the graduate level; and completed at least 24 SCH in business other than accounting, as described in subsection (c)(4), at the undergraduate level.
 - ii) completed at least 24 SCH in business other than accounting, as described in subsection (c)(5), at the undergraduate or graduate level.
- 4) Accounting Course Requirements
- A) Research and Analysis in accounting~~Accounting~~ courses are those courses commonly included in the accounting curriculum. The required 30 SCH in accounting must include:
 - i) Financial accounting;
 - ii) Auditing;

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- iii) Taxation;
 - iv) Management accounting;
 - v) Research and Analysis (at least two SCH).
- B) ~~The 30 SCH in accounting may also include cost accounting, not-for-profit accounting, governmental accounting, internships and life experiences, research and analysis and other areas included in the CSOs that are approved by the Board.~~
- B) Internships and life experience credits included in the 30 SCH in accounting are limited to a maximum of three SCH.
- D) ~~The 30 SCH in accounting must include two SCH in research and analysis in accounting. The subject matter may be a discrete course or may be integrated throughout the undergraduate or graduate accounting curriculum. Integrated courses must meet the requirements of subsection (c)(2)(f). Two SCH in research and analysis in accounting is the maximum allowed in meeting the 30 SCH requirement.~~
- 5) Business Course Requirements
- A) Business courses are those courses commonly included in the business curriculum, ~~and cover some or all of the following subject matter content:~~
- i) ~~Business ethics;~~
 - ii) ~~Business law;~~
 - iii) ~~Economics;~~
 - iv) ~~Management;~~
 - v) ~~Marketing;~~
 - vi) ~~Finance;~~

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- vii) ~~Business communication;~~
 - viii) ~~Business statistics;~~
 - ix) ~~Quantitative methods;~~
 - x) ~~Information systems;~~
 - xi) ~~Internship and/or life experience; or~~
 - xii) ~~Other areas as may be approved by the Board.~~
- B) Internships and life experience credits included in the 24 SCH in business are limited to a maximum of three SCH.
- C) A maximum of three SCH of business internships and/or life experience credit hours may be included in the 24 SCH in business. Additional business internship and/or life experience credit hours may be used to meet a maximum of three SCH in accounting internships or life experience. An additional six SCH of internship and/or life experience credit hours may count toward satisfying the non-accounting or non-business hours required to sit for the CPA examination. Two SCH in business communication and three SCH in business ethics is the maximum allowed in meeting the 24 SCH requirement. For integrated courses across the accounting and business curriculums, SCH may only apply in meeting either the accounting or business SCH requirement. The 24 SCH in business must include two SCH in business communication and three SCH in business ethics. The subject matter may be discrete courses or integrated throughout the undergraduate or graduate accounting curriculum or business curriculum. For example, if a three SCH course in accounting includes one SCH in business ethics, two SCH may count toward accounting requirements and one SCH may count toward the business ethics requirement.
- 6) Evaluation of International Foreign Credentials
NASBA is the only organization authorized by the Board to conduct international credential evaluations on behalf of the Board. The Illinois Board of Examiners reserves the right to evaluate all foreign academic

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~~credentials.~~ Evaluations of international credentials completed by outside agencies other than IBOE or NASBA are not accepted. Factors that are considered when evaluating foreign educational credentials are:

- A) The official status of the institution that issued the credentials;
 - B) The type of education that the credential represents: secondary, tertiary, academic, technical, vocational, pre-professional, in-service, or part of a certificate, diploma or degree program;
 - C) The authenticity of the credential;
 - D) The role the credential plays in the educational system of the country from which it came;
 - E) The recognition of the credential in the country where the candidate is from; and
 - F) The U.S. equivalent of the quantity and quality of education the credential represents.
- 7) Authorization to Test
- A) Except as otherwise provided in subsection (c)(7)(B), proof of satisfactory completion of all educational requirements must be ~~approved~~received by the Board before the Board ~~will issue~~issues an authorization to test.
 - B) First time candidates who apply for the examination ~~may~~will be granted provisional approval of in-progress courses taken at domestic institutions. The Board must receive all final transcripts from ~~Candidates granted~~ provisional candidates, including degree posted (if required), within ~~approval shall be allowed~~ 120 days from the date of taking the first section of the examination ~~to provide evidence that all requirements have been completed.~~ No grades will be released to the candidate until all final official credentials are received and eligibility verified by Board staff. If final transcripts verifying completion of all courses for eligibility to sit are not received by the Board within 120 days after taking the first examination section of the computer-based examination,

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grades for all examination sections authorized with provisional approval will be voided.

- C) Provisional candidates must sit during the semester or term for all examination sections for which they have applied and been approved. Failure to sit for all approved sections during the semester or term for which they have been approved will result in provisional status being revoked and all exam sections taken being voided.
- D) Only one provisional ATT will be issued per candidate and no changes to the courses in progress may be made once received and approved by the Board.

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

Section 1400.100 Examinations – General

Examinations as prescribed in the Act shall be held ~~by the Board~~ at the times and locations places that have been determined by AICPA and Prometric, unless the Board determines otherwise, in which case, the Board will post the times and locations of the examinations on its website.

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

Section 1400.105 Examinations – Misconduct

- a) Misconduct is a serious matter and is strictly prohibited.
- b) The following actions will be considered misconduct:
- 1) Communication between candidates inside or outside the examination room, or copying via any media another candidate's answer, while the examination is in progress.
 - 2) Communication with others outside the examination room while the examination is in progress.
 - 3) Substitution of a candidate by another person to sit in the examination

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room to write one or more of the examination papers.

- 4) Possession of and/or reference to crib sheets, textbooks, [electronic media](#) or other material inside or outside the examination room while the examination is in progress.
 - 5) Divulging any specific content of the examination [in any form](#).
 - 6) Using or attempting to use any method, device, mechanism, scheme or communication while the examination is in progress for the purpose of or with the intent of gaining access to information to assist a candidate in answering questions on the examination.
 - 7) Failure to follow written or oral instructions regarding procedures and conduct of the examination.
 - 8) [Any other actions of misconduct as may be determined by Prometric, AICPA or NASBA.](#)
- e) ~~A candidate who is suspected of misconduct shall be permitted to finish an examination session, unless the Board member in charge of the site determines that to do so would otherwise jeopardize the fair and orderly conduct of the examination; however, a candidate suspected of misconduct may be moved to a segregated location for the remainder of the examination.~~
- d) ~~A candidate charged with misconduct shall be notified by the Executive Director of the Board, by notice mailed not more than 15 days following the examination, that a charge of misconduct has been made against him or her, and that a penalty specified in the notice will be imposed unless the candidate wishes to contest the charge and/or penalty. Failure to request such a hearing pursuant to Section 1400.80(b) shall result in entry of an order by the Board finding the candidate guilty of misconduct and imposing the penalty as specified in the notice to the candidate.~~
- ce) Penalties-
- 1) Any candidate found guilty of misconduct is subject, at the discretion of the Board and depending on the seriousness of the violation, to one or more of the following penalties:

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- A) disqualification from credit for the section of the exam on which the misconduct took place or for the entire exam;
- ~~B) forfeiture of condition status (see Section 1400.160(b));~~
- ~~BC) a ban from retaking the exam for not less than threetwo or more than five years.~~
- ~~2) Any other person found guilty of misconduct shall be referred to appropriate governmental and professional authorities in this and/or other jurisdictions for discipline against his or her certified public accountant certificate and/or license or other professional designation.~~
- 23) The enumeration of the penalties in this Section shall not preclude imposition of other penalties or liabilities as may be provided by civil or criminal laws.

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

Section 1400.110 Examinations – Uniform Examination – Non-Disclosure – Security

The Board ~~may~~makes use ~~of~~ the Uniform CPA Examination prepared by ~~the~~ AICPA. In accordance with the requirements of the Uniform CPA Examination, the examination is a non-disclosed examination. Candidates are required to accept a "Policy Statement and Agreement Regarding Exam Confidentiality and the Taking of Breaks" (Confidentiality Statement) prohibiting the disclosure of any examination information, content or format.

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

Section 1400.116 Examination – Violations

At any time any person reports to the Board information indicating that any person has violated the confidentiality provisions of Section ~~1400.110~~1400.115, the Board Chair shall appoint an investigator, who may be the Executive Director, a Board employee or any other person not a Board member, for the purpose of conducting a complete and thorough investigation. At the conclusion of the investigation, the investigator shall report to the Board, in writing, his or her conclusions with regard to the report of violation. If the investigator finds there is reason to believe a violation has taken place, or if the Board believes the investigator's report raises substantial issues that should be considered by the Board, the Executive Director shall notify the person charged. The person charged may, within 20 days after the date of the notice from the

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Executive Director, request a hearing before the Board under the provisions of Section 1400.80(b) to contest the charges. Such a hearing shall be conducted in accordance with the provisions of Section 1400.80. The Executive Director or his or her designee shall present the position of the investigator, and shall be required to prove a violation by a preponderance of the evidence. Failure of the person charged to file an appeal under Section 1400.80(b) shall result in presentation of charges and issues to the Board, and may result in findings by the Board, including but not limited to a finding that the person charged violated the confidentiality agreement, and imposition of penalties as provided in Section 1400.117.

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

Section 1400.117 Examinations – Penalties for Violation of Non-Disclosure Provisions

Any person who violates the confidentiality statement~~non-disclosure agreements~~ set forth in Section 1400.110~~1400.115 above~~ shall be subject to the following penalties:

- a) ~~Applicants and candidates. An applicant or~~ candidate who violates the provisions of the confidentiality statement required in Section 1400.110~~1400.115(a) and/or (b)~~ shall be banned from sitting for the certified public accountant examination in this State for a period of not less than three~~two~~ years ~~nor more than five years~~. If the violator sits for the examination, his or her examination shall be considered null and void, and any grades obtained by the violator shall likewise be considered null and void. The Board shall also forward the violator's name to the AICPA, the National Association of State Boards of Accountancy, and other state boards as appropriate, advising them of the violation and the penalty imposed by the Board. ~~Any violator who sits for the examination in another state during the period of time he or she is banned under the provisions of this Section shall not be eligible for a reciprocal certificate under the terms of Section 5.1 of the Act.~~
- b) ~~Board members. A Board member who violates the provisions of the confidentiality statement required in Section 1400.115(c) shall forfeit his/her position on the Board and shall forfeit the honorarium provided by Section 1400.50 for any examination at or in relation to which the violation takes place. The Board shall also forward the violator's name to the AICPA and all state societies to which he/she is a member, advising them of the member's possible violation of the organizations' ethics rules.~~
- e) ~~Others. Examination proctors, Board employees, agents and others who violate the provisions of the confidentiality statement required in Section 1400.115(d)~~

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~~shall forfeit their position with the Board.~~

- ~~bd)~~ Penalties Non-Exclusive. The penalties provided for in ~~subsections (a) through (e) of~~ this Section are in addition to any and all other penalties that may otherwise be provided by law. Nothing in ~~this Part these rules~~ shall be construed to in any way limit other remedies, including but not limited to injunctive relief and liability for compensatory damages sustained by the Board, ~~the~~ AICPA or others.

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

Section 1400.120 Examinations – Frequency

~~Examinations as prescribed in the Act shall be held in accordance with the AICPA's schedule of examination frequency, unless the Board determines otherwise. The examinations shall be given at least twice a year.~~

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

Section 1400.130 Examinations – Scope

The examination shall test the knowledge and skills required for performance as an entry-level ~~Certified Public Accountant as determined by certified public accountant. The examination shall include the subject areas of accounting and auditing and related knowledge and skills, as the Board, which may delegate this function to AICPA or other entity or vendor as selected by the Board, may require.~~

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

Section 1400.140 Examinations – Length

The time allotted to the examination in each subject shall be determined by the Board and shall be printed on the letter of approval.

- a) A candidate may take the required examination sections individually and in any order. Credit for any examination sections passed shall be valid for 18 months from the actual date the candidate takes that section.
- b) ~~Candidates cannot retake failed examination sections in the same examination window.~~ An examination window is a three-month period in which candidates have an opportunity to take the examination (comprised of two months in which

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the examination is available to be taken and one month in which the examination will not be offered).

- c) Candidates must pass all four sections of the examination within ~~ana-rolling~~ 18-month period that begins on the date that the first ~~section~~sections passed is taken.
- d) In the event all four sections of the examination are not passed within the ~~rolling~~ 18-month period, credit for any sections passed outside the 18-month period will expire and those test sections must be retaken such that all four sections are passed within an 18-month-~~rolling~~ period. Re-authorization to test is required to re-take failed or expired exam sections.
- e) A candidate shall be deemed to have passed the examination once the candidate holds at the same time valid credit for passing each of the four examination sections. Credit for passing a section of the computer-based examination is valid from the actual date of the testing event for that section, regardless of the date the candidate actually receives notice of the passing score.
- f) The time limitation within which a candidate is required to pass subjects under this Section shall not include any period during which the candidate serves in active duty with the armed forces of the United States.

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

Section 1400.150 Examinations – Preparations and ScoringGrading

The Board has adopted and makes use of the Uniform Certified Public Accountants Examinations and scoringgrading system of AICPA~~the American Institute of Certified Public Accountants~~.

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

Section 1400.160 Grading Scale, ~~Transitional Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates~~

- a) Scoring Scale. The examinations shall be scored on the scale of 100. The passing score in each subject is 75. Scores shall be certified by the Illinois Board of Examiners. Upon receipt of advisory scores from ~~the~~ AICPA, or other entity or vendor selected by the Board for that purpose, the Board will review and may adopt the examination scores and will report the official results to the candidate.

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The passing score will be established through a psychometrically accepted standard-setting procedure approved by the Board.-

b) ~~Transitional Condition Candidates.~~

- 1) ~~Candidates having conditional credit on the paper and pencil examination will retain conditional credits for the corresponding examination sections of the computer based examination as follows:~~

Paper and Pencil Examination	Computer Based Examination
Auditing (AUDIT)	Auditing and Attestation (AUD)
Financial Accounting and Reporting (FARE)	Financial Accounting and Reporting (FAR)
Accounting and Reporting (ARE)	Regulation (REG)
Business Law and Professional Responsibilities (LPR)	Business Environment and Concepts (BEC)

- 2) ~~Candidates who have attained conditional status as of the launch date of the computer based examination will be allowed a transition period to complete any remaining sections of the examination. The transition period is the same number of months and number of testing opportunities the candidate would have had in the paper and pencil environment. The number of tries and expiration date are based on the exam at which the candidate originally conditioned.~~
- 3) ~~If a previously conditioned candidate does not pass all remaining test sections during the transition period, conditional credits earned under the paper and pencil examination will expire. Computer based testing credit earned during the transition period may be retained if it is passed 18 months or less from the transition expiration date. Credit for passing a section of the computer based examination is valid for 18 months from the actual date of the testing event for that section, regardless of the date the candidate actually receives notice of the passing grade.~~
- 4) ~~The time limitation within which a candidate is required to pass subjects under this Section shall not include any period during which the candidate serves in the armed forces of the United States.~~

be) ~~Candidate Who Took the Exam for Another Jurisdiction.~~

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- 1) All candidates who took the exam for another ~~jurisdiction~~~~jurisdictions~~ must have all scores forwarded to the Illinois Board directly from the ~~jurisdiction~~~~jurisdictions~~ for which they sat.
- 2) A candidate shall retain credit for any and all test sections of an examination passed in another ~~jurisdiction~~~~state~~ if ~~that~~~~such~~ credit would have been awarded, under then applicable requirements, had the candidate taken the examination as an Illinois candidate.
- 3) A candidate who applies for a transfer of credits from another ~~jurisdiction~~~~state~~ shall pay the credential evaluation fee and the application fee for any section not passed upon submission of the initial application to test as an Illinois candidate; thereafter, the fee shall be for re-authorization to test for each section not passed.

~~ce~~) Transfer of Credits by Candidate Who Has Passed the Examination as a Candidate from Another Jurisdiction-

- 1) A candidate who has passed the entire examination in another jurisdiction, but who is ineligible to obtain a certificate from ~~the~~~~such~~ other jurisdiction may transfer the credits and receive a certificate in Illinois provided:
 - A) the educational requirements of the Illinois statute were met at the time of initially taking the exam or at the sitting at which the candidate initially conditioned or passed the exam; and
 - B) the applicant would be entitled to an Illinois certificate if the examination had been taken under the Illinois statute and this Part.
- 2) The fee in force must accompany the application for a transfer of credits for the entire examination.
- 3) Transfer of credits shall be accepted if such credit would have been given had the candidate taken the examination as an Illinois candidate under then applicable requirements.

~~de~~) Certificates by ~~Acceptance of IQEX~~~~Reciprocity~~.

- 1) The Board shall issue a certificate ~~as a certified public accountant~~, without

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examination, ~~to any international:~~ ~~A) To any applicant who holds a valid unrevoked certificate as a certified public accountant issued under the laws of any other state or territory of the United States or the District of Columbia provided all requirements of Section 5 of the Act and this Part have been met, or B any foreign~~ accountant who has passed the ~~American Institute of Certified Public Accountants (AICPA)~~ uniform qualifying examination for that jurisdiction acceptable to the Board.

- 2) The fee in force shall be payable by the applicant at the time of filing of the application for a ~~certified public accountant~~ certificate by reciprocity.

~~ef)~~ Out of State Candidates:
Applicants who have been issued a Notice to Schedule to test from any jurisdiction may request to test at any authorized testing center in Illinois.

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

Section 1400.170 Re-Examination

Re-examination candidates are candidates who have ~~paid for~~~~taken~~ at least one part of the CPA exam. The application fee in force shall be paid for ~~re-authorization~~~~re-authorization~~ to test.

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

Section 1400.175 Candidate Request for Scoring Review

The scoring and review of all candidate examinations are subjected to very high quality controls, and all failing examinations near the passing score are reviewed for accuracy at least twice ~~by two different experienced graders~~ prior to release of the scores. A score review rarely results in a score change. The Board ~~nonetheless~~ makes available to all candidates an opportunity to request a special review of their examinations to verify the accuracy of the scoring process. Instructions for requesting a review are sent with individual score reports mailed to the candidates. There is a fee payable to the National Association of State Boards of Accountancy for each review requested. All fees are nonrefundable. The result of the review is mailed or sent by electronic means to ~~NASBA~~~~the candidate~~ and the Board ~~office~~. The candidate shall be notified by the ~~Board~~~~AICPA~~ of a "no change" unless a failing score is increased to 75 or higher.

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

Section 1400.177 Required Exam on Rules of Professional Conduct

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- a) After December 31, 2004, before a candidate may be awarded a certificate (Illinois Certificate) certifying completion of educational and examination requirements, as a Certified Public Accountant by the Board, applicants shall be required to pass a separate examination on the rules of professional conduct.
- 1) Applicants who sit for and pass all four parts of the Uniform CPA Examination prior to January 1, 2005 are not required to take or pass the separate examination on the rules of professional conduct.
 - 2) Illinois candidates who successfully complete the Uniform CPA Examination on or after January 1, 2005 are required to pass a separate examination on the rules of professional conduct before they may be awarded a certificate of completion of educational and examination requirements an Illinois CPA Certificate.
 - 3) Applicants who have taken and passed the Uniform CPA Examination examination in other states who apply for an Illinois CPA Certificate by transfer of credits scores to Illinois on or after January 1, 2005 are required to pass a separate examination on the rules of professional conduct before they may be awarded an Illinois Certificate certificate.
- b) Information regarding the examination on the rules of professional conduct will be included with the score reports sent to successful candidates.
- c) The Board makes use of "Professional Ethics: The AICPA's Comprehensive Course". Upon the Board's receipt of notification directly from ~~the~~ AICPA that the candidate has successfully completed the examination course with a minimum 90% score, the Board will approve the candidate's certification and notify the candidate of the certificate number and date of issue.

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

Section 1400.180 ~~Certified Public Accountant~~ Certificate – of Education and Examination Requirement – Awarding

Each candidate who satisfies all the requirements and is duly certified as required in this Part shall receive a certificate indicating completion of all education and examination requirements, designating the recipient as a Certified Public Accountant. This certificate shall be

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issued in the name of the Board of Examiners.

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

Section 1400.190 Retention of Records

a) The Board shall preserve for a period of five years all applications submitted by candidates for the certified public accountant examinations and all supporting documents and correspondence relating to the application; shall maintain a permanent record for each applicant admitted to the examinations, ~~that~~ ~~which~~ contains information concerning the date and place of the examinations, ~~the~~ grades received, ~~the condition status of candidates qualifying under Section 1400.160, the~~ certificate number and date of issuance for candidates qualifying under ~~Section 2 or Section 5 of~~ the Act, and any other information ~~which~~ the Board considers appropriate; and shall maintain a registry of the names, certificate numbers, and dates of issuance for all persons receiving the Illinois certificate ~~either~~ on the basis of the written examinations or on the basis of reciprocity.

b) ~~The Board shall arrange for retention of the examination papers of candidates on file for a period of ninety days following the release of the results of the examination.~~

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

Section 1400.200 Disposition of Fees

The fees from applicants shall be deposited with the Comptroller of ~~the Northern Illinois~~ University, ~~or such other entity as designated by IBOE, who shall keep~~ a separate account, on behalf of ~~IBOE the Board of Examiners, shall be kept~~ of all receipts and expenditures under the law. This account is to be used only by the Board of Examiners and any interest earned on the account belongs to the Board of Examiners.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Operation of Watercraft Carrying Passengers For Hire on Illinois Waters
- 2) Code Citation: 17 Ill. Adm. Code 2080
- 3) Section Number: 2080.75 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2-1, 2-2, 5-18, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to comply with the provisions of the Boat Registration and Safety Act regarding the operation of rented watercraft in compliance with 625 ILCS 45/5-189(f).
- 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 neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

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217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Boat rental businesses may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Additional paperwork might be required.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This amendment was not included on either of the most recent regulatory agendas because the Department did not anticipate this amendment at the time the agendas were filed.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENTPART 2080
OPERATION OF WATERCRAFT CARRYING PASSENGERS
FOR HIRE ON ILLINOIS WATERS

Section	
2080.10	Introduction
2080.20	Definitions
2080.30	Applicability
2080.40	Dry Dock Inspection
2080.50	Dockside Inspection
2080.60	Licensing Requirements
2080.70	License and Decal
2080.75	Rental Boats
2080.80	Misuse of License or Decal
2080.90	Suspension and Revocation of Decals and Licenses

AUTHORITY: Implementing and authorized by Sections 2-1, 2-2, 5-18, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 5-18, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

SOURCE: Adopted at 20 Ill. Reg. 15697, effective December 2, 1996; amended at 22 Ill. Reg. 10491, effective June 1, 1998; amended at 23 Ill. Reg. 9062, effective July 28, 1999; amended at 24 Ill. Reg. 3594, effective February 17, 2000; amended at 30 Ill. Reg. 14529, effective August 24, 2006; amended at 40 Ill. Reg. _____, effective _____.

Section 2080.75 Rental Boats

- a) The operators of boat rental services shall be authorized to rent only vessels designated by the license and only on bodies of water designated on the license.
- b) The operators of boat rental services shall provide to the Department, each time their license is renewed, a statement certifying that each boat offered for rent is of sound construction and is safe for use on the water. All rental boats shall be subject to periodic, unannounced inspections by the Department to ensure that

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they are being suitably maintained for safe public use under the safety requirements set out in the Boat Registration and Safety Act [625 ILCS 45].

