

# 2011

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Index Department  
Administrative Code Division  
111 E. Monroe St.  
Springfield, IL 62756  
217-782-7017  
[www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)

 Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

## TABLE OF CONTENTS

July 29, 2011 Volume 35, Issue 31

### PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF State Vehicles and Garage 44 Ill. Adm. Code 5040.....	12592
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF Medical Payment 89 Ill. Adm. Code 140.....	12600
NATURAL RESOURCES, DEPARTMENT OF Snowmobile Trail Establishment Fund Grant Program 17 Ill. Adm. Code 3020.....	12624
POLLUTION CONTROL BOARD Effluent Standards 35 Ill. Adm. Code 304.....	12634
PUBLIC HEALTH, DEPARTMENT OF Emergency Medical Services and Trauma Center Code 77 Ill. Adm. Code 515.....	12645
Newborn Metabolic Screening and Treatment Code 77 Ill. Adm. Code 661.....	12668
SECRETARY OF STATE Illinois State Library Grant Programs 23 Ill. Adm. Code 3035.....	12686
STATE POLICE, DEPARTMENT OF Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds 20 Ill. Adm. Code 1286.....	12741

### ADOPTED RULES

INSURANCE, DEPARTMENT OF Minimum Standards For Determining Nonforfeiture Benefits For Certain Life Insurance Policies Having Intermediate Cash Benefits 50 Ill. Adm. Code 1415.....	12749
SECRETARY OF STATE Merit Commission Public Information, Rulemaking and Organization 2 Ill. Adm. Code 555.....	12756
Lobbyist Registration and Reports 2 Ill. Adm. Code 560.....	12761
Merit Commission 80 Ill. Adm. Code 50.....	12801
Regulations under the Illinois Securities Law of 1953 14 Ill. Adm. Code 130.....	12810

### JOINT COMMITTEE ON ADMINISTRATIVE RULES OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

STATE TREASURER	
Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois	
74 Ill. Adm. Code 740.....	12832
<b>OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER</b>	
LABOR, DEPARTMENT OF	
Notice of Public Information.....	12833
ENVIRONMENTAL PROTECTION AGENCY	
Notice of Public Information.....	12835
<b>SECOND NOTICES RECEIVED</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	12848
<b>EXECUTIVE ORDERS AND PROCLAMATIONS</b>	
PROCLAMATIONS	
Flag Honors – Former First Lady Lura Lynn Ryan	
2011-248.....	12850
MDA Firefighter Appreciation Month	
2011-249.....	12850
Stevens Johnson Syndrome Awareness Month	
2011-250.....	12851
Alan J. Dixon Day	
2011-251.....	12852
Geraldine Lawhorn Day	
2011-252.....	12853
National Bulk Foods Week	
2011-253.....	12854
National Public Lands Day	
2011-254.....	12855
Raoul Wallenberg Day	
2011-255.....	12856
Respiratory Care Week	
2011-256.....	12857
Tee it Up for the Troops Day	
2011-257.....	12858
Teen Appreciation Week	
2011-258.....	12859
Society of American Archivists Week	
2011-259.....	12859
Ramsey Lewis Day	
2011-260.....	12860
Americans With Disabilities Act Day	
2011-261.....	12861
Disability Pride Day	
2011-262.....	12862

Belize Day	
2011-263.....	12863
Ghanafest Day	
2011-264.....	12864
Health and Wellness Weekend	
2011-265.....	12865

## INTRODUCTION

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

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

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

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

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011
22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011

24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
5040.130	Amend
5040.270	Amend
- 4) Statutory Authority: Implementing Sections 405-280, 405-285, and 405-215 of the Department of Central Management Services Law [20 ILCS 405/405-280, 405-285, and 405-215] and Sections 1 and 2 of the State Vehicle Identification Act [30 ILCS 610/1 and 2] and authorized by Section 405-280 of the Department of Central Management Services Law [20 ILCS 405/405-280]
- 5) A Complete Description of the Subjects and Issues involved: Section 5040.130 is being amended to add a definition for the term "General Purpose Passenger and Light Duty Vehicles." Section 5040.270 is being amended to change the criteria used for determinations regarding the acquisition of vehicles. The proposed amendment replaces the current expected usage requirement of 1,500 miles per month with an analysis of whether acquisition of a vehicle is the most cost effective alternative. The proposed amendment also establishes that CMS will maintain a breakeven mileage point, with vehicles generally being acquired only when they will be utilized at or beyond such breakeven point. The proposed amendment requires that agencies requesting specific surplus vehicles submit a written request for such vehicles.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Robert Morgan  
Department of Central Management Services  
201 E. Madison St  
Springfield, IL 62702

312/814-2364 Phone  
robert.morgan@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business and small municipalities affected: None  
Reporting, bookkeeping or other procedures required for compliance: None
  - B) Types of professional skills necessary for compliance: None
  - C) Regulatory Agenda on which this rulemaking was summarized: None

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5040

STATE VEHICLES AND GARAGE

SUBPART A: GENERAL

Section

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

SUBPART B: ACQUISITION

Section

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

SUBPART C: USE OF VEHICLES

Section

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

5040.380 Motor Pool

## SUBPART D: MAINTENANCE

## Section

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

## SUBPART E: MISCELLANEOUS

## Section

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

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

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1989; amended at 15 Ill. Reg. 7553, effective May 7, 1991; amended at 19 Ill. Reg. 14774, effective October 5, 1995; amended at 25 Ill. Reg. 6221, effective April 17, 2001; amended at 26 Ill. Reg. 9695, effective June 19, 2002; amended at 30 Ill. Reg. 4587, effective March 1, 2006; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

**Section 5040.130 Definitions**

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

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

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

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

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

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

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

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: ACQUISITION

**Section 5040.270 Requests for Acquisition of Vehicles**

All requests to purchase new or used, lease or acquire surplus (including inter-agency transfer) general purpose passenger and light duty vehicles ~~vehicles~~ other than motor pool rental or rental require written submission ~~while employee is on travel status must be submitted in writing~~ over the signature of the head of the requesting agency and approval ~~approved~~ by CMSDCMS, Manager of the Division of Vehicles.

- a) Agency requests shall be submitted on the format required ~~forms supplied~~ by CMSDCMS for this purpose. If necessary, CMSDCMS may request additional information.
- b) All acquisitions requests, whether replacements or additions to fleet, must be justified based on work needs. The need for the vehicle and the type requested must be documented.
- c) Requests shall be evaluated using the following non-exhaustive criteria:
  - 1) Whether purchasing a vehicle is the most cost effective solution for the State. The most economical mode of transportation should be used to carry out State business. Cost effective transportation for State employees can be obtained through the use of State-owned vehicles or by paying for miles traveled, such as reimbursement for the use of a personally owned vehicle if operationally feasible. State vehicles should be purchased/owned when that is the lowest cost alternative for the State and when the vehicles will be fully utilized in terms of business mileage.
    - A) Factors determining which transportation option is cheaper vary, depending on the cost of fuel and the cost of buying and owning vehicles versus the cost of reimbursement. Additional factors to consider when determining if acquiring a vehicle is efficient are: annual overall miles, annual business miles, percentage of commuting miles (if applicable), cargo, passenger carrying, or other special equipment needs.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- B) A break-even mileage reference point will be maintained by CMS, Division of Vehicles for use in determining efficient vehicle purchase decisions. New, used and leased general purpose passenger and light duty vehicles should only be acquired when they will be fully utilized at or beyond the current standard set by CMS for economic break-even to ensure the State is providing transportation to employees at the lowest possible cost. Usage less than economic break-even may be approved by the Manager of the Division of Vehicles upon explanation from the agency head of operational needs justifying lesser usage and when there is no alternative available to carry out agency work functions. Vehicles obtained from CMS, Surplus Property should be substituted for new vehicles when operationally efficient to reduce the State's cost per mile.
- C) The break-even mileage threshold maintained on file at CMS, Division of Vehicles will be updated as changes in the formula variables occur. Break-even mileage information will be made available to State agencies under the Governor through CMS, Division of Vehicles communications with agency Vehicle Coordinators.
- D) The formula used to calculate break-even mileage is as follows: Projected cost per mile, including vehicle purchase price, less residual value, plus repairs and maintenance, fuel and insurance costs (using life cycle costing), compared to the State's current mileage reimbursement rate. Expected usage. New and leased general purpose passenger vehicles are to be used a minimum of 1,500 miles per month, but lesser usage may be approved upon explanation from the Agency Head of operational needs resulting in lesser usage. Surplus should be used if the 1500 miles per month criteria cannot be met.
- 2) Availability and utilization of other vehicles already in agency control.
- 3) Compliance with fuel economy and environmental standards.
- d) Agencies requesting that have specific surplus (including inter-agency transfer)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

vehicles ~~identified for acquisition~~ shall submit a written request to the Division of Vehicles, utilizing the standard request format required as identified by CMS, so ~~inform the Division of Vehicles with the initial request.~~ The Division of Property Control will not release nor approve an inter-agency transfer without authorization from the Division of Vehicles.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
140.414	Amendment
140.445	Amendment
140.446	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 97-0074
- 5) Complete Description of the Subjects and Issues Involved: The proposed rulemaking makes the following changes:

In Section 140.414, for drugs dispensed or administered by licensed practitioners, the Department will establish maximum reimbursement rates that are consistent with published rates for Medicare Part B rates and establish maximum rates for practitioners that are equal to the Department's lowest allowable pharmacy rate for the covered drug item. The changes to drug reimbursement methodologies will ensure that the Department compensates practitioners at levels that best approximate practitioner's estimated acquisition costs for dispensed or administered drug items.

In Section 140.445, the standard pricing benchmark for maximum allowable price for legend prescription drugs will be changed from Average Wholesale Price (AWP) to Wholesale Acquisition Cost (WAC). Effective October 1, 2011, AWP will no longer be produced by national drug pricing publishers as a result of a federal court decree issued in March 2009. Therefore, the Department must replace AWP as a drug pricing benchmark. Also, a provision would be added that allows for establishment of State Upper Limits for brand name products when appropriate.

In Section 140.446, for over-the-counter (OTC) products, the Department proposes changing the pricing standard from AWP plus 25% to WAC plus 25%. Also, a provision would be added that allows for establishment of State Upper Limits for OTC products when appropriate.

The proposed rule changes to the reimbursement methodology for drugs dispensed or administered by practitioners will reduce physician program costs by an estimated \$16 million annually. Likewise, changes to reimbursement methodology for generic and

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

brand name drugs, as well as OTC products, is projected to reduce pharmacy costs by an estimated \$42 million in State FY12.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? 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 proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.80	Amendment	35 Ill. Reg. 12202; July 22, 2011
140.82	Amendment	35 Ill. Reg. 12202; July 22, 2011
140.84	Amendment	35 Ill. Reg. 12202; July 22, 2011
140.462	Amendment	35 Ill. Reg. 11126; July 15, 2011
140.438	Amendment	34 Ill. Reg. 10967; August 6, 2010

- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov  
 General Counsel  
 Illinois Department of Healthcare and Family Services  
 201 South Grand Avenue East, 3rd Floor  
 Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination or Revocation on Persons Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

	Suspension or Barring
140.20	Submittal of Claims
140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Sanctioned Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.44	Withholding of Payments Due to Fraud or Misrepresentation
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Recodified)  
Hearings (Recodified)

140.398

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section

140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.403	Telehealth Services
140.405	SeniorCare Pharmaceutical Benefit (Repealed)
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 140.443 Filling of Prescriptions
- 140.444 Compounded Prescriptions
- 140.445 Legend Prescription Items (Not Compounded)
- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Providers
- 140.471 Description of Home Health Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

140.481	Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

## SUBPART E: GROUP CARE

Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	County Contribution to Medicaid Reimbursement (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

SUBPART F: FEDERAL CLAIMING FOR STATE AND  
LOCAL GOVERNMENTAL ENTITIES

## Section

140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

## Section

140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 140.928 Client Enrollment and Program Components (Repealed)  
140.930 Reimbursement  
140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND  
REIMBURSEMENT EQUITY (ICARE) PROGRAM

## Section

- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)  
140.942 Definition of Terms (Recodified)  
140.944 Notification of Negotiations (Recodified)  
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)  
140.948 Negotiation Procedures (Recodified)  
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)  
140.952 Closing an ICARE Area (Recodified)  
140.954 Administrative Review (Recodified)  
140.956 Payments to Contracting Hospitals (Recodified)  
140.958 Admitting and Clinical Privileges (Recodified)  
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)  
140.964 Contract Monitoring (Recodified)  
140.966 Transfer of Recipients (Recodified)  
140.968 Validity of Contracts (Recodified)  
140.970 Termination of ICARE Contracts (Recodified)  
140.972 Hospital Services Procurement Advisory Board (Recodified)  
140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)  
140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

## SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

## Section

- 140.990 Primary Care Case Management Program  
140.991 Primary Care Provider Participation Requirements

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

140.992	Populations Eligible to Participate in the Primary Care Case Management Program
140.993	Care Management Fees
140.994	Panel Size and Affiliated Providers
140.995	Mandatory Enrollment
140.996	Access to Health Care Services
140.997	Payment for Services

## SUBPART J: ALTERNATE PAYEE PARTICIPATION

## Section

140.1001	Registration Conditions for Alternate Payees
140.1002	Participation Requirements for Alternate Payees
140.1003	Recovery of Money for Alternate Payees
140.1004	Conditional Registration for Alternate Payees
140.1005	Revocation of an Alternate Payee

## SUBPART K: MANDATORY MCO ENROLLMENT

140.1010	Mandatory Enrollment in MCOs
140.TABLE A	Medicheck Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers**

For the purpose of this Section, "prescriber" shall mean any person who, within the scope of his or her professional licensing requirements, may prescribe or dispense drugs.

- a) Prescriptions
  - 1) A prescriber may prescribe any pharmacy item, not otherwise excluded, that, in the prescriber's professional judgment, is essential for the diagnosis or accepted treatment of a recipient's present symptoms. The Department may require prior approval of any drug except as outlined in Section 140.442(a)(9).
  - 2) A prescriber shall:
    - A) Use a tamper-resistant prescription form, as defined at Section 140.443(b)(2), for non-electronic prescriptions. Non-electronic prescriptions are defined at Section 140.443(b)(1). In addition, the prescriber shall ensure the prescription form is compliant with Section 3(e) of the Pharmacy Practice Act of 1987 [225 ILCS 85/3(e)], 68 Ill. Adm. Code 1330 and 42 USC 1936(i)(23); and
    - B) Enter on the form all data elements required under Section 3(e) of the Pharmacy Practice Act of 1987 [225 ILCS 85/3(e)], 68 Ill. Adm. Code 1330 and 42 USC 1936(i)(23), as well as one of the following data elements identifying the prescriber:
      - i) Drug Enforcement Administration (DEA) Number; or
      - ii) National Provider Identifier (NPI); or

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- iii) Medical Assistance Program Provider Number; or
  - iv) Illinois State License Number.
- 3) The prescriber shall not charge for writing a prescription.
- 4) Items that shall not be prescribed are listed in Section 140.441.
- b) Dispensed Items
- 1) A participating prescriber may dispense pharmacy items subject to the Department's coverage policies. The prescriber shall not charge for any samples dispensed or anesthesia agents administered for office surgical procedures.
  - 2) Effective October 1, 2011, theThe Department shall pay for covered outpatient drug items dispensed or administered by a non-pharmacy provider at a rate equal to the lowest of:
    - A) The provider's usual and customary charge to the public; or
    - B) The Average Sales Price (ASP) plus 6 percent. ASP means the ASP as defined in the Social Security Act, Title XVIII, section 1847A(c) (42 USC 1395 w-3a(c)) and calculated by the federal Centers for Medicare and Medicaid Services (CMMS); or
    - C) The Department's lowest maximum allowable price for all covered NDCs assigned to the HCPCS billing code (the methodology for determining the Department's maximum prescription prices is specified in Section 140.445(b)(1) and (b)(2)).
  - 3) Reimbursement rates for drugs dispensed or administered by non-pharmacy providers shall be updated no less frequently than twice per calendar year. ~~items dispensed in an emergency or when not readily available from a pharmacy at the rate of the cost to the prescriber for the item, plus 20% of the cost when itemized. The Department will pay a maximum of \$1.00 for unitemized items.~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.445 Legend Prescription Items (Not Compounded)**

Effective October 1, 2011, for For legend (prescription) drugs, the Department shall pay the lower of:

- a) the pharmacy's usual and customary~~prevailing~~ charge to the general public; or
- b) the Department's maximum price plus the established dispensing fee of \$4.60 for generic drugs and \$3.40 for brand name drugs.
  - 1) For generic drugs, the Department's maximum price is calculated as the lowest of:
    - A) Wholesale Acquisition Cost (WAC) plus 1~~the average wholesale price minus 25~~ percent; or
    - B) the Federal upper limit as established under section 1927(e)(4) of the Social Security Act (42 USC 1396r-8(e)(4))~~Upper Limit for drugs that have been evaluated as therapeutically equivalent in the Food and Drug Administration's publication entitled Approved Drug Products with Therapeutic Equivalence Evaluations;~~ or
    - C) the State upper limit~~Upper Limit for drugs listed in the Illinois Formulary for the Drug Product Selection Program and not having an established Federal Upper Limit at the time of listing;~~ or
    - D) the average wholesale price for drugs ~~where that price is~~ based upon the actual market wholesale price.
  - 2) For brand name drugs, the Department's maximum price is calculated as the lowest~~lower~~ of:
    - A) WAC plus 1 percent~~the average wholesale price minus 12 percent;~~ or
    - B) the State upper limit;~~the average wholesale price for drugs where that price is based upon the actual market wholesale price.~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- C) the average wholesale price for drugs based upon the actual market wholesale price.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.446 Over-the-Counter Items**

Effective October 1, 2011, for For those over-the-counter items ~~that~~which are covered, the Department shall pay the lower of:

- a) the pharmacy's usual and customary prevailing charge to the general public; or
- b) Wholesale Acquisition Cost (WAC)~~the average wholesale price~~, plus 25 percent;  
or-
- c) The State upper limit.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This is a grant program that provides financial aid to eligible, private snowmobile clubs/organizations for the purpose of assisting them in the construction, maintenance, and rehabilitation of snowmobile trails and facilities on public lands, designated roadways or private land opened to such use.
  - B) Reporting, bookkeeping or other procedures required for compliance: The project sponsor must patrol the facility to ensure proper user compliance, maintain agreements/leases for use of property, possess current charter and insurance, submit work specification to the Department, maintain financial records and comply with the Department's operation and maintenance provisions.
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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 g: GRANTSPART 3020  
SNOWMOBILE TRAIL ESTABLISHMENT FUND GRANT PROGRAM

## Section

3020.10	Program Objective
3020.20	Program Eligibility Requirements
3020.30	Funding Assistance Formula
3020.40	General Procedures for Grant Applications and Awards
3020.50	Eligible Project Expenditures
3020.60	Project Evaluation Criteria/Priorities
3020.70	Program Compliance Requirements
3020.80	Program Information

AUTHORITY: Implementing and authorized by Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2].