- c) The operators of boat rental services shall offer abbreviated Department and National Association of State Boating Law Administrators (NASBLA) approved operating and safety instruction specific to the type of watercraft being rented to the renter and all potential operators of the rented vessel, unless the renter/operators can demonstrate compliance with the Illinois Boating Safety Certificate requirements (see 625 ILCS 45/5-18). Operators of boat rental services shall:
- 1) maintain records of persons renting a watercraft for a period of at least one year. Those records shall contain proof of boat safety education card or, if taking the abbreviated safety instruction, a minimum of the renter's name, date of birth, driver's license number (if available) and signature.
 - 2) provide a receipt to the renter indicating the abbreviated safety course was completed.
 - 3) allow inspection of required records by an authorized employee of the Department or by an authorized State or federal law enforcement officer during reasonable business hours.
- d) It shall be unlawful for any boat rental service to provide false or fictitious information on records related to this Section.
- e) It shall be unlawful for any person renting a watercraft from a licensed boat rental service to provide false or fictitious information required by this Section to that rental service. Operators of rented watercraft shall have in their possession proof of abbreviated safety instruction or an Illinois Boating Safety Certificate.
- f) Violation of this Section is a petty offense.

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

OFFICE OF THE STATE FIRE MARSHAL

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- 1) Heading of the Part: School Inspections
- 2) Code Citation: 41 Ill. Adm. Code 111
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
111.10	Amendment
111.20	Amendment
111.30	Amendment
111.50	Amendment
111.60	Amendment
111.80	Amendment
111.90	Amendment
111.100	New Section
111.110	New Section
- 4) Statutory Authority: Sections 2-3.12 and 3-14.21 of the School Code [105 ILCS 5/2-3.12 and 3-14.21]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is intended to add a second tier of individuals qualified to complete training and become approved to perform annual fire inspections in public schools and report violations to the Regional Superintendent of Schools, pursuant to a delegation of authority from the Office of the State Fire Marshal, and to provide for additional oversight and quality assurance measures by the Office of the State Fire Marshal.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
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

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- 11) Statement of Statewide Policy Objective: This rulemaking is expected to increase the number of individuals approved to conduct fire inspections in public schools, and in doing so, may provide beneficial impacts to some small municipalities. These amendments are expected to have a positive impact on local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Deborah J. Williams
Legal Division
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/785-0978

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small municipalities in Illinois
 - B) Reporting, bookkeeping or other procedures required for compliance: Applicants approved under the second tier delegation of authority will be required to submit inspection reports to the Office of the State Fire Marshal and the Regional Superintendent of Schools, and provide additional documentation as necessary.
 - C) Types of professional skills necessary for compliance: Fire department assignment as either a Fire Prevention Inspector or Fire Officer is necessary for applicants seeking approval under the second tier delegation of authority.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 111
SCHOOL INSPECTIONS

Section

111.10	Scope
111.20	Definitions
111.30	General Requirements for a Qualified Fire Official
111.40	Inspection Standards
111.50	Application for Delegation of Authority
111.60	Delegation of Authority
111.70	Identification of Delegated Authority
111.80	Notification of Change
111.90	Inspections and Reporting Violations
111.100	Quality Assurance
111.110	Severability

AUTHORITY: Implementing and authorized by Sections 2-3.12 and 3-14.21 of the School Code [105 ILCS 5/2-3.12 and 3-14.21].

SOURCE: Adopted at 31 Ill. Reg. 14596, effective October 11, 2007; amended at 40 Ill. Reg. _____, effective _____.

Section 111.10 Scope

This Part implements the portions of [Section 3-14.21 of the School Code \[105 ILCS 5\]](#)~~Public Act 94-0225~~ and the School Plan Review and Inspections Task Force Report that require the State Fire Marshal's office to adopt rules that set out the ~~requirements~~[qualifications](#) of [Qualified Fire Officials](#) ~~who Fire Prevention Inspectors~~ that are authorized to conduct annual fire safety inspections in public schools and report violations to the [Regional Superintendent](#)~~regional superintendent~~.

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

Section 111.20 Definitions

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For purposes of this Part, the term:

"Fire Officer" means an individual appointed as a fire officer by a unit of local government.

"Fire Prevention Inspector" means an individual employed by a unit of local government as a fire inspector or a building inspector.

"ICC" means the International Code Counsel.

"ISBE" means the Illinois State Board of Education.

"NFPA" means the National Fire Protection Association.

"OSFM" means the Office of the State Fire Marshal.

"Public School Checklist" means the checklist prepared by OSFM and ISBE in accordance with the Health/Life Safety Code (23 Ill. Adm. Code 180) adopted by ISBE and used to conduct the annual public school fire safety inspections (see 105 ILCS 5/3-14.21(c)).

"Qualified Fire Official" means an individual who meets the requirements of this Part, in cooperation with ISBE, to administer annual public school fire safety inspections (see 105 ILCS 5/2-3.12(k)).

"Tier 1 Qualified Fire Official" means an individual who meets any one of the requirements of Section 111.30(a)(1) through (4) and (b).

"Tier 2 Qualified Fire Official" means an individual who meets the requirements of Section 111.30(a)(5) and (c).

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

Section 111.30 General Requirements for a Qualified Fire Official

- a) The following qualifications are necessary for OSFM to delegate its authority to inspect public school buildings to a Qualified Fire Official~~qualified fire official~~:

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- 1) Any Fire Prevention ~~Division inspector~~~~Inspectors~~ employed by OSFM;
 - 2) Any ~~individual Fire Prevention Inspector~~ employed by a unit of local government who is certified ~~by OSFM~~ as a Fire Officer I, ~~or a Fire Prevention Officer, or Fire Inspector I, or certified by OSFM in a successor title established~~ by OSFM to one of the titles in this subsection (a)(2);
 - 3) Any ~~individual Fire Prevention Inspector~~ employed by a unit of local government who possesses a current certification as a Fire Inspector I or Fire Inspector II issued by the ICC;
 - 4) Any ~~individual Fire Prevention Inspector~~ employed by a unit of local government who possesses a current certification as a Fire Inspector I or Fire Inspector II issued by the NFPA; or-
 - 5) Any Fire Prevention Inspector or Fire Officer employed by a unit of local government.
- b) The Tier 1 Qualified Fire Official candidate~~qualified fire official~~ must attend Tier 1 training~~a course~~ conducted by OSFM that includes~~on~~ the process and application of this Part and of the Public School Checklist~~public school checklist~~.
- c) The Tier 2 Qualified Fire Official candidate must attend Tier 2 training conducted by OSFM that includes the process and application of this Part and of the Public School Checklist. Training shall also include attending school inspections supervised by an OSFM Fire Prevention Division inspector. These supervised inspections shall include an inspection of a grade school and an inspection of a high school. These supervised school inspections shall continue until OSFM is satisfied that the Tier 2 Qualified Fire Official candidate has demonstrated proficiency.

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

Section 111.50 Application for Delegation of Authority

For purposes of this Part, all applications submitted to OSFM requesting delegation as a Qualified Fire Official~~Fire Prevention Inspector~~ shall be signed by the Fire Chief, shall be and

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submitted on letterhead provided by the unit of local government, and shall include the following information:

- a) The name and address of the unit of local government. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
- b) For Tier 1 Qualified Fire Official, a copy of the current qualifying certification held by the person requesting delegation from the OSFM (as required by Section 111.30).
- c) For Tier 2 Qualified Fire Official, verification by the Fire Chief that the applicant is assigned as either a Fire Prevention Inspector or a Fire Officer.

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

Section 111.60 Delegation of Authority

OSFM will issue a notice delegating authority to inspect public school buildings to candidates that meet the requirements of Section 111.30 and submit an application meeting the requirements of Section 111.50. The OSFM Delegation of Authority issued pursuant to this Section ~~111.30~~ is valid until there is a change in status of the individual approved as a Qualified Fire Official certified by OSFM or OSFM withdraws the Delegation of Authority. Although OSFM may delegate school inspection authority to a Qualified Fire Official, nothing shall be construed to limit, condition or impair the exercise of OSFM's powers to administer fire safety inspections of public schools. OSFM reserves the right to act on its own initiative in all matters pertaining to school fire safety inspections. The issuance of a Delegation of Authority to a Qualified Fire Official shall not be construed as a contract with that individual, and OSFM reserves the right to withdraw that Delegation of Authority.

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

Section 111.80 Notification of Change

- a) Any change in the status of the certification under which an individual qualifies for a Delegation of Authority under Section 111.30 or in the employment status of the individual Qualified Fire Official~~Fire Prevention Inspector~~ shall be reported to the OSFM within 5 days.

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- b) If there is any change in the certification or employment status of the Qualified Fire Official~~inspector~~ that results in the Qualified Fire Official~~inspector~~ losing the Delegation of Authority under Section ~~111.60~~111.30, OSFM shall withdraw the Delegation of Authority and the local fire official will be required to reapply for a new Delegation of Authority under Section 111.50.

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

Section 111.90 Inspections and Reporting Violations

- a) The Qualified Fire Official~~qualified fire official~~ conducting the inspection shall contact the Regional Superintendent~~regional superintendent~~ to determine the region's procedure to be used to schedule an agreeable date for the inspection.
- b) The Qualified Fire Official~~qualified fire official~~ shall use a Public School Checklist~~the public school checklist~~ and, within 15 days after completing the inspection, shall send a copy of the checklist identifying any violation to the person identified by the Regional Superintendent~~regional superintendent~~ as the party to receive the report. This report shall also be submitted to the OSFM Fire Prevention Division. The Regional Superintendent~~regional superintendent~~ shall correct the violations in accordance with Section 3-14.21(b) of the School Code.
- c) The Qualified Fire Official~~qualified fire official~~ shall notify OSFM of violations that present imminent harm to occupants of the school and any violations that are not corrected by the next annual fire inspection.
- d) OSFM and ISBE shall resolve any disputes regarding the annual inspection that arise between the Qualified Fire Official~~qualified fire official~~ and the Regional Superintendent~~regional superintendent~~.

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

Section 111.100 Quality Assurance

OSFM may perform a quality assurance evaluation of the schools being inspected by Qualified Fire Officials to determine whether a change is needed, such as, but not limited to, additional training or OSFM's withdrawal of the Delegation of Authority.

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

Section 111.110 Severability

If any Section, subsection, sentence or clause of this Part shall be held by a court of competent jurisdiction to be invalid, that holding shall not affect the remaining portions of this Part.

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Cannabis Privilege Tax Law
- 2) Code Citation: 86 Ill. Adm. Code 429
- 3) Section Number: 429.110 Proposed Action: Amendment
- 4) Statutory Authority: 410 ILCS 130/215
- 5) A Complete Description of the Subjects and Issues Involved: This amendment 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 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

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examples to Section 429.110 to enable the cultivation centers to calculate and pay the tax on medical cannabis infused products and concentrates.

- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other 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:

Richard S. Wolters
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medical cannabis cultivation centers
 - B) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping

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- C) Types of professional skills necessary for compliance: Booking and simple computer skills
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part and begins in this issue of the *Illinois Register* on page: 3305.

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- 1) Heading of the Part: Consolidation of 9-1-1 Emergency Systems
- 2) Code Citation: 83 Ill. Adm. Code 1324
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1324.100	New Section
1324.110	New Section
1324.120	New Section
1324.200	New Section
1324.210	New Section
1324.220	New Section
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to establish procedures for the submission and review of consolidation plans and requests for waiver with respect to 9-1-1 emergency systems.
- 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? Yes, 40 Ill. Reg. 1099; January 15, 2016
- 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: These rules may require a local government to establish, expand or modify its activities consistent with the consolidation requirements of the Emergency Telephone System Act [50 ILCS 750]. Depending upon the amount of money available in the Statewide 9-1-1 Fund for grants to cover those costs, this may require a unit of local government to make additional expenditures from local revenues.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: These rules apply to local municipal and county government Emergency Telephone System Boards (ETSBs), Joint Emergency Telephone System Boards (Joint ETSBs), and qualified governmental entities authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act [50 ILCS 750/0.01]
- B) Reporting, bookkeeping or other procedures required for compliance: The rules will require local governments to file a consolidation plan for approval by the Administrator. Not all local governments will be expected to consolidate, but those that will must report their financial condition in this plan. They will need to provide the total non-recurring cost for consolidation and whether there will be any cost savings by reducing 9-1-1 network, merging PSAPs, equipment, and staffing.

There is also a provision that allows local governments the ability to request a waiver from consolidation on the grounds that the consolidation could create a substantial threat to public safety, is economically unreasonable, and/or technically infeasible. Local governments seeking such approval will need to substantiate the request with pertinent details and documentation supporting the grounds for which they are seeking a waiver.

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- C) Types of professional skills necessary for compliance: The local governments will need to be capable of negotiating intergovernmental agreements between consolidating entities to create a Joint Emergency Telephone System Board (ETSB) who will be responsible for the design and implementation of the 9-1-1 system and for all 9-1-1 expenditures. The agreement should specify the membership of the Board, terms, and may also need to address operational and monetary issues. The corporate authorities of a county or municipality may require legal assistance from either the county's State's Attorney or a municipal attorney.

The newly created Joint ETSB will need to address all issues of consolidation regarding merging of resources, staffing needs, technical needs (radio, dispatching, network, number of 9-1-1 positions based on 9-1-1 call load, etc.), reduction of PSAPs and call transfers, modifications to space needed in the Public Safety Answering Points (PSAPs), and changes to back-up PSAP facility requirements. This will require 9-1-1 personnel that have 9-1-1 operational/technical knowledge and possibly a finance/budget background.

- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICEPART 1324
CONSOLIDATION OF 9-1-1 EMERGENCY SYSTEMS

SUBPART A: GENERAL PROVISIONS

Section

1324.100	Scope
1324.110	Definitions
1324.120	Duties

SUBPART B: CONSOLIDATION

Section

1324.200	Consolidation Plans and Requests for Waiver
1324.210	Hearings of the Statewide 9-1-1 Advisory Board
1324.220	Decisions of the Administrator

AUTHORITY: Implementing and authorized by Section 10 the Emergency Telephone System Act [50 ILCS 750/10].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1099, effective January 1, 2016, for a maximum of 150 days; adopted at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1324.100 Scope

This Part shall apply to all 9-1-1 systems and 9-1-1 Authorities, except that it shall not apply to the City of Chicago.

Section 1324.110 Definitions

"9-1-1 Authority" means the ETSB, Joint ETSB, or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the

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scope of those duties and powers prescribed by the Emergency Telephone System Act.

"9-1-1 Network" means the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by 83 Ill. Adm. Code 725, to a PSAP or a backup PSAP that meets the applicable grade of service.

"9-1-1 System" means the geographic area that has been granted an order of authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services and that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Administrator" means the Statewide 9-1-1 Administrator.

"Advisory Board" means the Statewide 9-1-1 Advisory Board.

"Aid Outside Normal Jurisdiction Boundaries Agreement" means a written cooperative agreement entered into by all participating and adjacent agencies and public safety agencies providing that, once an emergency unit is dispatched to a request through a system, that unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.

"Automatic Location Identification" or "ALI" means, in an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplementary emergency services information.

"Backup PSAP" means a public safety answering point that serves as an alternate to the PSAP for enhanced systems and is at a different location and operates

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independently from the PSAP. A backup PSAP may accept overflow calls from the PSAP or be activated in the event that the PSAP is disabled.

"Busy Day" means a consecutive 24-hour period during which the greatest volume of traffic is handled in the central office.

"Busy Hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Call Referral" means a 9-1-1 service in which the PSAP telecommunicator provides the calling party with the telephone number of the appropriate public safety agency or other provider of emergency services.

"Call Relay" means a 9-1-1 service in which the PSAP telecommunicator takes the pertinent information from a caller and relays that information to the appropriate public safety agency or other provider of emergency services.

"Call Transfer" means a 9-1-1 service in which the PSAP telecommunicator receiving a call transfers that call to the appropriate public safety agency or other provider of emergency services.

"Carrier" means a telecommunications carrier and a wireless carrier.

"Chairperson" means the Chairperson of the Statewide 9-1-1 Advisory Board.

"Commission" means the Illinois Commerce Commission.

"Consolidation" means a reduction of Emergency Telephone System Boards, Joint Emergency Telephone System Boards, qualified governmental entities, and PSAPs pursuant to ETSA Section 15.4a.

"Department" means the Department of State Police.

"Dispatch Center" means a location other than a PSAP, SAP or VAP that receives an emergency call transferred or relayed from a PSAP, SAP or VAP for purposes of completing the call taking process by dispatching police, medical, fire or other emergency responders.

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"Economically Unreasonable" means that the cost of consolidation materially outweighs the benefit to the community served and makes it illogical or impractical to consolidate.

"Emergency Call" means any type of request for emergency assistance through the 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way, real-time media and involves a human making a request for help.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Enhanced 9-1-1" or "E9-1-1" means an emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Grade of Service" means P.01 for Basic 9-1-1 or Enhanced 9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Interconnected Voice over Internet Protocol Provider" or "Interconnected VoIP Provider" means every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates, manages, or provides within this State, directly or indirectly, Interconnected VoIP service or the meaning prescribed in 47 CFR 9.3 [220 ILCS 5/13-234 and 13-235]. VoIP service is a service that:

enables real-time, two-way voice communications;

requires a broadband connection from the user's location;

requires Internet protocol-compatible customer premises equipment; and

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permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched network.

"IP 9-1-1" shall mean the internet protocol based 9-1-1 network that is part of NG 9-1-1.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a combination thereof, to provide for the management and operation of a 9-1-1 system.

"NENA i3 Solution Standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3) as published on June 14, 2011, and does not include any later amendments or additions.

"Network Costs" means those recurring costs that directly relate to the operation of the 9-1-1 network, including costs for interoffice trunks, selective routing charges, transfer lines and toll charges for 9-1-1 services, Automatic Location Information (ALI) database charges, call box trunk circuit (including central office only and not including extensions to fire stations), independent local exchange carrier charges and nonsystem provider charges, carrier charges for third party database for on-site customer premises equipment, backup PSAP trunks for nonsystem providers, periodic database updates as provided by carrier (also known as "ALI data dump"), regional ALI storage charges, circuits for call delivery (fiber or circuit connection), NG9-1-1 costs, and all associated fees, taxes and surcharges on each invoice. "Network Costs" shall not include radio circuits or toll charges that are for other than 9-1-1 services.

"NG9-1-1" or "Next Generation 9-1-1 Service" means a system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

"P.01" means the probability (P) expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one

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call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Secondary Answering Point" or "SAP" means a location, other than a PSAP, that is able to receive the voice, data and call back number of an E9-1-1 or NG9-1-1 emergency call transferred from a PSAP and completes the call taking process by dispatching police, medical, fire or other emergency responders.

"Service Population" means the total population of the community served as determined by the latest complete vintage population estimates available from the U.S. Census Bureau.

"Technically Infeasible" means that consolidation is unworkable or unviable consistent with the technical standards established in 83 Ill. Adm. Code 1328.

"Threat to Public Safety" means that consolidation would place the public in greater danger of injury than if the consolidation did not occur.

"Vendor" means an entity that provides some or all elements of 9-1-1, E9-1-1 and/or other services for which it incurs network costs for one or more 9-1-1 Authorities.

"Virtual Answering Point" or "VAP" means a temporary or nonpermanent location that:

is capable of receiving an emergency call;

contains a fully functional worksite that is not bound to a specific location, but rather is portable and scalable, connecting emergency call takers or dispatchers to the work process; and

is capable of completing the call dispatching process.

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"Waiver" means approval for exemption from consolidation, which shall be subject to review and renewal as determined by the Administrator, with recommendation from the Advisory Board.

Section 1324.120 Duties

- a) The Department:
 - 1) Has the following responsibilities under the Act:
 - A) Review consolidation plans to ensure technical compliance with 83 Ill. Adm. Code 725 or 1325.400, whichever is applicable; and
 - B) Review requests for waiver to ensure technical compliance with ETSA Section 15.4a(c).
 - 2) Pursuant to ETSA Section 10, is authorized to set technical standards for the provisioning of 9-1-1 authorities throughout the State of Illinois.
- b) Pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900], the Commission is authorized to set technical standards for the provision of 9-1-1 service by telecommunication carriers and 9-1-1 system providers.
- c) The Advisory Board has the responsibility under the Act to hold a public hearing on consolidation plans submitted pursuant to ETSA Section 15.4a and make a recommendation to the Administrator regarding the plan.
- d) The Administrator has the responsibility under the Act to approve consolidation plans, as submitted or as modified, and grant waivers to the consolidation process pursuant to ETSA Section 15.4a(c).

SUBPART B: CONSOLIDATION

Section 1324.200 Consolidation Plans and Requests for Waiver

- a) By January 1, 2016, the Department shall post a link on its website for the electronic submission of consolidation plans and requests for waiver.

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- b) Counties and 9-1-1 Authorities:
- 1) Shall use their services population to determine whether they are required to consolidate pursuant to ETSA Section 15.4a;
 - 2) Are responsible for submitting consolidation plans and requests for waiver. PSAPs within 9-1-1 Authorities do not have standing to submit consolidation plans or requests for waiver; and
 - 3) May not convert PSAPs to SAPs, VAPs, or Dispatch Centers to avoid the requirements for consolidation in ETSA Section 15.4(a). The authorized PSAPs remaining after consolidation shall directly dispatch all emergency calls and shall not transfer or relay those calls to an unauthorized entity. Nothing in this subsection (b)(3) shall be construed to mean a PSAP, SAP or VAP cannot serve as a Dispatch Center.
- c) By July 1, 2016, each county and each 9-1-1 Authority required to consolidate pursuant to ETSA Section 15.4a(a) shall electronically file a plan for consolidation and/or a request for a waiver pursuant to ETSA Section 15.4a(c) at the link posted on the Department's website.
- 1) Consolidation plans must include a completed application consisting of the following documents:
 - A) Contact and 9-1-1 system information;
 - B) Notarized statement of truth regarding information provided in the plan;
 - C) A letter that is sent to the 9-1-1 system provider with a copy of the plan;
 - D) A detailed summary of the proposed system's operation, including, but not limited to, a five-year strategic plan for implementation of the consolidation with financial projections and information as to how the plan will assist with achieving the statutory goals enumerated in ETSA Section 15.4b(a);

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- E) A summary of the anticipated implementation costs and annual operating costs of the consolidated system that are directly associated with 9-1-1, as well as the anticipated revenues, that:
- i) Identify the ETSBs or qualified governmental entities that will be dissolved and consolidated, with the amount of reserves estimated to be transferred to the Joint ETSB. Any reserves are required to be transferred to the resulting Joint ETSB pursuant to ETSA Section 30(d);
 - ii) Identify the number of answering positions, full-time and part-time dispatchers prior to consolidation, and the proposed number after consolidation;
 - iii) Identify total network cost prior to consolidation and the proposed cost after consolidation;
 - iv) Identify network cost that the State will be responsible for paying;
 - v) Identify recurring and nonrecurring consolidation cost; and
 - vi) Identify all revenue sources for the consolidated system;
- F) A list of all communities that are served by the 9-1-1 system;
- G) A list of public safety agencies (police, fire, EMS, etc.) that are dispatched by the 9-1-1 system, including their addresses, telephone numbers and form of dispatch;
- H) A list of the public safety agencies (police, fire, EMS, etc.) that are adjacent to the 9-1-1 system's geographic boundaries;
- I) A list of the carriers and Interconnected VoIP providers who are known by the applicant to provide service within the jurisdiction of the 9-1-1 system;

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- J) Attachments (as applicable):
- i) Any local ordinances that dissolve an existing ETSB or creates a new ETSB;
 - ii) Any intergovernmental agreements or memorandums of understanding creating a Joint ETSB or any other agreements pertinent to the 9-1-1 system consolidation;
 - iii) Any contracts with a new 9-1-1 system provider;
 - iv) The backup PSAP Agreement that establishes backup and overflow services between 9-1-1 authorities or PSAPs within those authorities;
 - v) The network diagram that is provided by the 9-1-1 system provider, showing the applicable grade of service, trunking, routing and backup configuration for the 9-1-1 system; and
 - vi) The Call Handling and Aid Outside Jurisdictional Boundaries Agreements
 - Call Handling Agreements shall be made between the 9-11 Authority and public agencies and/or public safety agencies in a single system, and also between the 9-1-1 Authority and/or public agencies or public safety agencies whose jurisdictional boundaries are contiguous. Call Handling Agreements shall describe the primary and secondary dispatch methods to be used by the requesting parties within their respective jurisdictions.
 - Aid Outside Jurisdictional Boundaries Agreements shall be made between the 9-1-1 Authority and the public agencies and/or public safety agencies in a single system, and between the 9-1-1 Authority and the public agencies and public safety agencies in

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adjacent systems, whose jurisdictional boundaries are contiguous. Aid Outside Jurisdictional Boundaries Agreements shall provide that, once an emergency unit is dispatched in response to a request through the system, the unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.

- When possible, these agreements may be consolidated into a single agreement;

K) The Test Plan, which is the 9-1-1 system's overall plan detailing how and to what extent the network and database will be tested.

- 2) If incorporating an NG9-1-1 solution, the application must, in the narrative portion of the consolidation plan:
- A) Include a contract with a 9-1-1 system provider to provide 9-1-1 services;
 - B) Explain what national standards, protocols and/or operating measures will be followed;
 - C) Explain what measures have been taken to create a robust, reliable and diverse/redundant network and whether other 9-1-1 authorities will be sharing the equipment;
 - D) Explain how the existing 9-1-1 traditional legacy wireline, wireless and VoIP network, along with the databases, will interface with and/or be transitioned into the NG9-1-1 system;
 - E) Explain how split exchanges will be handled;
 - F) Explain:

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- i) How the databases will be maintained and how address errors will be corrected and updated on a continuing basis;
 - ii) Who will be responsible for updating and maintaining the data, at a minimum, on a daily basis Monday through Friday; and
 - G) Explain what security measures will be placed on the IP 9-1-1 network and equipment to safeguard it from malicious attacks or threats to the system operation and what level of confidentiality will be placed on the system in order to keep unauthorized individuals from accessing it.
- 3) Notwithstanding this subsection (c), any 9-1-1 Authority required to consolidate pursuant to ETSA Section 15.4a(a) that is only reducing the number of PSAPs in order to comply with the Act need not formally submit a consolidation plan to the Administrator for approval. While Administrator approval is not necessary for these consolidations, the 9-1-1 Authority must provide written notification documenting the change 10 business days prior to making the change.
- d) Consolidation plans must meet the applicable grade of service.
 - e) Pursuant to ETSA Section 15.4a, a request for waiver must include sufficient information to establish that consolidation will result in a substantial threat to public safety, is economically unreasonable, or is technically infeasible. A request for waiver shall include, at a minimum, the following:
 - 1) The grounds on which the waiver is sought (e.g., substantial threat to public safety, economically unreasonable, and/or technically infeasible);
 - 2) A detailed explanation of the efforts taken, if any, to comply with the statutory requirement for consolidation prior to requesting a waiver;
 - 3) The duration of time for which a waiver is sought;
 - 4) A five-year strategic plan, including, but not limited to, financial projections, for implementation of a consolidation plan; and

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- 5) Any additional information regarding planned equipment purchases or replacements, as well as efforts to establish interoperability or shared resources.
- f) Upon receipt of a consolidation plan, it will be posted on the Department's website and be made available to the Commission for a technical review to ensure compliance with 83 Ill. Adm. Code 725, and the Department will notify all vendors registered with it pursuant to 83 Ill. Adm. Code 1325.300 that a plan has been received, posted and submitted for technical review. After 20 days, or until notified otherwise by the Commission, the Department will proceed as though no separate Commission proceeding will be undertaken. Within 20 days after receiving a consolidation plan and/or request for waiver, the Department will:
 - 1) Review the:
 - A) consolidation plan to ensure it complies with the provisions of this Section; or
 - B) request for waiver to ensure it complies with ETSA Section 15.4a(c); and
 - 2) Submit its findings to the Advisory Board.
- g) Upon receipt of the technical review findings from the Commission and no later than 40 days after receiving a consolidation plan and/or request for waiver, the Department will appoint an Administrative Law Judge (ALJ) to hold a hearing. The procedures for the hearing shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10], unless otherwise specified in this subsection (g) and as ordered by the ALJ.
 - 1) At least 10 days prior to the scheduled hearing, the Department will post a copy of requests for waivers, the consolidation plans, and the Department's review of those plans on its website. The Department will include the date on which the associated hearing will be held, as well as provide the email and mailing address for comments. This information shall remain posted until the hearing is held.

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- 2) Comment by Interested Parties
 - A) From the time the information is posted by the Department on its website until 5 days prior to the scheduled hearing, any interested party may:
 - i) Submit written comments in response to the plans, request for waivers, and technical review finding to the Department by email or mail;
 - ii) Request an opportunity to speak at the public hearing regarding a plan, request for waiver, or technical review finding by completing the form available online and submitting it to the Department by email or mail.
 - B) Written comments and requests to speak received less than 5 days prior to the scheduled hearing shall not be considered.
- 3) No less than 4 days prior to the scheduled hearing, the Department will notify the applicant if:
 - A) The technical review indicates that the consolidation plan is not compliant with any element of Section 1324.200(c)(1);
 - B) The request for waiver is not compliant with ETSA Section 15.4a(c); and/or
 - C) The Department receives objections to the consolidation plan or request for waiver.
- 4) No less than 2 days prior to the scheduled hearing, the applicant, under ETSA Section 15.4a(b), may electronically request an extension of the deadlines in ETSA Section 15.4a(b) and submit a modified plan and/or request for waiver for review under this Part.
 - A) If the applicant requests an extension, the ALJ shall postpone the scheduled hearing until the applicant submits a modified plan or request for waiver.

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- B) If the applicant does not request an extension, the ALJ shall proceed with the scheduled hearing.
- 5) Upon conclusion of the hearing, the ALJ shall make a recommendation to the Advisory Board regarding whether a proposed order for consolidation or waiver should be granted.
 - h) Upon receipt of a recommendation from the ALJ and no later than 60 days after receiving a consolidation plan and/or request for waiver, the Advisory Board shall hold a public hearing pursuant to ETSA Section 15.4a(b) and Section 1324.210.
 - i) Any county or 9-1-1 Authority filing a consolidation plan may file a proprietary copy that plainly identifies confidential or proprietary information or information that is a trade secret and request that it be redacted and not subject to disclosure or made part of the public record. The county or 9-1-1 Authority shall also submit a redacted copy deleting any confidential or proprietary information or information that is a trade secret by plainly indicating on the redacted copy the information that has been deleted.
 - j) Noncompliance with this Section shall subject the county or 9-1-1 Authority submitting the plan or request for waiver to the penalty provisions of ETSA Section 15.4a(b)(1).

Section 1324.210 Hearings of the Statewide 9-1-1 Advisory Board

- a) Hearings of the Advisory Board may be conducted at the posted date and time when a quorum of the members is present in person, by video, telephonically or by other electronic means. The hearing shall be recorded.
- b) The Advisory Board shall determine the date, time and location of the public hearing. The Advisory Board shall make reasonable efforts to hold the public hearing at a date, time and location convenient to all parties.
- c) The Chairperson shall preside over the public hearing, including closed sessions, if needed, as provided by the Open Meetings Act [5 ILCS 120(2)(c)].

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- d) The Advisory Board shall make a public recommendation to approve the plan, approve the plan as modified, reject the plan, and/or grant a waiver to the Administrator upon conclusion of the closed session, if any.
- e) A transcript of the recorded hearing shall be provided to the applicant upon written request.
 - 1) The cost of transcription shall be the responsibility of the applicant.
 - 2) Fees shall not exceed the actual cost for the preparation of the transcript.
 - 3) The record need not be transcribed unless the Advisory Board receives a written request and fee from the applicant in accordance with this Section or a request from the Administrator.

Section 1324.220 Decisions of the Administrator

- a) The Administrator shall consider the recommendation received from the Advisory Board regarding any consolidation plan and/or request for waiver it receives.
- b) The Administrator shall provide a written decision to the applicant no later than 90 calendar days after the Advisory Board receives the plan and/or request for waiver.
 - 1) Any order of authority issued by the Commission to a 9-1-1 Authority prior to January 1, 2016 shall remain in effect as if issued by the Administrator until the 9-1-1 Authority files a plan for consolidation under Section 1324.200 or for modification under 83 Ill. Adm. Code 1328, and a new order of Authority is issued by the Administrator. When appropriate, the Administrator shall issue an order of authority to operate a 9-1-1 system as detailed and described in the approved plan.
 - 2) If the decision is inconsistent with the recommendation of the Advisory Board, the Administrator shall provide a written explanation to the Advisory Board and the applicant regarding the deviation in his or her decision.

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- 3) If the Administrator does not approve the plan, approve the plan as modified, or grant a waiver, prior to issuing the written decision, the Administrator shall read the record of all hearings conducted to ensure his/her decision is consistent with the record.
- c) Any deadlines within this Part may be extended upon mutual agreement of the Administrator and the entity that submitted the plan or request for waiver.
- d) The decision of the Administrator shall be final and subject to judicial review under the Administrative Review Law [735 ILCS 5].

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- 1) Heading of the Part: Standards of Service Applicable to 9-1-1 Emergency Systems
- 2) Code Citation: 83 Ill. Adm. Code 1325
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1325.100	New Section
1325.101	New Section
1325.200	New Section
1325.205	New Section
1325.210	New Section
1325.215	New Section
1325.220	New Section
1325.300	New Section
1325.400	New Section
1325.415	New Section
1325.500	New Section
1325.505	New Section
1325.510	New Section
1325.515	New Section
1325.520	New Section
1325.525	New Section
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to set the requirements for operating as a 9-1-1 system, to designate a department liaison for the system, to establish standards of service with respect to 9-1-1 emergency systems, and to provide operational procedures.
- 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? Yes, 40 Ill. Reg. 1118; January 15, 2016
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These rules may require a local government to establish, expand or modify its activities consistent with the consolidation requirements of the Emergency Telephone System Act [50 ILCS 750]. Depending upon the amount of money available in the Statewide 9-1-1 Fund for grants to cover those costs, this may require a unit of local government to make additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:
- Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703
- 217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: These rules apply to Emergency Telephone System Boards (ETSBs), Joint Emergency Telephone System Boards (Joint ETSBS), qualified governmental entities authorized to provide 9-1-1 services, and Public Safety Answering Points (PSAPs). The rules also impacts Telecommunication Carriers and 9-1-1 System Providers certified under the Public Utilities Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Each ETSB, Joint ETSB or qualified governmental entity is subject to annual reporting requirements of its operations in January and annual financial reporting in October.

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All entities governed under this rule are subject to follow the technical requirements.

- C) Types of professional skills necessary for compliance: 9-1-1 operational/technical and financial abilities.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE

PART 1325

STANDARDS OF SERVICE APPLICABLE TO 9-1-1 EMERGENCY SYSTEMS

SUBPART A: GENERAL PROVISIONS

- Section
1325.100 Application of Part
1325.101 Definitions

SUBPART B: AUTHORIZATION TO OPERATE AS A 9-1-1 SYSTEM

- Section
1325.200 General Requirements
1325.205 Initial or Modified 9-1-1 Plan Filings (Not Including Consolidation Plans)
1325.210 Order of Authority
1325.215 Records and Reports
1325.220 Compliance with Technical and Operational Standards

SUBPART C: MANAGEMENT

- Section
1325.300 Department Liaison

SUBPART D: STANDARDS OF SERVICE

- Section
1325.400 9-1-1 Authority
1325.415 Answering Points – PSAP, Backup PSAP, SAP and VAP

SUBPART E: OPERATIONS

- Section
1325.500 Testing Procedures
1325.505 Call Handling Procedures
1325.510 Electronic Communication Devices

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- 1325.515 Physical Security
1325.520 9-1-1 Traditional Legacy Service Database
1325.525 Outage Notification

AUTHORITY: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1118, effective January 1, 2016, for a maximum of 150 days; adopted at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1325.100 Application of Part

This Part shall apply to all public agencies, public safety agencies, public safety answering points and 9-1-1 Authorities. This Part also pertains to 9-1-1 service regardless of the technology provisioned by the 9-1-1 system provider and 9-1-1 Authority for the delivery of 9-1-1 service.

Section 1325.101 Definitions

"9-1-1 Authority" means the ETSB or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers as prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750].

"9-1-1 Network" means the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by 83 Ill. Adm. Code 725 to a PSAP or backup PSAP that meets the applicable grade of service.

"9-1-1 System" means the geographic area that has been granted an order of Authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services and that has been certified by the Commission pursuant to the Public Utilities Act [220 ILCS 5/13-900].

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"9-1-1 Traditional Legacy Service" means that an arrangement of channels, such as loops, trunks and associated switching facilities to exchange voice and data.

"Access Line" means the connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and interexchange telecommunications service.

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Adjacent Agencies" means any public or private safety agencies (police, firefighting, emergency medical and ambulance services or other emergency services) whose jurisdiction is outside the 9-1-1 system jurisdiction, but that is adjacent to or touches that 9-1-1 system's boundary.

"Administrator" means the Statewide 9-1-1 Administrator.

"Aid Outside Normal Jurisdiction Boundaries Agreement" means a written cooperative agreement entered into by all participating and adjacent agencies and public safety agencies providing that, once an emergency unit is dispatched to a request through a system, that unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.

"Audible Signal" means a buzzer, bell or tone device used to alert an individual that appropriate action is required.

"Automatic Alarm" or "Automatic Alerting Device" means any device that will access the 9-1-1 system for emergency services upon activation. [50 ILCS 750/2]

"Automatic Location Identification" or "ALI" means in an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplementary emergency services information.

"Automatic Number Identification" or "ANI" means the automatic display of the 9-1-1 calling party's number on the PSAP monitor.

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"Backup PSAP" means a public safety answering point that serves as an alternate to the PSAP for enhanced systems and is at a different location and operates independently from the PSAP. A backup PSAP may accept overflow calls from the PSAP or be activated in the event that the PSAP is disabled.

"Busy Day" means a consecutive 24-hour period during which the greatest volume of traffic is handled in the central office.

"Busy Hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Busy Tone" means an audible signal indicating a call cannot be completed because the called access line is busy. The tone is applied 60 times per minute.

"Call Referral" means a 9-1-1 service in which the PSAP telecommunicator provides the calling party with the telephone number of the appropriate public safety agency or other provider of emergency services.

"Call Relay" means a 9-1-1 service in which the PSAP telecommunicator takes the pertinent information from a caller and relays that information to the appropriate public safety agency or other provider of emergency services.

"Call Transfer" means a 9-1-1 service in which the PSAP telecommunicator receiving a call transfers the incoming call to the appropriate public safety agency or other provider of emergency services.

"Carrier" means a telecommunications carrier and a wireless carrier.

"Central Office" means the site where switching equipment is located. A local central office, also called an end office, is the switching office where individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office.

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"Circuit" means the physical connection (or path) of channels, conductors and equipment between two given points through which an electronic or optical signal may be established.

"Commission" means the Illinois Commerce Commission.

"Customer Premises Equipment" or "CPE" means communications or terminal equipment located in the customer's facilities/terminal equipment at a PSAP.

"Default Routing" means a feature that allows emergency calls to be routed to a designated default PSAP if the incoming emergency call cannot be selectively routed due to ANI failure, garbled digits, or other causes that prevent selective routing.

"Department" means the Department of State Police.

"Direct Dispatch" means a 9-1-1 service that provides for the direct dispatch, by a PSAP telecommunicator, of the appropriate unit upon receipt of an emergency call and the decision as to the proper action to be taken.

"Diverse Routing" means the practice of routing circuits along different physical or electrical paths in order to prevent total loss of 9-1-1 service in the event of a facility or hardware failure.

"E9-1-1 Selective Router" means a telecommunications carrier switching office, or stand alone selective routing switch, equipped with enhanced 9-1-1 service capabilities. This switch serves as an E9-1-1 selective router for emergency calls from other local offices in the 9-1-1 service area.

"Emergency Call" means any type of request for emergency assistance through the 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way, real-time media and involves a human making a request for help.

"Emergency Service Number" or "ESN" is sometimes known as emergency service zone (ESZ). An ESN is a three- to five-digit number representing a unique combination of public safety agencies (police, fire and emergency medical service) designated to serve a specific range of addresses within a particular

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geographic area or ESZ. The term ESZ refers to the geographic area itself and is generally used only during the ESN definition process to label specific areas. The ESN facilitates the selective routing of calls to appropriate PSAPs in a traditional legacy 9-1-1 system.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"English Language Translation" or "ELT" means a database table that provides the names of the public safety agencies (or services) associated with an ESN/ESZ number that is displayed on the ALI screen at the PSAP.

"Enhanced 9-1-1" or "E9-1-1" means an emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Error ratio" means the percentage of database records that are not Master Street Address Guide valid for a specific 9-1-1 traditional legacy service system.

"Exchange" means a unit established by a telecommunications carrier and approved by the Commission for the administration of telecommunications service in a specified geographic area. It may consist of one or more central offices, together with associated plant, used in furnishing telecommunications services in that area. Exchanges are identified on exchange boundary maps on file with the Commission.

"Geospatial Data" means accurately references to a precise location on the earth's surface using latitude, longitude, elevation and datum that identifies the coordinate system used.

"Geographic Information System" or "GIS" means a system for capturing, storing, displaying, analyzing and managing data and associated attributes that are spatially referenced.

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"Grade of Service" means P.01 for Basic 9-1-1 or Enhanced 9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Interconnected Voice Over Internet Protocol Provider" or "Interconnected VoIP Provider" means every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates, manages, or provides within this State, directly or indirectly, Interconnected VoIP, service, or the meaning prescribed in 47 CFR 9.3 [220 ILCS 5/13-234 and 13-235]. VoIP service is a service that:

enables real-time, two-way voice communications;

requires a broadband connection from the user's location;

requires Internet protocol-compatible customer premises equipment; and

permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched network.

"IP" means Internet Protocol.

"IP Gateway" means the point at which a circuit-switched call is encoded and repackaged into IP packets. Equipment that provides interconnection between two networks with different communications protocols.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a combination thereof, to provide for the management and operation of a 9-1-1 system.

"Local Loop" means a channel between a customer's network interface and its serving central office. The most common form of loop, a pair of wires, is also called a line.

"Logging Recorder" means a machine that records both sides of telephone and radio transmissions.

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"Master Street Address Guide" or "MSAG" means the computerized geographic file that either consists of all street and address data or its functional equivalent (i.e., geospatial data) within the 9-1-1 system area. This database is the key to the selective routing capability of E9-1-1 systems. It matches an originating caller to a specific answering point based on the address data. The MSAG will require updating after the initial file is created.

"Mechanical Dialer" means a device that either manually or remotely triggers a dialing device to access the 9-1-1 system. [50 ILCS 750/2]

"National Emergency Number Association" or "NENA" means the international not-for-profit organization whose purpose is to lead, assist and provide for the development, availability, implementation and enhancement of a universal emergency telephone number or system common to all jurisdictions through research, planning, publications, training and education.

"NENA i3 Solution standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3) as published on June 14, 2011, and does not include any later amendments or additions.

"Network Connection" means a voice grade communication channel directly between a subscriber and a telecommunications carrier's public switched network, without the intervention of any other telecommunications carrier's switched network, that would be required to carry the subscriber's interpremises traffic. The connection either is capable of providing access through the public switched network to a 9-1-1 system, if one exists; or, if no system exists at the time a surcharge is imposed under ETSA Section 15.3, would be capable of providing access through the public switched network to the local 9-1-1 system if one existed. [50 ILCS 750/2]

"Network costs" means those recurring costs that directly relate to the operation of the 9-1-1 network, including costs for interoffice trunks, selective routing charges, transfer lines and toll charges for 9-1-1 services, Automatic Location Information (ALI) database charges, call box trunk circuit (including central office only and not including extensions to fire stations), independent local exchange carrier charges and nonsystem provider charges, carrier charges for third-party database for on-site customer premises equipment, backup PSAP

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trunks for nonsystem providers, periodic database updates as provided by carrier (also known as "ALI data dump"), regional ALI storage charges, circuits for call delivery (fiber or circuit connection), NG9-1-1 costs, and all associated fees, taxes and surcharges on each invoice. "Network Costs" shall not include radio circuits or toll charges that are for other than 9-1-1 services.

"Network Diagram" means a schematic flow chart that shows the actual network pieces and flow of activities in a picture.

"NG9-1-1" or "Next Generation 9-1-1 Service" means a system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

"On-site Database" means a copy of the database that resides with the local 9-1-1 Authority.

"Order of Authority" means an order from the Administrator that authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.

"Originating Service Provider" or "OSP" means a communications provider that allows its users or subscribers to originate 9-1-1 voice or nonvoice messages from the public to the 9-1-1 Authority.

"Outbound Notification Systems" means a community outreach tool that automatically disperses information to the public and is not considered a function or part of a 9-1-1 system (see "System").

"Overflow" means a call or position used when a call is blocked or rerouted due to excessive traffic.

"P.01" means the probability (P), expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system

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provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

"Participating Agencies" means any public or private safety agency (police, firefighting, emergency medical and ambulance services or other emergency services, pursuant to ETSA Section 4) whose jurisdiction is located within the 9-1-1 system boundaries.

"Primary Point of Contact" or "9-1-1 Contact Person" means the individual designated by the 9-1-1 Authority as the contact point for the participating telecommunications carriers.

"Private Branch Exchange" or "PBX" means a private telephone system and associated equipment located on the user's property that provides communications between internal stations and external networks.

"Public Agency" means the State or any unit of local government or special purpose district located in whole or in part within this State that provides police, firefighting, medical or other emergency services or has authority to do so. [50 ILCS 750/2].

"Public Safety Agency" means a functional division of a public agency that provides police, firefighting, medical or other emergency services.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Secondary Answering Point" or "SAP" means a location, other than a PSAP, that is able to receive the voice, data and call back number of E9-1-1 or NG9-1-1 emergency call transferred from a PSAP and completes the call taking process by dispatching police, medical, fire or other emergency responders.

"Selective Routing" means a system that automatically routes calls to predetermined PSAPs based on the location of the calling telephone number.

"Service Address" means the location of the primary use of the network connection or connections.

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"Split Exchange" means an exchange shared with more than one 9-1-1 system.

"Surcharge" means a monthly amount imposed, pursuant to ETSA Section 20, on all customers of telecommunications carriers, wireless carriers and interconnected VoIP providers for the purpose of installing and maintaining an E 9-1-1 or NG9-1-1 system, with the exception of a municipality with a population of 500,000 or greater.

"System" means the communications equipment and related software applications required to produce a response by the appropriate emergency public safety agency or other provider of emergency services as a result of an emergency call.

"TDD" means a telecommunications device for the deaf. See "TTY".

"Telecommunications Carrier" shall have the same meaning ascribed in the Public Utilities Act [220 ILCS 5/13-202], including those carriers acting as resellers of telecommunications services. For the purpose of 9-1-1 service, this definition shall include telephone systems operating as mutual concerns. A telecommunications carrier under the Public Utilities Act may provide competitive or noncompetitive local exchange telecommunications services or any combination of the two as defined in the Public Utilities Act [220 ILCS 5/13-204].

"Telecommunications Service" shall have the meaning ascribed in the Public Utilities Act [220 ILCS 5/13-203].

"Telecommunicator" means a person who is trained and employed in public safety telecommunications and is qualified to answer incoming emergency calls and/or provides for the appropriate emergency response, either directly or through communication with the appropriate PSAP, SAP or VAP.

"Terminal Equipment" means telephone station apparatus.

"Transfer" means a feature that allows the PSAP telecommunicator to transfer emergency calls to a specific location or secondary PSAP.

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"Trunk" means a transmission path between switching units, switching centers and/or toll centers.

"TTY" or "Teletypewriter" means a telegraph device capable of transmitting and receiving alphanumeric information over communications channels and capable of servicing the needs of those persons with a hearing or speech disability.

"Uninterruptible Power Supply" means an emergency power source that can detect any change in power line frequency or voltage and automatically compensates for these changes by supplying additional power or converting to an auxiliary power source, without any loss of voltage or frequency.

"Vendor" means an entity that provides some or all elements of E9-1-1, 9-1-1, and/or other services for which it incurs network costs for one or more 9-1-1 Authorities.