SOURCE: Adopted and codified at 7 Ill. Reg. 198, effective December 22, 1982; amended at 7 Ill. Reg. 14964, effective November 1, 1983; amended at 11 Ill. Reg. 12869, effective July 28, 1987; amended at 16 Ill. Reg. 1833, effective January 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 9085, effective June 26, 1997; amended at 28 Ill. Reg. 10635, effective July 13, 2004; amended at 35 Ill. Reg. 1411, effective January 5, 2011; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 3020.70 Program Compliance Requirements**

- a) ~~Grants awarded through the STEF grant program shall be for a period not to exceed 18 months.~~ All approved projects must be in accordance with the agreed upon project specifications and a final billing request for reimbursement submitted to the Department.
- b) All equipment/materials purchased through the STEF grant program utilized on private property shall be subject to repossession by the Department and shall be reclaimed upon the dissolution of the project sponsor or as a result of project sponsor non-compliance with program regulations as stated herein.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- c) With the exception of designated snowmobile routes on township roads, all snowmobile facilities developed with assistance from the STEF shall be posted with a liability disclaimer sign at ingress/egress points to the facility that warns snowmobilers they use the facility at their own risk.
- d) With the exception of designated snowmobile routes on township roads, it shall be the sole responsibility of the project sponsor to adequately patrol the STEF-assisted facility to insure proper usage of the facility and user compliance with all State and local snowmobiling regulations. Failure of the project sponsor to take corrective measures, which bring the facility into compliance with this Part, to help remedy complaints lodged by local citizens concerning misuse of STEF-assisted facilities shall be grounds for rescission of Department participation in the project.
- e) For projects proposing permanent land/facility improvements, such as warming shelters, picnic shelters, bridges, and parking lots, it shall be necessary for the project sponsor(s) to possess/obtain signed "letters of agreement" or "leases" from all property owners directly associated with the development of STEF-assisted facilities which shall, at a minimum, stipulate the following terms:
  - 1) General
    - A) The effective dates of the agreement/lease which shall, at a minimum, be for a 4 month period from December 1 to April 1 for 2 consecutive years.
    - B) A precise description of the property to be covered under the terms of the agreement/lease for snowmobiling use.
    - C) If applicable, the agreed upon rental/lease fee to be paid the landowner in consideration for use of the designated property. PLEASE NOTE that any private landowner who accepts a valuable consideration in return for opening his/her land for public snowmobiling purposes jeopardizes the possibility for limited liability protection afforded under the Snowmobile Registration and Safety Act [625 ILCS 40/5-1(I) and (J)] to private landowners who open their lands to snowmobiling for no valuable consideration.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

D) The agreement/lease is non-revocable by the landowner unless terms of the agreement/lease are violated by the club or excessive vandalism by snowmobile users is evident. Should either the project sponsor or landowner wish to terminate the agreement/lease for any reason prior to the expiration date, the Department must be notified and made a party to the negotiations for termination.

2) Permitters (landowners) Acknowledgements

A) Permitter agrees that the described property in the agreement/lease will be open to the general public for snowmobiling purposes regardless of race, sex, color, creed or national origin.

B) During the terms of the agreement/lease, the permitter shall not utilize, make alterations to, further sublet or in other ways legally encumber the designated premises or parts thereof so as to interfere with the intended snowmobiling use of the property.

C) Permitter shall not post "no trespassing" or other restrictive use signs on the described property at any time during the terms of the agreement/lease.

D) Permitter shall be allowed to restrict snowmobile use on the described property during the terms of the agreement/lease only when:

i) snowcover is less than 4 inches,

ii) there is evidence of continued facility misuse or damage to the designated property by snowmobilers,

iii) it is judged that conditions of the facility jeopardize user safety.

E) Permitter agrees that all materials/equipment used to make improvements to or mark the designated property for snowmobiling use shall remain the property of the permittee and

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

State of Illinois and shall be reclaimed/removed at the termination of the agreement/lease.

- F) Permitter agrees to hold harmless permittee, its officers and members, and the State of Illinois and its agents from any and all claims, demands, judgments, and executions which may arise as a direct or indirect result of this agreement/lease or actions taken in reliance thereupon.
  - G) Permitter in no way implies or assures through the execution of this agreement/lease that the designated property is safe for snowmobile use; or confers upon any trail user the legal status of invitee to whom a duty of care is owed; or assumes liability responsibility for injury to person/property caused through snowmobile use of the designated property.
- 3) Permittees (snowmobile club) Acknowledgements
- A) To restrict snowmobiling on the Permitter's property to those areas specifically designated for that purpose in the agreement/lease.
  - B) To make only those improvements or trim and cut only those trees and shrubs on the designated property as approved by the property owner. It is further understood that all damage to fencing or other personal property of the property owner as a result of facility development or usage shall be repaired by the permittee to pre-damage condition upon termination of the agreement/lease or request of the property owner.
  - C) To post necessary trail signs to insure safe and proper snowmobile usage of the designated property and remove them, as requested, upon termination of the agreement/lease or snowmobiling season.
  - D) To patrol and use all reasonable measures to promote safe and proper snowmobile usage of the designated property and to prevent the deposit of litter upon said property by users and to remove such litter that may be deposited.
- f) All Leases/Letters of Agreement must be submitted to the Department, and must

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

be consistent with subsection (e) of this Section prior to consideration for STEF grant assistance. Upon the expiration or termination of a lease agreement which causes relocation of project facilities, the Department shall be notified as to the location of the new facility site.

- g) During all times of operation of a STEF-assisted snowmobile facility, the project sponsor must possess, in current force, its Charter papers proving Not-for-Profit corporation status with the State of Illinois, and must possess insurance protection providing a minimum of \$1,000,000 liability coverage.
- h) The project sponsor must possess the resource capabilities to:
  - 1) Initially finance 100% of the total cost prior to grant reimbursement; and
  - 2) Properly maintain and operate the fund-assisted snowmobile facility after project completion.
- i) Documents required at the time of final billing for grant reimbursement on a project include the following:
  - 1) a signed "Billing Request" Form that itemizes specific project costs and contains a certification statement verifying project expenditures;
  - 2) copies of receipts/invoices for all approved project costs incurred in completing the project for which reimbursement is claimed;
  - 3) copies of cancelled checks showing proof of payment; and
  - 4) "as-built" drawings for the completed project.

(NOTE: It shall be understood by the project sponsor that 45-60 days are required by the Department to disburse grant reimbursement funds to local project sponsors after receipt of an acceptable "Billing Request" submittal in compliance with the above listed items.)

- j) All financial records on approved projects must be maintained and retained, in accordance with the Grant Funds Recovery Act [30 ILCS 705] and the State Records Act [5 ILCS 160], by the project sponsor for possible State audit after final reimbursement payment is made by the Department.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- k) The project sponsor must permanently post at the project site a STEF grant program acknowledgement sign. The required acknowledgement sign will be furnished by the Department.
- l) All work specifications must be submitted by the project sponsor to the Department upon request for review prior to commencing work. Project sponsor will be notified by the Department if the proposed project requires the approval of a registered structural engineer.
- m) Department representatives shall have access to STEF-assisted project sites at any time during construction to assess project progress and during facility operation to ensure compliance with program regulations. As time allows, Department representatives shall be available, upon request, for consultation/technical assistance concerning project development. It shall be further understood that a final inspection and acceptance of the completed project work must be made by a Department representative prior to approval of final reimbursement payment to the local project sponsor.
- n) The sponsoring agency shall indemnify, protect and hold harmless the Department from any and all liability, costs, damages, and claims arising as a direct or indirect result of the construction, operation or maintenance of STEF-assisted snowmobile facilities.
- o) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance of STEF-assisted snowmobile facilities, sponsoring agency agrees that it shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:
  - 1) Illinois Department of Transportation: Division of Highways,
  - 2) Illinois Department of Natural Resources: Division of Water Resources,
  - 3) Illinois Environmental Protection Agency,
  - 4) U.S. Army Corp of Engineers,
  - 5) Local building, zoning or roadway boards/commissions.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- p) The project sponsor must comply with and abide by the following Operation and Maintenance provisions:
- 1) The charging of user fees for general public use of STEF-assisted snowmobile facilities is prohibited.
  - 2) All STEF-assisted snowmobile facilities shall be operated, maintained and utilized for general public use in such a manner as to maximize the facility's intended benefits.
  - 3) The sponsoring agency shall satisfactorily maintain STEF-assisted snowmobile facilities so as to promote the safe and enjoyable use of the facility by the snowmobiling public.
  - 4) All snowmobiling trails/facilities developed, improved and/or maintained as a result of STEF grant assistance must be open and available to general public use and enjoyment without regard to sex, race, color, creed or national origin.
  - 5) Department personnel shall have access to STEF-assisted facilities at all times for inspection purposes to ensure continued compliance with program regulations.
- q) All funds administered by the Department under the STEF grant program and expended by the project sponsor shall be in accordance with all applicable State statutes.
- r) The Department may unilaterally rescind project agreements at any time prior to commencement of the project, if the Department experiences a funding problem or the applicant demonstrates non-compliance with this Part. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor. A project shall be deemed commenced when the project sponsor has made an expenditure or has incurred an obligation with respect to the project.
- s) Failure by the local project sponsor to comply with any of the herein cited program regulations and terms shall be cause for the suspension of all STEF grant assistance obligations and/or repossession of project equipment/material obtained

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

thereunder, unless, in the judgment of the Department, such noncompliance was due to no fault of the project sponsor.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) 

<u>Section Number:</u> 304.224	<u>Proposed Action:</u> New
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- 4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27]
- 5) A Complete Description of the Subjects and Issues Involved: The Board proposes for first notice a rule establishing an effluent limit of 400 fecal coliforms colony forming units (CFU) per 100 mL from March 1 through November 30 for effluent discharges to Primary Contact Recreation Use water segments of the Chicago Area Waterway System (CAWS). Those segments are 1) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River; 2) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River; 3) Chicago River; 4) South Branch of the Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel. The proposed rulemaking is intended to meet certain obligations of the State of Illinois under the Federal Water Pollution Control Act (Clean Water Act or CWA) (33 USC 1313).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
  - A. Lower Des Plaines River Use Attainability Analysis Final Report. AquaNova International, Ltd. and Hey & Associates, Inc., prepared for Illinois EPA (December 2003).
  - B. Chicago Area Waterway System Use Attainability Analysis Final Report. Camp, Dresser and McKee, prepared for Illinois EPA (August 2007).
  - C. Interim Economic Guidance for Water Quality Standards Workbook (Appendix M to the Water Quality Standards Handbook—Second Edition, EPA-823-B-94-005b). U.S. EPA Office of Water (EPA-823-B-95-002) (March 1995).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- D. Illinois Sanitary Water Board Rules and Regulations SWB-8 Water Quality Standards, Interstate Waters, Illinois River and Lower Section of Des Plaines River (REF. 348.025 ISWB SWB-8 C.2) (Criteria Adopted December 1, 1966; Implementation Plan Submitted August 10, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board Reapproved March 5, 1968).
- Illinois Sanitary Water Board Rules and Regulations SWB-15 Water Quality Standards, Interstate Waters, Chicago River and Calumet River System and Calumet Harbor Basin (REF. 348.025 ISWB SWB-15 C.2) (Adopted by Board June 28, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board reapproval March 5, 1968).
- E. Ordinance: Code of Forest Preserve District of Cook County, Title 2: Forest Preserve District Lands and Properties, Chapter 4: Recreation in the Forest Preserve.
- F. Inventory of Public Access Locations along the Chicago Area Waterway System. Illinois EPA, Bureau of Water (May 15, 2007).
- G. Description of the Chicago Waterway System: Use Attainability Analysis Study Conducted by Illinois EPA Bureau of Water in Cooperation with MWRDGC. MWRDGC, Research and Development (May 2002).
- H. Minutes from the June 23, 2005 Dispersal Barrier Advisory Panel. Philip B. Moy, University of Wisconsin Sea Grant Institute (June 23, 2005).
- I. Chicago Area Waterways Health Precautions Pamphlet. MWRDGC, Illinois Department of Public Health, U.S. EPA, Illinois EPA (October 2003).
- J. Ambient Water Quality Criteria for Bacteria – 1986. U.S. EPA Office of Water (EPA440/5-84-002) (January 1986).
- K. Analysis of Physical Habitat Quality and Limitations to Waterways in the Chicago Area. Center for Applied Bioassessment and Biocriteria, prepared for U.S. EPA Region 5 (2004).
- L. Aquatic Life and Habitat Data Collected in 2006 on the Illinois and Des Plaines Rivers. Midwest Biodiversity Institute, prepared for U.S. EPA Region 5 (2006).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- M. Biological Criteria for the Protection of Aquatic Life: Volume II: Users Manual for Biological and Field Assessment of Ohio Surface Waters. Ohio Environmental Protection Agency, Surface Water Section (Updated January 1, 1988).
- N. Interpreting Illinois Fish-IBI Scores, DRAFT: January 2005. Illinois EPA, Bureau of Water (January 2005).
- O. Quality Criteria for Water 1986 (gold book). U.S. EPA Office of Water (EPA 440/5-86-001) pp. 17-21, 34, 76-79, 168-171 and 253-261 (May 1, 1986).
- P. 2001-2006 Effluent Sample Results for Temperature at Water Reclamation Plants, 2005 and 2006 Water Quality Sample Results for Temperature, pH, Alkalinity and Chloride, and Calculations of H<sub>2</sub>CO<sub>3</sub> (soluble CO<sub>2</sub>) in Chicago Area Waterways in 2005 and 2006. MWRDGC, Research and Development (June 4, 2007).
- Q. Ambient Water Quality Criteria for Dissolved Oxygen. U.S. EPA Office of Water Regulations and Standards. Criteria and Standards Division. Washington, D.C (EPA 440/5-86-003) (April 1986).
- R. 1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water. U.S. EPA Office of Water 4301 (EPA-820-B-96-001) (September 1996).
- S. The Metals Translator: Guidance for Calculating A Total Recoverable Permit Limit From A Dissolved Criterion. U.S. EPA Office of Water 4305 (EPA-823-B-96-007) (June 1996).
- T. 2001 Update of Ambient Water Quality Criteria for Cadmium. U.S. EPA Office of Water 4304 (EPA-822-R-01-001) (April 2001).
- U. 2005 and 2006 Water Quality Sample Results for Hardness, Cadmium, Nickel and Zinc and Calculated Compliance Rates with Proposed Chronic Standards for the Respective Metals. MWRDGC, Research and Development (April 25, 2007).
- V. 2005 and 2006 Effluent Sample Results for Hardness and Cadmium at Calumet, North Side, and Stickney Water Reclamation Plants. MWRDGC, Research and Development (May 1, 2007).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- W. Quality Criteria for Water. U.S. EPA (PB-263 943) pp. 152-159 (1976).
- X. Ambient Water Quality for Silver. U.S. EPA Office of Water (EPA 440/5-80-071) (October 1980).
- Y. Derivation of a Colorado State Manganese Table Value Standard for the Protection of Aquatic Life. William A. Stubblefield and James R. Hockett. ENSR Corporation (July 2000).
- Z. Temperature Criteria Options for the Lower Des Plaines River. Chris O. Yoder, Research Director. Midwest Biodiversity Institute, Columbus, Ohio (October 11, 2005).
- AA. Letter from Chris Yoder, Midwest Biodiversity Institute, to Toby Frevert, Illinois EPA Bureau of Water (July 11, 2007).
- BB. 1999 Update of Ambient Water Quality Criteria for Ammonia. U.S. EPA Office of Water (EPA-822-R-99-014) (December 1999).
- CC. The Upper Illinois Waterway Study Interim Report. 1994 Ichthyoplankton Investigation RM 276.2-321.7. EA Engineering, Science, and Technology, prepared for Commonwealth Edison Co. (April 1995).
- DD. 2004 Lower Des Plaines River Fisheries Investigation RM 274.4-285.5. EA Engineering, Science, and Technology, prepared for Midwest Generation, EME, LLC (November 2005).
- EE. Master Plan North Side Water Reclamation Plant and Surrounding Chicago Waterways, Technical Memorandum 1WQ: Disinfection Evaluation. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (August 26, 2005).
- FF. Technical Memorandum 4WQ Supplemental Aeration of the North and South Branches of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- GG. Technical Memorandum 5WQ Flow Augmentation of the Upper North Shore Channel MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- HH. Technical Memorandum 6WQ Flow Augmentation and Supplemental Aeration of the South Fork of the South Branch of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- II. Memorandum of Understanding By and Between Midwest Generation LLC and Illinois Environmental Protection Agency, Revised 12/10/2006 3:21:06 PM.
- JJ. A River is Reborn—Use Attainability Analysis for the Lower Des Plaines River, Illinois. Vladimir Novotny, Neal O'Reilly, Timothy Ehlinger, Toby Frevert and Scott Twait. Water Environment Research, Volume 79, Number 1, pp. 68-80.

**Statutes and Regulations**

Federal Water Pollution Control Act (Clean Water Act) 33 USC 1251 *et seq.*

Beaches Environmental Assessment and Coastal Health Act 2000 (Beach Act), 33 USC 1313.

Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq*

40 CFR 131 (Water Quality Standards)

35 Illinois Administrative Code Subtitle C: Water Pollution

**U.S. EPA Guidance Documents**

Water Quality Standards Handbook: Second Edition, EPA-823-B-94-005a, U.S. EPA Office of Water (4305)(August 1994).

Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses, PB85-227049, U.S. EPA Office of Research and Development, Environmental Research Laboratories

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

(1985)(reproduced by National Technical Information Service, U.S. Department of Commerce).

**Board Opinions**

*In the Matter of: Water Quality Triennial Review: Amendments to 35 Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11 (December 19, 2002).*

*In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122, R02-19 (October 17, 2002).*

*In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e), AS96-10 (October 3, 1996) and (March 16, 2000).*

*In the Matter of: Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.208 and 302.407 (Lead and Mercury), R94-1(A), (May 16, 1996).*

*Commonwealth Edison Company v. Illinois EPA, PCB 91-29 (Variance – Water)(November 21, 1991).*

*In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket B (June 21, 1990).*

*In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket A (January 25, 1990).*

*In the Matter of: Proposed Determination of No Significant Ecological Damage for the Joliet Generating Station, PCB 87-93 (November 15, 1989).*

*In the Matter of: Water Quality and Effluent Standards Applicable to the Chicago River System and Calumet River System, R87-27 (May 19, 1988).*

*Commonwealth Edison v. Illinois EPA, PCB 87-40 (dismissed August 20, 1987).*

*Commonwealth Edison Company v. Illinois EPA, PCB 84-33 (Variance – Water) (December 20, 1984).*

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

*Commonwealth Edison Company v. Illinois EPA*, PCB 81-34 (Variance – Water) (June 10, 1981).

*Commonwealth Edison Company v. Illinois EPA*, PCB 78-79 (Variance – Water) (May 25, 1978).

*In the Matter of: Water Quality Standards Revisions*, R72-4 (November 8, 1973).

*In the Matter of: Water Quality Standards Revisions*, R71-14 (Consolidated with R70-8 and R71-20) (March 7, 1972).

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3 (b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of forty-five (45) days after the date of publication in the *Illinois Register*. Comments should reference Docket R08-09(B) and be addressed to:

John Therriault  
Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R08-09(B) by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

For more information, contact hearing officer Marie Tipsord at 312/814-4925 or e-mail at [tipsorm@ipcb.state.il.us](mailto:tipsorm@ipcb.state.il.us).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: As this rulemaking codifies existing recreational uses for the waterways, there should be no impact on small businesses, small municipalities and not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARDPART 304  
EFFLUENT STANDARDS

## SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND  
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of the Metropolitan Water Reclamation District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges
304.213	PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges
304.216	Newton Station Suspended Solids Discharges
304.218	City of Pana Phosphorus Discharge
304.219	North Shore Sanitary District Phosphorus Discharges
304.220	East St. Louis Treatment Facility, Illinois-American Water Company
304.221	Ringwood Drive Manufacturing Facility in McHenry County
304.222	Intermittent Discharge of TRC
<u>304.224</u>	<u>Effluent Disinfection</u>

## SUBPART C: TEMPORARY EFFLUENT STANDARDS

## Section

304.301	Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
304.302	City of Joliet East Side Wastewater Treatment Plant
304.303	Amerock Corporation, Rockford Facility

## 304.APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May 31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6269, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1351, effective December 24, 1997; amended in R97-28 at 22 Ill. Reg. 3512, effective February 3, 1998; amended in R98-14 at 23 Ill. Reg. 687, effective December 31, 1998; amended in R02-19 at 26 Ill. Reg. 16948, effective November 8, 2002; amended in R02-11 at 27 Ill. Reg. 194, effective December 20, 2002; amended in R04-26 at 30 Ill. Reg. 2365, effective February 2, 2006; amended in R08-9B at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: SITE SPECIFIC RULES AND  
EXCEPTIONS NOT OF GENERAL APPLICABILITY

**Section 304.224 Effluent Disinfection**

Effluents discharged to the Primary Contact Recreation waters listed in 35 Ill. Adm. Code 303.220 must not exceed 400 fecal coliforms per 100 mL from March 1 through November 30. All effluents in existence on or before the effective date of this Section must meet these standards. All new discharges must meet these standards upon the initiation of discharge.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
515.860	New
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds a new Section to implement provisions of Public Act 96-1469 (effective January 1, 2011) concerning critical care transport services. The legislation defined critical care transport and authorized the Department to promulgate rules. The proposed amendments include the statutory definition of critical care transport and a tiered system of critical care transport plans that will provide for voluntary certification at one of three levels. For each level, the criteria specified in the legislation are included: personnel staffing and licensure; education, certification, and experience; medical equipment and supplies; vehicle standards; treatment and transport protocols; and quality assurance and data collection.

The economic effect on this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
515.160	Amend	35 Ill. Reg. 6309; April 15, 2011

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

515.460	New	35 Ill. Reg. 6309; April 15, 2011
515.530	Amend	35 Ill. Reg. 6309; April 15, 2011
515.640	New	35 Ill. Reg. 6309; April 15, 2011
515.800	Amend	35 Ill. Reg. 6309; April 15, 2011
515.330	Amend	35 Ill. Reg. 7271; May 6, 2011
515.455	New	35 Ill. Reg. 7271; May 6, 2011
515.850	New	35 Ill. Reg. 7271; May 6, 2011
515.APPENDIX D	Amend	35 Ill. Reg. 7271; May 6, 2011
515.100	Amend	35 Ill. Reg. 7926; May 20, 2011
515.470	New	35 Ill. Reg. 7926; May 20, 2011
515.630	New	35 Ill. Reg. 7926; May 20, 2011
515.835	New	35 Ill. Reg. 7926; May 20, 2011
515.845	New	35 Ill. Reg. 7926; May 20, 2011
515.100	Amend	35 Ill. Reg. 10520; July 8, 2011
515.125	Amend	35 Ill. Reg. 10520; July 8, 2011
515.445	Amend	35 Ill. Reg. 10520; July 8, 2011
515.825	Amend	35 Ill. Reg. 10520; July 8, 2011
515.830	Amend	35 Ill. Reg. 10520; July 8, 2011
515.3090	New	35 Ill. Reg. 10520; July 8, 2011
515.4000	Amend	35 Ill. Reg. 10520; July 8, 2011
515.4010	Amend	35 Ill. Reg. 10520; July 8, 2011
515.4020	New	35 Ill. Reg. 10520; July 8, 2011
515.APPENDIX D	Amend	35 Ill. Reg. 10520; July 8, 2011
515.APPENDIX K	Amend	35 Ill. Reg. 10520; July 8, 2011
515.APPENDIX L	Amend	35 Ill. Reg. 10520; July 8, 2011
515.APPENDIX M	Amend	35 Ill. Reg. 10520; July 8, 2011
515.APPENDIX N	New	35 Ill. Reg. 10520; July 8, 2011
515.APPENDIX O	New	35 Ill. Reg. 10520; July 8, 2011
515.APPENDIX P	New	35 Ill. Reg. 10520; July 8, 2011

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister  
Division of Legal Services

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: EMS vehicle service providers
  - B) Reporting, bookkeeping or other procedures required for compliance: The rules include requirements for quality assurance plans that are to be submitted to the EMS System and the Department for approval.
  - C) Types of professional skills necessary for compliance: Skills necessary to operate a vehicle service provider business at one of the levels provided in the rules.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515  
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Violations, Hearings and Fines
515.170	Employer Responsibility

SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
515.240	Bioterrorism Grants

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (Repealed)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation
515.400	General Communications

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care
515.450	Complaints

## SUBPART D: EMERGENCY MEDICAL TECHNICIANS

## Section

515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing and Fees
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity
515.620	Felony Convictions

## SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

## Section

515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.720	First Responder
515.725	First Responder – AED
515.730	Pre-Hospital Registered Nurse
515.740	Emergency Communications Registered Nurse
515.750	Trauma Nurse Specialist
515.760	Trauma Nurse Specialist Program Plan

## SUBPART F: VEHICLE SERVICE PROVIDERS

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

## Section

515.800	Vehicle Service Provider Licensure
515.810	EMS Vehicle System Participation
515.820	Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825	Alternate Response Vehicle
515.830	Ambulance Licensing Requirements
<u>515.860</u>	<u>Critical Care Transport</u>

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY  
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

## Section

515.900	Licensure of SEMSV Programs – General
515.910	Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920	SEMSV Program Licensure Requirements for All Vehicles
515.930	Helicopter and Fixed-Wing Aircraft Requirements
515.935	EMS Pilot Specifications
515.940	Aeromedical Crew Member Training Requirements
515.945	Aircraft Vehicle Specifications and Operation
515.950	Aircraft Medical Equipment and Drugs
515.955	Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960	Aircraft Communications and Dispatch Center
515.965	Watercraft Requirements
515.970	Watercraft Vehicle Specifications and Operation
515.975	Watercraft Medical Equipment and Drugs
515.980	Watercraft Communications and Dispatch Center
515.985	Off-Road SEMSV Requirements
515.990	Off-Road Vehicle Specifications and Operation
515.995	Off-Road Medical Equipment and Drugs
515.1000	Off-Road Communications and Dispatch Center

## SUBPART H: TRAUMA CENTERS

## Section

515.2000	Trauma Center Designation
515.2010	Denial of Application for Designation or Request for Renewal
515.2020	Inspection and Revocation of Designation

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

515.2030	Level I Trauma Center Designation Criteria
515.2035	Level I Pediatric Trauma Center
515.2040	Level II Trauma Center Designation Criteria
515.2045	Level II Pediatric Trauma Center
515.2050	Trauma Center Uniform Reporting Requirements
515.2060	Trauma Patient Evaluation and Transfer
515.2070	Trauma Center Designation Delegation to Local Health Departments
515.2080	Trauma Center Confidentiality and Immunity
515.2090	Trauma Center Fund
515.2100	Pediatric Care (Renumbered)
515.2200	Suspension Policy for Trauma Nurse Specialist Certification

## SUBPART I: EMS ASSISTANCE FUND

## Section

515.3000	EMS Assistance Fund Administration
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## SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

## Section

515.4000	Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010	Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.APPENDIX A	A Request for Designation (RFD) Trauma Center
515.APPENDIX B	A Request for Renewal of Trauma Center Designation
515.APPENDIX C	Minimum Trauma Field Triage Criteria
515.APPENDIX D	Standing Medical Orders
515.APPENDIX E	Minimum Prescribed Data Elements
515.APPENDIX F	Template for In-House Triage for Trauma Centers
515.APPENDIX G	Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H	Credentials of Emergency Department Physicians Level I and Level II
515.APPENDIX I	Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J	Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
515.APPENDIX K	Application for Facility Recognition for Emergency Department

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

515.APPENDIX L	with Pediatrics Capabilities Pediatric Equipment Recommendations for Emergency Departments
515.APPENDIX M	Interfacility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART F: VEHICLE SERVICE PROVIDERS

**Section 515.860 Critical Care Transport**

- a) "Critical care transport" means the pre-hospital or inter-hospital transportation of a critically injured or ill patient by a vehicle service provider, including the provision of medically necessary supplies and services, at a level of service beyond the scope of the EMT-Paramedic. When medically indicated for a patient, as determined by a physician licensed to practice medicine in all of its branches, an advanced practice nurse, or a physician's assistant, in compliance with Section 3.155(b) and (c) of the Act, critical care transport may be provided by:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- 1) Department-approved critical care transport providers, not owned or operated by a hospital, utilizing EMT-Paramedics with additional training, nurses, or other qualified health professionals; or
- 2) Hospitals, when utilizing any vehicle service provider or any hospital-owned or operated vehicle service provider. Nothing in the Act requires a hospital to use, or to be, a Department-approved critical care transport provider when transporting patients, including those critically injured or ill. Nothing in the Act shall restrict or prohibit a hospital from providing, or arranging for, the medically appropriate transport of any patient, as determined by a physician licensed to practice medicine in all of its branches, an advanced practice nurse, or a physician's assistant. (Section 3.10(f-5) of the Act)
- b) All critical care transport providers must function within a Department-approved EMS System. Nothing in this Part shall restrict a hospital's ability to furnish personnel, equipment, and medical supplies to any vehicle service provider, including a critical care transport provider. (Section 3.10(g-5) of the Act)
- c) For the purposes of this Section, "expanded scope of practice" includes the accepted national curriculum plus additional training, education, experience, and equipment (see Section 515.360) as approved by the Department pursuant to Section 3.55 of the Act.
- d) For the purposes of this Section, critical care transport plans are defined in three tiers of care.
- e) Tier I  
Tier I provides a level of care for patients who require care beyond the paramedic USDOT Curriculum scope of practice, up to but not including the requirements of Tiers II and III. Tier I transport includes the use of a ventilator, the use of infusion pumps with administration of medication drips, and maintenance of chest tubes.
  - 1) Personnel Staffing and Licensure
    - A) Licensure:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- i) Licensed Illinois Paramedic or Pre-Hospital Registered Nurse (PHRN);
    - ii) Scope of practice more comprehensive than USDOT Curriculum, as approved by the Department in accordance with the EMS System Plan (see Sections 515.310 and 515.330); and
    - iii) Approved to practice by the Department in accordance with the EMS System Plan.
  - B) Minimum Staffing:
    - i) EMT-Basic, Intermediate or Paramedic/PHRN as driver; and
    - ii) Paramedic Expanded Scope of Practice credentialed individual or PHRN, who shall remain with the patient at all times.
- 2) Education, Certification, and Experience
  - A) Initial Education: Documentation of initial education and demonstrated competencies of expanded scope of practice skills as required by Tier I Level of Care and approved by the Department in accordance with the EMS System Plan.
  - B) Continuing Education Requirements:
    - i) Annual competencies of expanded scope of practice knowledge, equipment and procedures shall be completed; and
    - ii) The EMS vehicle service provider shall maintain documentation of competencies and provide documentation to the EMS Resource Hospital upon request.
  - C) Certifications – Tier I personnel shall maintain all renewable critical care certifications and credentials in active status:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- \_\_\_\_\_ i) Advanced Cardiac Life Support (ACLS);
    - ii) Pediatric Education for Pre-Hospital Professionals (PEPP) or Pediatric Advance Life Support (PALS); and
    - iii) International Trauma Life Support (ITLS) or Pre-Hospital Trauma Life Support (PHTLS).
  - \_\_\_\_\_ D) Experience:
  - i) Minimum of one year of experience functioning in the field at an ALS level; and
    - ii) Documentation of education and demonstrated competencies of expanded scope of practice skills required for Tier I Level of Care, approved by the Department and included in the EMS System Plan.
- 3) Medical Equipment and Supplies
- \_\_\_\_\_ A) Ventilator; and
  - \_\_\_\_\_ B) Infusion pumps.
- 4) Vehicle Standards
- Any vehicle used for providing expanded scope of practice care shall comply at a minimum with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV programs and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for expanded scope of practice transport shall be equipped with an onboard alternating current (AC) supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.
- 5) Treatment and Transport Protocols shall address the following:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- A) EMS System Medical Director or Designee present at established Medical Control;
  - B) Communication points for contacting Medical Control and a written Expanded Scope of Practice Standard;
  - C) Written operating procedures and protocols signed by the EMS MD and approved for use by the Department in accordance with the System Plan; and
  - D) Use of a ventilator, infusion pumps with administration of medication drips, and maintenance of chest tubes.
- 6) Quality Assurance Program
- A) The Tier I transport provider shall develop a written Quality Assurance (QA) Plan approved by the EMS System and the Department in accordance with subsection (e)(6)(D). The provider shall provide quarterly QA reports to the assigned EMS Resource Hospitals for the first 12 months of operation.
  - B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.
  - C) A Medical Director shall oversee the QA Program.
  - D) The QA Plan shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:
    - i) Review of transferring physician orders and evidence of compliance with those orders;
    - ii) Documentation of vital signs and frequency and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- iii) Documentation of any side effects/complications, including hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status and/or changes in neurological examination, and evidence that interventions were appropriate for those events;
  - iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;
  - v) Review of any Medical Control contact for further direction;
  - vi) Documentation that any unusual occurrences were promptly communicated to the EMS System; and
  - vii) A root cause analysis of any event or care inconsistent with standards. The EMS System educator shall assess and carry out a corrective action plan.
- E) The QA Plan will be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).
- f) Tier II  
Tier II provides a level of care for patients who require care beyond the USDOT Curriculum and expanded scope of practice ALS (paramedic) transport program, and who require formal advanced education for ALS paramedic staff. Tier II transport includes the use of a ventilator, infusion pumps with administration of medication drips, maintenance of chest tubes, and other equipment and treatment, such as, but not limited to: arterial lines; accessing central lines; medication-assisted intubation; patient assessment and titration of IV pump medications, including additional active interventions necessary in providing care to the patient receiving treatment with advanced equipment and medications.
- 1) Personnel Staffing and Licensure
- A) Licensure – Licensed Illinois Paramedic or PHRN:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

i) Expanded scope of practice more comprehensive than USDOT Curriculum and expanded scope Tier I level; and

ii) Approved to practice by the EMS System and the Department in accordance with the EMS System Plan.

B) Minimum Staffing:

i) Paramedic/PHRN; and

ii) Paramedic or PHRN who is critical care prepared, who shall remain with the patient at all times.

2) Education, Certification and Experience

A) Initial Advanced Formal Education:

i) 80 hours established higher collegiate education or equivalent critical care education based on existing university program models; and

ii) Demonstrated competencies, as documented by the EMS System.

B) Continuing Education Requirements:

i) The EMS System shall document and maintain annual competencies of expanded scope of practice knowledge, equipment and procedures;

ii) The following current credentials, as a minimum, shall be maintained: ACLS, PEPP or PALS, ITLS or PHTLS;

iii) Twelve hours of critical care level education shall be completed annually;

iv) The EMS provider shall maintain documentation of compliance with subsections (f)(2)(B)(i) through (iii) and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

shall provide documentation to the EMS Resource Hospital upon request; and

- v) Critical care certification (from formal education) shall be maintained when criteria are available for renewal status of certification.

C) Certifications – Tier II personnel shall maintain the following renewable critical care certifications and credentials in active status:

- i) ACLS;  
ii) PEPP or PALS; and  
iii) ITLS or PHTLS.

D) Experience – Minimum of two years experience functioning in the field at an ALS level for paramedic or PHRN.

3) Medical Equipment and Supplies

A) Ventilator; and

B) Infusion pumps.

4) Vehicle Standards

Any vehicle used for providing critical care transport shall comply at a minimum with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV programs and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for critical care transport shall be equipped with an onboard AC supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.

5) Treatment and Transport Protocols shall address the following:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- A) EMS System Medical Director or designee present at established Medical Control communication points and a written Expanded Scope of Practice Standard Operating Procedure signed by the EMS MD and approved for use by the Department in accordance with the System Plan;
- B) The use of a ventilator, infusion pumps with administration of medication drips, maintenance of chest tubes, and other equipment and treatment, such as, but not limited to: arterial lines, accessing central lines, and medication-assisted intubation; and
- C) Patient assessment and titration of IV pump medications, including additional active interventions necessary in providing care to the patient receiving treatment with advanced equipment and medications.
- 6) Quality Assurance Program
- A) The Tier II transport provider shall develop a written QA Plan approved by the EMS System and the Department in accordance with subsection (f)(6)(D). The participating provider shall provide quarterly reports to the assigned EMS Resource Hospitals for the first 12 months of operation.
- B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.
- C) A Medical Director shall oversee the QA Program.
- D) The QA Plan shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:
- i) Review of transferring physician orders and evidence of compliance with those orders;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- ii) Documentation of vital signs and frequency, and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;
  - iii) Documentation of any side effects/complications, including hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status and/or changes in neurological examination, and evidence that interventions were appropriate for those events;
  - iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;
  - v) Review of any Medical Control contact for further direction;
  - vi) Documentation that unusual occurrences were promptly communicated to the EMS System; and
  - vii) A root cause analysis of any event or care inconsistent with standards. The EMS System educator shall assess and carry out a corrective action plan.
- E) The QA Plan shall be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).
- g) Tier III  
Tier III provides the highest level of ground transport care for patients who require nursing level treatment modalities and interventions.
- 1) Minimum Personnel Staffing and Licensure
    - A) EMT-B/I/P (as driver); and
    - B) Two critical care prepared providers, who shall remain with the patient at all times;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- i) Paramedic or PHRN; and
    - ii) RN.
  - 2) Education, Certification, and Experience: Paramedic or PHRN
    - A) Initial Advanced Formal Education
      - i) Approval to practice by EMS System and the Department in accordance with the EMS Program Plan;
      - ii) 80 hours established higher collegiate education or equivalent critical care education based on existing university program models; and
      - iii) Approved scope of practice more comprehensive than USDOT Curriculum and expanded scope of practice of Tier II Level.
    - B) Continuing Education Requirements
      - i) Current certifications shall be maintained;
      - ii) 12 hours of critical care level education shall be completed annually; and
      - iii) The EMS vehicle service provider shall maintain documentation of compliance with subsections (g)(2)(B)(i) and (ii) and shall provide documentation to the EMS Resource Hospital upon request.
    - C) Certifications

Tier III personnel shall maintain the following renewable critical care certifications and credentials in active status:

      - i) ACLS;
      - ii) PEPP or PALS; and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

          iii)      ITLS or PHTLS.

      D)      Experience

          i)      Minimum of two years experience functioning in the field at an ALS Level;

          ii)      Documented demonstrated competencies; and

          iii)      Completion of annual competencies of expanded scope knowledge, equipment and procedures.

3)      Education, Certification and Experience – Nurse:

      A)      Continuing Education Requirements

          i)      12 hours of critical care level education shall be completed annually;

          ii)      The EMS provider shall maintain documentation of compliance with subsection (g)(3)(A)(i) and shall provide documentation to the EMS Resource Hospital upon request; and

          iii)      Annual competencies of expanded scope of practice knowledge, equipment and procedures shall be completed.

      B)      Certifications

      Tier III personnel shall maintain the following renewable critical care certifications and credentials in active status:

          i)      ACLS;

          ii)      PALS, PEPP or ENPC;

          iii)      ITLS, PHTLS, TNCC or TNS; and

          iv)      ECRN or equivalent.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

C) Advanced Certifications Preferred but not Required

- i) Certified Emergency Nurse (CEN);
- ii) Critical Care Registered Nurse (CCRN);
- iii) Critical Care Emergency Medical Technician-Paramedic (CCEMT-P);
- iv) Certified Registered Flight Nurse (CFRN); and
- v) Certified Transport Registered Nurse (CTRN).

D) Experience

- i) Two years of experience with demonstrated competency in a critical care setting; and
- ii) Documented demonstrated competencies.