"Virtual Answering Point" or "VAP" means a temporary or nonpermanent location that:

is capable of receiving an emergency call;

contains a fully functional worksite that is not bound to a specific location, but rather is portable and scalable, connecting emergency call takers or dispatchers to the work process; and

is capable of completing the call dispatching process.

SUBPART B: AUTHORIZATION TO OPERATE AS A 9-1-1 SYSTEM

Section 1325.200 General Requirements

- a) The digits "9-1-1" shall be the primary emergency telephone number within the system, but a public agency or public safety agency shall maintain a separate secondary 10-digit emergency backup number for at least six months after the 9-1-1 system is in operation and shall at all times maintain a separate number for nonemergency telephone calls.

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- b) 9-1-1 service is a terminating-only service that connects a person who has dialed the universal emergency service code 9-1-1 to the appropriate PSAP.
- c) Outbound notification systems used to notify the general public of a particular incident are not considered part of a 9-1-1 "system" as defined in this Part.
- d) 9-1-1 plans for 9-1-1 systems shall be filed in compliance with this Part and the Act.
- e) 9-1-1 plans shall be filed electronically at the link posted on the Department's website as detailed in Section 1325.205.
- f) A 9-1-1 system shall not become operational without an order from the Commission, prior to January 1, 2016, or the Administrator. Pursuant to ETSA Section 10, all orders of authority issued by the Commission shall continue in force unless rescinded by the Administrator.
- g) The following modifications to a 9-1-1 Authority's existing 9-1-1 plan shall be filed for approval electronically at the link posted on the Department's website. The submission shall include a modified plan, consisting of the revised application prescribed in Section 1325.205. Modifications requiring Administrator approval shall include:
 - 1) Changing boundaries that require an intergovernmental agreement between local governmental entities to exclude or include residents within the 9-1-1 jurisdiction;
 - 2) Changing or adding a 9-1-1 system provider;
 - 3) Changes in network configuration, except as provided for in subsection (h); and
 - 4) Change of backup arrangement.
- h) The following modifications to a 9-1-1 Authority's existing 9-1-1 plan need not be formally submitted to the Administrator for approval. While Administrator approval is not necessary for these modifications, the 9-1-1 Authority must

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provide written notification 10 business days prior to making the following changes:

- 1) Permanent relocation of a PSAP or backup PSAP facility;
- 2) Any reduction in 9-1-1 trunks from the selective router to the PSAP; or
- 3) Further reduction within a 9-1-1 Authority of PSAPs beyond consolidation as required by the Act.

Section 1325.205 Initial or Modified Plan Filings (not Including Consolidation Plan)

- a) Initial or modified plans, excluding consolidation plan filings, shall be filed in accordance with ETSA Section 11 and must conform to minimum standards as established pursuant to ETSA Section 10.
- b) Initial or modified plans must include a completed application to the Administrator for the initial provision of, or modification to, 9-1-1 service. The application, which can be found on the Department's website, shall include the following documents:
 - 1) Contact and 9-1-1 system information;
 - 2) Notarized statement of truth regarding information provided in the plan;
 - 3) A letter that is sent to the 9-1-1 system provider, with a copy of the plan;
 - 4) A detailed summary of the proposed system's operation, including but not limited to, a five-year strategic plan for implementation of the consolidation with financial projections;
 - 5) A summary of the anticipated implementation costs and annual operating costs of the proposed system that are directly associated with 9-1-1, as well as anticipated revenues;
 - 6) A list of all communities that are served by the 9-1-1 system;

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- 7) A list of public safety agencies (police, fire, EMS, etc.) that are dispatched by the 9-1-1 system, including their addresses, telephone numbers and form of dispatch;
- 8) A list of the public safety agencies (police, fire, EMS, etc.) that are adjacent to the 9-1-1 system's jurisdictional boundaries;
- 9) A list of the carriers and Interconnected VoIP providers that are known by the applicant to provide service within the jurisdiction of the 9-1-1 system;
- 10) Attachments (as applicable):
 - A) Any local ordinances that create an ETSB relevant to the consolidation;
 - B) Any intergovernmental agreements or memorandums of understanding or any other agreements pertinent to the 9-1-1 system;
 - C) Any contracts with a new 9-1-1 system provider;
 - D) The backup PSAP Agreement that establishes backup and overflow services between 9-1-1 Authorities or PSAPs within those Authorities;
 - E) The network diagram that is provided by the 9-1-1 system provider showing the P.01 and trucking, routing and backup configuration for the 9-1-1 system;
 - F) The Call Handling and Aid Outside Jurisdictional Boundaries Agreements
 - i) Call Handling Agreements shall be made between the 9-1-1 Authority and public agencies and/or public safety agencies in a single system and also between the 9-1-1 Authority and/or public agencies or public safety agencies whose jurisdictional boundaries are contiguous. Call Handling Agreements shall describe the primary and secondary

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dispatch methods to be used by the requesting parties within their respective jurisdictions.

- ii) Aid Outside Jurisdictional Boundaries Agreements shall be made between the 9-1-1 Authority and the public agencies and/or public safety agencies in a single system and between the 9-1-1 Authority and the public agencies and public safety agencies in adjacent systems, whose jurisdictional boundaries are contiguous. Aid Outside Jurisdictional Boundaries Agreements shall provide that, once an emergency unit is dispatched in response to a request through the system, that unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.
 - iii) When possible, Call Handling and Aid Outside Jurisdictional Boundaries Agreements may be consolidated into a single agreement;
- 11) The Test Plan, which is the 9-1-1 system's overall plan detailing how and to what extent the network and database will be tested;
- 12) If incorporating an NG9-1-1 solution, the application must, in the narrative portion of the consolidation plan:
- A) Indicate the name of the certified 9-1-1 system provider being utilized;
 - B) Explain what national standards, protocols and/or operating measures will be followed;
 - C) Explain what measures have been taken to create a robust, reliable and diverse/redundant network and whether other 9-1-1 Authorities will be sharing the equipment;

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- D) Explain how the existing 9-1-1 traditional legacy wireline, wireless and VoIP network, along with the databases, will interface and/or be transitioned into the NG9-1-1 system;
- E) Explain how split exchanges will be handled;
- F) Explain:
 - i) how the databases will be maintained and how address errors will be corrected and updated on a continuing basis; and
 - ii) who will be responsible for updating and maintaining the data, at a minimum, on a daily basis Monday through Friday; and
- G) Explain what security measures will be placed on the IP 9-1-1 network and equipment to safeguard it from malicious attacks or threats to the system operation and what level of confidentiality will be placed on the system in order to keep unauthorized individuals from accessing it.

Section 1325.210 Order of Authority

- a) Any order of authority issued by the Commission to a 9-1-1 Authority prior to January 1, 2016 shall remain in effect as if issued by the Administrator until the 9-1-1 Authority files a plan for consolidation under 83 Ill. Adm. Code 1324.200 or for modification under Section 1325.205 of this Part and a new order of authority is issued by the Administrator. The 9-1-1 Authority of a proposed or modified 9-1-1 system shall file a plan with the Administrator for an order of authority to operate a 9-1-1 system as detailed and described in the Authority's 9-1-1 plan. The Administrator will issue an order of authority authorizing the 9-1-1 Authority to operate under the terms of its initial or modified plan.
- b) Pursuant to ETSA Section 10, the Department is authorized to set technical standards for the provision of 9-1-1 Authorities throughout the State of Illinois. Pursuant to the Public Utilities Act [220 ILCS 5/13-900], the Commission is

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authorized to set technical standards for the provision of 9-1-1 service to be provided by telecommunication carriers and 9-1-1 system providers.

- c) All 9-1-1 plans must be filed electronically with the Department. Upon receipt of the plan, it will be posted on the Department's website. The Department will notify all vendors registered with it pursuant to Section 1325.305, perform a technical review to ensure compliance with this Part, and simultaneously submit the plan for a technical review by the Commission to ensure compliance with 83 Ill. Adm. Code 725.
- d) The public and industry will have 20 days to file written comments with the Administrator. After 20 days, or until notified otherwise by the Commission, the Department will proceed as though no separate Commission proceeding will be undertaken.
- e) If there are no contested issues in the filing, no public hearing will be warranted.
- f) If there are contested issues, the Administrator will schedule a public hearing to allow the parties who have issued written comments to appear in front of the Administrator and the applicant.
- g) Once the hearing is concluded the Administrator will decide whether to issue an order of authority or to deny the plan.

Section 1325.215 Records and Reports

- a) The 9-1-1 Authority shall maintain those records it considers necessary to document its operations. As a minimum, those records shall include:
 - 1) a log of major system operations;
 - 2) critical CPE or network outages; and
 - 3) records of telecommunications carrier database queries by the 9-1-1 Authority.
- b) The records specified in subsection (a) shall be preserved for a minimum of one year.

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- c) Pursuant to ETSA Section 15, and by January 31 of every year, each 9-1-1 Authority shall be required to file with the Administrator and the Illinois Attorney General the following items:
- 1) the current 9-1-1 contact person for the 9-1-1 system and that person's contact information;
 - 2) the current error ratio for the E9-1-1 traditional legacy service database, as provided by the 9-1-1 system providers pursuant to Section 1325.405(i)(6);
 - 3) the current makeup of the ETSB and each board member's capacity (i.e., current public safety representative, public member, county board member, or elected official), as provided in ETSA Section 15.4;
 - 4) a current network diagram for the 9-1-1 system, as provided by the 9-1-1 system providers pursuant to Section 1325.405(i)(7);
 - 5) copies of the annual certified notification of continuing agreement for all participating agencies and adjacent agencies;
 - 6) current list of all participating agencies and adjacent agencies; and
 - 7) names and locations of all PSAPs, SAPs, VAPs and backup PSAPs.

Section 1325.220 Compliance with Technical and Operational Standards

The Department and Administrator shall have the authority to complete a site visit with 9-1-1 systems to verify compliance with technical and operational standards set forth in the Act and in this Part.

SUBPART C: MANAGEMENT

Section 1325.300 Department Liaison

Each 9-1-1 Authority, and each vendor eligible to receive network cost reimbursements pursuant to 83 Ill. Adm. Code 1329.210 or providing 9-1-1 service shall designate an individual as the

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Department liaison for the system. The 9-1-1 Authority and vendors shall provide the Department with their liaison's name, phone number, mailing address and e-mail address. The Department shall be notified of any change in this information within 10 days after this change. These liaisons shall be responsible for receiving and responding to all legal notices provided pursuant to 83 Ill. Adm. Code 1324, 1327, and 1329 and this Part.

SUBPART D: STANDARDS OF SERVICE

Section 1325.400 9-1-1 Authority

The 9-1-1 Authority:

- a) Shall obtain Administrator authorization pursuant to Section 1325.210 prior to operating or making a modification to a 9-1-1 system;
- b) Shall provide continual review using recognized administrative, engineering, database and security procedures to assure adequate service to the general public in accordance with ETSA and this Part;
- c) Shall comply with the provisions of all applicable federal or State laws regarding the provisioning of 9-1-1 services regarding wireline, wireless and VoIP or any other medium;
- d) Shall provide the overall management for the 9-1-1 system and all of its PSAPs and work in conjunction with the 9-1-1 system providers on initial installation, continued maintenance, and any future modifications to the system;
- e) Shall enter into a service contract with one or more 9-1-1 system providers that have been authorized to operate in the State of Illinois pursuant to the Public Utilities Act [220 ILCS 5/13-900] to provide 9-1-1 database, call routing, and other 9-1-1 duties and services associated with the 9-1-1 system that clearly delineates the responsibilities of the 9-1-1 system provider and 9-1-1 Authority. A copy of this contract shall be filed with the initial or modified plan to be approved by the Administrator pursuant to Section 1325.205. Parties to the contract may deem all or a portion of the contract as proprietary and confidential;
- f) Shall ensure that contracts with multiple 9-1-1 system providers clearly define the role of each 9-1-1 system provider as it relates to its responsibility for providing

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database, routing of emergency calls, and the building of the 9-1-1 network. The 9-1-1 Authority shall coordinate the tasks between 9-1-1 system providers;

- g) Must maintain data in the MSAG or its functional equivalent for those 9-1-1 systems employing new and emerging technology;
- h) Shall develop and utilize written 9-1-1 Standard Operating Procedures (SOPs) for use by its telecommunicators and supervisory personnel (i.e., call trace for basic systems, service restoration/equipment failure, and disaster procedures in the event that critical functions of the PSAP are partially or totally disabled). Each PSAP shall be given a copy of the 9-1-1 SOPs that shall be kept on file at each PSAP;
- i) Shall ensure that civic 9-1-1 locatable addresses, with U.S. Postal Service approval, are assigned to all subscribers with a static address and provided to the 9-1-1 system provider;
- j) Shall coordinate with the appropriate authorities to ensure that the initial installation of road or street signs that are essential to the implementation of an E9-1-1 system will be installed prior to activating the system;
- k) Shall accept all OSP end user emergency calls from its 9-1-1 system provider as long as it is technically feasible, regardless of the technology employed in generating the emergency call. The 9-1-1 Authorities may only accept emergency calls routed into their system from a certified 9-1-1 system provider; and
- l) Shall ensure that emergency calls are not routed or transferred to an automated attendant or automated voice response system.

Section 1325.415 Answering Points – PSAP, Backup PSAP, SAP and VAP

- a) All 9-1-1 CPE used by a PSAP, SAP or VAP must be compatible with the 9-1-1 system provider's equipment and transport arrangements.
- b) Each PSAP, after consultation with the 9-1-1 system provider, shall designate an area of adequate size to be used by the 9-1-1 system provider for termination of the company's lines and equipment.

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- c) The CPE shall indicate incoming calls by both audible and visible signals for each 9-1-1 circuit. Each outgoing circuit shall have a visual display of its status.
- d) Each 9-1-1 answering position shall have access to all incoming 9-1-1 circuits and outgoing circuits.
- e) The CPE shall be designed to achieve transfers with at least 99.9% completion. This may require the use of dedicated facilities between the PSAPs. When the telecommunicator verifies that the transfer has been completed and the telecommunicator's services are no longer required, the telecommunicator may manually release himself/herself from the emergency call, provided that the CPE is so designed. A 9-1-1 system should be designed so that an emergency call will never be transferred more than once; however, there could be circumstances beyond the PSAP's control that might warrant more than one transfer.
- f) Each answering position shall have direct access to an operational teletypewriter or its equivalent, and all PSAP, SAP and VAP telecommunicators shall be trained in its use at least every six months. The 9-1-1 Authority will ensure that TTY equipment or its equivalent is available to continue service in the event of emergency, malfunction or power failure.
- g) At a minimum, each PSAP shall have at least two fully equipped answering positions. The staffing levels and the number of positions beyond this requirement shall be determined by the 9-1-1 Authority based on call volume and average length of calls (i.e., if PSAP is responsible for EMD, call processing could take longer and require additional telecommunicators). Overflow emergency calls shall be routed to a backup PSAP as provided for in subsection (i).
- h) The 9-1-1 Authority is responsible for ensuring that its PSAPs, backup PSAPs and SAPs provide continuous and uninterrupted operation 24 hours per day, 7 days a week.
- i) Backup PSAP
 - 1) Each 9-1-1 system shall have a backup PSAP that must operate independently from the primary PSAP. The backup PSAP must have the capability to dispatch (by either direct, transfer or call relay methods) the

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appropriate public safety agencies for that 9-1-1 system. A backup PSAP shall meet the same standards as the primary PSAP, except as provided for in subsection (i)(2).

- 2) In a 9-1-1 system with a population of fewer than 10,000, when the system has demonstrated that the requirements of subsections (g), (h) and (i) would place an undue financial burden on the system, the 9-1-1 Authority can ask the Administrator for an exemption from having a full feature, manned backup PSAP. A 9-1-1 system operating under this exemption should, as funds become available, upgrade its backup PSAP capability to meet those standards specified in subsections (g), (h) and (i)(1). If the system ever exceeds 5,000 billable access lines for a period of one year, it shall upgrade to meet the standards specified in subsections (g), (h) and (i)(1). For those systems operating under this exemption, some alternative form of backup shall be required. The backup PSAP requirement may be met by one of the following:
 - A) An unattended PSAP shall have:
 - i) the capability to provide 9-1-1 service;
 - ii) the communication equipment necessary to dispatch emergency services;
 - iii) a backup power supply;
 - iv) the ability to communicate via TTY; and
 - v) the capability to be immediately activated with authorized and trained personnel; or
 - B) Some other method that the 9-1-1 Authority must be able to demonstrate, in its request for an exemption, would meet the public safety needs of its community by being able to take 9-1-1 calls and dispatch them successfully on a temporary basis in an emergency situation.

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- j) The use of VAPs may be acceptable; however, this must be included as a part of the 9-1-1 system final or modified plan authorized by the Administrator.
- k) All telecommunicators shall be trained in emergency dispatch procedures and 9-1-1 SOPs as specified by the 9-1-1 Authority to fulfill the responsibilities of their position, with the following requirements:
 - 1) Newly hired telecommunicators must receive, at a minimum, an 80-hour training curriculum approved by the 9-1-1 Authority prior to handling emergency calls.
 - 2) If emergency medical dispatch is being provided that involves the dispatch of any fire department or emergency medical service agency, additional training must be completed in accordance to the Emergency Medical Services (EMS) Systems Act [210 ILCS 50] and 77 Ill. Adm. Code 515 in addition to the 80-hour minimum.
 - 3) Continuing education for existing telecommunicators is required in all aspects of emergency call handling and will be specified by the 9-1-1 Authority.
- l) The 9-1-1 Authority shall provide for the installation of a master logging recorder of adequate capacity to record both sides of a conversation of each incoming emergency call and any radio transmissions relating to the emergency call and its disposition for each answering point. These recordings shall have the time of each event noted. The 9-1-1 Authority may elect to record, on a circuit-by-circuit basis, or by way of the telecommunicator's position.
- m) The 9-1-1 Authority shall ensure that each answering point maintains an archive of the storage media for a minimum of 90 days without recirculation of any media.
- n) When CPE is implemented and is not tolerant of power fluctuations or interruptions, and is vital to the PSAP's, backup PSAP's, SAP's and VAP's operation, an uninterruptible power supply shall be installed at all locations for continuous operation.

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- o) All answering point locations must be equipped with an emergency backup power source capable of supplying electrical power to serve the basic power requirements of the answering point, without interruption, for longer outage time frames. It shall provide a minimum of four hours of power. The backup power source shall be tested for reliability on a monthly basis.
- p) Each answering point shall have at least one 24-hour staffed telephone number to be provided to telecommunications carrier operators, adjacent PSAPs, and public safety agencies in order to communicate with that answering point.
- q) Answering point employees shall be instructed to be efficient and courteous in the handling of all emergency calls and to comply with the provisions of all applicable federal and State laws in maintaining secrecy of communications.
- r) Each answering point shall ensure that all emergency calls are answered and handled without preference to the location of the caller.
- s) Each answering point should answer 90% of all emergency calls within 10 seconds.
- t) All calls of an administrative or nonemergency nature shall be referred to the appropriate agency's published telephone number.
- u) A current copy of the 9-1-1 Authority's SOPs shall be on file in every answering point.

SUBPART E: OPERATIONS

Section 1325.500 Testing Procedures

- a) The 9-1-1 Authority shall prepare a written test plan to be submitted as an exhibit to the final plan filed with the Administrator, pursuant to Section 1325.205. The test plan will explain how the 9-1-1 Authority plans to perform its testing in conjunction with the 9-1-1 system providers and carriers.
- b) The 9-1-1 Authority shall ensure that proper field testing and data verification has been performed on access lines in the 9-1-1 service area as prescribed in this subsection (b). The testing shall include each NXX for every telecommunications

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carrier and for every ESN within each service area prior to the 9-1-1 system being able to announce its availability to the public.

- 1) New 9-1-1 system, or a new 9-1-1 system consolidating with an existing 9-1-1 system: 10% of the new portion only shall be tested;
 - 2) Change of 9-1-1 system provider, conversion to NG9-1-1, consolidation of an ETSB with a rerouting of calls to a different PSAP, and consolidation with a reduction of PSAPs with the same ETSB: a sample of each exchange, 2 test calls per type of service; i.e., each land-line carrier (2 calls each), each wireless carrier (2 calls each), each Interconnected VoIP provider (2 calls each, if known); and
 - 3) Other changes to a 9-1-1 system, not outlined in subsection (b)(1) or (2): testing as directed by the Department's Office of the Statewide 9-1-1 Administrator.
- c) The 9-1-1 system provider may not cut the 9-1-1 system live until the 9-1-1 traditional legacy service database is at a 1% or less error ratio, pursuant to ETSA Section 750/15.4(d). Errors found during testing shall be corrected prior to cutting the system live.
- d) The 9-1-1 Authority is responsible for ongoing testing once the 9-1-1 system is on-line and shall, at a minimum, include the following:
- 1) The 9-1-1 Authority shall conduct testing, including, but not limited to, the 9-1-1 database, networking, system overflow, system backup, default routing, and call transfer on a continuing basis to ensure system integrity. The testing shall be coordinated in advance and in conjunction with the 9-1-1 system provider and carriers.
 - 2) The 9-1-1 Authority and 9-1-1 system providers shall participate in coordinated testing with the carriers when any of the following occurs:
 - A) New central office switching installations;
 - B) E9-1-1 selective router or functional equivalent installations, upgrades or rehomes;

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- C) NPA (Numbering Plan Area) additions;
 - D) Migration from one 9-1-1 system provider to another; and
 - E) Any other event that affects 9-1-1.
- 3) Upon request, after notification of implementation, the 9-1-1 Authority shall perform coordinated testing with the private residential or business switch operators.

Section 1325.505 Call Handling Procedures

- a) The 9-1-1 Authority shall ensure that the disposition of each emergency call is handled according to the agreements it has negotiated with its participating public agencies and public safety agencies and adjacent 9-1-1 Authorities and/or public agencies or public safety agencies listed in the plan (see Section 1325.205).
- b) Certified notification of the continuing agreements shall be made among the involved parties on an annual basis pursuant to ETSA Section 14.
- c) In instances in which a selected agency refuses a 9-1-1 request on the basis that a request is outside its jurisdictional boundaries, the telecommunicator shall make every effort to determine the appropriate responding agency and complete the disposition of the call.
- d) *The agreements shall provide that, once an emergency unit is dispatched in response to a request through the system, that unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.* [50 ILCS 750/14]

Section 1325.510 Electronic Communication Devices

Except for the purpose specifically indicated and authorized by law, the installation of or connection to the 9-1-1 system network of an automatic alarm, automatic alerting device, or mechanical dialer that causes the number 9-1-1 to be dialed is prohibited in a 9-1-1 system (e.g., elevator one-button phones, security pole one-button phones, or burglar alarms).

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Section 1325.515 Physical Security

- a) The 9-1-1 Authority must ensure that critical areas of an answering point shall have adequate physical security to prevent malicious disruption of service and shall be protected against damage due to vandalism, terrorism and civil disturbances. These critical areas shall, at a minimum, include all communications equipment, personnel, electronic equipment rooms, and mechanical equipment rooms that are vital to the operation of the answering point.
- b) The answering point and its personnel shall be isolated from direct public contact.
- c) Entry to the answering point shall be restricted to authorized persons only. Additionally, doors that lead directly from the exterior into the answering point, or from within a building into the answering point, shall be secured at all times.
- d) Access to the communications and electronic equipment rooms shall be restricted within the building by means of secured doors.
- e) Wherever practical, service entrances for electric and telephone service shall be underground, at least to the respective utilities' nearest serving distribution point. Protective measures shall be taken against vandalism and natural or manmade hazards at each answering point.
- f) The answering point shall be equipped with a fire extinguisher. Personnel shall be instructed in proper use of these extinguishers.