4) Medical Equipment and Supplies

Tier III transport requires nursing level treatment modalities and interventions as agreed upon by the sending physician and the accepting physician at the receiving facility. If either physician is not available for consult, the provider's Medical Director or designee shall direct care.

5) Vehicular Standards

Any vehicle used for providing critical care transport shall comply, at a minimum, with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV programs and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for critical care transport shall be equipped with an onboard AC supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.

6) Treatment and Transport Protocols shall address the following:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- A) Paramedic or PHRN: EMS Medical Director or designee present at established Medical Control communication points and written Critical Care Standard Operating procedure signed by the EMS MD and approved for use by the Department in accordance with the System Plan;
- B) Registered Nurse: The provider's Critical Care Medical Director may establish standing medical orders for nursing personnel, or the RN may be approved to accept orders from the sending physician and/or receiving physician.

7) Quality Assurance Program

- A) The Tier III transport provider shall have a written QA Plan approved by the EMS System and the Department, in accordance with subsection (g)(7)(D). The provider shall provide quarterly reports to the assigned EMS Resource Hospitals for the first 12 months of operation.
- B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.
- C) A Medical Director shall oversee the QA Program.
- D) The QA Plan shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:
  - i) Review of transferring physician orders and evidence of compliance with those orders;
  - ii) Documentation of vital signs and frequency and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- iii) Documentation of any side effects/complications, including hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status and/or changes in neurological examination, and evidence that interventions were appropriate for those events;
- iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;
- v) Review of any medical control contact for further direction;
- vi) Prompt communication of unusual occurrences to the EMS System;
- vii) A root cause analysis of any event or care inconsistent with standards. The EMS System educator shall assess and carry out a corrective action plan.
- E) The QA Plan will be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).
- h) The Department will approve vehicle service providers for critical care transport at the Tiers described in this Section if the provider demonstrates compliance with the requirements for the Tier for which approval is being sought.
- i) The Department will suspend a vehicle service provider's approval for critical care transport if any part of the provider's QA plan is not followed or if a situation exists that poses a threat to the public health and safety. The Department will provide a notice of suspension of critical care transport approval and an opportunity for hearing. If the vehicle service provider does not respond to the notice within 10 days after receipt, approval will be revoked.
- j) The Director may summarily suspend any licensed provider's authorization to perform critical care transports under this Part if the Director or designee determines that continued critical care transport by the provider poses an imminent threat to the health or safety of the public. Any order for suspension

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

will be in writing and effective immediately upon service of the provider or its lawful agent. Any provider served with an order of suspension shall immediately cease accepting all critical care transport cases and shall have the right to request a hearing if a written request is delivered to the Department within 15 days after receipt of the order of suspension. If a timely request is delivered to the Department, then the Department will endeavor to schedule a hearing in an expedited manor, taking into account equity and the need for evidence and live witnesses at the hearing. The Department is authorized to seek injunctive relief in the circuit court if the Director's order is violated.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Newborn Metabolic Screening and Treatment Code

2) Code Citation: 77 Ill. Adm. Code 661

<u>Section Numbers</u> :	<u>Proposed Action</u> :
661.10	Amend
661.15	Amend
661.30	Amend
661.35	Amend
661.40	Amend
661.50	Amend
661.70	Amend

4) Statutory Authority: Newborn Metabolic Screening Act [410 ILCS 240]

5) A Complete Description of the Subjects and Issues Involved: These amendments include provisions to describe the mandate for testing all infants born in Illinois for severe combined immunodeficiency (SCID). Newborn screening is described by the Newborn Metabolic Screening Act, enacted in 2007 (PA 95-0695). The proposed rulemaking defines qualifications for the physician specialists who will be providing follow-up care for children identified through newborn screening with a possible diagnosis of SCID. General recommended treatments for infants affected with SCID are also defined, and the current newborn screening fee will be increased to cover the cost of testing for SCID.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

6) Published studies or reports, and sources of underlying data used to compose this rulemaking: The Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC) was chartered in February 2003 to perform evidence-based reviews and advise the Secretary of the U.S. Department of Health and Human Services regarding application of new screening tests, technologies, policies, guidelines and standards for effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders. On January 21, 2010, this Committee voted unanimously to add screening for severe combined immunodeficiency (SCID) to the core panel for universal screening of all newborns in the United States, and the recommendation was approved on May 21, 2010 by Secretary Kathleen Sebelius. On February 7, 2011, the Illinois Department of Public Health Genetic and Metabolic Diseases Advisory Committee made a recommendation to Dr. Damon

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

T. Arnold, Director, Illinois Department of Public Health, to add SCID to the Illinois newborn screening panel. Dr. Arnold accepted the recommendation on February 14, 2011.

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:  
  
Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, IL 62761  
  
217-782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: Birthing hospitals in Illinois
  - B) Reporting, bookkeeping or other procedures required for compliance: No changes are required.
  - C) Types of professional skills necessary for compliance: Same as now exist for other disorders included in the Illinois newborn screening panel.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on the most recent regulatory agenda because: the need for the rulemaking was not apparent when the Regulatory Agenda was prepared.

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER i: MATERNAL AND CHILD HEALTHPART 661  
NEWBORN METABOLIC SCREENING AND TREATMENT CODE

Section	
661.10	Responsibility
661.15	Definitions
661.20	Collection of Blood and Submission of Specimens
661.30	Interpretation of Results
661.35	Designation of Medical Specialists
661.40	Reports
661.50	Diagnosis and Treatment
661.60	Exemption
661.70	Fee Assessment and Payment

AUTHORITY: Implementing and authorized by the Newborn Metabolic Screening Act [410 ILCS 240].

SOURCE: Adopted December 14, 1973; emergency rules at 3 Ill. Reg. 28, p. 224, effective June 28, 1979, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 48, p. 42, effective November 20, 1979; amended at 5 Ill. Reg. 4593, effective April 15, 1981; amended and codified at 8 Ill. Reg. 19041, effective September 26, 1984; amended at 11 Ill. Reg. 12921, effective August 1, 1987; amended at 13 Ill. Reg. 15079, effective October 1, 1989; amended at 14 Ill. Reg. 13292, effective August 15, 1990; amended at 17 Ill. Reg. 13609, effective August 1, 1993; amended at 19 Ill. Reg. 15720, effective November 1, 1995; expedited correction at 20 Ill. Reg. 3590, effective November 1, 1995; amended at 22 Ill. Reg. 20639, effective November 10, 1998; amended at 26 Ill. Reg. 10676, effective July 1, 2002; amended at 26 Ill. Reg. 18412, effective January 1, 2003; amended at 31 Ill. Reg. 13203, effective August 28, 2007; amended at 34 Ill. Reg. 940, effective December 31, 2009; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 661.10 Responsibility**

- a) The physician in attendance at or immediately after the birth of the newborn infant shall have primary responsibility for seeing that a specimen of the infant's

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

blood is screened in accordance with this Part. Newborn screening includes tests for the following disorders: classical phenylketonuria (PKU) and certain other amino acid, organic acid, and fatty acid oxidation disorders; primary hypothyroidism; classical galactosemia; congenital adrenal hyperplasia due to 21-hydroxylase deficiency; biotinidase deficiency; sickle cell disease/trait; cystic fibrosis; ~~and~~ lysosomal storage disorders; and severe combined immunodeficiency. Specific diseases in the categories of amino acid, organic acid, and fatty acid oxidation disorders and lysosomal storage disorders shall be reviewed by the Genetic and Metabolic Diseases Advisory Committee. The Department ~~will~~ consider the recommendations of the Genetic and Metabolic Diseases Advisory Committee in determining to include an additional disorder in the screening panel. Implementation of the Department's determination ~~is~~ subject to that determination's adoption by rule. For a current list of disorders, refer to the Illinois Department of Public Health Newborn Screening Practitioner's Manual. A blood specimen meeting the requirements for testing shall suffice for all tests (see Section 661.20). The physician may delegate this responsibility to the hospital administrator or to the administrator's designated representative, such as a member of the pediatrics staff, the laboratory director, the obstetrical supervisor, or other hospital official.

- b) If the infant is not born in or admitted to a hospital or when there is no physician in attendance at or immediately after the birth, the physician caring for the infant during the first month of life shall be the individual responsible for seeing that a blood specimen for newborn screening is submitted. When there is no physician caring for ~~the~~ such an infant during this period, the parents or guardian is responsible. Local health authorities or the Department ~~will~~ assist the parents or guardian in having a blood specimen submitted for testing.
- c) All specimens collected pursuant to this Part shall be submitted for testing to the Newborn Screening Section, Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor Street, Chicago, Illinois 60612 (see Section 661.20).
- d) When a retest is determined to be necessary pursuant to Section 661.30 of this Part, the Illinois Department of Public Health ~~will~~ notify the physician or his or her designee who is responsible for obtaining another specimen and having the specimen tested.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 661.15 Definitions**

"Act" means the Newborn Metabolic Screening Act [410 ILCS 240].

"Advisory Committee" means the Genetic and Metabolic Diseases Advisory Committee appointed by the Director.

"CF" means cystic fibrosis.

"CLSI" means Clinical and Laboratory Standards Institute.

"Department" or "DPH" means the Department of Public Health.

"Director" means the Director of the Department of Public Health.

"Formula" means a medically prescribed treatment substance that has been designed to treat a specific metabolic disorder.

"LSD" means lysosomal storage disorders, including the following: Krabbe, Pompe, Gaucher, Fabry, and Niemann-Pick, which are inherited metabolic disorders caused by lysosomal dysfunction, usually as a consequence of deficiency of a single enzyme required for the metabolism of lipids, glycoproteins or mucopolysaccharides.

"Newborn screening" or "testing" means the testing of a blood sample for classical phenylketonuria (PKU) and certain other amino acid, organic acid, and fatty acid oxidation disorders, primary hypothyroidism, classical galactosemia, congenital adrenal hyperplasia due to 21-hydroxylase deficiency, biotinidase deficiency, sickle cell disease/trait, cystic fibrosis, ~~and~~ lysosomal storage disorders, and severe combined immunodeficiency. At times, variant forms of some disorders, or related conditions, may also be identified.

"PKU" means classical phenylketonuria.

"Tandem mass spectrometry" means use of a tandem mass spectrometer and associated software to test a newborn screening sample.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"MS/MS" means Tandem Mass Spectrometry.

"SCID" means severe combined immunodeficiency and T cell lymphopenia.

"Using accepted statistical techniques" means using techniques that have been published in peer reviewed scientific literature.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 661.30 Interpretation of Results**

Although the majority of infants affected by disorders included in the newborn screening panel will be identified by this screening, due to genetic variabilities and variations in health status, specimen quality, and timing of specimen collection, not all infants affected by ~~such~~ a disorder may be identified. As with any laboratory test, false positive and false negative results are possible. Newborn screening test results are insufficient information on which to base diagnosis or treatment. Tests will conducted at a Department of Public Health laboratory designated to perform the tests (Section 2(e) of the Act), as follow:

- a) Phenylketonuria
  - 1) Normal phenylalanine levels shall be established using accepted statistical techniques.
  - 2) When the blood phenylalanine level is deemed to be abnormal, the Department ~~will~~ shall recommend a repeat newborn screening test or referral of the infant to a designated medical specialist for a quantitative phenylalanine determination and other diagnostic studies as determined by the medical specialist.
- b) Primary Hypothyroidism
  - 1) Neonatal levels for thyroid stimulating hormone (TSH) vary with gestational age, ~~birth weight~~ birthweight, time of collection and in response to concurrent medical problems. Normal TSH and normal thyroxine (T4) levels shall be established using accepted statistical techniques.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 2) When the TSH level or the T4 level is deemed to be abnormal, the Department will recommend a repeat newborn screening test or referral of the infant to a designated pediatric endocrinologist for further evaluation for primary hypothyroidism and additional serum testing for thyroid function.
- c) Galactosemia
- 1) Laboratory tests for galactosemia may be performed by testing for total galactose (galactose and galactose-1-phosphate) or a deficiency of the galactose-1-phosphate uridyl transferase enzyme. Normal test results indicate a normal level of total galactose or the presence of the enzyme. Test results are abnormal when the level of total galactose is above the normal range or the presence of the enzyme is not detected. Normal ranges shall be established using accepted statistical techniques.
  - 2) When the galactose or enzyme levels are deemed abnormal, recommendations may be given to change the diet of the infant to a galactose free diet. The Department will recommend a repeat newborn screening test or referral of the infant to a designated medical specialist for further diagnostic studies.
- d) Congenital Adrenal Hyperplasia (secondary to 21-hydroxylase deficiency)
- 1) Neonatal levels for 17-hydroxyprogesterone vary with gestational age, birth weight~~birthweight~~, time of collection and in response to concurrent medical problems. Normal 17-hydroxyprogesterone levels shall be established using accepted statistical techniques.
  - 2) When the 17-hydroxyprogesterone level is deemed to be abnormal, the Department will recommend a repeat newborn screening test or referral of the infant to a designated pediatric endocrinologist for further evaluation for congenital adrenal hyperplasia.
- e) Biotinidase Deficiency
- 1) Laboratory tests for biotinidase deficiency are designed to detect a deficiency of the biotinidase enzyme. Normal test results indicate the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

presence of the enzyme. Test results are abnormal when the presence of the enzyme is not detected.

- 2) When the determination of the enzyme is deemed abnormal, the Department ~~will~~ recommend a repeat newborn screening test or referral of the infant to a designated medical specialist for a quantitative determination of the biotinidase enzyme and further diagnostic studies.
- f) Sick Cell Disease/Trait and Other Hemoglobinopathies  
Qualitative testing will determine the presence of A, F, S, C and other hemoglobins.
- 1) When F and S hemoglobins, but no A hemoglobin, are detected on the same specimen, the Department ~~will~~ recommend referral to a designated medical specialist for follow-up and genetic counseling.
  - 2) When F, S and C hemoglobins, but no A hemoglobin, are detected on the same specimen, the Department ~~will~~ recommend referral to a designated medical specialist for follow-up and genetic counseling.
  - 3) When F, A and C hemoglobins or F, A and S hemoglobins are detected on the same specimen, the Department ~~will~~ recommend parental testing and genetic counseling by the attending physician or another qualified counselor.
  - 4) When A hemoglobin is detected as the predominant hemoglobin, and the specimen was collected at less than ~~two~~ months of age, ~~it will be assumed that~~ the infant ~~will be assumed to have~~ received a blood transfusion, and a report indicating ~~that the infant received a blood transfusion~~ such will be made. A repeat newborn screening specimen should be drawn from all such infants ~~three~~ months post-transfusion.
- g) Phenylketonuria (PKU) and ~~Other Amino Acid~~~~other amino acid~~, ~~Organic Acid~~~~organic acid~~, and ~~Fatty Acid Oxidation Disorders~~~~fatty acid oxidation disorders~~ (Note: PKU testing is described in Section 661.30(a)).
- 1) Analysis shall be performed by MS/MS. The patient metabolite distribution patterns shall be compared to normal populations. Pattern

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

analysis, and internal metabolite ratios relative to normal populations, shall be calculated using accepted statistical techniques.

- 2) When blood levels or ratios are found to be abnormal, indicating the possibility of a metabolic condition harmful to the infant, the Department ~~will~~shall recommend a repeat newborn screening test or referral of the infant to a designated medical specialist for appropriate definitive testing and diagnostic studies.
- h) Cystic Fibrosis (CF)
- 1) CF is indicated by elevated neonatal levels of immunoreactive trypsinogen (IRT) that can be detected in dried blood spots by immunoassay or other techniques. The normal IRT range shall be established using accepted statistical techniques.
  - 2) When elevated levels of IRT are detected, testing by genetic mutation analysis shall be performed in order to decrease false positive results. Because there are over 1,000 mutations in the CF transmembrane conductance regulator (CFTR) gene, testing will yield only 90 to 95 percent sensitivity.
  - 3) When IRT levels and/or mutation analysis are found to be abnormal, thus indicating the possibility of CF, the Department ~~will~~shall recommend referral of the infant to a designated medical specialist for appropriate definitive testing and diagnostic studies.
- i) Lysosomal Storage Disorders (LSDs)
- 1) An LSD can be detected in dried blood spots by using tandem mass spectrometry or other methods. Normal testing parameters shall be established using accepted statistical techniques.
  - 2) When testing parameters are found to be abnormal, thus indicating the possibility of an LSD, the Department will recommend referral of the infant to a designated medical specialist for appropriate definitive testing and diagnostic studies.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

3) After an initial phase-in project to establish normal testing parameters and validate the screening, all specimens~~To establish normal testing parameters and validate the screening technique, a phase-in project will be conducted from November 1, 2010 through May 31, 2011 requiring LSD screening of all babies born at the University of Chicago Hospitals and Northwestern Memorial Hospital. At the conclusion of the phase-in project, all specimens~~ submitted to the Illinois Department of Public Health Newborn Screening Laboratory will be tested for LSDs.

j) Severe Combined Immunodeficiency (SCID)

1) SCID can be detected in dried blood spots by using DNA-based methods, such as polymerase chain reaction (PCR) or other methods. Normal testing parameters shall be established using accepted statistical techniques.

2) When testing parameters are found to be abnormal, thus indicating the possibility of SCID, the Department will recommend referral of the infant to a designated medical specialist for appropriate definitive testing and diagnostic studies

3) To establish normal testing parameters and validate the screening technique, a phase-in project will be conducted for a six-month period after January 1, 2012, and will require SCID screening of all babies born at a small group of birthing hospitals to be designated. At the conclusion of the phase-in project, all specimens submitted to the Illinois Department of Public Health Newborn Screening Laboratory will be tested for SCID.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 661.35 Designation of Medical Specialists**

a) The Newborn Screening Program Manager, with the advice of the Director of the University of Illinois Division of Specialized Care for Children, and the Chairman of the Advisory Committee, ~~will~~shall designate qualified professionals to serve as medical specialists in specified disease categories within the Newborn Screening Program. These medical specialists should provide care to children identified through newborn screening in collaboration with the primary care provider.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- b) Equivalency in all qualifications specified in this Section ~~will~~shall be determined by the Newborn Screening Program Manager, with the advice of the Director of the University of Illinois Division of Specialized Care for Children, and the Chairman of the Advisory Committee.
- c) The minimum qualifications required for designation as a medical specialist are a license to practice medicine in all its branches in Illinois, or licensure in the state of practice, and certification by the American Board of Pediatrics or equivalent board from another country. In addition, to be designated to serve in specified disease categories, medical specialists shall also have the following qualifications:
- 1) Phenylketonuria (PKU) and ~~All Other Disorders~~all other disorders of ~~Amino Acid~~amino acid and ~~Organic Acid Metabolism~~organic acid metabolism: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year of experience post-training in the diagnosis and treatment of amino acid and organic acid disorders. The medical specialist shall have the capacity to provide a multidisciplinary approach to care, including the availability on site~~on-site~~ of specially trained metabolic dieticians and a biochemical genetics laboratory; for citrullinemia and argininosuccinic aciduria, medical specialists should have on-site availability of required medical therapies, such as hemodialysis, that are necessary for the treatment of patients with these disorders.
  - 2) Primary Hypothyroidism: training in Pediatric Endocrinology with membership in the Lawson Wilkins Pediatric Endocrinology Society or certification of special competence in Pediatric Endocrinology by the American Board of Pediatrics.
  - 3) Galactosemia: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year of experience post-training in the diagnosis and treatment of galactosemia and inborn errors of metabolism. Medical specialists should have the capacity to provide a multidisciplinary approach to care, including the availability on site~~on-site~~ of specially trained metabolic dieticians.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 4) Congenital Adrenal Hyperplasia: training in Pediatric Endocrinology with membership in the Lawson Wilkins Pediatric Endocrinology Society or certification of special competence in Pediatric Endocrinology by the American Board of Pediatrics.
- 5) Biotinidase Deficiency: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year [of](#) experience post-training in the diagnosis and treatment of biotinidase deficiency and inborn errors of metabolism. Medical specialists should have the capacity to provide a multidisciplinary approach to care, including the availability [on site](#)~~on-site~~ of specially trained metabolic dieticians.
- 6) Sickle Cell Disease: training in Pediatric Hematology and certification of special competence in Pediatric Hematology-Oncology by the American Board of Pediatrics.
- 7) Fatty Acid Oxidation Disorders: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year [of](#) experience post-training in the diagnosis and treatment of fatty acid oxidation disorders. Medical specialists should have the capacity to provide a multidisciplinary approach to care, including the availability [on site](#)~~on-site~~ of specially trained metabolic dieticians.
- 8) Cystic Fibrosis: certification by the American Board of Pediatrics in Pediatric Pulmonology or Pediatric Gastroenterology. Medical specialists should provide prompt access to quantitative pilocarpine iontophoresis sweat chloride testing in a laboratory that meets all CLSI standards. Medical specialists should provide a multidisciplinary approach to care, including the availability of on-site genetic counselors, dieticians, respiratory therapists and social workers. Medical specialists should provide access to microbiology laboratories that use CF-specific protocols for detection of respiratory tract infection.
- 9) Lysosomal Storage Disorders: certification by the American Board of

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year of experience post-training in the diagnosis and treatment of LSDs. Medical specialists should have the capacity to provide enzyme replacement infusion therapies and to provide a multidisciplinary approach to care, including the availability of pediatric specialists in neurology, cardiology and pulmonology. In addition to the above requirements, for Krabbe disease, medical specialists should be affiliated with a facility that has experience in performing stem cell transplantation.

- 10) [Severe Combined Immunodeficiency and T Cell Lymphopenia: certification by the American Board of Allergy and Immunology with at least one year post-training in the diagnosis and treatment of primary immunodeficiency diseases. Medical specialists should have the capacity to diagnose SCID, DiGeorge syndrome or other causes of T cell lymphopenia and to provide a multidisciplinary approach to treatment, including access to specialists in stem cell transplantation, and be affiliated with a facility that has experience in performing stem cell transplantation.](#)

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 661.40 Reports**

- a) Only collection forms with attached filter paper blood collectors supplied by the Division of Laboratories, Illinois Department of Public Health, [2121 West Taylor Street, Chicago, Illinois 60612](#) are to be used in submitting blood specimens for newborn screening.
- b) Any hospital performing the required newborn screening tests in addition to submitting specimens to the Illinois Department of Public Health Laboratory shall comply with all requirements of this Part, and shall notify the Department immediately by telephone whenever testing on an infant indicates that:
- 1) phenylalanine levels are abnormal;
  - 2) T4 determinations are abnormal or TSH determinations are abnormal;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 3) total galactose or galactose-1-phosphate uridyl transferase determinations are abnormal;
- 4) 17-hydroxyprogesterone determinations are abnormal;
- 5) biotinidase enzyme determinations are abnormal;
- 6) abnormal hemoglobin patterns are detected;
- 7) abnormal amino acid or acylcarnitine patterns have been identified;
- 8) abnormal determinations that may indicate cystic fibrosis have been identified;
- 9) abnormal determinations that may indicate a lysosomal storage disorder have been identified~~;~~;
- 10) [abnormal determinations that may indicate severe combined immunodeficiency or T cell lymphopenia have been identified.](#)

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 661.50 Diagnosis and Treatment**

The Department ~~will~~shall also maintain a registry to record the results of diagnosis and treatment for all diagnosed cases identified. ~~Ongoing~~It is imperative to perform ongoing evaluation of the newborn screening program is imperative. This process includes outcome evaluation of children diagnosed through newborn screening. The Department ~~will annually~~shall request updated information~~;~~ from the medical specialist or primary care provider~~;~~; ~~updated information annually~~ concerning developmental milestones~~;~~ for each child diagnosed with a disorder for which the Department screens. The Department ~~will at all times~~shall maintain confidentiality at all times with regard to patient information.

- a) Phenylketonuria and Hyperphenylalaninemia. The Department will supply the necessary medically prescribed treatment formulas ~~will be supplied by the Department~~ for diagnosed cases as long as medically indicated. Long-term follow-up of children with phenylketonuria or hyperphenylalaninemia is necessary to adjust diet and to assess growth and development. Medical

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

management by a designated medical specialist is required in order for a patient to receive treatment formulas from DPH. The administration of treatment formulas shall not be instituted until a complete amino acid analysis to corroborate the positive screening test has been performed, under the direction of a designated medical specialist, to establish the diagnosis of phenylketonuria.

- b) Primary Hypothyroidism. Medical management by a designated pediatric endocrinologist is highly recommended. Replacement therapy with thyroid hormone is currently the standard treatment. Long-term follow-up of children with primary hypothyroidism is necessary in order to adjust medication and to assess growth and development.
- c) Galactosemia. Medical management by a designated medical specialist is highly recommended. Therapy with a galactose free diet is currently the standard treatment. Long-term follow-up of children with galactosemia is necessary in order to ensure proper growth and development.
- d) Congenital Adrenal Hyperplasia. Medical management by a designated pediatric endocrinologist is highly recommended. Replacement therapy with glucocorticoids and, in some cases, mineralocorticoids is currently the standard treatment. Long-term follow-up of children with congenital adrenal hyperplasia is necessary in order to adjust medications and to assess growth and development.
- e) Biotinidase Deficiency. Medical management by a designated medical specialist is highly recommended. Therapy with pharmacological doses of biotin is required. Long-term follow-up of children with biotinidase deficiency is necessary in order to ensure proper growth and development.
- f) Sickle Cell Disease. Medical management by a designated pediatric hematologist-oncologist is highly recommended. Antibiotic prophylaxis and immunization to prevent pneumococcal infections are currently the standard treatment after a [designated medical specialist has made a](#) definitive diagnosis ~~has been made~~ of a sickling disease ~~by a designated medical specialist~~. Long-term follow-up of children with sickle cell disease is necessary in order to assess growth and development.
- g) Other Amino Acid, Organic Acid and Fatty Acid Oxidation Disorders. The [Department will supply the](#) necessary medically prescribed treatment formulas

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

~~will be supplied by the Department~~ for diagnosed cases as long as medically indicated. Long-term follow-up of children with these metabolic disorders is necessary to adjust diet and to assess growth and development. Medical management by a designated medical specialist is required in order for a patient to receive treatment formulas from DPH. Many of these disorders can be properly and supportively managed by dietary therapy. Ongoing care of these children will require long-term follow-up by the medical specialist to ensure proper development.

- h) Cystic Fibrosis. Medical management by a designated medical specialist is highly recommended. Prompt evaluation of exocrine pancreatic status coupled with nutritional counseling is recommended after diagnostic confirmation. Close follow-up by a medical specialist is recommended to monitor and treat changes in nutrition and respiratory infection status.
- i) Lysosomal ~~Storage Disorders~~~~storage disorders~~. Medical management by a designated medical specialist is highly recommended. Enzyme replacement therapy or stem cell transplant have demonstrated benefits for patients with these disorders. Long-term follow-up of children with lysosomal storage disorders is necessary to monitor treatment and to assess growth and development.
- j) Severe Combined Immunodeficiency (SCID) and T Cell Lymphopenia. Medical management by a designated medical specialist is highly recommended to confirm the diagnosis of SCID or other cause of T cell lymphopenia and to start therapy as soon as possible. Adenosine deaminase-deficient SCID can be treated by enzyme replacement and immunoglobulin replacement therapies. All forms of SCID can be treated by stem cell transplantation, while a few forms of SCID can be treated by gene therapy. Complete DiGeorge syndrome can be treated by thymic transplantation. Long-term follow-up is necessary to document immune reconstitution and to assess growth and development.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 661.70 Fee Assessment and Payment**

- a) Each institution or person submitting to the Department any sample for newborn screening shall be assessed a fee of ~~\$8878~~. When the Director makes a determination to add screening for any additional disorders in the LSD category,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

pursuant to Section 661.10, this fee shall be increased by \$2 for each disorder added.

- b) Statements of fee assessment shall be mailed on a monthly basis to facilities submitting specimens for analysis.
- c) Payment shall be rendered to the Department upon receipt of the monthly statement of fee assessment.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois State Library Grant Programs
- 2) Code Citation: 23 Ill. Adm. Code 3035
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3035.10	Amend
3035.115	Amend
3035.140	Amend
3035.210	Amend
2035.270	Amend
3035.410	Amend
3035.435	Amend
3035.450	Amend
3035.500	New
3035.510	New
3035.515	New
3035.520	New
3035.525	New
3035.530	New
3035.535	New
3035.540	New
3035.550	New
3035.555	New
3035.560	New
3035.565	New
3035.570	New
3035.575	New
3035.580	New
3035.585	New
3035.EXHIBIT B	New
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9121), Public Library Construction Act [30 ILCS 767], and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3]

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking reflects the anticipated final rulemaking originally filed as proposed at 34 Ill. Reg. 18954 (Dec. 3, 2010). The rulemaking was withdrawn at 35 Ill. Reg. 7216 (April 29, 2011). The rules were withdrawn because a State appellate court found the underlying statute (PA 96-37) to be unconstitutional, but on July 11, 2011, the Illinois State Supreme Court upheld the PA 96-36. Subpart E covers the new Public Library Construction Act program. A major change in this proposed rulemaking from the original rulemaking is this fiscal year cited in Section 3035.520(f) is being changed from Fiscal Year 12 to Fiscal Year 13. The rules include priority for funding in Section 3035.525. The application and reporting requirements of the Subpart are comparable to the existing public library construction program administered by the Secretary of State and State Librarian as contained in Subpart D of this Part, which is being renamed "Live and Learn Construction Grants" as a way to differentiate the two programs. In addition to the construction component of the rules, in Subpart B, the definition of "Educational Agencies" is being revised for the Literacy Grant Program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain any automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? Sections 3035.115(a) and 3035.520(b)(1)(C) cite the Illinois Library Standards 2.0, "Serving Our Public: Standards for Illinois Public Libraries" (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The materials being incorporated by reference in Section 3035.270 (a) are being corrected and updated.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These rulemakings illustrate how the Secretary of State and State Librarian will administer the new Public Library Construction Act grant program.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profits corporations affected: Public libraries, as defined in Section 3035.510 and that receive a public library construction grant, are impacted by this rulemaking.
  - B) Reporting, bookkeeping or other procedures required for compliance: The public libraries receiving a public library construction grant will have to comply with the grant application and reporting procedures in Subpart E.
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which these rules were summarized: July 2010

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATE

PART 3035  
ILLINOIS STATE LIBRARY GRANT PROGRAMS

SUBPART A: STATE GRANTS

Section	
3035.10	Definitions
3035.100	System Area and Per Capita Grants
3035.105	Library System Technology Grants
3035.110	Special Library Services to the Blind and Physically Handicapped
3035.115	Public Library Per Capita and Equalization Grants
3035.120	School District Library Grant Program
3035.125	Library Grants for Veterans' Homes
3035.130	Educate & Automate Automation/Technology Grants
3035.135	Requirements, Denial and Revocation of Approval
3035.140	Grants, Expenditures and Audits
3035.150	Appeal Procedure

SUBPART B: LITERACY GRANT PROGRAM

Section	
3035.200	Purpose
3035.210	Definitions
3035.220	Application for Grant
3035.230	Review of Grant Applications
3035.240	Award of Grants, Accountability and Recordkeeping
3035.250	Cancellation of Grant
3035.260	Fiscal Procedures
3035.270	Other Requirements
3035.280	Penny Severns' Grant Program
3935.290	Invalidity

SUBPART C: TRAINING PROGRAM GRANTS

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

## Section

3035.300	Purpose
3035.310	Definitions
3035.320	Number and Amount of Training Program Grants
3035.330	Illinois Library Schools and Attendance Requirements
3035.340	Eligibility Requirements
3035.350	Application Process
3035.360	Selection of Training Program Grantees
3035.370	Conditions of Training Program Grants

SUBPART D: LIVE AND LEARN~~PUBLIC LIBRARY~~ CONSTRUCTION GRANTS

## Section

3035.400	Program Purpose
3035.410	Definitions
3035.420	Duty to Administer
3035.430	Priorities in Library Grant Construction Proposals
3035.435	Grant Funding Limitations
3035.440	Additional Grant Funds
3035.450	Grant Application Procedure
3035.460	Requirements and Conditions of Grant Funds
3035.470	Remodeling for Accessibility
3035.480	Shared Use Facilities
3035.490	Disbursement of Grant Funds

SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTSSection

<u>3035.500</u>	<u>Purpose</u>
<u>3035.510</u>	<u>Definitions</u>
<u>3035.515</u>	<u>Eligibility Requirements</u>
<u>3035.520</u>	<u>Grant Applications</u>
<u>3035.525</u>	<u>Priority of Public Library Construction Act Projects</u>
<u>3035.530</u>	<u>Grant Amounts and Use</u>
<u>3035.535</u>	<u>Grant Awards</u>
<u>3035.540</u>	<u>Supervision of Public Library Construction Act Projects</u>
<u>3035.550</u>	<u>Carry-over Projects</u>
<u>3035.555</u>	<u>Referendum Requirements</u>

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

<a href="#">3035.560</a>	<a href="#">Public Library Capital Needs Assessment</a>
<a href="#">3035.565</a>	<a href="#">Public Library Site Selection</a>
<a href="#">3035.570</a>	<a href="#">Eligible Project Costs</a>
<a href="#">3035.575</a>	<a href="#">General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds</a>
<a href="#">3035.580</a>	<a href="#">Standardized Definitions and Guidelines</a>
<a href="#">3035.585</a>	<a href="#">Limitations on Expenditures of Bond Proceeds</a>

[3035.EXHIBIT A](#) Differences Among the Three Types of Literacy Grant Programs

[3035.EXHIBIT B](#) [Guidelines for Rating Life Safety/Legal Issues](#)

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9121), Public Library Construction Act [30 ILCS 767], and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].

SOURCE: Adopted at 31 Ill. Reg. 16310, effective November 20, 2007; amended at 32 Ill. Reg. 9666, effective June 23, 2008; amended at 33 Ill. Reg. 4180, effective February 27, 2009; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: STATE GRANTS

**Section 3035.10 Definitions**

For the purpose of this Subpart, the definitions in 23 Ill. Adm. Code [3035.4103060.400](#) are applicable.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.115 Public Library Per Capita and Equalization Grants**

- a) To be eligible for a per capita grant, a public library shall show that it will either meet or show progress toward meeting the Illinois Library Standards [2.0](#), ["Serving Our Public: Standards for Illinois Public Libraries, 20091997"](#) (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. A grant applicant must raise or improve its performance levels in relation to the standards, when [thosesuch](#) levels are below the standards,

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

according to objectives, time frames, and priorities the library shall state in its application for a grant, and that it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (See Section 8.1(1) of the Act.) The applying library must be in good standing and meet the criteria of a "full member library" or a "developmental member library" as defined in 23 Ill. Adm. Code 3030.10.

- b) *Application for annual equalization grants and per capita grants to public libraries shall be made each year.* (Section 8 of the Act) Whenever an applicant library reports any changes in the population count for the eligible service area population, then the applicant library shall submit with the grant application the appropriate supporting legal documentation for the population count change. The Illinois State Library shall validate the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts of a municipality, as prepared and submitted to the Secretary of State's Index Department by the federal government and certified by the Secretary of State in accord with the application deadline date established by the Illinois State Library.
- c) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (a).
- d) The grant may not be used for the construction of a new library or for capital improvements to the existing library.
- e) A public library that receives a per capita grant and or equalization aid and contracts for service with another public library must, within 30 days after receipt of the grant funds, remit the entire amount to the public library that provides the service.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.140 Grants, Expenditures and Audits**

- a) The Illinois State Library staff shall review grant applications and the decision of the State Librarian is final.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- b) The Illinois State Library will notify the grant applicant when the application is approved for contractual purposes.
- c) Any change in the use of funds from that stated in the approved grant application shall have prior approval of the State Librarian.
- d) Failure to spend funds in accordance with the application or approved amendment shall result in ineligibility for future grants for a period of one year.
- e) All ~~Statestate~~ funded grantees receiving grants ~~underin~~ Subparts A, B, ~~and~~ D ~~and~~ E at a combined cumulative total of \$175,000 or more in Secretary of State grant awards in the same fiscal year shall submit an agency-wide audit upon completion of the grant activity.
  - 1) All governmental unit audits shall comply with "Government Auditing Standards: 2007 Revision", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington, DC 20548. No later amendments to these standards are incorporated in this Section.
  - 2) All not-for-profit agency audits will comply with "Not-for-Profit Organizations AICPA Audit and Accounting Guide: 2007", published by the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036. No later amendments to these standards are incorporated in ~~this~~the Section.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: LITERACY GRANT PROGRAM

**Section 3035.210 Definitions**

"Adult" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (16) and is not currently enrolled in school (see 105 ILCS 5/Art. 26).

"Applicant" means the eligible education agency or public or private employer.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Application" means the written request for a literacy grant submitted to the LAB pursuant to this Subpart. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.

"Coalition" means a structured cooperative effort among a library system, libraries, education agencies, and community-based organizations, or any combination of these entities, at the local or regional level.

"Community" means any county or municipality in Illinois.

"Community-based Organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, ~~that~~~~which~~ provides services to citizens within that community and the surrounding area.

"Educational Agencies" means those entities eligible to apply ~~that~~ are public libraries ~~and that~~ are members of an Illinois regional library system; community colleges, school districts and regional offices of education that are certified by the Illinois Board of Higher Education, the Illinois State Board of Education or the Illinois Community College Board ~~and have provided instructional literacy services for at least 3 years~~; community based organizations, volunteer agencies or a coalition of those entities that have been granted 501(c)(3) status by the Internal Revenue Service ~~and have provided literacy instructional services for at least 3 years~~; and public and private employers ~~that have provided instructional literacy services for at least three years or are in cooperation with an educational agency that has provided instructional literacy services~~.

"Educational Skills Assessment" means testing methods that measure the educational skills possessed by adults, including reading, writing, comprehension and computation skills in English.

"Family Literacy" means reading, writing and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, and structured reciprocal time for both to learn together.

"Fiscal Year" means the fiscal year of the State of Illinois.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Instructional Materials" means written materials and computer software programs that are used in teaching adults basic reading, writing, comprehension, computation or English language skills.

"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act [15 ILCS 320/7.2].

"Library" means the main facility for a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, compute and comprehend above the 8.9 grade level as measured by an educational skills assessment.

"Literacy Program" means a structured project or program that provides direct instructional services in literacy to adult students.

"Math Student" means an adult whose math skills are below the 9.0 grade level and who is enrolled in the literacy program for math instruction.

"Participating Agency" means those agencies who will receive part of the grant funds or who will actively participate in the literacy project as an essential component of that project, without whose participation the project would fail or be radically changed.

"Secretary of State" means the Illinois Secretary of State, who is the State Librarian.

"Site Visit" means a scheduled visit by a literacy grant monitor to a literacy grant recipient to determine whether the project meets or maintains the criteria of the grant program. The site visit may be made in person, by phone or by electronic means, at the discretion of the Illinois State Library Literacy Office.

"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act [15 ILCS 320].