Section 1325.520 9-1-1 Traditional Legacy Service Database

- a) 9-1-1 database queries will only be allowed by PSAPs, backup PSAPS, SAPs and VAPs for purposes of dispatching or responding to an emergency call or for database integrity verification as set forth in subsection (c).
- b) Prior to an initial database integrity verification, the 9-1-1 Authority shall obtain a court order detailing the information that is to be disclosed and the reason for disclosure.
- c) The 9-1-1 database shall have the capability of allowing database verification queries, provided that the following procedures are adhered to:

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- 1) The 9-1-1 Authority shall be responsible for providing a level of security and confidentiality to the database that will prohibit random inquiries.
- 2) Direct access to 9-1-1 database information will be under strict control and, when technically feasible, a password will be assigned for access by authorized persons only.
- 3) Database verification queries shall be by subscriber number only and as necessary for purposes of database integrity. Queries in excess of 10 per 24-hour period will only be done with 2 or more days advance notice to the respective 9-1-1 system provider for scheduling purposes. Queries may be for the specific purpose of cross-checking information in the 9-1-1 database with other sources of information, including telephone and other directories, maps, municipal database listings, etc., and for verifying that database update information provided to the 9-1-1 system provider has indeed been posted and is correct. On-site 9-1-1 databases are exempt from 9-1-1 system provider advance notification requirements of this Section.
- 4) Information retrieved will be used exclusively for the maintenance, update and verification of the 9-1-1 database, except as otherwise specified in subsection (a). Any other use is expressly prohibited. The information is subject to strict nondisclosure agreements between the various OSPs and 9-1-1 system providers and the 9-1-1 Authority. All personnel associated in any way with the 9-1-1 Authority and the 9-1-1 systems are bound by these agreements.
- 5) Trunks/facilities that are not used to transport 9-1-1 emergency calls into the PSAP are prohibited from being connected to the 9-1-1 CPE in any way to allow for queries of the 9-1-1 database.
- 6) Database queries for the purpose of database verification shall be limited to off-peak times.
- 7) Database queries shall not be made if there is any known outage or impairment in the database system, including a database data link outage. In the event of an outage, the 9-1-1 system provider shall treat outage

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notification of the 9-1-1 Authority regarding database query suspension as a priority. When practicable, this notification shall be made no later than 15 minutes after a confirmed incident that will cause database queries to be suspended.

- d) Each telecommunications carrier shall provide updates to the appropriate 9-1-1 system provider for the 9-1-1 database on a daily basis, or more frequently when technology supports it, Monday through Friday during business hours.
- e) A 9-1-1 Authority using an on-site database is restricted from making any changes to the 9-1-1 data that has been downloaded for its use. Only the 9-1-1 system provider has the authority to correct errors or provide updates to the database. The 9-1-1 Authority must adhere to the proper error resolution procedures specified in subsection (g).
- f) 9-1-1 Authorities, 9-1-1 system providers, and carriers shall utilize mutually acceptable and agreed upon standards as prescribed, at a minimum, by the NENA Standards for 9-1-1 databases.
 - 1) Data Formats for ALI, MSAG and GIS (02-010, v9);
 - 2) 9-1-1 Data Management (02-011, v7); and
 - 3) Provisioning and Maintenance of MSAG Files to VDBs and EKDB (02-013, v3).
- g) Error Resolution
 - 1) It shall be the joint responsibility of the 9-1-1 Authority, the 9-1-1 system provider, and telecommunications carriers to ensure that the error ratio of each 9-1-1 system's database shall not, at any time, exceed 1%.
 - 2) The 9-1-1 Authority or 9-1-1 system provider shall forward all error reports within two business days after finding the error to the 9-1-1 Authority, 9-1-1 system provider, or carrier to take appropriate action to resolve the error.

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- 3) If the error is a record of the 9-1-1 system provider, it must be corrected and updated within 2 business days after receipt of the error. If the error is for a participating carrier, the 9-1-1 system provider shall forward the error to the appropriate carrier or 9-1-1 Authority for resolution.
 - 4) Any telecommunications carrier receiving an error record from the 9-1-1 system provider has two business days upon receipt of the error to work with the 9-1-1 Authority and process the corrections and forward the appropriate updates to the 9-1-1 system provider. If the error is for an OSP, the 9-1-1 Authority will forward those on to the appropriate company for review.
 - 5) The 9-1-1 Authority shall retest and/or validate that all errors have been corrected (e.g., no record found, misroutes).
- h) The 9-1-1 Authority shall, on a continuing basis, maintain the MSAG (or GIS database or functional equivalent), the ELT for each ESN, and the associated telephone numbers for the ELTs.
- i) Upon a written request of the 9-1-1 Authority, the 9-1-1 system provider shall submit, within 14 working days, a report to assist in the validation of the accuracy of the 9-1-1 database. Before this report is delivered to the 9-1-1 Authority, the 9-1-1 Authority shall enter into nondisclosure agreements with telecommunications carriers and Interconnected VoIP providers to protect proprietary network and customer-related information from public disclosure, consistent with the Illinois Freedom of Information Act (FOIA) [5 ILCS 140/7(1)] and other applicable federal or State law.
- 1) This report shall include the following information when available in the 9-1-1 database:
 - A) telephone number – area code, prefix and number in separate fields;
 - B) pilot number – single telephone number used to tie together multiple numbers within a system;

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- C) service (civic) address – including street name, house number or equivalent, suffix, directional, community name, state, zip code and location and/or descriptive information, including intersection if MSAG indicates an intersection, in separate fields;
 - D) billing address – if different than the service address, in separate fields, to be provided on a telephone number only basis, pursuant to procedures defined by the telecommunications carrier and the 9-1-1 Authority. Billing address information shall be subject to nondisclosure agreements;
 - E) name – first, last and middle names or initials in separate fields;
 - F) date service was initiated – the month, day and year that service was initiated, in separate fields. If this information is not available, the date reflecting the most current service order activity may be provided instead;
 - G) type of service – residential, business, coin, etc.;
 - H) PBX/Centrex Extensions/Station Numbers – identify those numbers that are part of a PBX/Centrex system, when this information is available;
 - I) surcharge status – when this information is available, the report shall identify those lines on which a surcharge is being collected and the date on which the collection was initiated. Identify those lines on which no surcharge is being collected and the reason for each exemption, including telecommunications carrier lines, in separate fields;
 - J) Emergency Service Number – appropriate ESN, if assigned, is to be made available only from the primary 9-1-1 system service provider providing database development and routing services.
- 2) This report may be requested by the 9-1-1 Authority, in writing, at a maximum, on a monthly basis. The information in this report is considered proprietary and shall be used exclusively for validating the accuracy of the

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9-1-1 database. This report will be delivered in an electronic format. It will not be delivered in paper format. There will be a charge for this report that will be a tariffed item by each 9-1-1 system provider.

- j) A 9-1-1 Authority that has or is in the process of transitioning to an NG9-1-1 system when the 9-1-1 traditional legacy service database will be used in conjunction with, or eventually be replaced with, dynamic data must provide a detailed explanation of the initial development and ongoing maintenance of necessary databases in the NG9-1-1 final plan or modification, pursuant to Section 1325.205(f).

Section 1325.525 Outage Notification

Once the 9-1-1 Authority has been notified of an outage occurring in the 9-1-1 system, it must make notification to any other PSAPs in the 9-1-1 system that are affected by the outage.

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- 1) Heading of the Part: Requirements for Private Business Switch Service to Comply with the Emergency Telephone System Act
- 2) Code Citation: 83 Ill. Adm. Code 1326
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1326.100	New Section
1326.105	New Section
1326.200	New Section
1326.205	New Section
1326.300	New Section
1326.305	New Section
1326.400	New Section
1326.500	New Section
1326.505	New Section
1326.510	New Section
- 4) Statutory Authority: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to set the requirements for private business switch service to comply with the Emergency Telephone System Act including standards of service, authorization to operate, private emergency answering points, and operating procedures.
- 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? Yes, 40 Ill. Reg. 1153; January 15, 2016
- 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

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- 11) Statement of Statewide Policy Objective: These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rule applies to any business, corporation, local government, and not-for-profit corporation that owns or operates a Private Business Switch Service or operates a Private Emergency Answering Point (PEAP).
 - B) Reporting, bookkeeping or other procedures required for compliance: PEAPs are subject to annual reporting of their operations in January and to follow the technical requirements.
 - C) Types of professional skills necessary for compliance: 9-1-1 background
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

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NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES

CHAPTER IV: DEPARTMENT OF STATE POLICE
SUBCHAPTER f: TELEPHONE UTILITIES

PART 1326
REQUIREMENTS FOR PRIVATE BUSINESS SWITCH SERVICE
TO COMPLY WITH THE EMERGENCY TELEPHONE SYSTEM ACT

SUBPART A: GENERAL PROVISIONS

- Section
- 1326.100 Application of Part
- 1326.105 Definitions

SUBPART B: STANDARDS OF SERVICE

- Section
- 1326.200 General Standards and Requirements
- 1326.205 Compliance

SUBPART C: AUTHORIZATION TO OPERATE

- Section
- 1326.300 Order of Authority
- 1326.305 Plans

SUBPART D: PRIVATE EMERGENCY ANSWERING POINT

- Section
- 1326.400 Private Emergency Answering Point (PEAP) Standards

SUBPART E: OPERATIONS

- Section
- 1326.500 System Review and Reporting
- 1326.505 Written Operating Procedures
- 1326.510 Call Handling Procedures

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AUTHORITY: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1153, effective January 1, 2016, for a maximum of 150 days; adopted at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1326.100 Application of Part

This Part shall apply to any private business switch operator in the State of Illinois, except to the extent of any exemptions conferred by Section 15.6(a) and (b) of the Emergency Telephone System Act [50 ILCS 750/15.6(a) and (b)].

Section 1326.105 Definitions

"9-1-1 Authority" means the ETSB or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by the Emergency Telephone System Act.

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Automatic Location Identification" or "ALI" means, in an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplemental emergency services information.

"Automatic Number Identification" or "ANI" means, in an E9-1-1 system, the automatic display of the 9-1-1 calling party's telephone number on the PSAP monitor.

"Call Referral" means a 9-1-1 service in which the Private Emergency Answering Point (PEAP) operator provides the calling party with the telephone number of the appropriate public safety agency or other providers of emergency services.

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"Call Relay" means a 9-1-1 service in which the PEAP operator takes the pertinent information from the caller and relays that information to the appropriate public safety agency or other emergency responders.

"Call Transfer" means a 9-1-1 service in which the PEAP operator receiving a call transfers the incoming call to the appropriate public safety agency or other emergency responders.

"Centrex Type Service" means a telecommunications system that is central office based and has feature characteristics similar to a private branch exchange (PBX). The switching of calls, both intercom and local/long distance, is performed at the local exchange carriers' facilities.

"Commission" means the Illinois Commerce Commission.

"Department" means the Department of State Police.

"Direct Dispatch" means a 9-1-1 service that provides for the direct dispatch, by a PEAP operator, of the appropriate public safety agency or other emergency responders upon receipt of a telephone request for those services and the decision as to the proper action to be taken.

"Distinct Location Identification" or "DLI" means an additional location identification that provides specific identification of a building, complex or campus. A DLI could include a floor number, wing name/number, and building name/number for every 40,000 square feet of workspace.

"Emergency Call" means any type of request for emergency assistance, not limited to voice. This may include a session established by signaling with two-way real-time media and involves a human making a request for help.

"Emergency Responders" means other providers of emergency services in addition to public safety agencies and private companies. These responders typically provide security protection, fire protection and medical assistance within a particular entity that handles its internal emergency calls.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the

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management and operation of a 9-1-1 system within the scope of the duties and powers as prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Enhanced 9-1-1" or "E9-1-1" means an emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Location Identification" means the street address of the workspace.

"Private Branch Exchange" or "PBX" means a private telephone system and associated equipment located on the user's property that provides communications between internal stations and external networks.

"Private Business Switch Service" means a telecommunications service, such as Centrex type service, or telecommunications equipment, such as a private branch exchange service (PBX) system. "Private business switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 CFR 68 when not used in conjunction with Centrex type and PBX systems. In instances in which Centrex type service is used in conjunction with key telephone systems not emulating PBX functionality, the responsibility for passing ANI and ALI rests with the carrier providing the Centrex. Private business switch services are typically used by, but are not limited to, private businesses, corporations, not for profit organizations, schools, governmental units, and industries for which the telecommunications service is primarily for conducting business.

"Private Emergency Answering Point" or "PEAP" means a place within an entity where the entity operators answer and dispatch emergency calls. An entity must obtain certification to handle internal emergency calls from its internal switch.

"Public Agency" means the State or any unit of local government or special purpose district located in whole or in part within this State that provides police, firefighting, medical or other emergency services, or has authority to do so [50 ILCS 750/2].

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"Public Safety Agency" means a functional division of a public agency that provides firefighting, police, medical or other emergency services.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Text Telephone" or "TT" means a teletypewriter, a device that employs graphic or Braille communication in the transmission of coded signals through a wire or radio communication system.

"TTY" or "Teletypewriter" means a telegraph device capable of transmitting and receiving alphanumeric information over communications channels and capable of servicing the needs of those persons with a hearing or speech disability.

"Workspace" means the physical building area where work is normally performed. A workspace is an area, defined by net square footage, that includes hallways, conference rooms, restrooms, break rooms, and/or storage rooms, but does not include wall thickness, shafts, heating/ventilating/air conditioning equipment spaces, mechanical/electrical spaces, or other similar areas where employees do not normally have access.

SUBPART B: STANDARDS OF SERVICE

Section 1326.200 General Standards and Requirements

The digits "9-1-1" shall be the primary emergency telephone number within a county or municipality that has received Commission or Department authority to operate as a 9-1-1 system. In areas where Enhanced 9-1-1 is available, a private business switch operator must ensure that its system is capable of meeting the requirements set forth in Section 1326.205. Nothing in this Section shall require changes in customary dialing patterns (i.e., using the prefix or access code 9 to obtain an outside line before dialing 9-1-1) for those PEAPs that are exempt pursuant to ETSA Section 15.8.

Section 1326.205 Compliance

- a) After June 30, 2000, or within 18 months after Enhanced 9-1-1 is made available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to businesses shall assure that such a

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system is connected to the public switched network in a manner so that calls to 9-1-1 result in automatic number identification (ANI) and automatic location identification (ALI).

- 1) ANI shall be provided based on the following minimum standards:
 - A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system.
 - B) For buildings having their own street address and containing workspace of more than 40,000 square feet, one ANI per 40,000 square feet of workspace shall be transmitted to the 9-1-1 system.
 - C) For private business switch operators/owners providing service in multi-floor buildings and sharing space with other nonrelated entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system per 40,000 square feet of workspace.
 - D) For private business switch operators/owners providing service in multi-building locations and sharing space with other nonrelated entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system.
- 2) The ALI information shall follow the database format defined by the National Emergency Number Association Recommended Formats for Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols for Data Exchange" (May 1999, published by the National Emergency Number Association, 4789 Papermill Road, Coshocton OH 43812). This incorporation does not include any later amendments or editions. ALI requirements are based on the following criteria when a 9-1-1 call is placed:
 - A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ALI shall be transmitted to the 9-1-1 system and shall include the building's street address.

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- B) For buildings having their own street address and containing workspace of more than 40,000 square feet, location identification shall include the building's street address (ALI) and one Distinct Location Identification (DLI) per 40,000 square feet of workspace. ALI and DLI information shall be transmitted to the 9-1-1 system. The DLI shall, as accurately as possible, specify the location from which the 9-1-1 call is being placed. For example, if the area contains multiple floors, the DLI shall specify all floor numbers included in the 40,000 square feet of workspace. The DLI must be able to identify the entire 40,000 square feet of workspace.
 - C) For private business switch operators/providers providing service in multi-floor buildings and sharing space with other nonrelated entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.
 - D) For private business switch operators/providers providing service in multi-building locations and sharing space with other nonrelated entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.
 - E) Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a DLI for each building, in addition to the street address.
- 3) In cases in which clarification is needed, the business switch owner/operator shall work with 9-1-1 system management and the database provider to implement a usable DLI.
- b) Exemptions to Subsection (a)
- 1) Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements in subsections (a)(2)(B) and (a)(2)(E) if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include, but are not limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building.

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- A) Entities that qualify for this exemption must have staff available to meet the public safety agency responding to the 9-1-1 call at the designated address. This staff must be able to direct the public safety agency to the site of the emergency.
 - B) Entities that qualify for this exemption must not intercept the 9-1-1 call. All 9-1-1 calls under this exemption will be directly and selectively routed to the appropriate 9-1-1 system.
 - C) However, buildings under this exemption must ensure that the appropriate building street address where the call originated is being provided to the 9-1-1 system.
 - D) An entity seeking exemption under this subsection (b)(1) shall provide notice that it seeks an exemption to the Department and to the public safety agency with jurisdiction over the physical location of the building for which the exemption is sought. Nothing in this subsection (b)(1)(D) shall be construed to limit the Administrator's authority to investigate and revoke or impose conditions upon the exemptions if it determines, after notice and hearing, that the revocation or imposition of conditions is reasonably necessary to ensure public safety.
- 2) Health care facilities are presumed to meet the requirements of subsection (b)(1) if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists. Buildings under this exemption must provide 9-1-1 service that provides the building address.
 - 3) Buildings containing workspace of more than 40,000 square feet or sites that contain multiple buildings sharing the same address or businesses that occupy multiple buildings in close proximity with different addresses that maintain, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and that are serviced by their own medical, fire and security personnel, may qualify for an exemption pending Administrator approval of the entity's emergency

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phone system. Certification by the Administrator is necessary prior to an entity answering and dispatching its own internal emergency calls. Entities that qualify for this exemption must comply with Subparts C, D and E.

- A) An entity seeking to obtain an exemption under this subsection (b)(3) must file a petition with the Administrator requesting the exemption. The petition shall contain a showing that the business seeking exemption is in compliance with Subparts C, D and E and shall further make a showing that the business seeking exemption provides emergency medical response equal in quality to that provided by the public safety agency with jurisdiction over the physical location of the building for which the exemption is sought.
 - B) Department staff shall review all petitions for exemption and shall make a recommendation to the Administrator that the Administrator grant the exemption, with conditions that are reasonably necessary to ensure public safety, or deny the exemption. The Administrator, after notice and hearing required by Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/10], shall grant the exemption, with conditions that are reasonably necessary to ensure the public safety, or deny the exemption.
- 4) Buildings in communities that are not serviced by Enhanced 9-1-1 service are exempt.

SUBPART C: AUTHORIZATION TO OPERATE

Section 1326.300 Order of Authority

- a) Any entity that qualifies for exemption under Section 1326.205(b)(3) to operate an emergency answering point within its own facility must comply with Subparts C, D and E. In addition, the entity shall file a petition for an order of authority to operate a Private Emergency Answering Point (PEAP), as described in the final plan required by Section 1326.305. The final plan shall be attached to the petition and filed with the Administrator.

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- b) The petitioner must also notify the appropriate 9-1-1 Authority of its plans to answer its internal emergency calls and provide a copy of the petition and plan to the appropriate 9-1-1 Authority.
- c) The Administrator shall have the authority to audit the PEAP to verify compliance with the Act and this Part.
- d) Notice of modification to an approved plan shall be submitted to the Administrator in writing no later than 10 days prior to the proposed change.

Section 1326.305 Plans

- a) Each entity shall submit a draft plan for Department review prior to filing its final plan with the Administrator. The Department has 90 days to review and provide written comments to the petitioner.
- b) Draft and final plans shall consist of a narrative that provides an explanation of the proposed system's operation and a completed petition to the Administrator for the provision of 9-1-1 service, consisting of the following:
 - 1) A thorough explanation regarding the makeup of the facility's security, fire and medical departments. The explanation shall include the emergency responders' responsibilities and how they are better able to respond to an incident internally than an outside agency. In addition, this exhibit shall indicate how each emergency responder will be dispatched within the facility.
 - 2) Call handling agreements with the internal emergency responders, including, but not limited to, the internal security services, internal fire services, and internal medical services. These agreements shall include a commitment from the parties that appropriate action shall be taken in response to emergency calls and subsequent dispatches, and that top priority will be given to emergency calls by the parties.
 - 3) Call handling agreements with the existing Enhanced 9-1-1 system for additional back-up police, fire and medical assistance pursuant to Section 1326.510(c).

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- 4) Backup PEAP agreement pursuant to Section 1326.400(d).
- 5) Standard Operating Procedures and Disaster Procedures specified in Section 1326.505.
- 6) Network Diagram – a chart showing the trunking configuration from the applicant's switch to the backup PEAP, as required by Section 1326.400.

SUBPART D: PRIVATE EMERGENCY ANSWERING POINT

Section 1326.400 Private Emergency Answering Point (PEAP) Standards

An entity that has been certified by the Administrator to operate a PEAP and to handle its internal emergency calls must meet the following minimum standards:

- a) The entity applying to be a PEAP may have a dialing code other than 9-1-1 as its primary emergency telephone number. When an entity's current telephone switching system is replaced, the entity shall program its system to respond to 9-1-1 in addition to its current dialing code.
- b) The PEAP shall be operational 24 hours a day, 7 days a week, except when the entity is closed or shut down and no employees are or could be present in any part of the facility.
- c) Each PEAP shall have an operational TT if the entity employs hearing or speech impaired persons or if there is an area in the building where the public has access to a telephone to dial 9-1-1 or other emergency code, such as a reception area, corridor, lobby or waiting room.
- d) There must be at least one backup location remote from the primary answering point that will be promptly staffed by trained personnel should the primary location experience equipment failure or become unstaffed due to fire or other emergency. Instead of an on-site remote backup location, a written agreement may be established with the existing 9-1-1 Authority to be the remote backup/overflow answering point. The phone switch must be configured to automatically transfer calls to the remote answering point if a call to the primary answering point goes unanswered or if the primary answering point has to be

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evacuated.

- e) Personnel answering the emergency phone must be trained on how to respond to emergency calls and how to summon appropriate inside and outside assistance for an emergency situation. Eight hours minimum training is required based on competency and experience.
- f) The PEAP shall be equipped with an emergency backup power source capable of supplying electrical power to serve the basic power requirements of the PEAP for a minimum of 4 hours.
- g) Critical areas of the PEAP must have adequate physical security to prevent the intentional disruption of service. In the absence of a high level of security, either of the following options may be substituted to ensure the answering and dispatch of the emergency call:
 - 1) A secondary backup location remotely located from the primary answering point that is staffed 24 hours a day with trained personnel; or
 - 2) An alternative method of available communication that will transmit an emergency request and result in the dispatch of emergency services.
- h) Access to phone switch equipment will be restricted to those who need to service the equipment.
- i) No emergency calls shall be placed on hold.
- j) Ninety percent of all emergency calls must be answered within 10 seconds.
- k) Emergency calls shall be identified by the telecommunications equipment in such a manner that indicates that the call is an emergency so the operator can give priority to the call. When possible, the telephone switching systems shall provide top priority to all emergency calls if a blocking condition occurs in the phone system.

SUBPART E: OPERATIONS

Section 1326.500 System Review and Reporting

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Each entity certified by the Administrator to handle its internal emergency calls shall provide an annual update to the Department's Office of the Statewide 9-1-1 Administrator by January 1 of each year. The entity shall provide the following information:

- a) The entity's name and street address;
- b) The name and telephone number of a contact person; and
- c) The recertification of all agreements.

Section 1326.505 Written Operating Procedures

Each certified entity shall develop and utilize written "Standard Operating Procedures" and "Disaster Procedures" for its emergency operations and for use by its personnel who will be handling the emergency calls. Copies of the procedures must also be included in the plan when petitioning the Administrator for approval.

Section 1326.510 Call Handling Procedures

- a) Each entity shall enter into call handling agreements with its internal emergency responders for police, fire and medical assistance. The agreements must specify the method of dispatch that will be used in contacting the responders.
- b) Each entity shall enter into call handling agreements with the 9-1-1 Authority for fire, police and medical assistance in case additional assistance is needed beyond what the facility itself can provide. There must also be a method available for the entity to request additional assistance from the existing 9-1-1 Authority to provide backup services in the event that an incident occurs that would require additional emergency resources.
- c) Each entity shall specify to the Administrator, in the plan required by Section 1326.305, how calls will be dispatched to emergency responders within its facility. In addition, the entity shall provide details concerning how additional public safety agencies or other providers of emergency services outside of the entity will be dispatched in the event that additional assistance is needed. Copies of the agreements must be included in the plan.