"Workplace Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

language skills to adult employees or prospective employees at their place of employment.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.270 Other Requirements**

## a) Testing

- 1) Plans for pre- and post-testing of students must be attached to the proposal application. The Slosson Oral Reading Test-Revised (SORT-R), ~~2002~~1994 edition (produced by Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280), or the Test of Adult Basic Education (TABE), ~~2004~~2002 edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940) must be used in student testing for semiannual reports submitted to the State Library. The materials incorporated by reference include no later amendments or editions. Programs are encouraged to use additional tests for their own purposes.
- 2) In the case of English as a Second Language (ESL) projects, professionally accepted tests must be used, such as the ESLOA Oral Assessment, 1978 edition (produced by ~~New Reader's Press, 1320 Jamesville Ave. Literacy Volunteers of America, Inc., 5795 Widewater Parkway~~, Syracuse NY ~~13210~~13214); the Comprehensive English Language Skills Assessment (CELSA), ~~2009~~1992 edition (produced by the Association of Classroom Teacher Testers, 1187 Coast Village Road, ~~Suite 1, #PMB~~ 378, Montecito CA 93108-2794); the Basic English Skills Test (BEST), 2006 edition (produced by the Center for Applied Linguistics, ~~4646 40<sup>th</sup> 118-22<sup>nd</sup>~~ Street, NW, Washington DC ~~20016~~20037); the Foreign Service Institute Oral Proficiency Interview (FSI) (also known as ILR), 1983 edition (produced by the Foreign Service Institute Shultz Center, 4000 Arlington Boulevard, Arlington VA 22204-1500). The materials incorporated by reference include no later amendments or editions. All tests used must be described in the proposal. Results must accompany semiannual and final reports.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 3) In the case of students who enroll for math assistance only, the TABE math test, ~~2004~~2007 edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940), must be used in testing for semiannual reports submitted to the State Library, Office of the Secretary of State. The material incorporated by reference includes no later amendments or editions.
- 4) Other professionally accepted literacy and language assessments may be used that provide accurate measurements of student proficiency.
- b) No grant funds shall be used to purchase equipment.
- c) No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved expenditures in excess of 10% of a budget line will not be paid for by the grant.
- d) Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the State Library. Justification must be provided if consultant services are purchased, and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and State Library, based on the consultant's prior experience and expertise in literacy programs.
- e) A literacy grant monitor shall make a minimum of one site visit during each biennium. Additional site visits shall be made at the discretion of the State Library Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, requests by literacy program). Literacy monitors shall evaluate program effectiveness. It shall be the responsibility of the grant monitor to:
  - 1) Review the grant budget and expenditures in the project to date.
  - 2) Verify that the project plan is being implemented according to the proposal approved by the LAB.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 3) Submit a written report on the progress of the project to the Literacy Office following each site visit.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: ~~LIVE AND LEARN PUBLIC LIBRARY~~ CONSTRUCTION GRANTS**Section 3035.410 Definitions**

For the purposes of this Subpart:

"Act" means the Illinois Library System Act [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded as indicated in Section 3035.400.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library System Act.

"Audit" means a report of financial compliance of a construction grant project by a certified public accountant.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings that are being expanded, remodeled or altered under this grant.

Any combination of these activities (including architect's fees and the cost of the site if acquired in the last 2 years).

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Conversion" means converting a building currently not used as a library into a public library facility.

"Equipment" includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes fixtures, furnishings and carpeting. Shelving is acceptable in new construction, within new building additions or for accessibility projects. "Equipment" does not include, for example, books, periodicals, films, recordings, computers, computer equipment, projection equipment or wireless Internet components.

"Intersystem reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library" means a tax-supported public library within an Illinois Library System. "Library" also means a main library facility and its branches.

"Library building consultant" refers to an individual, chosen by the applicant library, with a Master's degree in library science from a library school accredited by the American Library Association with prior experience in at least one library construction project. An architect licensed to practice in Illinois or a structural or other type of engineer, depending on the scope of work, licensed to practice in Illinois, with prior experience in at least one library construction project, may also be a library building consultant. The architect or engineer may be retained for other services by the applicant library.

"Library system" means an organization defined at Section 2 of the Library System Act.

"Local matching funds" means general funds, securities, general revenue bonds, tax levies, mortgages and locally generated monies. Local matching funds do not include any pledges as defined in this Section; any funds from the State of Illinois or the federal government; any funds from collateralized pledges; or pending referendum to authorize funds for the construction project.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Mini-grants" means projects to enable public libraries with limited funds, as defined in this Section, to remodel or refurbish the library.

"Pledge" means a non-collateralized offer or guarantee in writing of a specified dollar amount as part of the local matching funds for a construction project.

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries that would have received an income of less than ~~\$15~~~~\$12~~ per capita in the preceding fiscal year by using a formula in which the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

"Security system" means an electronic system designed to protect the library property, facility and contents and individuals on the premises.

"Shared use facility" means a building occupied by a public library and a school or another entity that is open to the public and complements the concept of public library service.

"State fiscal year" means the period from July 1 through June 30.

"State Librarian" means the Illinois Secretary of State.

"Technology wiring" means the installation of wiring to allow for the transmission of electronic data.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.435 Grant Funding Limitations**

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- b) The maximum grant for each library political unit shall be \$125,000 per annual funding cycle, unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (c).
- c) The minimum grant awarded for mini-grants shall be \$2,500. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$25,000. The maximum grant awarded for mini-grants shall not exceed \$25,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed \$50,000; and the maximum grant awarded for other projects shall not exceed \$125,000.
- d) Priority will be given to a library that has not received any construction funding, whether under a library construction grant program or a specific appropriation from the Secretary of State, during the three prior State fiscal years, including the current State fiscal year.
- e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than the minimum grant amount, make a special grant award and/or allow for consecutive years of funding.
- f) Competitive bids for construction projects shall not be let until after the grant contract with the Secretary of State has been signed.
- g) Grant contracts awarded under this Part must be signed within 90 days after the grant award notification.
- h) A public library may only apply for either a Live and Learn Construction Grant or a Public Library Construction Grant in the same award year.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.450 Grant Application Procedure**

The following application procedures shall apply:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit a signed, completed current library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants:
  - 1) Application Phase
    - A) To be eligible for a Live & Learn construction grant, a public library must comply with the assurances contained in this Section, as listed in the Construction Grant Application Form, as most recently adopted by the Subcommittee for Public Library Construction, a subcommittee of the Illinois State Library Advisory Committee.
    - B) A statement describing the necessity for the proposed project.
    - C) A statement of plans to meet existing library standards of service, Illinois Library Standard 2.0, "Serving Our Public: Standards for Illinois Public Libraries, 1997" ~~(produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material~~ incorporated by reference in Section 3035.115 ~~includes no later amendments or editions~~. This subsection (b)(1)(C) shall not apply to library systems.
    - D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
    - E) A Library Building Program. For projects with a total cost of over \$150,000, a library building consultant must work with the library in developing the building program. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- F) For projects with a total cost equal to or greater than \$75,000, an architect or engineer licensed to practice in Illinois is required.
- G) Preliminary construction plans with a site plan outlining specifications for all projects and an estimated cost per square foot.
- H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- I) The following are required fore~~conditions apply in~~ new construction, additions and projects involving evacuation of soil:
- i) Documentation stating whether the project site is located in a Special Flood Hazard Area found at the Illinois State Water Survey's Illinois Floodplain Map website (<http://www.illinoisfloodmaps.org/>).~~A letter from the Illinois State Water Survey of the Illinois Department of Natural Resources stating that the project site is not located in a Special Flood Hazard Area.~~ If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.
  - ii) A subsurface soil analysis by a soils engineer.
  - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.
- J) The real estate affected by the proposed construction is available to the library or library system, as is the legal description of the affected real estate. A deed of ownership or proof of long-term ~~(20 years minimum)~~ occupancy (20-year minimum), except for mini-

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

grants. The building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Director of the Illinois State Library.

- K) A letter from the Director of the Regional Library System that serves the applicant library acknowledging that the System is aware of the proposed project.
  - L) A listing of all applicable authorities having jurisdiction over the applying facility.
  - M) The library will submit with the grant application an Americans With Disabilities Act Self-Evaluation, except for new construction projects.
  - N) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that a referendum is pending or various fundraising activities will be undertaken in the future, with the amount to be raised remaining uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3035.400.
- 2) Construction Phase
- A) The grantee library will expend 100% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. If the grantee fails to submit a final report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the Director of the Illinois State Library.
  - B) Construction work will be performed under the lump sum (fixed price) contract method.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- C) The library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- D) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
- F) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- G) A copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and the permit shall be posted in a prominent place on the construction site.
- H) Any change in the Plans and Specifications requiring a work change order shall be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve or deny any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

- I) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.
- J) Construction contracts signed by both the library board (or library system board) and contractors that is, or comparable, to the "Standard Form of Agreement Between Owner & Contractor A-101-1997" published by the American Institute of Architecture, 1735 New York Ave., NW, Washington, DC 20006-5292. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any contracts between the library board or library system board and contractors if:
  - i) The bidding procedure outlined in subsection (b)(2)(E) was not followed.
  - ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.
- K) A revised budget shall be prepared after bids have been accepted and shall be submitted to the Illinois State Library for approval prior to actual construction. Approval will be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets. Decisions shall not affect the time frame imposed unless approved by the Director of the Illinois State Library.

- L) A sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.
- M) Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board (see 20 ILCS 3105/14).
- N) Any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.
- O) Construction will commence within 140 days after the effective date of the grant contract, according to Section 3035.435(f).
- P) The following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the Director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
  - ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
  - iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e) ~~of this Part.~~
  - iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% stage of completion.
- Q) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
- R) The library shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- S) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- c) Some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3035.400(c), upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.

- d) Applications will be considered in accordance with Section 3035.420(c).
- e) Grant applications are subject to the conditions stipulated in Section 3035.135.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

**Section 3035.500 Purpose**

This Subpart implements the Public Library Construction Act [30 ILCS 767], which requires that the Secretary of State:

- a) Adopt standards under which the State Librarian will determine grant eligibility for construction grants to public libraries;
- b) Determine priority order for public library construction grants;
- c) Determine recognized project costs and the State's share of a public library construction project through the calculations of a grant index;
- d) Award and oversee expenditures of public library construction grant funds; and
- e) By January 1, 2010 and every two years thereafter, conduct a public library capital needs assessment and submit a report to the General Assembly.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.510 Definitions**

"Act" means the Public Library Construction Act [30 ILCS 767].

"Enrichment Cost" means expenditures not included in the recognized project cost and designated as ineligible expenditures by the State Librarian.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Full Member Library" means a library that meets the criteria for library system membership, as defined by mutual agreement, and implementation of all of the library system boards, subject to approval by the State Librarian.

"Grant Index" means a figure for each public library equal to one minus the ratio of the public library's equalized assessed valuation per capita to the equalized assessed valuation per capita of the public library located at the 90<sup>th</sup> percentile for all public libraries in the State. The grant index shall be no less than 0.35 and no greater than 0.75 for each public library; provided that the grant index for public libraries whose equalized assessed valuation per capita is at the 99<sup>th</sup> percentile and above for all public libraries in the State shall be 0.00.

"Intersystem Reciprocal Borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library Building Consultant" refers to an individual, chosen by the applicant library, with a Master's degree in library science from a library school accredited by the American Library Association and with prior experience in at least one library construction project. An architect licensed to practice in Illinois or a structural or other type of engineer, depending on the scope of work, licensed to practice in Illinois, with prior experience in at least one library construction project, may also be a library building consultant. The architect or engineer may be retained for other services by the applicant library. A public building commission may also serve the role of a library building consultant.

"Local Share" means funds provided by the local public library equal to the recognized project cost, subtracting the State's share.

"Off-site Improvements" means any improvements outside of the property line.

"On-site Improvements" means any improvements outside the building's five feet line but inside the property line of the site.

"Public Library" means a tax-supported public library or a library that receives revenues from other sources and is established by or as a governmental unit that either levies a tax or expends funds for library purposes. Such a library is established by a city, village, incorporated town, township, county or library

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

district under the Illinois Local Library Act [75 ILCS 5], the Village Library Act [75 ILCS 40], Division 5-38 of the Counties Code (Public County Library Service) [55 ILCS 5/Div. 5-38], the Village Library Conversion Act [75 ILCS 45], the Library Property Sale Act [75 ILCS 55], and the Public Library District Act of 1991 [75 ILCS 16]. This definition excludes free public libraries established by villages but not supported at least in part from local tax revenues and incorporated free public libraries not established by a governmental unit.

"Public Library Construction Project" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, installation, maintenance, and upkeep of capital facilities consisting of buildings, structures, durable equipment, and land for public library purposes.

"Public Library Facilities Plan" means a written plan that describes the form and functions of a library facility. The plan may include a description of the size of the facility, public service areas, staff space, collection, seating, technology and community meeting spaces.

"Recognized Project Cost" means the total of eligible costs that are funded with State and local funds to provide for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, installation, maintenance and upkeep of capital facilities consisting of buildings, structures, durable equipment and land for educational purposes, as determined by the State Librarian.

"State Librarian" means Secretary of State.

"State's Share" means the product of the library's grant index and the recognized project cost, as determined by the State Librarian.

"Substantial Work" means certain expenditures on the physical structure involved in remodeling and updating, including systems like HVAC, electrical, plumbing and improvements that allow for accessibility, such as doors, ramps, elevators and restrooms.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.515 Eligibility Requirements**

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Public libraries that meet the requirements of this Subpart are eligible to apply for and receive a public library construction grant. Eligible public libraries shall:

- a) Have a bibliographically organized collection;
- b) Be approved as a full member library of a regional library system;
- c) Meet the eligibility criteria to qualify for public library per capita grants provided in Section 8.1 of the Illinois Library System Act [75 ILCS 10];
- d) Permit intersystem reciprocal borrowing.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.520 Grant Applications**

\_\_\_\_\_ a) For projects with a total cost equal to or greater than \$75,000, an architect or engineer licensed to practice in Illinois is required. The selection of an architect-engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510]. Public libraries are allowed to choose the architect and engineer for their public library construction projects. No project may be disapproved by the State Librarian solely due to a public library's selection of an architect or engineer as stipulated in this subsection.

\_\_\_\_\_ b) To qualify for and be eligible for a public library construction grant, public libraries shall apply to the State Librarian for public library construction project grants on the forms prepared and made available for this purpose. The grant application shall include these components:

\_\_\_\_\_ 1) A service plan statement of no more than two pages that states:

A) How the project addresses one or more to the five levels of priority described in Section 15-30 of the Act.

\_\_\_\_\_ B) The necessity for the proposed project.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- C) Plans to meet existing library standards of service (Serving Our Public, incorporated by reference in Section 3035.115(a)).
- D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
- 2) A public library facilities plan with the following components:
- A) An examination of the present and future public library facility needs of present and anticipated public library programming. Library buildings are to be planned for 20 year population projection (for new construction, conversions and additions to buildings).
- B) A site analysis, space needs assessment and project design.
- C) How the library facility will provide access for the physically handicapped, as required in the Illinois Capital Development Board's Illinois Accessibility Code (71 Ill. Adm. Code 400) and shall display the symbol of accessibility.
- 3) Supporting Documentation:
- A) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- B) The following conditions apply in new construction, additions and projects involving evacuation of soil:
- i) Provide documentation stating whether the project site is located in a Special Flood Hazard Area (found at the Illinois State Water Survey's Illinois Floodplain Map website, <http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

that the project meets the requirements of Executive Order 79-4 regarding flood damages.

ii) A subsurface soil analysis by a soils engineer.

iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.

C) Show that a deed of ownership or proof of long-term occupancy (20-year minimum) is or will be available to the public library. The deed or lease agreement shall include a legal description of the affected real estate. The building must remain in use as a public library facility for not less than 20 years after its construction unless other use is approved by the State Librarian.

D) A letter from the Director of the Regional Library System that serves the applicant public library acknowledging that the System is aware of the proposed project.

E) A listing of all applicable authorities having jurisdiction over the applying facility.

F) An Americans With Disabilities Act Self-Evaluation, except for new construction projects.

G) Funding sources and cost estimates, including the availability of local financial resources, current revenues, fund balances, and unused bonding capacity, and a fiscal plan for meeting present and anticipated debt service obligations.

H) A timeline of major events, including dates of the letting of bids, groundbreaking, substantial completion, occupancy and dedication.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- \_\_\_\_\_ d) A maintenance plan and schedule that contains necessary assurances that new, renovated and existing facilities are being or will be properly maintained.
- \_\_\_\_\_ c) Each public library that is determined to be eligible shall annually update its public library facilities plan and submit the revised plan to the State Librarian for approval.
- \_\_\_\_\_ d) Eligible libraries are qualified for a library construction project grant, but are not guaranteed receipt of a grant.
- \_\_\_\_\_ e) Grant applications are subject to the conditions stipulated in Section 3035.140.
- \_\_\_\_\_ f) In Fiscal Year 2013 and in subsequent fiscal years, grant applications are due on April 15 prior to the fiscal year in which a grant award will be made. In the case of a disaster described in Section 3035.525(a)(1), a library may submit an application for a Public Library Construction Act grant at any time.
- g) In all projects in which the acquisition of property is pending as permitted in Section 3035.565(c) of this Part, supporting documentation related to the project site shall be provided before a grant award is made.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.525 Priority of Public Library Construction Act Projects**

Priority ranking for construction grant projects shall be done if the appropriation for any fiscal year is insufficient to fund grants for all eligible applicants. In this case, an eligible public library construction project shall be qualified for a construction grant award by the State Librarian in order of the priority ranking described in this Section.

- \_\_\_\_\_ a) Libraries determined to be eligible shall be eligible in the order of:
- 1) Replacement or reconstruction of public library facilities destroyed or damaged by flood, tornado, fire, earthquake or other disasters, either man-made or produced by nature;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

2) Projects designed to address population growth or to replace aging public library facilities;

3) Replacement or reconstruction of public library facilities determined to be severe and continuing health or life safety hazards;

4) Alterations necessary to provide accessibility for qualified individuals with disabilities; and

5) Other unique solutions to facility needs. These projects include design concepts that enhance library service to the community, including, but not limited to, technological improvements and energy conservation.

b) The library's ranking within its level of priority shall be determined as follows:

1) In priority 1, the public library presents documentation to the State Library explaining the nature and scope of the disaster, including an explanation of replacement or reconstruction costs covered by insurance and other State or federal grants sources.

2) In priorities 2, 3 and 4, points are awarded based on the extent to which the applicant's present or existing facilities meet the standard of .6 square foot per capita for total floor space in its public library. The total square feet will be taken from the most current Illinois Public Library Annual Report on file at the Illinois State Library. The population served will be taken from the most recent Public Library Per Capita grant application on file at the Illinois State Library. The following describes how the square feet and population will be determined for a public library using the population and square feet for only the legal (taxed) service area of the library.

<u>% OF STANDARD</u>	<u>POINTS</u>
<u>0-25</u>	<u>5</u>
<u>26-50</u>	<u>4</u>
<u>51-70</u>	<u>3</u>
<u>71-90</u>	<u>2</u>

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<u>91-100</u>	<u>1</u>
<u>Over 100</u>	<u>0</u>

3) In priorities 2, 3 and 4, additional points will be awarded for age of building.

<u>AGE OF BUILDING</u>	<u>POINTS</u>
<u>100 years or more with no substantial work in the last 20 years</u>	<u>5</u>
<u>100 years or more with some substantial work in the last 20 years</u>	<u>4</u>
<u>50-99 years with no substantial work in the last 20 years</u>	<u>3</u>
<u>50-99 years with some substantial work in the last 20 years</u>	<u>2</u>
<u>20-49 years with no substantial work in the last 10 years</u>	<u>1</u>
<u>20-49 years with some substantial work in the last 10 years</u>	<u>0</u>
<u>Do not have a public library facility</u>	<u>2</u>

4) In priorities 2, 3 and 4, additional points will be awarded for addressing life safety improvements (see Exhibit B).