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- d) Each entity may choose from the following methods of dispatch:
 - 1) Direct dispatch;
 - 2) Call relay;
 - 3) Call referral; or
 - 4) Call transfer.
- e) Each entity shall ensure that the disposition of each emergency call is handled according to the agreements it has entered into with its emergency responding agencies within its facility.
- f) Each entity shall ensure that the disposition of each emergency call is handled according to the agreements it has entered into with the 9-1-1 Authority or other public safety agencies.

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- 1) Heading of the Part: 9-1-1 Emergency Systems Consolidation Grants
- 2) Code Citation: 83 Ill. Adm. Code 1327
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1327.100	New Section
1327.110	New Section
1327.120	New Section
1327.200	New Section
1327.210	New Section
1327.220	New Section
- 4) Statutory Authority: Implementing and authorized by Section 15.4b of the Emergency Telephone System Act [50 ILCS 750/15.4b]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to define the grant process and criteria for issuing grants to defray or offset non-recurring costs associated with 9-1-1 consolidation of systems outside a municipality with a population in excess of 500,000.
- 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? Yes, 40 Ill. Reg. 1169; January 15, 2016
- 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: These rules may require a local government to establish, expand or modify its activities consistent with the consolidation requirements of the Emergency Telephone System Act [50 ILCS 750]. Depending upon the amount of money available in the Statewide 9-1-1 Fund for grants to cover those costs, this may require a unit of local government to make additional expenditures from local revenues.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: These rules apply to local municipal and county government Emergency Telephone System Boards (ETSBs), Joint Emergency Telephone System Boards (Joint ETSBs), and qualified governmental entities authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act [50 ILCS 750/0.01 et. seq.], and Public Safety Answering Points (PSAPs).
- B) Reporting, bookkeeping or other procedures required for compliance: Detailed books and records shall be maintained by 9-1-1 providers related to the grants received and the use of the grant funds for a period of 5 years. Additionally, any necessary record keeping tied to the Illinois Grant Funds Recovery Act, Grant Accountability and Transparency Act, the Illinois Procurement Code, and the State Comptroller Act shall be maintained.
- 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 Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE

PART 1327

9-1-1 EMERGENCY SYSTEMS CONSOLIDATION GRANTS

SUBPART A: GENERAL PROVISIONS

Section

1327.100	Purpose and Authorization
1327.110	Definitions
1327.120	Duties

SUBPART B: ELIGIBILITY

Section

1327.200	Application and Receipt of Grant Program Funds
1327.210	Administration of Grant Program Funds
1327.220	Appeals

AUTHORITY: Implementing and authorized by Section 15.4b of the Emergency Telephone System Act [50 ILCS 750/15.4b].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1169, effective January 1, 2016, for a maximum of 150 days; adopted at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1327.100 Purpose and Authorization

The Department establishes this Part to exercise its responsibility to adopt rules defining the grant process and criteria for issuing grants to defray or offset nonrecurring costs associated with 9-1-1 system consolidation of systems outside of a municipality with a population in excess of 500,000 [50 ILCS 750/15.4b].

Section 1327.110 Definitions

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"9-1-1 Authority" means the ETSB, Joint ETSB, or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by the Emergency Telephone System Act.

"9-1-1 Network" means the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by 83 Ill. Adm. Code 725, to a PSAP or backup PSAP that meets the applicable grade of service.

"9-1-1 System" means the geographic area that has been granted an order of authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services and that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Administrator" means the Statewide 9-1-1 Administrator.

"Adverse Action" means any action taken to deny, reject, reduce, suspend or terminate a grant application, request to materially amend a grant, or grant payment.

"Advisory Board" means the Statewide 9-1-1 Advisory Board.

"Backup PSAP" means a public safety answering point that serves as an alternate to the PSAP for enhanced systems and is at a different location and operates independently from the PSAP. A backup PSAP may accept overflow calls from the PSAP or be activated in the event that the PSAP is disabled.

"Busy day" means a consecutive 24-hour period during which the greatest volume of traffic is handled in the central office.

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"Busy hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Commission" means the Illinois Commerce Commission.

"Consolidation" means a reduction of Emergency Telephone System Boards, Joint Emergency Telephone System Boards, qualified governmental entities, and PSAPs pursuant to ETSA Section 15.4a.

"Department" means the Department of State Police.

"Emergency Call" means any type of request for emergency assistance through the 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way, real-time media and involves a human making a request for help.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Grade of Service" means P.01 for Basic 9-1-1 or Enhanced 9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Grant Program" means the 9-1-1 System Consolidation Grant Program.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a combination thereof, to provide for the management and operation of a 9-1-1 system.

"NENA i3 Solution Standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3) as published on June 14, 2011, and does not include any later amendments or additions.

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"NG9-1-1" or "Next Generation 9-1-1 Service" means a system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

"P.01" means the probability (P) expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Waiver" means approval for exemption from consolidation, which shall be subject to review and renewal as determined by the Administrator, with recommendation from the Advisory Board.

Section 1327.120 Duties

For purposes of this Part:

- a) The Department has the responsibility under the Act to adopt rules defining the process and criteria for issuing consolidation grants under ETSA Section 15.4b.
- b) The Advisory Board has the following responsibilities under the Act to:
 - 1) provide advice and recommendations regarding the rules defining the grant process and criteria for issuing grants, as well as the administration of the Grant Program; and
 - 2) determine the amount allotted for grants awarded during the fiscal year and for NG9-1-1 expenses during the year pursuant to ETSA Section 30(D).

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- c) The Administrator has the responsibility under the Act to administer the Grant Program pursuant to ETSA Section 15.4b.

SUBPART B: ELIGIBILITY

Section 1327.200 Application and Receipt of Grant Program Funds

- a) The law requires the consolidation of 9-1-1 Authorities and PSAPs outside of municipalities with a population in excess of 500,000. Subject to an appropriation of necessary funds, the Administrator, with the advice and recommendation of the Advisory Board, shall administer the Grant Program to defray or offset nonrecurring costs associated with 9-1-1 system consolidation.
- b) The Administrator shall review the funding purposes of the Grant Program set forth in ETSA Section 15.4b and invite eligible 9-1-1 Authorities to submit proposals for grants to consolidate systems through a request for grant proposal (RFGP) process. Based on ETSA Section 15.4b and the proposals received in response to the RFGP, the Administrator shall select proposals for Grant Program funding.
- c) The Administrator, with the advice and recommendation of the Advisory Board, shall develop an RFGP based on the following criteria:
 - 1) the purposes, goals and objectives of ETSA Section 15.4b(a);
 - 2) requirements imposed on the Administrator and potential recipient 9-1-1 Authorities by applicable law, regulations and guidelines;
 - 3) the nature and complexity of the consolidation plans;
 - 4) the analysis of the needs of eligible 9-1-1 Authorities and available resources that already address those needs; and
 - 5) current research findings and demographic, criminal justice and statistical data that is relevant to 9-1-1 consolidation.
- d) RFGPs developed under subsection (c) shall include:

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- 1) the purposes, goals and objectives of the Grant Program;
- 2) requirements that applicant 9-1-1 Authorities must meet, and adhere to, such as eligibility, reporting and fiscal requirements;
- 3) certifications required by State and federal law, including, but not limited to, the State of Illinois Drug-Free Workplace certification, State and federal debarment certifications, and State bribery and bid-rigging certifications;
- 4) weighted criteria by which the Administrator will select proposals for funding; these such criteria shall include, but are not be limited to:
 - A) reducing the number of transfers of a 9-1-1 call;
 - B) reducing the infrastructure required to adequately provide 9-1-1 network services;
 - C) promoting cost savings from resource sharing among 9-1-1 Authorities;
 - D) facilitating interoperability and resiliency for the receipt of 9-1-1 calls;
 - E) reducing the number of 9-1-1 Authorities or reducing the number of PSAPs within a 9-1-1 system;
 - F) cost saving resulting from 9-1-1 Authorities' consolidation;
 - G) expanding E9-1-1 service coverage as a result of 9-1-1 Authorities' consolidation affecting areas without E9-1-1 service; and
 - H) whether the 9-1-1 Authority is required to consolidate under ETSA Section 15.4a;

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- 5) the deadline by which, and location where, proposals must be received by the Administrator;
 - 6) the total amount of funding available for distribution through the RFGP process, and the maximum amount of funding that eligible 9-1-1 systems may apply for through the submission of a proposal;
 - 7) the anticipated time period of the consolidation projects that may be funded; and
 - 8) funding priorities as described in ETSA Section 15.4b.
- e) The Department will post a link on its website for the electronic submission of proposals for Grant Program funds in response to an RFGP, Proposals shall include a copy of the consolidation plan, as required by ETSA Section 15.4b(b).
 - f) On January 2 each year, the Administrator shall post an RFGP for Grant Program funds available during the current granting period.
 - g) The Advisory Board shall recommend the award of grant funds, based on the criteria set forth in the RFGP, as described in subsection (d). Advisory Board recommendations shall be made and reported at public meetings conducted in conformance with the Open Meetings Act [5 ILCS 120].
 - h) By June 30 each year, the Administrator shall award funds under the Grant Program. The Department will enter into a Grant Agreement with each grant recipient specifying the terms and conditions under which the 9-1-1 consolidation projects are to be conducted and the funds are to be received. The terms and conditions shall include, but are not limited to, reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the Grant Agreement, and audit procedures as described in ETSA Section 40 and the Grant Accountability and Transparency Act (GATA) [30 ILCS 708].

Section 1327.210 Administration of Grant Program Funds

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- a) All Grant Program recipients shall operate in conformance with the following State statutes, when applicable: the Illinois Grant Funds Recovery Act [30 ILCS 705]; Grant Accountability and Transparency Act [30 ILCS 708]; the Illinois Procurement Code [30 ILCS 500]; and the State Comptroller Act [15 ILCS 405].
- b) Grant funds shall:
 - 1) not be awarded to cover or reimburse costs for exceeding the applicable grade of service;
 - 2) not be released until a consolidation plan has been approved for the requestor;
 - 3) only be spent or reimbursed in accordance with the approved request; and
 - 4) if not spent, be repaid to the State in accordance with the Grant Funds Recovery Act [30 ILCS 705] and 89 Ill. Adm. Code 511.
- c) Notwithstanding subsection (d), the Department will suspend performance of any Grant Agreement for a period not to exceed 28 days when there has been a determination of nonconformance with any federal or State law or rule, or the terms or conditions of the Grant Agreement. The Department will reinstate performance of a Grant Agreement that has been suspended if the nonconformance is corrected within 28 days after the date of suspension. However, notwithstanding subsection (d), a Grant Agreement for which performance has been suspended will be terminated by the Department if performance of the Grant Agreement is not reinstated within 28 days after its suspension. Written notice of all such actions by the Department will be submitted to the Grant Program recipient and the Administrator as soon as possible, but within 5 working days.
- d) Upon the request of a Grant Program recipient, the Department will extend the length of time performance of a Grant Agreement may be suspended beyond 28 days for an additional period not to exceed 14 days, if the nonconformance for which the performance of the Grant Agreement was suspended can be corrected within the extended period and the correction would result in fulfillment of the terms of the Grant Agreement. An extension will be granted by the Department only with the consent of the Administrator. Since an extension granted by the

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Department pursuant to this subsection is initiated by the Grant Program recipient, it shall not be deemed an adverse action under this Part. However, a Grant Agreement for which the period of suspended performance has been extended pursuant to this subsection shall be terminated by the Department if performance of the Grant Agreement has not been reinstated by the Department before the extension period has expired. Written notice of all such action by the Department will be submitted to the Grant Program recipient and the Administrator as soon as possible, but within 5 working days.

- e) The Department will immediately terminate any Grant Agreement for any reason of nonconformance specified in subsection (c), if performance of the Grant Agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the Grant Program recipient in less than 28 days from the date of termination. Written notice of termination by the Department will be submitted to the Grant Program recipient and Administrator as soon as possible, but within 5 working days.
- f) The Department will approve any revision to a Grant Agreement if action is necessary to fulfill the terms of the Grant Agreement. Material revisions shall be reported to the Advisory Board members at or before the next Advisory Board meeting. However, if a request by a Grant Program recipient for a material revision to a Grant Agreement is denied by the Department, written notice of denial shall be submitted to the Grant Program recipient and Administrator as soon as possible, but within 5 working days.

Section 1327.220 Appeals

- a) The appeal procedures for this Part are subject to Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10].
- b) A Grant Program recipient may appeal any adverse action of the Department by writing to the Administrator within 14 days from the day the notice of adverse action is mailed to the recipient. The written appeal shall state specific reasons for which the adverse action taken by the Department should be modified and the action requested of the Administrator, and shall be signed by the recipient's authorized official.

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- c) If no timely appeal is taken from an adverse action, the action of the Department will be deemed the final action of the Department.
- d) When an appeal is timely filed, the Department will arrange for the Administrator to hear and decide the appeal within 49 days after the receipt of the written appeal. The Grant Program recipient will be notified of the hearing date at least 7 days prior to the hearing and shall have the right to appear before the Administrator and to be represented by counsel at the hearing.
- e) At the hearing, the Administrator shall consider the written appeal submitted pursuant to subsection (b), any written response to that appeal by Department staff, and any testimony by the Grant Program recipient or Department staff to questions posed by the Administrator.
- f) The Administrator shall render a decision on the appeal before adjourning the hearing and issue a written order consistent with the decision.

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- 1) Heading of the Part: Standards of Service Applicable to Wireless 9-1-1 Emergency Systems
- 2) Code Citation: 83 Ill. Adm. Code 1328
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1328.100	New Section
1328.105	New Section
1328.200	New Section
1328.205	New Section
1328.210	New Section
1328.300	New Section
1328.305	New Section
1328.310	New Section
- 4) Statutory Authority: Implementing and authorized by Section 15 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/15]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to define the standards of service applicable to wireless 9-1-1 emergency systems, including requirements, implementation, authorization to operate, wireless service provisioning, wireless carrier testing, and authorized wireless 9-1-1 answering point testing.
- 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? Yes, 40 Ill. Reg. 1181; January 15, 2016
- 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: These rules may require a local government to establish, expand or modify its activities consistent with the consolidation requirements

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of the Emergency Telephone System Act [50 ILCS 750]. Depending upon the amount of money available in the Statewide 9-1-1 Fund for grants to cover those costs, this may require a unit of local government to make additional expenditures from local revenues.

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: These rules apply to local municipal and county government Emergency Telephone System Boards (ETSBs), Joint Emergency Telephone System Boards (Joint ETSBs) and qualified governmental entities authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act [50 ILCS 750/0.01], public safety agencies, and wireless carriers in the State of Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: The ETSBs, Joint ETSBs, or qualified governmental entities must obtain approval to operate by the Administrator and follow technical guidelines. Wireless Carriers must comply with the technical provisioning of 9-1-1 service.
 - C) Types of professional skills necessary for compliance: 9-1-1 background
- 14) Regulatory Agenda which this rulemaking was summarized: January 2016

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE
SUBCHAPTER f: TELEPHONE UTILITIES

PART 1328

STANDARDS OF SERVICE APPLICABLE TO WIRELESS 9-1-1 EMERGENCY SYSTEMS

SUBPART A: GENERAL PROVISIONS

Section

- 1328.100 Application of Part
1328.105 Definitions

SUBPART B: AUTHORIZATION TO OPERATE

Section

- 1328.200 General Requirements
1328.205 Implementation of Wireless 9-1-1 Service
1328.210 Authorization to Operate

SUBPART C: OPERATIONS

Section

- 1328.300 Wireless Service Provisioning
1328.305 Wireless Carrier Testing
1328.310 Authorized Wireless 9-1-1 Answering Point Testing

AUTHORITY: Implementing and authorized by Section 15 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/15].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1181, effective January 1, 2016, for a maximum of 150 days; adopted at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1328.100 Application of Part

- a) This Part shall apply to Emergency Telephone System Boards (ETSB), qualified

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governmental entities, public safety agencies, and wireless carriers in the State of Illinois, except to the extent of any exemptions conferred by law.

- b) Public safety agencies and wireless carriers are encouraged to cooperate to provide emergency access to wireless 9-1-1 and wireless E9-1-1 service. Public safety agencies and wireless carriers operating wireless 9-1-1 and wireless E9-1-1 systems require adequate funding to recover the costs of designing, purchasing, installing, testing and operating enhanced facilities, systems and services necessary to comply with the wireless E9-1-1 requirements mandated by the Federal Communications Commission (FCC) and to maximize the availability of wireless E9-1-1 services throughout the State of Illinois.

Section 1328.105 Definitions

"9-1-1 Authority" means the ETSB or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by the Emergency Telephone System Act.

"9-1-1 System" means the geographic area that has been granted an order of authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services and that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Administrator" means the Statewide 9-1-1 Administrator.

"Advisory Board" means the Statewide 9-1-1 Advisory Board.

"Authorized Wireless 9-1-1 Answering Point" means an ETSB or qualified governmental entity that has been authorized by the Commission or the Department to take wireless 9-1-1 calls.

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"Automatic Location Identification" or "ALI" means, in an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplementary emergency services information.

"Automatic Number Identification" or "ANI" means, in an E9-1-1 system, the automatic display of the 9-1-1 calling party's number on the PSAP monitor.

"Cell Sector" means one face of a cell antenna (typically three sided) that operates independently of the other sectors.

"Central Office" means a switching office/facility in a telephone system that provides service to the general public, having the capability of terminating and interconnecting subscriber lines and/or trunks.

"Commission" means the Illinois Commerce Commission.

"Default Routing" means the capability to route a 9-1-1 call to a designated (default) PSAP when the incoming 9-1-1 call cannot be selectively routed due to ANI failure, garbled digits, or other causes that prevent selective routing.

"Department" means the Department of State Police.

"Director" means the Director of the Department of State Police.

"Diverse Routing" means the practice of routing circuits along different physical paths in order to prevent total loss of 9-1-1 service in the event of a facility failure.

"Emergency Call" means any type of request for emergency assistance through a 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way, real-time media and involves a human making a request for help.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and

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powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Enhanced 9-1-1" or "E9-1-1" means an emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Local Number Portability" means the ability for a customer to change its telephone company while still keeping the same telephone number.

"Mobile Switching Office" or "MSO" means the wireless equivalent of a central office that provides switching functions for wireless calls.

"NG9-1-1" or "Next Generation 9-1-1 Service" means a system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

"NPA" means numbering plan area or area code.

"NXX" means the first three digits of a local seven digit telephone number that identify the specific telephone company's central office serving that number.

"Number Pooling" means distributing numbers in one NXX code to more than one carrier and other strategies for optimizing the use of telephone numbers in the North American Numbering Plan (NANP) in the United States.

"Order of Authority" means a formal order of the Administrator that authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

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"Pseudo Automatic Number Identification" or "pANI" means a telephone number used to support routing of wireless 9-1-1 calls. It may identify a wireless cell, cell sector or PSAP to which the call should be routed, also known as routing number.

"Qualified Governmental Entity" means a unit of local government authorized to provide 9-1-1 services pursuant to ETSA when no ETSB exists.

"Secondary Answering Point" or "SAP" means a location, other than a PSAP, that is able to receive the voice, data and call back number of an E9-1-1 or NG9-1-1 emergency call transferred from a PSAP and completes the call taking process by dispatching police, medical, fire or other emergency responders.

"Selective Routing" means a switching system that automatically routes calls to predetermined PSAPs, based on the location of the calling telephone number.

"Trunk" means a communications circuit between two switching nodes (e.g., central offices, PBXs, ANI/ALI controller equipment).

"Wireless Carrier" means a provider of two-way cellular, broadband (personal communications service (PCS)), geographic area 800 MHz and 900 MHz Commercial Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographical area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of the service.

SUBPART B: AUTHORIZATION TO OPERATE

Section 1328.200 General Requirements

- a) All wireless 9-1-1 calls shall only be directed to an authorized wireless PSAP.
- b) The Administrator shall notify the Advisory Board upon receipt of a request from a qualified governmental entity or an ETSB when the entity requests to provide wireless 9-1-1 service in areas for which the Department has accepted wireless 9-1-1 responsibility.

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- c) The Administrator shall further confer with the Advisory Board only in those instances when the requesting entity does not comply with Section 1328.300.

Section 1328.205 Implementation of Wireless 9-1-1 Service

ETSBs or qualified governmental entities applying to take wireless 9-1-1 calls shall begin providing the service within 6 months after receiving written notice from the Department's Office of the Statewide 9-1-1 Administrator to function as an authorized wireless 9-1-1 answering point.

Section 1328.210 Authorization to Operate

- a) ETSBs and qualified governmental entities that possess an order of authority to operate a 9-1-1 system in the State of Illinois are the only entities that shall handle wireless 9-1-1 calls. These entities shall be known as authorized wireless 9-1-1 answering points.
- b) The Department shall be the default 9-1-1 wireless answering point in areas where no authorized wireless 9-1-1 answering point exists.
- c) To become an authorized wireless 9-1-1 answering point, an ETSB or qualified governmental entity shall provide the Department's Office of the Statewide 9-1-1 Administrator with a plan that sets forth, at a minimum, the items contained in this subsection (c). Nothing in this Section requires the Department to follow the filing requirements in this subsection (c).
 - 1) A narrative statement setting forth:
 - A) The name of the ETSB or qualified governmental entity or combination of such, requesting to be a 9-1-1 wireless answering point, and the name, address and telephone number of a contact person for the ETSB or qualified governmental entity or combination;
 - B) A detailed explanation of the jurisdictional boundaries that will be covered, specifying whether those jurisdictional boundaries differ from the wireline 9-1-1 jurisdictional boundaries;

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- C) If the jurisdictional boundaries differ, an explanation of whether additional public safety agencies (fire, law enforcement, EMS) will be dispatched in response to wireless 9-1-1 calls, and how those additional public safety agencies will be dispatched, together with a list of the agencies;
 - D) The name of the 9-1-1 system provider and list of wireless carriers providing service in the specified jurisdiction;
 - E) The name, address and phone number of the project coordinator designated by 9-1-1 Authority; and
 - F) Phase of wireless 9-1-1 service being provided and wireless solutions (NCAS, CAS, etc.) with a timeline for implementation;
- 2) A list of PSAPs within the 9-1-1 system that will be answering 9-1-1 wireless calls and their addresses;
 - 3) A list of additional public safety agencies that will need to be dispatched in response to wireless 9-1-1 calls and the associated call handling agreements prescribed in 83 Ill. Adm. Code 1325.205(b)(10)(F). These agreements are subject to the annual recertification requirements in 83 Ill. Adm. Code 1325.505;
 - 4) A network diagram provided by the 9-1-1 system provider showing the overall system configuration. Changes made to a system that affect the ability of the system to route wireless 9-1-1 calls shall be reflected in annual filings required by 83 Ill. Adm. Code 1325.205(b)(10)(E);
 - 5) Copies of any intergovernmental agreements entered into between ETSBs or qualified units of local governments for providing wireless 9-1-1 service; and
 - 6) The Test Plan required by Section 1328.305(c).
- d) The Department's Office of the Statewide 9-1-1 Administrator shall review the plan and notify the entity in writing, stating whether it has the authorization to

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operate as an authorized wireless 9-1-1 answering point for the jurisdiction indicated in the plan.

- e) In the event that an authorized wireless 9-1-1 answering point seeks to modify its existing plan on file with the Administrator, it shall file a description of the modification a minimum of 10 days in advance of any changes being made.