5) In priority 5, points will be awarded based on subsections (b)(2), (3) and (4).

c) In the event of a tie between two or more public libraries in determining ranking within a level of priority, ranking for those tied public libraries shall be established by consideration of additional factors including, but not limited to, whether any of the public libraries have received construction assistance from the State Librarian from any source in the previous three years; whether any of the public libraries applied for and received a public library per capita grant in each of the three previous fiscal years; the percentage of the population living at or below the federal poverty level within the territory served by the public libraries; shovel readiness of the projects; and whether the public libraries submitted a response to

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

the most recent public library capital needs assessment contained in Section 3035.560.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.530 Grant Amounts and Use**

- a) The product of the public library's grant index and the recognized project cost, as determined by the State Librarian, for an approved public library construction project shall equal the amount of the grant the State Librarian will provide to the eligible public library. The grant index shall not be used when the General Assembly and the Governor approve appropriations designated for specifically identified public library construction projects.
- b) In each fiscal year in which public library construction project grants are awarded, of the total amount awarded statewide, 20% shall be awarded to the Chicago Public Library System, provided that the Chicago Public Library System complies with the provisions of the Act and this Part, and 80% shall be awarded to public libraries outside of the City of Chicago.
- c) No portion of a public library construction project grant awarded by the State Librarian shall be used by a public library for any on-going operations costs.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.535 Grant Awards**

- a) The application shall be reviewed by the Illinois State Library for completeness and compliance with law and rules. The Illinois State Library may request additional information or clarification.
- b) When a grant eligibility has been determined for a public library construction project, the State Librarian shall notify the public library of the State's share of the public library construction project and the dollar amount that the public library will be required to finance with non-grant funds in order to qualify to receive a public library construction project grant under the Act from the State Librarian. The State Librarian shall thereafter determine whether a grant will be made.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- c) Proof of local share will be required by the State Librarian prior to a grant award. Proof shall be provided, at the latest, within 90 days after a successful referendum. A public library failing to have access to the local share of funds within the time period shall be reprioritized and must update its application to establish its priority ranking for the following fiscal year.
- d) Grant awards will be issued in accordance with the State Librarian's priority ranking.
- e) Public libraries receiving a grant award shall enter into intergovernmental agreements with the State Librarian that may include, but are not limited to, provisions for the following:
  - 1) That funding of the State's share will be made in payments to public libraries for project costs upon submittal of required documentation by the public library.
  - 2) That the public library agrees to comply with all applicable statutes, codes and rules.
  - 3) That establishment and maintenance of a separate set of accounts is required for the construction, study and planning of the project in accordance with generally accepted accounting principles as stated in Section 3035.140(e)(1).
  - 4) That access will be allowed to the work, materials, payrolls and other data and records relevant to the project for purposes of audit and inspection by the State Librarian or other authorized agencies.
  - 5) That the architect retained by the public library shall certify on each payment submittal that the expenditures were in accordance with the provisions of the appropriation Act from which the grant was made and the terms of the intergovernmental agreement.
  - 6) That increases in project costs added by change order shall not increase the amount of the State's share.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 7) Other provisions as may be necessary, including those required to ensure a legal and binding agreement.
- f) A grant applicant may appeal the decision of the State Librarian under the procedures outlined in Section 3035.150.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.540 Supervision of Public Library Construction Act Projects**

The State Librarian shall exercise general supervision over public library construction projects financed pursuant to the Act.

- a) The grantee library will expend in 30% increments. The public library shall submit a letter from an architect and a financial report at the 30, 60 and 90% points of substantial completion. The final 10% will be paid out upon completion of the project and submission of all final reports to the State Librarian.
- b) Construction work will be performed under the lump sum (fixed price) contract method.
- c) The library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- d) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- e) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

newspaper, shall be submitted to the Illinois State Library within 10 days after publication.

f) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].

g) A copy of the building permit shall be supplied to the State Librarian prior to the actual construction, and the permit shall be posted in a prominent place on the construction site.

h) Any change in the Plans and Specifications requiring a work change order shall be submitted to the State Librarian. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The State Librarian shall be notified of and approve or deny any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

i) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.

j) Construction contracts shall be signed by both the library board and contractors, using the Standard Form of Agreement Between Owner & Contractor A-101-1997, published by the American Institute of Architecture, 1735 New York Ave., NW, Washington DC 20006-5292, or a comparable format. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the State Librarian prior to the start of construction. All subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the library board and the State Librarian. The State Librarian shall have the right to disapprove any contracts between the library board and contractors if:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) The bidding procedure outlined in subsection (e) was not followed.
- 2) The conditions and standards specified in the contract between the State Librarian and the library board are not incorporated into the contracts between the library board and the contractors.
- k) A revised budget shall be prepared after bids have been accepted and shall be submitted to the State Librarian for approval prior to actual construction. Approval will be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets. Decisions shall not affect the time frame imposed unless approved by the State Librarian.
- l) A sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.
- m) Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board (see 20 ILCS 3105/14).
- n) Any agent authorized by the State Librarian, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.
- o) Construction will commence within 140 days after the effective date of the grant contract. Competitive bids for construction projects shall not be let until after the grant contract with the State Librarian has been signed. Construction may not commence until proof of ownership or long-term lease agreement of the affected real estate is received.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- p) The following reports and records will be completed and transmitted to the State Librarian: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 36 months after the execution of the contract, unless an extension is granted by the State Librarian; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Librarian. The final financial report shall be signed by the president of the library's board of directors.
- \_\_\_\_\_ 1) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
- \_\_\_\_\_ 2) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
- \_\_\_\_\_ 3) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e).
- \_\_\_\_\_ 4) For a project that requires an architect or engineer, the architect or engineer shall certify to the State Librarian when the project reaches the 30%, 60%, 90% and 100% stage of completion.
- q) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
- r) The library shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- s) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the public library construction project.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- t) Some of the documentation and assurances in this Section may be waived or modified by the State Librarian if the applicant adheres to comparable or stricter requirements, except that subsections (f) and (i) will not be waived.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.550 Carry-over Projects**

If a public library has been determined eligible for a public library construction project, has arranged and approved all local financing, and is eligible to receive a public library construction project grant award in any fiscal year, but does not receive the award in that year due to lack of adequate appropriations, those public library construction projects shall continue to be considered for grant awards for the following fiscal year.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.555 Referendum Requirements**

- \_\_\_\_\_ a) After the State Librarian has approved all or part of a public library's application and made a determination of eligibility for a public library construction project grant, the governing body of the public library shall submit the project or the financing of the project to a referendum when the referendum is required by law.
- \_\_\_\_\_ b) The referendum is to be passed in the fiscal year the eligibility has been determined.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.560 Public Library Capital Needs Assessment**

- \_\_\_\_\_ a) The State Librarian shall file with the General Assembly a comprehensive assessment report of the capital needs of all public libraries in this State before January 1, 2010 and every 2 years thereafter.
- \_\_\_\_\_ b) This assessment shall include, without limitation, an analysis of the 5 categories of capital needs prioritized in Section 15-30 of the Act.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.565 Public Library Site Selection**

- \_\_\_\_\_ a)     The public library shall select the sites for all new projects.
- \_\_\_\_\_ b)     Suitability for Development and Construction
- 1)     The site should be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving.
- 2)     The site should not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. These hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, soil pollutants, floods, groundwater incursions, vibrations, explosions and electrical discharges. Site acquisition shall be subject to the Farmland Preservation Act [505 ILCS 75], Interagency Wetland Policy Act of 1989 [20 ILCS 830], Illinois State Agency Historic Resources Preservation Act [20 ILCS 3410], Archaeological and Paleontological Resources Protection Act [20 ILCS 3435], the Illinois Endangered Species Protection Act [520 ILCS 10], and the Environmental Protection Act [415 ILCS 58.15], as may be applicable.
- \_\_\_\_\_ c)     Availability of Site  
The public library shall have a period of 90 days from the time the State Librarian determines eligibility, as stipulated in Section 3035.520(c) and (d), to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the public library. Extensions will be granted in those cases in which there is a reasonable expectation that the public library will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the public library, such as a delay in acquiring a title commitment.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

d) Site Size and Configuration

The proposed site shall be in concurrence with the public library facility plan, as stipulated in Section 3035.520(b)(2)(A), (B) and (C), and contain usable space sufficient in size and of regular configuration so as to accommodate the library's on-site program, as well as to accommodate ancillary functions that are better served on-site than off-site, and pedestrian movement among different points on the site.

e) Utilities and Services1) Water Supply

Water must be made available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed public library, as well as to accommodate other forms of water consumption.

2) Sanitary Sewage Disposal

The location or character of the site must not prevent the disposal of sanitary sewage from the public library.

3) Storm Water Disposal

The location or character of the site must not prevent the disposal of storm water from the public library site.

4) Electric Power, Telephone, Gas

The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the public library may require at the point in the construction process when utility hook-ups are made.

5) Solid Waste Management Services

Solid waste management services must be available to the site.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.570 Eligible Project Costs**

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- a) A library building consultant may work with the library in developing and implementing the public library facilities plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
- b) Funding may be used for joint use by the library and community, with the State Librarian's participation in the funding of facilities limited to those items required to meet the needs of the library's plan for the provision of library services and any other activities and events the applicant library plans to conduct.
- c) Funding will not be used for administrative offices or other support services outside of a facility that provides direct on-site services to library users.
- d) Funding will not be used for facilities intended for commercial use by profit making organizations. This is not meant to exclude facilities to be operated by non-profit organizations.
- e) Funding will not be allowed for square footage designated for food service in which a fee is charged (example: coffee shop or café).
- f) The State Librarian will not fund land acquisition costs:
- 1) For land that was or will be donated to the library.
  - 2) For land that is already owned by the library or its corporate authority and will be the site of new construction or an addition to an existing facility.
  - 3) For land that is not an integral part of this project.
- g) Funds will be used to support off-site improvements only if they directly impact the facility.
- 1) The applicant shall submit documentation that local, State and/or federal funding sources are not available to the library or any other public body for off-site improvements before the State Librarian will consider participation in funding.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

2) The State Librarian's participation in funding off-site improvements is only permitted if the off-site property or interest in the property, such as an easement or leasehold, is owned by a public body.

h) The State Librarian's participation in funding on-site improvements is limited to those minimum requirements necessary to making the site functionally operational. The State Librarian will not fund certain types of site improvements, including, but not limited to:

1) Storage facilities;

2) Lawn sprinkling systems;

3) Exterior commons area, such as paved sitting areas, benches, etc.;

4) Traffic signals at intersections;

5) Landscaping in excess of seeding costs;

6) Off-site access roads.

h) Determination of Recognized Project Cost

1) Recognized project cost shall be based upon calculations made in accordance with eligible expenditures enumerated in this Section and shall include the following unit cost (\$/sq.ft.):

A) Buildings constructed to the five foot line;

B) Design and construction contingencies;

C) Building fixed equipment.

2) Recognized project cost shall also include additional associated costs as deemed appropriate by the State Librarian in consultation with the public library, as follows:

A) Site improvements, including related architectural/engineering fees and reimbursements;

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

       B) Land acquisition and associated legal fees. A certified property appraisal will be acquired prior to the approval of land acquisition costs in the grant award. The appraisal must be for the value of the land and any improvements;

       C) Movable equipment;

       D) Utility service lines, both on-site and off-site; and

       E) Special foundation construction and related architectural/ engineering fees deemed necessary as a result of unusual sub-surface soil conditions.

       3) The State Librarian shall create separate recognized cost calculations for various types of construction projects, including but not limited to new construction and additions, and for rehabilitation of or renovations to an existing facility.

       4) The recognized project costs initially calculated by the State Librarian will establish the maximum acceptable cost of the eligible expenditures. If the bid price received by the district from the various contractors for the eligible expenditures is less than the bid estimate amount included in this initial calculation, then the recognized project cost will be reduced by the amount of the difference.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3065.575 General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds**

- a) General. The general uses of Build Illinois Bond proceeds appropriated to the State Librarian shall always be consistent with the provisions expressed in Article VIII, Section 1 and Article IX, Section 9 of the 1970 Constitution of the State of Illinois, and with the provisions of the Build Illinois Bond Act [30 ILCS 425].
- b) Bondable Capital Improvements. Bondable capital improvements and related expenditures generally include, but are not limited to, the following:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Planning expenses for architectural and engineering design;
  - 2) Real property;
  - 3) Buildings, additions, and/or structures (including required site development or preparation and associated fixed equipment that is required for functional effectiveness);
  - 4) Utilities;
  - 5) Initial durable movable equipment as defined in 71 Ill. Adm. Code 50.120(e), Durable Movable Equipment;
  - 6) Site improvements;
  - \_\_\_\_\_ 7) Remodeling and/or rehabilitation; and
  - \_\_\_\_\_ 8) Maintenance and upkeep.
- c) Build Illinois Bond Proceeds
- 1) In general, any expenditure purpose shall be considered appropriate for financing from proceeds, provided that those expenditures:
    - A) Are not recurring. In this context, recurring expenses are defined as those costs that are incurred at frequent or regular intervals within the initial term of financing, and that would cause pyramiding accumulation of costs for the same expenditure purpose before the expenses initially incurred for that purpose are completely amortized;
    - B) Can be characterized as durable or not readily consumed in use;
    - C) Reflect an extended useful life or longevity that confers long-term (non-transitory) benefits on the citizens of the State of Illinois;

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- D) Are not subject to inherent risk of failure or rapid technological obsolescence, or primarily intended to fulfill temporary requirements;
- E) Reflect a direct interest of the State of Illinois, including its legally constituted subdivisions, in any real property to be improved, as evidenced by valid title to the real property on which the proposed improvement is to be made, or an easement interest of record that at least encompasses the proposed term of bond financing;
- F) Appreciably increase, improve or enhance the equitable interests of the State of Illinois in capital facilities, land, permanent improvements and related assets;
- G) Are considered as internal components of a project that, if considered separately, may not reflect an extended useful life, but will be bondable provided that the components are initially required for and appreciably contribute to effective functioning, or are otherwise incapable of separation from a more complex unit that in itself is bondable.
- 2) All seven factors must be present in order for an expenditure purpose to be bondable.
- 3) Notwithstanding the prescribed purposes enumerated in subsection (c)(1), a nonconforming expenditure may yet be considered bondable if it is deemed to be in the public interest, as evidenced by a substantive enactment of the General Assembly. Only Public Acts specifying a project shall be deemed a substantive enactment.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.580 Standardized Definitions and Guidelines**

The following standardized definitions and guidelines enumerate the appropriate utilization of the Build Illinois Bond proceeds appropriated to the State Librarian to finance bondable capital improvements as listed in Section 3035.575(b) of this Part.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- a) Planning. Bondable planning costs include those expenditures that are related to the public library facilities plan and architectural/engineering design required for planning the construction or installation of bondable capital improvement projects. Included are costs for schematic design development, which refers to preliminary studies developed from program statements that reflect the general functional characteristics and architectural requirements of a bondable capital improvement project; costs for definitive design development, which means the refinement of schematic design into final detailed design requirements; and costs incurred for the completion of construction documents and detailed working drawings required for bidding and construction, including any allowable reimbursables provided within an executed contract for professional and technical services.
- b) Land. Land includes expenditures for the acquisition of real property (including easements of record with an extended term, but excluding any leasehold interests obtained through rental of real property), whether obtained by purchase or by condemnation under the applicable eminent domain laws of the State of Illinois, and for all expenses directly and necessarily related to such purchase or condemnation. All necessary and reasonable expenses incurred in the acquisition of real property qualify for bond financing. These expenditures may include but are not limited to the following:
- 1) And costs;
  - 2) Appraisal fees;
  - 3) Title opinions;
  - 4) Surveying fees;
  - 5) Real estate fees;
  - 6) Title transfer taxes;
  - 7) Condemnation costs and related legal expenses.
- c) Buildings, Additions and/or Structures. Buildings, additions and/or structures shall mean and include those facilities with a roof and/or walls that have a

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

foundation. This category also includes site developments necessarily required or related to the preparation of a site for construction purposes and required built-in, special-purpose, or other fixed equipment that is permanently affixed or connected to real property in such a manner that removal would cause consequent damage to the real property to which it is affixed. All expenditures that may be classified within the category defined shall be bondable.

d) Utilities. In general, the category utilities shall mean and include expenditures for the acquisition, construction, replacement, modernization and/or extension of systems for distributing or disbursing utility services. Bondable utility costs may include, but are not limited to, the following items:

- 1) Potable water, high-temperature water for sanitary or other related purposes, domestic hot or chilled water;
- 2) Systems and associated components for disbursing or distributing electricity or providing telecommunications service, including underground or overhead distribution cables for television, computers or other modes of communication;
- 3) Steam and condensate returns;
- 4) Storm and/or sanitary sewers;
- 5) Fire hydrants and stand pipes;
- 6) Central fire and security alert systems;
- 7) Exterior lighting;
- 8) Tap-ons or extensions related to existing utility systems;
- 9) Automated temperature/environmental control systems and air and water pollution control systems;
- 10) Disposal of scientific contaminated waste and surgical waste;
- 11) Solar heating or other approved energy systems;

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 12) Sewage and water treatment facilities, equipment and related distribution systems;
- 13) Earth moving to create artificial lakes or reservoirs for utility or related conservation purposes;
- 14) Restoration of natural and/or man-made features of the site of any utilities installation to its original condition;
- 15) Trenches or ditches dug for the purpose of laying tile or providing ducts to remove excessive rainfall and prevent erosion.

e) Durable Movable Equipment

- 1) Durable movable equipment shall mean initial movable equipment, including all items of initial equipment, other than built-in equipment, that are necessary and appropriate for the functioning of a particular facility for its specific purpose, and that will be used solely or primarily in the rooms or areas covered in the subject project. Further, durable, movable equipment is defined as manufactured items that have an extended useful life, are not affixed to a building and are capable of being moved or relocated from room to room or building to building, are not consumed in use, and have an identity and function that will not be lost through incorporation into a more complex unit.
- 2) In applying the definition in subsection (e)(1), reference shall be made to the State Finance Act [30 ILCS 105], and the distinction between commodities (Section 15b of that Act) and equipment (Section 20). Within the context of that Act, the following guidelines should be applied in defining durable movable equipment:
  - A) Bondable
    - i) Equipment and furniture will be bondable.