SUBPART C: OPERATIONS

Section 1328.300 Wireless Service Provisioning

- a) Wireless 9-1-1 service connects a person who has dialed 9-1-1 to the appropriate 9-1-1 system provider. Wireless 9-1-1 service shall be provided by wireless carriers in a manner that allows the 9-1-1 system provider to comply with 83 Ill. Adm. Code 725.
- b) Diverse routing shall be provided for all wireline trunking facilities used to transport and terminate the wireless 9-1-1 call where facilities are available.
- c) Default routing shall be provided in the event that a wireless 9-1-1 call cannot be selectively routed. The level of default routing shall be negotiated among the 9-1-1 system provider, the wireless carrier, and the 9-1-1 authority.
- d) Wireless carriers shall provide information to the appropriate 9-1-1 authority of changes that affect the identification and location information needed by an authorized wireless 9-1-1 answering point at least 10 business days prior to changes being made. The media used in providing this information shall be mutually agreed upon by the carrier and the 9-1-1 authority.
- e) Prior to an authorized wireless 9-1-1 answering point going on-line, wireless carriers shall identify a primary point of contact and telephone number for each 9-1-1 authority. Wireless carriers shall adopt practices to notify this primary point of contact within 15 minutes:
 - 1) after a confirmed outage with the system, as well as the magnitude of the outage; and
 - 2) after the confirmed restoration of 9-1-1 services.

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- f) When all 9-1-1 circuits are busy in the originating mobile switching office, the switching facility, if equipped to provide the function, shall route the caller to an announcement, busy tone or reorder tone. When an all-trunks busy condition occurs in an intermediate switching facility, that machine shall, if equipped, route the caller to an appropriate backup answering location, announcement, busy tone or reorder tone.
- g) Wireless carriers shall provide each 9-1-1 authority with an emergency phone number or numbers that are available 24 hours per day, 7 days per week for network and security support.

Section 1328.305 Wireless Carrier Testing

- a) No circuits associated with an authorized wireless 9-1-1 answering point shall be opened, grounded, short circuited or tested in any manner until maintenance personnel have obtained release of the affected circuits from the appropriate 9-1-1 authority. Wireless carrier maintenance personnel shall advise the 9-1-1 authority regarding the length of time that will be required to perform any work involving circuits associated with an authorized wireless 9-1-1 answering point. Wireless carrier personnel shall notify the 9-1-1 authority and the 9-1-1 system provider a minimum of 48 hours prior to performing mobile office switching installations, NPA additions, NXX additions, or any other scheduled event that affects 9-1-1.
- b) Each wireless carrier shall adopt mutually agreed upon testing practices, in conjunction with the 9-1-1 authority, to perform, at a minimum, mobile office to PSAP 9-1-1 test calls when any of the following changes occur:
 - 1) New mobile switching office installations;
 - 2) NPA and NXX pANI additions;
 - 3) Local number portability implementations;
 - 4) Number pooling implementations; and
 - 5) Any other event that affects 9-1-1.

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- c) Each wireless carrier shall develop a testing plan in conjunction with the 9-1-1 system provider and the 9-1-1 authority for inclusion in the 9-1-1 systems' wireless plan that must be submitted to the Administrator.

Section 1328.310 Authorized Wireless 9-1-1 Answering Point Testing

Ongoing testing after the authorized wireless 9-1-1 answering point is on-line shall include the following:

- a) Testing with all wireless carriers, including, but not limited to, the 9-1-1 database, network trunking, system overflow, system backup, default routing, and call transfers, on an annual basis. The mutually agreed upon testing shall be coordinated in advance by the 9-1-1 authority and the participating wireless carriers.
- b) Coordinated testing with the participating wireless carriers when any of the following occurs:
 - 1) New mobile switching office installations;
 - 2) NPA and NXX pANI additions;
 - 3) Local number portability implementations;
 - 4) Number pooling implementations; and
 - 5) Any other event that affects 9-1-1.

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- 1) Heading of the Part: Administration of the Statewide 9-1-1 Fund
- 2) Code Citation: 83 Ill. Adm. Code 1329
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1329.100	New Section
1329.110	New Section
1329.120	New Section
1329.200	New Section
1329.210	New Section
1329.300	New Section
1329.310	New Section
1329.320	New Section
1329.330	New Section
1329.400	New Section
1329.405	New Section
1329.410	New Section
1329.420	New Section
1329.500	New Section
1329.510	New Section
1329.600	New Section
1329.610	New Section
1329.620	New Section
1329.630	New Section
1329.640	New Section
1329.Appendix A	New Section
1329.Appendix B	New Section
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to set requirements for the administration of the statewide 9-1-1 fund. This includes eligibility, transmission of subscriber information, transition of surcharge monies, allocation of surcharges, administrative costs, distribution of monies, reimbursement for network costs, surcharge disbursements for subscribers in overlapping jurisdictions, overpayments/underpayments, resolution of geographic disputes, failure to file financial

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reports, use of grants/surcharge disbursements, distributions subject to appropriation, records, indemnification, and intergovernmental agreements.

- 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? Yes, 40 Ill. Reg. 1193; January 15, 2016.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These rules may require a local government to establish, expand or modify its activities consistent with the consolidation requirements of the Emergency Telephone System Act [50 ILCS 750]. Depending upon the amount of money available in the Statewide 9-1-1 Fund for grants to cover those costs, this may require a unit of local government to make additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rule applies to local municipal and county government Emergency

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Telephone System Boards (ETSBs), Joint Emergency Telephone System Boards (Joint ETSBs) and qualified governmental entities authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act [50 ILCS 750/0.01 et. seq.], wireless carriers, wireline carriers, interconnected VoIP carriers, and vendors of 9-1-1 network services.

- B) Reporting, bookkeeping or other procedures required for compliance: Detailed books and records shall be maintained by 9-1-1 providers related to the grants received and the use of the grant funds for a period of 5 years. Carriers shall maintain detailed books and records of the surcharges billed and collected by geographic area for a minimum of 5 years.
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda which this rulemaking was summarized: January 2016

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE

PART 1329
ADMINISTRATION OF THE STATEWIDE 9-1-1 FUND

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1329.100	Scope
1329.110	Definitions
1329.120	Duties

SUBPART B: ELIGIBILITY

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1329.200	Eligibility of 9-1-1 Authorities for Surcharge Disbursements Under ETSA Section 30(b)(2)(E)
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1329.300	Transmittal of Subscriber Information
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SUBPART D: ADMINISTRATION OF THE STATEWIDE 9-1-1 FUND

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SUBPART E: DISPUTES

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Section

- 1329.500 Resolution of Geographic Disputes
1329.510 Noncompliance – Financial Reports

SUBPART F: MISCELLANEOUS

Section

- 1329.600 Use of Grants and Surcharge Disbursements
1329.610 Distributions Subject to Appropriation
1329.620 Records
1329.630 Indemnification
1329.640 Intergovernmental Agreement

1329.APPENDIX A Form of Electronic Carrier Subscriber Information Transmittal

1329.APPENDIX B Format of Carrier Remittance Transmittal

AUTHORITY: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1193, effective January 1, 2016; adopted at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1329.100 Scope

This Part shall apply to all carriers and 9-1-1 Authorities, except that it shall not apply to the City of Chicago.

Section 1329.110 Definitions

"9-1-1 Authority" means the ETSB, Joint ETSB, or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750].

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"9-1-1 Network" means the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by 83 Ill. Adm. Code 725, to a PSAP or backup PSAP that meets the applicable grade of service.

"9-1-1 System" means the geographic area that has been granted an order of authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Administrative Costs" means the ordinary and extraordinary fees, costs and expenses incurred by the Department in performing its duties and responsibilities under ETSA and this Part, including legal and other professional and consulting fees and expenses.

"Administrator" means the Statewide 9-1-1 Administrator.

"Advisory Board" means the Statewide 9-1-1 Advisory Board.

"Automatic Location Identification" or "ALI" means, in an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplementary emergency services information.

"Backup PSAP" means a public safety answering point that serves as an alternate to the PSAP for enhanced systems and is at a different location and operates independently from the PSAP. A backup PSAP may accept overflow calls from the PSAP or be activated in the event that the PSAP is disabled.

"Busy Day" means a consecutive 24-hour period during which the greatest volume of traffic is handled in the central office.

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"Busy Hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Carrier" means a telecommunications carrier and a wireless carrier.

"Central Office" means the site where switching equipment is located. A local central office, also called an end office, is the switching office where individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office.

"Collection" means the end of the month in which the surcharge money was received by the Carrier or Interconnected VoIP provider.

"Commission" means the Illinois Commerce Commission.

"Consolidation" means a reduction of Emergency Telephone System Boards, Joint Emergency Telephone System Boards, qualified governmental entities, and PSAPs pursuant to Section 15.4a of the Emergency Telephone System Act [50 ILCS 750/15.4a].

"Department" means the Department of State Police.

"Emergency Call" means any type of request for emergency assistance through a 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way real-time media and involves a human making a request for help.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

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"Fund" means the Statewide 9-1-1 Fund named as such under ETSA Section 30, and includes any monies remaining in, and authority for expenditures from, the Wireless Service Emergency Fund as of January 1, 2016.

"Geospatial Mapping Data" means accurately references to a precise location on the earth's surface using latitude, longitude, elevation and data that identifies the coordinate system used.

"Grade of Service" means P.01 for Basic 9-1-1 or E9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Grant" means a distribution from the Fund to a 9-1-1 Authority pursuant to ETSA Section 30.

"Interconnected Voice over Internet Protocol Provider" or "Interconnected VoIP Provider" means every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates, manages, or provides within this State, directly or indirectly, Interconnected VoIP service or the meaning prescribed in 47 CFR 9.3 [220 ILCS 5/13-234 and 13-235]. VoIP service is a service that:

enables real-time, two-way voice communications;

requires a broadband connection from the user's location;

requires Internet protocol-compatible customer premises equipment; and

permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched network.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a combination thereof, to provide for the management and operation of a 9-1-1 system.

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"Master Street Address Guide" or "MSAG" means the computerized geographic file that either consists of all street and address data or its functional equivalent (i.e., Geospatial Mapping Data) within the 9-1-1 system area. This database is the key to the selective routing capability of E9-1-1 systems. It matches an originating caller to a specific answering point based on the address data. The MSAG will require updating after the initial file is created.

"NENA i3 Solution Standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3) as published on June 14, 2011, and does not include any later amendments or additions.

"Network Costs" means those recurring costs that directly relate to the operation of the 9-1-1 network, including costs for interoffice trunks, selective routing charges, transfer lines and toll charges for 9-1-1 services, Automatic Location Information (ALI) database charges, call box trunk circuit (including central office only and not including extensions to fire stations), independent local exchange carrier charges and nonsystem provider charges, carrier charges for third party database for on-site customer premises equipment, backup PSAP trunks for nonsystem providers, periodic database updates as provided by carrier (also known as "ALI data dump"), regional ALI storage charges, circuits for call delivery (fiber or circuit connection), NG9-1-1 costs, and all associated fees, taxes and surcharges on each invoice. "Network Costs" shall not include radio circuits or toll charges that are for other than for 9-1-1 services.

"NG9-1-1 Costs" means those recurring costs that directly relate to the Next Generation 9-1-1 service including costs for Emergency System Routing Proxy (ESRP), Emergency Call Routing Function/Location Validation Function (ECRF/LVF), Spatial Information Function (SIF), the Border Control Function (BCF), and the Emergency Services Internet Protocol networks (ESInets), legacy network gateways, and all associated fees, taxes, and surcharges on each invoice.

"P.01" means the probability (P) expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

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"Prepaid Act" means the Prepaid Wireless 9-1-1 Surcharge Act [50 ILCS 753].

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Subscriber" means a wireless subscriber.

"Surcharge" means a monthly amount imposed, pursuant to ETSA Section 20 on all customers of telecommunications carriers, wireless carriers and interconnected VoIP providers for the purpose of installing and maintaining an E9-1-1 or NG9-1-1 system with the exception of a municipality with a population of 500,000 or greater.

"Telecommunications Carrier" or "Carrier" shall have the same meaning ascribed in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202], including those carriers acting as resellers of telecommunications services. "Telecommunications Carrier" includes telephone systems operating as mutual concerns.

"Telecommunications Carrier" does not include a wireless carrier.

"Vendor" means an entity that provides some or all elements of 9-1-1, E9-1-1, and/or other services for which it incurs network costs for one or more 9-1-1 Authorities.

"WCRF" means the Wireless Carrier Reimbursement Fund created by ETSA Section 45.

"Wireless Carrier" means a provider of two-way cellular, broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographic area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of that service.

Section 1329.120 Duties

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- a) The Department has the following responsibilities under the Act:
- 1) To adopt rules governing carrier remittances under ETSA Section 20 and surcharge disbursements to 9-1-1 Authorities under ETSA Section 30;
 - 2) To develop and maintain a database of 9-1-1 Authorities eligible to receive grants and carriers required to collect surcharges under the Act;
 - 3) To collect and allocate surcharges remitted by carriers into the Fund and the WCRF;
 - 4) To make monthly surcharge disbursements to eligible 9-1-1 Authorities;
 - 5) To account for all surcharges collected and monies disbursed;
 - 6) To pay all 9-1-1 network costs for systems outside of municipalities having a population of at least 500,000;
 - 7) To maintain auditable records of receipts and disbursements;
 - 8) To procure and enter into a contract with a vendor certified under Section 13-900 of the Public Utilities Act to establish a statewide Next Generation 9-1-1 network;
 - 9) To prescribe a form and manner for the transmittal of financial reports due annually to the Department from the 9-1-1 Authorities; and
 - 10) To resolve disputes as required by the Act.
- b) The Advisory Board has the responsibility under the Act to determine which costs are directly related to the operation of the 9-1-1 network.

SUBPART B: ELIGIBILITY

Section 1329.200 Eligibility of 9-1-1 Authorities for Surcharge Disbursements Under ETSA Section 30(b)(2)(E)

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- a) To be eligible to receive a surcharge disbursement under ETSA Section 30(b)(2)(E), any 9-1-1 Authority other than the Department must file a wireless plan with the Department's Office of 9-1-1 Administrator pursuant to 83 Ill. Adm. Code 1328.210 and provide wireless 9-1-1 service. The Department's Office of 9-1-1 Administrator will notify the entity in writing, stating that it has the authorization to operate as an authorized wireless 9-1-1 answering point. Once the 9-1-1 Authority has received its authorization letter, it must provide the following information to the Department:
- 1) A detailed explanation of the geographic area the Commission or the Department has granted it authority to cover, by five-digit zip code, including all zip codes in which the provider has sole authority from the Commission or the Department to handle wireless 9-1-1 calls;
 - 2) A list of all zip codes, including provider names, in which the petitioning provider has shared authority from the Commission or Department to handle wireless 9-1-1 calls (in this instance the provider may also define its geographic coverage area by nine-digit zip code). If none are known, a statement to that effect; and
 - 3) Copies of all agreements with other providers governing the manner in which surcharge disbursements relating to subscribers in overlapping geographic areas (defined by zip code).
- b) A 9-1-1 Authority with an authorization letter from the Commission, that filed the information required under subsections (a)(1) through (3) before January 1, 2016 shall be eligible for surcharge disbursements under ETSA Section 30(b)(2)(E) without any further action under this Section, provided there is no change in the information required under subsections (a)(1) through (3).
- c) Consistent with ETSA Section 15.6a(c), the Department shall be the primary wireless 9-1-1 PSAP for any jurisdiction that did not provide notice to the Commission or the Department and shall be eligible to receive surcharge disbursements without complying with this Section.

Section 1329.210 Eligibility for Network Cost Reimbursement

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- a) Pursuant to ETSA Section 30, the Department will pay the vendor on behalf of the 9-1-1 Authorities for network costs incurred on or after January 1, 2016 for systems outside of municipalities with a population of at least 500,000 for 9-1-1 networks maintained at the applicable grade of service.
- b) Costs for 9-1-1 Authorities to exceed the applicable grade of service shall not be eligible for reimbursement unless the 9-1-1 Authority has obtained, at its own expense:
 - 1) a traffic study demonstrating the public safety need to exceed the applicable grade of service; and
 - 2) approval from the Administrator.
- c) Except for those instances in which a 9-1-1 Authority has exceeded the applicable grade of service, if the Department determines there is some question as to whether a cost is directly related to the operation of the 9-1-1 network, the Department shall confer with the Advisory Board prior to rejecting the cost for payment.
- d) 9-1-1 Authorities shall be responsible for paying the vendor any amounts billed to the Department for services provided to 9-1-1 Authorities that the Department does not pay the vendor based on a determination by the Administrator that the amounts do not represent network costs or are otherwise ineligible for reimbursement by the Department pursuant to ETSA Section 30 or this Part.

SUBPART C: GENERAL ADMINISTRATION

Section 1329.300 Transmittal of Subscriber Information

- a) With the first transmittal of surcharges collected under ETSA Section 20, and at the end of each billing month after the first transmittal (no later than the last day of the next calendar month; for example a July subscriber submission is due no later than August 31), each wireless carrier shall submit to the Department its updated total number of subscribers per zip code (nine-digit zip code if available) for that billing month. Transmittals shall be made in an electronic format, in substantially the form set forth in Appendix A, as a file attached to an email or a CD-ROM. The file shall be in text format or EXCEL format and shall be

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accompanied by a transmittal document or a proper label listing the carrier name and the billing month included on the submission. Transmittals shall be mailed to:

Illinois State Police
9-1-1 Administrative Support Command
801 South 7th Street
Springfield IL 62703
Email: 911_Admin_Support@isp.state.il.us

- b) Noncompliance with this Section shall subject the carrier to the penalty provisions of ETSA Section 20(g).

Section 1329.310 Transmittal of Surcharge Monies

- a) Carriers, whether they are considered resellers or facility based carriers, are responsible for their own surcharge administration. Each is responsible for collecting 9-1-1 surcharges from its end-user customers and shall remit them in aggregate to:
- 1) the Department, in the case of the statewide surcharge imposed by ETSA Section 20; and
 - 2) to a municipality with a population over 500,000, in the case of a surcharge imposed by that municipality pursuant to ETSA Section 15.3.
- b) Each Interconnected VoIP provider shall charge and collect from its end-user customers 9-1-1 surcharges in the same manner as surcharges are charged and collected upon end-user customers of local exchange telecommunications service. Each Interconnected VoIP provider shall remit 9-1-1 surcharges collected from its end-user customers in aggregate to:
- 1) the Department, in the case of the statewide surcharge imposed by ETSA Section 20; and
 - 2) to a municipality with a population over 500,000, in the case of a surcharge imposed by that municipality pursuant to ETSA Section 15.3.

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- c) Each telecommunications carrier and Interconnected VoIP provider collecting 9-1-1 surcharges shall be entitled to deduct 3% of the gross amount of the surcharges collected for the expense of accounting and collecting the surcharges. On and after July 1, 2022, wireless carriers collecting 9-1-1 surcharges shall be entitled to deduct 3% of the gross amount of the surcharges collected for the expense of accounting and collecting the surcharges.
- d) Surcharge monies collected under ETSA Section 20 shall be remitted by check or may be remitted by electronic funds transfer, once the Department implements and makes this payment remittance method available, on a monthly basis within 30 days after collection. Each remittance check shall display the remitting carrier or Interconnected VoIP provider's name and a single Federal Employer Identification Number and a unique check number on the face. The payee shall be designated as "State of Illinois, ETSA Funds".
- e) Each remittance of fees under this Section shall be accompanied by a transmittal to the Department, in substantially the form set forth in Appendix B.
- f) The checks and remittance transmittal shall be mailed to:
- Illinois State Police
9-1-1 Administrative Support Command
9-1-1 Surcharge
801 South 7th Street
Springfield IL 62703
- g) Funds are due to the Department within 30 days after collection from the customer, regardless of whether the carrier or Interconnected VoIP provider inadvertently paid those monies to the 9-1-1 Authority. If the carrier or Interconnected VoIP provider incorrectly pays monies due to the Department after January 1, 2016 to a 9-1-1 Authority, it shall be the carrier or Interconnected VoIP provider's responsibility to recover those monies and shall have no bearing on what is due to the Department.
- h) Noncompliance with this Section shall subject the carrier or Interconnected VoIP provider to the penalty provisions of ETSA Section 20(f).

Section 1329.320 Allocation of Surcharges

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- a) Of each surcharge collected under this Part, the following amounts shall be transferred into the WCRF during the following periods:
 - 1) from January 1, 2016 through June 30, 2017, \$0.033;
 - 2) from July 1, 2017 through June 30, 2018, \$0.026;
 - 3) from July 1, 2018 through June 30, 2019, \$0.020;
 - 4) from July 1, 2019 through June 30, 2020, \$0.013; and
 - 5) from July 1, 2020 through June 30, 2021, \$0.007.
- b) The remainder of the surcharges remitted under this Part, including all surcharges remitted after June 30, 2021, shall be deposited into the Fund.

Section 1329.330 Administrative Costs

Administrative costs shall be chargeable to the Fund, consistent with ETSA Section 30(b)(1)(C).

SUBPART D: ADMINISTRATION OF THE STATEWIDE 9-1-1 FUND

Section 1329.400 Distribution of Monies

- a) Subject to appropriation, monies in the Fund may be used only for the purposes provided in ETSA Section 35, and shall be distributed in accordance with the priority order specified in ETSA Section 30(b), except as provided in ETSA Section 40(d) and Section 1329.610 of this Part.
 - 1) Monies collected under the Prepaid Act shall be deposited into the Fund for distribution in accordance with ETSA Section 30(b).
 - 2) Funds distributed under ETSA Section 30(b)(2)(E) and Section 1329.200 of this Part shall be distributed based upon the number of monthly subscribers in the geographic area (defined by zip code) in which the 9-1-1 Authority is certified as a wireless 9-1-1 service provider by the Administrator.

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- 3) Funds otherwise payable under ETSA Section 30(b)(2)(E) and Section 1329.200 of this Part that are associated with geographic areas (defined by zip codes) that have not been properly claimed as the jurisdiction of a 9-1-1 Authority other than the Department and located within the Statewide Wireless Emergency 9-1-1 System shall be allocated to the Department.
 - 4) Funds allocated to the Fund for billing addresses located outside the State of Illinois, or geographic areas (defined by zip code) that have not been claimed as the jurisdiction of a 9-1-1 Authority and are located outside the Statewide Wireless Emergency 9-1-1 System, shall be allocated proportionately to eligible 9-1-1 Authorities in the manner set forth in subsection (b).
 - 5) Funds otherwise payable under ETSA Section 30(b)(2)(E) and Section 1329.200 of this Part that are associated with geographic areas that are contested between eligible providers shall be held in escrow until proper determination has been made as provided in Section 1329.600.
 - 6) *Of the amounts deposited into the Fund under Section 1329.320, \$.007 of each surcharge shall be disbursed to the Department to cover its administrative costs [50 ILCS 750/30(b)(1)(C)].*
- b) Funds distributed under this Section may be used to ensure the initial installation of road or street signs that are essential to the implementation of an enhanced 9-1-1 system; however, consistent with ETSA Section 35(6), the funds may not be used for ongoing expenses associated with road or street sign maintenance and replacement.

Section 1329.405 Reimbursement for Network Costs

The Department shall pay network costs incurred by 9-1-1 Authorities.

- a) Vendors shall submit monthly invoices for network costs that include the same level of detail as that included in invoices provided to 9-1-1 Authorities prior to January 1, 2016, and are in sufficient detail to permit the Department and the 9-1-1 Authority to determine that the costs billed are in fact "network costs" as

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defined in Section 1329.110. The Department or 9-1-1 Authority may request additional invoice information from vendors. Invoices shall be submitted to:

Illinois State Police
9-1-1 Administrative Support Command
9-1-1 Network Costs
801 South 7th Street
Springfield IL 62703
Email: 911_Admin_Support@isp.state.il.us

- b) By submitting the monthly invoices, the vendor certifies that the amount billed and expenses incurred are allowed under the Act and this Section.
- c) The Department shall provide a copy of each month's invoice to the 9-1-1 Authority.
- d) Changes in the 9-1-1 Network that result in increased network costs must be approved consistent with 83 Ill. Adm. Code 1324 or 1325, whichever is applicable, to be eligible for reimbursement under this Section.
- e) Monthly Invoice Reconciliation
 - 1) Within 30 days after the date the vendor invoice is received by the Department, each 9-1-1 Authority shall:
 - A) review the monthly invoice and verify the monthly statements; and
 - B) notify the Administrator and vendor in writing of any disputes identified and the basis for the disputes. If the 9-1-1 Authority does not provide notification within the 30-day time frame, the vendor invoice shall be further processed for payment.
 - 2) The 9-1-1 Authority and vendor shall have 30 days following the date of any notification of a dispute under subsection (e)(1) to reconcile the dispute. Within this 30-day period, the parties must notify the Administrator in writing of their proposed resolution of the dispute or, if the dispute is not resolved, an explanation of each party's position regarding the dispute.

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- 3) If the Department disputes any portion of an invoice on the grounds that it includes amounts that do not qualify as network costs or are otherwise ineligible for reimbursement from the Fund under ETSA Section 30, the Department will provide a written notice to the vendor and 9-1-1 Authority of that dispute, which shall identify in detail the basis for the dispute, the account number under which the invoice has been rendered, the date of the bill, and the specific items on the invoice being disputed.
- 4) The 9-1-1 Authority and vendor shall have 30 days following the date of any notification under subsection (e)(3) to review the dispute. Within this 30-day period, the parties must notify the Administrator in writing of their response to the dispute.
- 5) To the extent the dispute pertains to amounts not yet reimbursed, the Department shall pay only amounts not in dispute until a reconciliation is reached.
- 6) The Administrator shall review the information provided by the 9-1-1 Authority and vendor and notify the parties of its decision reconciling the dispute within 30 days following the date of any notification under subsection (e)(2).
- 7) Costs that the Administrator determines are not network costs or are otherwise ineligible for reimbursement under ETSA Section 30:
 - A) shall be the responsibility of the 9-1-1 Authority that incurred the costs; and
 - B) must be paid upon the determination that the costs are ineligible for reimbursement.
- f) The vendor shall continue to provide network service to the 9-1-1 Authority while any dispute concerning the payment of network costs is being resolved.
- g) The Department will pay vendor amounts billed in accordance with the State Prompt Payment Act [30 ILCS 540].

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Section 1329.410 Surcharge Disbursements for Subscribers in Overlapping Jurisdictions

9-1-1 Authorities sharing geographic areas (defined by zip code) are encouraged to enter into agreements governing the manner in which wireless surcharge disbursements in the shared areas shall be made under ETSA Section 30(b)(2)(E). Wireless providers in shared geographic areas that do not enter into agreements shall be prepared, upon 60 days notice, to submit documentation to the Department outlining the percentage of the shared geographic area claimed and the reasons justifying the percentage claimed for resolution in accordance with Section 1329.600.

Section 1329.420 Overpayments and Underpayments

In the event of an underpayment or overpayment of grant funds, the Department shall, at least annually, take one or more of the following corrective actions:

- a) Instruct an overpaid 9-1-1 Authority, by email or mail, to redirect funds with a check to the proper (underpaid) 9-1-1 Authority in applicable instances (in which case, each affected provider shall furnish proof to the Department that the redirection of funds has been completed as instructed);
- b) Offset one or more future grant payments to an overpaid 9-1-1 Authority;
- c) Increase one or more future grant payments to an underpaid 9-1-1 Authority; or
- d) Release a grant payment to an underpaid 9-1-1 Authority on an interim basis during the month under the following conditions:
 - 1) The underpaid 9-1-1 Authority has requested this remedy, by mail or email, due to fiscal constraints; and
 - 2) The Statewide 9-1-1 Fund contains sufficient funds to avoid underpaying another 9-1-1 Authority on the next monthly distribution due to this interim release of funds.

SUBPART E: DISPUTES

Section 1329.500 Resolution of Geographic Disputes

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- a) In the event that a 9-1-1 Authority files a formal petition with the Administrator alleging an area of overlapping 9-1-1 service jurisdiction in which the 9-1-1 Authorities in that geographic area have not agreed to the manner in which surcharge disbursements in that area will be apportioned, the surcharge disbursements for that area shall be made based on reference to an official Master Street Address Guide (MSAG) or Geospatial Mapping Data, to the ETSB or qualified governmental entity whose PSAP provides wireless 9-1-1 service in that area. The petitioning 9-1-1 Authority claiming the overlapping jurisdiction shall be responsible for providing a copy of the applicable MSAG or Geospatial Mapping Data (see 83 Ill. Adm. Code 1328.105). In the event no MSAG or Geospatial Mapping Data is available for the jurisdiction at issue or does not provide the information necessary to resolve the dispute, a hearing shall be held by the Administrator and the dispute shall be resolved based on the evidence available. Any monies allocated to the Fund for the geographic region in question shall be held in escrow until a final order is entered.
- b) In the event that a subscriber billing address is matched to an incorrect jurisdiction, the recipient, upon notification from the Administrator, shall redistribute the funds in question in the manner directed by the Administrator, based on the procedures in Section 1329.420.
- c) In the event of a dispute between 9-1-1 Authorities concerning a subscriber billing address, a provider may file a petition with the Administrator seeking a determination of the billing address.
- d) If the Administrator determines a hearing is necessary to resolve a dispute raised by a petition filed with the Administrator, the following shall apply:
 - 1) The Administrator shall determine the date, time and location of any hearing and shall make reasonable efforts to hold the hearing at a date, time and location convenient to all parties.
 - 2) The Administrator shall appoint an administrative law judge (ALJ) to preside over the hearing.
 - A) Any testimony requested or permitted shall be under oath or affirmation, which will be administered by the ALJ.

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- B) Hearings shall be open to the public; however, only those members of the public who have filed a witness slip and have been acknowledged will be permitted to speak during the hearing.
- 3) The procedures for admissibility of evidence shall be as described in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40] and as ordered by the presiding ALJ.
- 4) A transcript of the recorded hearing shall be provided to the applicant upon written request.
 - A) The cost of transcription shall be the responsibility of the applicant.
 - B) Fees shall not exceed the actual cost for the preparation of the transcript.
 - C) The record need not be transcribed unless the Board receives a written request and fee from the applicant in accordance with this Section.
- 5) Regardless of whether a hearing is called, all disputes shall be resolved by a final order of the Administrator.

Section 1329.510 Noncompliance – Financial Reports

- a) This Section applies to a 9-1-1 Authority that receives monies from the Fund and fails to file the 9-1-1 system financial reports required:
 - 1) by Section 27 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/27] through December 31, 2015, applicable to reports due October 1, 2015; or
 - 2) beginning January 1, 2016, by ETSA Section 40.
- b) A 9-1-1 Authority that fails to file the reports required by subsection (a) is referred to in the remainder of this Section as a "noncompliant provider".

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- c) Department Review of Financial Statements
- 1) The financial statements required under subsection (a) shall be reviewed to determine whether a 9-1-1 Authority that receives funds from the Wireless Service Emergency Fund has:
 - A) filed an amount equal to the average monthly wireline and VoIP surcharge revenue attributable to the most recent 12-month period that is erroneous;
 - B) failed to file the 9-1-1 system financial reports as required by law; or
 - C) filed a report that is not *in a form and manner prescribed by the Illinois Commerce Commission's Manager of Accounting* [50 ILCS 751/27(b)], in the case of reports due October 1, 2015, or has filed a report that is not *in a form and manner prescribed by the Department* [50 ILCS 750/40(b)], in the case of reports due October 1, 2016 and after.
 - 2) The Department shall contact each allegedly noncompliant provider in writing and request a response regarding its noncompliance with the Act.
- d) The noncompliant provider shall have 30 days to respond in writing. Upon receipt of the response, the Department shall prepare and present the Administrator with a verified report concerning the allegedly noncompliant provider. When the noncompliant provider has failed to file the required form or has not filed it in the form and manner prescribed by law, the Department shall withhold monthly surcharge disbursements as follows:
- 1) If the verified report establishes that the noncompliant provider has not filed a report at all, the monthly surcharge disbursements otherwise payable to the allegedly noncompliant provider under ETSA Section 30 shall be suspended and withheld until the Department determines that the noncompliant provider is substantially in compliance with the statute and in the form and manner prescribed by applicable law, or until the surcharge disbursements have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (e); or

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- 2) If the verified report states that the noncompliant provider has made an effort to file a report, but the report is not substantially in the form and manner prescribed by law, the monthly surcharge disbursements otherwise payable to the allegedly noncompliant provider under ETSA Section 30 shall be suspended beginning 30 days after the date of the verified report and withheld until the Department determines that the noncompliant provider is substantially in compliance with the statute and has filed the report in the form and manner prescribed by applicable law, or until the surcharge disbursements have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (e).
- e) When the noncompliant provider has filed an amount equal to the average monthly wireline and VoIP surcharge revenue attributable to the most recent 12-month period that the Department finds to be erroneous, the Department will first request that the noncompliant provider agree to amend the report. If the noncompliant provider will not amend the report within 30 days after notice from the Department, the Department will suspend further surcharge disbursements under ETSA Section 30(b)(2)(A)(i) of disputed amounts and file a petition with the Commission seeking to adjust the number by order under Article X of the Public Utilities Act, so that the monthly amount paid accurately reflects one-twelfth of the aggregate wireline and VoIP surcharge revenue properly attributable to the most recent 12-month period reported.
- f) If a noncompliant provider disputes the validity of the suspension of surcharge disbursements, the noncompliant provider may petition the Administrator for a hearing to appeal the suspension.
- g) When the Administrator receives a petition for appeal, or a verified staff report concerning a noncompliant provider whose surcharge disbursements have been suspended for 12 months or more, the Administrator shall determine whether a hearing is necessary. If the Administrator determines a hearing is necessary, the following shall apply:
 - 1) The Administrator shall determine the date, time and location of any hearing and shall make reasonable efforts to hold the hearing at a date, time and location convenient to all parties.

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- 2) The Administrator shall appoint an administrative law judge (ALJ) to preside over the hearing.
 - A) Any testimony requested or permitted shall be under oath or affirmation, which will be administered by the ALJ.
 - B) Hearings shall be open to the public; however, only those members of the public who have filed a witness slip and have been acknowledged will be permitted to speak during the hearing.
 - 3) The procedures for admissibility of evidence shall be as described in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40] and as ordered by the presiding ALJ.
 - 4) A transcript of the recorded hearing shall be provided to the applicant upon written request.
 - A) The cost of transcription shall be the responsibility of the applicant.
 - B) Fees shall not exceed the actual cost for the preparation of the transcript.
 - C) The record need not be transcribed unless the Board receives a written request and fee from the applicant in accordance with this Section.
 - 5) Regardless of whether a hearing is called, all disputes shall be resolved by a final order of the Administrator.
- h) The payment of any monthly proportional grant to a 9-1-1 Authority shall not constitute acknowledgment that ETSA or the qualified governmental entity has filed a 9-1-1 system financial report as required under ETSA Section 40, or has filed a report that is in a form and manner prescribed by the Department.
 - i) Any proceeding initiated by the Commission before January 1, 2016, under 83 Ill. Adm. Code 729.610 and Section 27 of the Wireless Emergency Telephone Safety

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Act [50 ILCS 751/27], shall continue to completion under those provisions after January 1, 2016, as provided in ETSA Section 75(c).

SUBPART F: MISCELLANEOUS

Section 1329.600 Use of Grants and Surcharge Disbursements

Grants and surcharge disbursements may be used only for the purposes set forth in ETSA.

Section 1329.610 Distributions Subject to Appropriation

- a) Notwithstanding any other provision of this Part, grants and surcharge disbursements shall be payable solely from funds appropriated by the General Assembly to the Fund for the purpose of making disbursements under this Part.
- b) The Department shall notify eligible providers and vendors of any applicable lack of appropriations as soon as is practicable.

Section 1329.620 Records

- a) **Surcharge**
Carriers and Interconnected VoIP providers shall maintain detailed books and records related to surcharges billed and collected by geographic area, where applicable.
- b) **Network Costs**
Vendors shall maintain records necessary to support invoices submitted for network costs in accordance with applicable law and generally accepted accounting principles.
- c) **Grants and Surcharge Disbursements**
9-1-1 Authorities shall maintain detailed books and records related to consolidation grants and surcharge disbursements received and use of those funds in accordance with applicable law and generally accepted accounting principles.
- d) Effective January 1, 2016, all books and records shall be retained for a minimum of five years. All books and records shall be available for review or audit by the Department, its representatives, the Illinois Auditor General, and other

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governmental entities with monitoring authority, upon reasonable notice and during normal business hours. Carriers, vendors, Interconnected VoIP providers, and 9-1-1 Authorities shall cooperate fully with any such review or audit. If any audit indicates overpayment or underpayment to a carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority, the Department shall adjust payments otherwise due. If no payments are due and owed to a carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority, or if the overpayment exceeds the amount otherwise due, the carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority shall immediately refund all amounts that may be due to the Fund.

Section 1329.630 Indemnification

Except as explicitly set forth in ETSA, and except as explicitly prohibited by law, each 9-1-1 Authority requesting surcharge disbursements shall indemnify and hold the State of Illinois, including the Commission and the Department, and their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs and fees, and related expenses that may arise by reason of the functions or services provided by the Commission and the Department under ETSA and this Part. In the event of any demand or claim against the Commission or the Department, the Commission or Department will notify the responsible 9-1-1 Authority in writing. The Commission and the Department may elect to defend any demand or claim and will be entitled to be paid by the 9-1-1 Authority for all damages, costs and attorneys' fees incurred.

Section 1329.640 Intergovernmental Agreement

Section 75 of the Act permits the Department to enter into an intergovernmental agreement with the Commission for assistance in carrying out its duties. The agreement may provide for funding for the Commission. Any assistance provided by the Commission under the agreement shall be compensated through the Department from the Fund, as agreed between the Department and the Commission. Consideration under the agreement may include services provided by employees of either agency to the other agency.

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Section 1329.APPENDIX A Form of Electronic Carrier Subscriber Information Transmittal

MONTHLY SUBSCRIBER COUNT FILE

Storage Media: file attached to an Email or a CD-ROM

File Format: Text file or Microsoft EXCEL file

Carrier Subscriber Record File Layout

INSTRUCTIONS: This file must be 32 characters in length with a header and trailer record. The header record must have an H indicator in the first position and the carrier name in the remaining 31 positions. The trailer record must have a T in the first position and the total number of records on the file excluding the header and trailer records for 10 positions, followed by the FEIN. If using a Microsoft EXCEL file, the file records shall all be placed in one column of the file.

Each field length must be filled. Example: Subscriber count is a length of 10 and all spaces must be filled with leading zeros (e.g., 0000000999).

Field Name	Starting Position	Length	Data Type
FEIN	1	9	Numeric
Billing Month	10	4	Numeric (YYMM)
US Postal Zip Code	14	5	Numeric
US Postal +4 Code (if available)	19	4	Numeric
Subscriber Count	23	10	Numeric

SAMPLE: Below is an example of the header, trailer and field requirements.

Header:

Hcarriername

Trailer

T99999999990

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This is a sample text file:

HCARRIERNAME

99999999904106270412340000000005

9999999990410627040000000000025

T0000000002999999999

Questions concerning the field requirements may be addressed to:

Illinois State Police

9-1-1 Administrative Support Command

801 South 7th Street

Springfield IL 62703

Email: 911_Admin_Support@isp.state.il.us

Phone: 217/785-2035

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Section 1329.APPENDIX B Format of Carrier Remittance Transmittal

WIRELINE / VoIP CARRIER REMITTANCE FORM FOR ILLINOIS 9-1-1 SURCHARGE

CARRIER NAME _____

CARRIER FEIN _____

CARRIER ADDRESS _____

CITY/ST/ZIP _____

CONTACT NAME _____

CONTACT PHONE # _____

CHECK NUMBER _____

CHECK DATE _____

REMITTANCE BREAKDOWN:

REMIT MONTH / YEAR _____

<u>Service Type</u>	<u>Number</u>	<u>Connections</u>	<u>Amount Remitted</u>
Wireline		\$0.87	\$ -
Interconnected VoIP		\$0.87	\$ -
Less 3% Admin if withheld (Wireline and VoIP only)		3%	\$ -
TOTAL PAYMENT	-		\$ -*

* If remitting multiple months, please attach remittance detail by month on a separate page.

- The surcharge rate is \$0.87 per connection, per month, for connections located outside of the City of Chicago; see section 20 of the Emergency Telephone System Act.
- Pre-paid wireless surcharge should be remitted to the Department of Revenue. Contact them, or visit <http://www.tax.illinois.gov> for further information.

Send Check and remittance form to:
Illinois State Police

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**911 Administrative Support Command
911 Surcharge
801 South 7th Street
Springfield IL 62703**

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POST-PAID WIRELESS CARRIER REMITTANCE FORM FOR ILLINOIS 9-1-1 SURCHARGE

CARRIER NAME _____

CARRIER FEIN _____

CARRIER ADDRESS _____

CITY/ST/ZIP _____

CONTACT NAME _____

CONTACT PHONE # _____

CHECK NUMBER _____

CHECK DATE _____

REMITTANCE BREAKDOWN:

<u>Service Type</u>	<u>Month / Year</u>	<u>Connections</u>	<u>Rate</u>	<u>Amount Remitted</u>
Post-Paid Wireless			\$0.87	\$ -
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTAL PAYMENT		-		\$ - *

- The surcharge rate is \$0.87 per connection, per month, for connections located outside of the City of Chicago; see section 20 of the Emergency Telephone System Act.
 - Post-paid wireless carriers must also email corresponding subscriber file to: 911_Admin_Support@isp.state.il.us.
- Noncompliance will result in penalties.
- Per statute, wireless carriers cannot withhold 3% for admin until July 1, 2022.
 - Pre-paid wireless surcharge should be remitted to the Department of Revenue. Contact them, or visit <http://www.tax.illinois.gov> for further information.

Send Check and remittance form to:

Illinois State Police
911 Administrative Support Command

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**911 Surcharge
801 South 7th Street
Springfield IL 62703**

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY 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 Emergency Action: Amendment
- 4) Statutory Authority: 410 ILCS 130/215
- 5) Effective Date of Emergency Rulemaking: February 3, 2016
- 6) If this Emergency Rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rulemaking does not expire before the end of the 150 day period.
- 7) Date Filed with the Index Department: February 3, 2016
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The rulemaking is required to explain to cultivation centers how to calculate the Medical Cannabis Cultivator Privilege Tax on medical cannabis infused products and concentrates. Several cultivators advised the Department that during completion of their tax returns, questions arose regarding how to determine the weight of cannabis contained in medical cannabis infused products and concentrates and the sales price per ounce to use for these items when calculating the tax. It is imperative that cultivation centers understand how to accurately calculate the tax on all forms of medical cannabis sold to dispensing organizations to avoid penalties and interest on underpayment of tax and to avoid overpayment of tax. Confusion and uncertainty over their tax obligations, and the resulting penalties and interest or overpayment of tax, may result in the disruption of supplies of medical cannabis infused products and concentrates to dispensing organizations for ultimate sale to qualifying patients. This would undermine the purpose of the legislation – to provide a means of relief from suffering by patients with debilitating medical conditions.
- 10) A Complete Description of the Subjects and Issues Involved: This emergency rule provides guidance for cultivators to determine the Medical Cannabis Cultivator Privilege Tax on medical cannabis infused products and concentrates. The Compassionate Use of

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Medical Cannabis Pilot Program Act [410 ILCS 130] (Act) permits the cultivation and sale of medical cannabis. . 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 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. See 8 Ill. Adm. Code 1000.420(d)(6). The Department of Revenue adopted rules at 86 Ill. Adm. Code 429 to administer and enforce the Medical Cannabis Privilege Tax Law. 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. See 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 emergency rulemaking 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.

- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

Richard S. Wolters
Associate Counsel

DEPARTMENT OF REVENUE

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Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

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NOTICE OF EMERGENCY 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
<u>EMERGENCY</u>	
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.

Section 429.110 Nature and Rate of TaxEMERGENCY

- 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)].*

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- 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).)

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- 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.

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- [fe](#)) 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.
- [gf](#)) The Law does not exempt any sales of medical cannabis cultivated by a cultivation center. All sales of medical cannabis are taxable.

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 3305, effective February 3, 2016, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of February 2, 2016 through February 8, 2016. The rulemakings are scheduled for review at the Committee's March 8, 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>
3/17/16	<u>Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)</u>	12/18/15 39 Ill. Reg.15850	3/8/16
3/20/16	<u>Department of Natural Resources, Sport Fishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)</u>	12/18/15 39 Ill. Reg.15950	3/8/16

EXECUTIVE ORDER

2016-2
EXECUTIVE ORDER PROMOTING
COLLABORATION FOR ECONOMIC DEVELOPMENT

WHEREAS, Illinois is home to some of the greatest economic assets in the world, including a smart, dynamic workforce; strong, innovative companies; top universities; and roads, rail, waterways and airports that reach every corner of the continent and the world; and

WHEREAS, despite these advantages, for too long the policies and practices of State government have impeded economic growth in Illinois, causing Illinois to rank 48th out of all states for best business climate in 2015 by Chief Executive Magazine, rank 43rd by Forbes Magazine in 2015 for regulatory environment, receive an "F" grade for small business friendliness in the 2015 Thumbtack.com small business friendliness survey, and according to the Bureau of Labor Statistics, ranked 45th in the nation for year-over-year private job creation entering 2016, and ranked 50th in the nation in monthly job creation in December 2015; and

WHEREAS, fostering opportunities for business growth and job creation is vital for Illinois to experience positive economic growth and greater opportunities for our citizens; and

WHEREAS, the Department of Commerce and Economic Opportunity (the "Department") needs private sector assistance in order to operate with the efficiency and speed required to attract investment and jobs to Illinois; and

WHEREAS, other states that compete with Illinois at attracting companies looking to relocate or expand have established or partnered non-profit economic development corporations that recruit businesses more efficiently and effectively than the Department; and

WHEREAS, economic development corporations have been established around the country, including Indiana, Ohio, Missouri, North Carolina, Wisconsin, Michigan, Florida, and Virginia; and

WHEREAS, local governments in Illinois, including the City of Chicago, have also partnered with economic development corporations to recruit businesses to the city; and

WHEREAS, the Department, like many State agencies, works closely with private sector entities to fulfill its statutory mandated duties; and

WHEREAS, collaboration between the Department and an economic development corporation will enable the State to draw on the strengths of the private sector and more efficiently foster

EXECUTIVE ORDER

economic development, including through the research and development of best practices for economic development; and

WHEREAS, the Department will ensure that all work with any economic development corporation is accountable and transparent; and

WHEREAS, the Illinois Business and Economic Development Corporation was established as an operationally independent Illinois not-for-profit corporation to assist the Department in carrying out its economic development work and, in particular, to lessen the burdens of government of the State of Illinois, and to carry out research related to the economic development of the State of Illinois;

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. COLLABORATION BETWEEN THE DEPARTMENT AND THE ILLINOIS BUSINESS AND ECONOMIC DEVELOPMENT CORPORATION

The Department shall seek opportunities to collaborate with economic development corporations, including the Illinois Business and Economic Development Corporation, to promote Illinois and to facilitate business development, job creation, and investment. Because the Department is statutorily required to encourage job growth and economic development, collaboration with an economic development corporation will enable the Department to carry out those statutory duties more efficiently, thereby lessening the burdens of the Department and the government generally and improving the outcomes of the Department's statutory mandates.

The Department shall comply with all applicable laws, regulations, and policies, including procurement, grant-making, and transparency, in seeking and entering into any such collaboration.

II. SAVINGS CLAUSE

This Executive Order does not contravene, and shall not be construed to contravene, any State or federal law or any collective bargaining agreement.

III. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any 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.

EXECUTIVE ORDER

V. EFFECTIVE DATE

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

Issued by the Governor: February 3, 2016

Filed by the Secretary of State: February 3, 2016

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 40, Issue 8 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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