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 2) Remodeling shall include all capital improvement projects that have the primary objective of changing the functional character of areas, modifying capacity for the number of persons who can be accommodated, and/or altering spatial relationships.
  - 3) Rehabilitation shall include all non-recurring capital improvement expenditures having the primary purpose of restoring or upgrading an existing area to original operating condition.
- h) Maintenance and Upkeep
- 1) Bondable maintenance and upkeep means and includes expenditures made beyond the regular, normal repair of physical properties (i.e., land, building and equipment) for the repair or replacement of failed or failing facility components as necessary to return a facility to its currently intended use, to prevent further damage, or to make it compliant with changes in laws, regulations, codes or standards.
  - 2) Bondable maintenance and upkeep expenditures do not include ongoing operational costs, including expenses for salaries and benefits, commodities, supplies or day-to-day, routine and normal recurring repairs to facility components.
- i) Direct Costs Associated with the Issuance of Build Illinois Bonds. Costs of this nature shall include expenses associated with advertising, printing, bond rating, security, delivery, legal and financial services, and all other expenses incident to the issuance of Build Illinois Bonds.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.585 Limitations on Expenditures of Bond Proceeds**

- a) The following expenditure purposes shall not be bondable:
  - 1) Operational and administrative expenses, such as compensation costs, travel, commodities, non-initial equipment, or other recurring expenditures that are similar in character;

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 2) Expenditures for leasing or rental of equipment and/or facilities;
- 3) Archeological digs, research or exploration;
- 4) Expenditures for routine operation, routine repair or routine maintenance of existing structures, buildings or real property that would typically be covered by operation and maintenance funds of the user agency and for reimbursement of user agencies for administration, staff or other costs;
- 5) Expenditures to acquire or construct temporary facilities or facilities whose abandonment or replacement is imminent;
- 6) Unpredictable or unusual legal expenses (other than land acquisition legal expenses), such as for special litigation, that are not ordinarily or customarily provided within the budget for a capital improvement project. These expenditures are more appropriately financed from contractual services operating funds appropriated for those purposes;
- 7) Separate purchases of sand, gravel, rock, asphalt and concrete in limited quantities; ordinary hardware items; temporary, nondurable fencing; spare and/or replacement parts and equipment; hand tools; decorative models, plaques and other commemorative memorabilia; and other commodity-type consumable items having a relatively brief expected useful life;
- 8) Expenditures for general long-range development plans, master plans, historical or archeological research, surveying, preliminary engineering studies, aerial mapping, feasibility studies, program or scope statements, or other expenditures similar in character;
- 9) Expenditures for independent landscaping improvements that are not directly associated with a bondable capital improvement project. In this context, seeding or sodding that is not primarily intended for erosion control in relation to a bondable capital improvement project shall not be bondable. Similarly, expenditures incurred for the planting of trees, shrubs, bushes or other vegetation, including revegetation, shall not be bondable improvements unless the expenses are directly and initially

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

associated with or represent an integral component of a bondable capital improvement project.

b) The following expenditure purposes shall be bondable only if those purposes demonstrate an expected useful life, based upon engineering studies, supporting technical data, or relevant precedents under similar circumstances, that is at least equal to the term of bond financing:

- 1) Purchase or installation of metal pilings or similar materials (but not riprap) for the purpose of erosion and/or flood control, provided that the impact of the proposed expenditure is to improve rather than maintain such areas;
- 2) Expenses directly related to dredging, levee, drainage, channel and/or lake improvements;
- 3) Rehabilitation of existing road and parking area surfaces;
- 4) Costs incurred in the acquisition or purchase of historical, antique or period furnishings of value, provided that:
  - A) The items are directly associated with a new capital improvement project;
  - B) The items are considered essential to the primary purpose of the project;
  - C) Acquisition of the furnishings is pursuant to the mandate of the appropriation for the project;
  - D) The items will be subject to adequate security, protection and accepted property control accountability.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

**Section 3035.EXHIBIT B Guidelines for Rating Life Safety/Legal Issues**

These guidelines utilize the designations for Class I or Class II of the fire/life safety (F/LS) and American With Disabilities Act (ADA) categories and assign higher scores if the Class I or Class II improvements amount to more than 50% of the cost of construction. On a scale of 1 to 5, points are assigned in this manner:

	<u>POINTS</u>
<u>Class I; more than 50% of construction</u>	<u>5</u>
<u>Class I; less than 50% of construction</u>	<u>4</u>
<u>Class II; more than 50% of construction</u>	<u>3</u>
<u>Class II; less than 50% of construction</u>	<u>2</u>
<u>Not Required: No fire/life safety/legal issues</u>	<u>1</u>

CLASS DESCRIPTIONS:

<u>Class I</u>	<u>More than 50% of Construction</u>	<u>(FL/S) Improvements necessary because the safety of persons is IMMEDIATELY, DIRECTLY AND CLEARLY IMPERILED.</u>
		<u>(F/LS) CODE OFFICIALS have determined that improvements are needed IMMEDIATELY to ensure safety of persons.</u>
	<u>Less than 50% of Construction</u>	<u>(ADA) Improvements CLEARLY necessary for COMPLIANCE with ADA.</u>
		<u>(+) ACCREDITATION or closing of the facility in IMMEDIATE jeopardy if improvements are not completed.</u>
<u>Class II</u>	<u>More than 50% of Construction</u>	<u>(FLS) Improvements MAY BE necessary to comply with codes and if more than 50% AVOID potential danger.</u>
		<u>(ADA) Improvements MAY BE necessary to comply with ADA and to AVOID possible non-compliance.</u>

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<u>Less than 50% of Construction</u>	<u>(+) ACCREDITATION or closing of the facility MAY BE in jeopardy if improvements are not completed.</u>
<u>Not Required</u>	<u>(F/LS) Improvements provide safer environment, but are NOT REQUIRED for code compliance or legal requirement.</u>
	<u>(ADA) Improvements provide better accessibility, but are NOT REQUIRED.</u>

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds
- 2) Code Citation: 20 Ill. Adm. Code 1286
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1286.80	Amendment
1286.210	Amendment
1286.220	Amendment
1286.230	Amendment
1286.250	Amendment
- 4) Statutory Authority: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will set connectivity requirements for stationary evidentiary breath testing instruments, correct the manufacturer of the EC-IR II, and clarify the quantitative standards for evidentiary and preliminary breath testing instruments.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do this rulemaking contain incorporations by reference? No

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: Affected municipalities, which already have a connection to the State network, may need to expand their network services. If the affected municipality does not have a State network connection, one must be established by using another connection or by obtaining one dedicated to the municipality.
- 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 amendments. The submissions must be in writing and directed to:
- Ms. Suzanne L. Y. Bond  
Interim Chief Legal Counsel  
Illinois State Police  
801 South 7<sup>th</sup> Street, Suite 1000-S  
Post Office Box 19461  
Springfield, Illinois 62794-9461
- Telephone: 217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Municipalities that house stationary evidential breath testing devices will be required to provide Ethernet connectivity for the device.
- B) Reporting, bookkeeping or other procedures required for compliance: Installation of an Ethernet connection via a DS-203 or similar device will be required for compliance.
- C) Types of professional skills necessary for compliance: An information technology specialist with knowledge of networking issues may be needed by the municipalities.
- 14) Regulatory Agenda which this rulemaking was summarized: July 2011

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

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1286  
TESTING OF BREATH, BLOOD AND URINE  
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

## SUBPART A: GENERAL PROVISIONS

Section	
1286.10	Definitions
1286.20	Grievances
1286.30	Additional Testing
1286.40	Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent
1286.50	Passive Sensors
1286.60	Department Notification
1286.70	Maintenance of Records for Approved Evidentiary Instruments
1286.75	Subpoena Procedure for Evidentiary Instruments
1286.80	<u>Installation of Approved Stationary Evidentiary Instruments, Ethernet Connectivity, Instrument</u> and Logbook <u>and Portable Evidentiary Instrument</u> Availability
1286.90	Reporting Laboratory Results

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND  
LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section	
1286.100	Licensing BAOs
1286.110	Renewal of BAO License
1286.120	Revocation and Denial of BAO License
1286.130	Authorization of BATs
1286.140	Revocation and Denial of BAT Authorization
1286.150	Accrediting BAIs
1286.160	Revocation and Denial of BAI Accreditation
1286.170	Certification of Laboratories and Laboratory Technicians
1286.180	Revocation and Denial of Laboratory Certification

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART C: EQUIPMENT

## Section

1286.200	Equipment Approval and Accuracy
1286.210	Evidentiary Instrument Approval
1286.220	Checking Approved Evidentiary Instruments for Accuracy
1286.230	Checking Approved Evidentiary Instruments for Continued Accuracy
1286.240	PBT Approval
1286.250	Checking Approved PBTs for Accuracy
1286.260	Operation of PBTs

## SUBPART D: SAMPLING PROCEDURES

## Section

1286.300	General Sampling Protocol
1286.310	Approved Evidentiary Instrument Operation
1286.320	Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.330	Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.340	Urine Collection for Determining the Concentration of Urine Alcohol (Repealed)
1286.350	Operation of PBTs (Repealed)

AUTHORITY: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 239, effective January 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 3023, effective February 1, 2001; amended at 28 Ill. Reg. 10017, effective June 30, 2004; amended at 31 Ill. Reg. 7305, effective May 1, 2007; emergency amendment at 31 Ill. Reg. 10188, effective July 9, 2007, for a maximum of 150 days;

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENTS

amended at 31 Ill. Reg. 15107, effective October 29, 2007; amended at 33 Ill. Reg. 8529, effective June 4, 2009; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 1286.80 Installation of Approved Stationary Evidentiary Instruments, Ethernet Connectivity, Instrument and Logbook and Portable Evidentiary Instrument Availability**

- a) Beginning January 1, 2012, any law enforcement agency that purchases an approved stationary evidentiary instrument shall be required to connect the instrument to the Illinois State Police network, using the LEADS network and/or through a Virtual Private Network (VPN). The installation of a Tibbo DS-203 or similar device in a manner acceptable to the Department, prior to the instrument being placed into service by a BAT, will also be required. Any and all costs associated with a LAN (Ethernet) connection to State network will be the responsibility of that law enforcement agency. Any law enforcement agency that utilizes an approved stationary evidentiary instrument on January 1, 2012 shall be required to provide Ethernet connectivity via a DS-203 or similar device in a manner acceptable to the Department by January 1, 2013, or the instrument may be placed out of service by a BAT immediately following that date. All agencies must repair any problems with a LAN (Ethernet) connection that impact connectivity to the State network.
- ba) All agencies shall have their approved evidentiary instruments available for examination by a BAT.
- cb) All agencies shall have the logbooks for their approved evidentiary instruments available for examination by a BAT.
- de) Agencies with portable evidentiary instruments may be required to transport the instrument to a specific location for its accuracy check.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: EQUIPMENT

**Section 1286.210 Evidentiary Instrument Approval**

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENTS

Approved evidentiary instruments shall print and display a breath analysis reading. Approved evidentiary instruments can print and display two or three digits to the right of the decimal point. Whether the approved evidentiary instrument prints and displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

- a) The Department shall only approve evidentiary instruments enumerated in NHTSA's list. The Department approves the following instruments for obtaining breath analysis readings:
  - 1) Intoximeters EC-IR, manufactured by Intoximeters, Inc.
  - 2) RBT IV, in conjunction with a printer, manufactured by Intoximeters, Inc.
  - 3) Intoximeters EC-IR II, manufactured by Intoximeters, Inc.
  - 4) Intoxilyzer 8000, manufactured by CMI, Inc.
  - 5) ~~Intoximeters~~Intoxilyzer EC-IR II, with serial numbers 10001 and above, manufactured by Intoximeters, Inc.
- b) Should an instrument in subsection (a) be removed from NHTSA's list, the instrument will remain an approved evidentiary instrument under this Part for a period of 18 months subsequent to removal or until this Section is amended.
- c) The Department may temporarily approve additional evidential instrumentation from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of evidentiary instruments temporarily approved for breath testing in addition to those provided in subsection (a). Evidentiary instruments may be temporarily approved for a maximum period of 18 months. The list of temporarily approved evidentiary instruments, if any, shall be available to the public upon request to the Alcohol and Substance Testing Section.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1286.220 Checking Approved Evidentiary Instruments for Accuracy**

The accuracy of all approved evidentiary instruments used to obtain a breath analysis reading

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENTS

from a subject shall be checked by a BAT.

- a) Accuracy checks are required:
  - 1) Prior to being placed in operation;
  - 2) After a breakdown has been repaired; and/or
  - 3) When an approved evidentiary instrument fails to quantitate the two required accuracy check tests within 10 percent of the reference sample's value, as adjusted for environmental factors.
- b) Approved evidentiary instruments must quantitate the reference sample within 10 percent of the reference sample's value, as adjusted for environmental factors, to be certified accurate. ~~Accuracy beyond the second digit to the right of the decimal point is not required.~~
- c) Approved evidentiary instruments shall be adjusted by a BAT when necessary to cause the instruments to quantitate the reference sample within 10 percent of the reference sample's value, as adjusted for environmental factors.
- d) The accuracy check results shall be recorded in the instrument's logbook or internal memory, or in the central repository. The automatic accuracy checks or accuracy checks performed remotely will not be entered in the instrument logbook. If the accuracy check was performed by a BAT at the instrument location, the accuracy check results shall be recorded in the instrument's logbook.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1286.230 Checking Approved Evidentiary Instruments for Continued Accuracy**

To ensure the continued accuracy of approved evidentiary instruments, a BAT or automated system shall perform accuracy checks.

- a) Checks shall be performed at least once every 62 days.
- b) Checks shall consist of at least two tests of the instrument in which the instrument quantitates a reference sample.

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENTS

- c) Approved evidentiary instruments must quantitate a reference sample within 10 percent of the reference sample's value, as adjusted for environmental factors. ~~Accuracy beyond the second digit to the right of the decimal point is not required.~~
- d) The accuracy check results shall be recorded in the instrument's logbook or internal memory, or in the central repository. The automatic accuracy checks or accuracy checks performed remotely will not be entered in the logbook. If the accuracy check was performed by a BAT at the instrument location, the accuracy check results shall be recorded in the instrument's logbook.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1286.250 Checking Approved PBTs for Accuracy**

PBTs shall be checked for accuracy by a BAT or an individual specially trained to perform PBT accuracy checks at least once every 93 days. To be accurate, the PBT must quantitate a reference sample within 10 percent of the reference sample's value, as adjusted for environmental factors. ~~Accuracy beyond the second digit to the right of the decimal point is not required.~~

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Minimum Standards For Determining Nonforfeiture Benefits For Certain Life Insurance Policies Having Intermediate Cash Benefits
- 2) Code Citation: 50 Ill. Adm. Code 1415
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1415.10	New
1415.20	New
1415.30	New
- 4) Statutory Authority: Implementing and authorized by Section 229.2 of the Illinois Insurance Code [215 ILCS 5/229.2]
- 5) Effective Date of Rulemaking: July 18, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 2554; February 14, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
  - a. Made multiple stylistic and grammatical changes at JCAR's request.
  - b. Section 1415.10, first line of first paragraph – added "a)" before "This Part";
  - c. Section 1415.10, first line of second paragraph – added "b)" before "Other products"; after "scope", added "of this Part and".
  - d. Section 1415.20, second line – before "10", added "1415."

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- e. Section 1415.30(a), third line – changed "the Standard Nonforfeiture Law" to "Section 229.2 of the Insurance Code (Standard Nonforfeiture Law for Life Insurance)".
- f. Section 1415.30(a)(4)(A), first line – changed "below" to "in subsection (a)(6)".
- g. Section 1415.30(a)(6), third line – changed the comma to a period and "excluding amounts" to "Amounts"; fourth and fifth lines, changed "and also excluding" to "shall be excluded, as shall"; seventh line, changed the comma to a period and "that the" to "The".
- h. Section 1415.30(a)(6)(C), second line – changed "below" to "in subsection (a)(7);".
- i. Section 1415.30(a)(7), fourth and fifth lines - after "an", added "annual" and deleted "per annum".
- j. Section 1415.30(a)(8), second and third lines – changed "the Standard Nonforfeiture Law [215 ILCS 5/229.2], considering" to "Section 229.2 of the Insurance Code, taking into account guaranteed benefits and premiums (whether guaranteed or indeterminate)"; fourth and fifth lines – changed "subject only to the payment of required premiums" to "provided required premiums are paid".
- k. Section 1415.30(b)(1) and (d) – before "30(a)", added "1415.".
- l. Section 1415.30(b)(2), (c) and (d) – changed "215 ILCS 5/" to "Section" and added "of the Code" after the citation.
- m. Section 1415.30(b)(2), second line and .30(c), second line – changed "considering" to "taking into account".
- n. Section 1415.30(b)(2), fourth and fifth lines and .30(c), fourth line - changed "subject only to the payment of required premiums" to "provided required premiums are paid".
- o. Section 1415.30(d), sixth line, added "when the policy was issued" after "provided".

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The intent of the Standard Nonforfeiture Law (215 ILCS 5/229.2) is to ensure that life insurance policies provide reasonable nonforfeiture benefits in the event the consumer decides to terminate the policy. A new category of life insurance has emerged offering an endowment benefit or a return of premium benefit prior to the coverage expiry date of the policy. The purpose of this regulation is to provide an interpretation of the Standard Nonforfeiture Law that results in reasonable nonforfeiture benefits for these policies.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Susan Christy, Life Actuarial Assistant  
Department of Insurance  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, Illinois 62767-0001

217/782-1759

The full text of the Adopted Rules begins on the next page.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

## TITLE 50: INSURANCE

## CHAPTER I: DEPARTMENT OF INSURANCE

## SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

## PART 1415

## MINIMUM STANDARDS FOR DETERMINING NONFORFEITURE BENEFITS FOR CERTAIN LIFE INSURANCE POLICIES HAVING INTERMEDIATE CASH BENEFITS

## Section

1415.10	Scope
1415.20	Purpose
1415.30	Methodology

AUTHORITY: Implementing and authorized by Section 229.2 of the Illinois Insurance Code [215 ILCS 5/229.2].

SOURCE: Adopted at 35 Ill. Reg. 12749, effective July 18, 2011.

**Section 1415.10 Scope**

- a) This Part applies to individual life insurance policies, other than variable and non-variable adjustable life policies and current assumption whole life policies, that provide for an endowment benefit, materially less than the policy face amount, at a specified intermediate duration during a longer period of life insurance protection. The payment of an endowment benefit does not alter or eliminate any premiums or benefits scheduled for the period subsequent to the endowment date, nor does the policy automatically terminate upon payment of the endowment benefit. Policies that offer a return of premium endowment benefit may be considered a special case of the policies subject to this Part.
- b) Other products within the scope of this Part and designed to provide similar benefits and having similar premium structures (for example, products having a cash value at the end of an initial level premium period equal to the total premiums paid) would be expected to provide minimum cash values that are determined in a manner consistent with this Part. For products with multiple endowment benefits, the minimum cash values should be determined in accordance with the principles of this Part.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

**Section 1415.20 Purpose**

The purpose of this Part is to establish minimum standards for nonforfeiture values for certain life insurance policies having intermediate cash values, as described in Section 1415.10 of this Part.

**Section 1415.30 Methodology**

- a) The following methodology shall be used in the determination of minimum cash surrender values for policies subject to this Part in accordance with the requirements of Section 229.2 of the Insurance Code (Standard Nonforfeiture Law for Life Insurance) [215 ILCS 5/229.2].
  - 1) The endowment period shall be that period of time measured from the issue date of the policy to the date when the endowment benefit becomes payable (the endowment date) under the terms of the policy.
  - 2) If the endowment benefit is added by rider to a policy, then, for minimum cash value determination purposes, the base policy and the endowment benefit are to be treated as integrated.
  - 3) Premiums under the policy may be provided through a scale of guaranteed rates for the term of the policy or through a scale of current rates that are subject to a scale of guaranteed maximum premiums; if rates are subject to a scale of guaranteed maximum premiums, the minimum cash values shall be the greater of those produced under this Part using the guaranteed maximum rates and current rate scale applicable at issue of the policy.
  - 4) Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary during the endowment period shall be an amount not less than the excess, if any, of the present value, on the anniversary, of the endowment benefit and any future incremental death benefits during the endowment period that would have been provided for by the policy if there had been no default, over the sum of:
    - A) The then present value of the adjusted premiums as defined in subsection (a)(6) corresponding to premiums that would have

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

fallen due on and after the anniversary during the endowment period; and

- B) The amount of any indebtedness to the company on the policy.
- 5) Incremental death benefits are death benefits during the endowment period in excess of the lowest death benefit provided under the policy during the endowment period.
  - 6) The adjusted premiums for the policy shall be calculated on an annual basis and shall be the uniform percentage of the respective premiums specified in the policy for each policy year during the endowment period. Amounts payable as extra premiums to cover impairments or special hazards shall be excluded, as shall any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefits. The present value, at the date of issue of the policy, of all adjusted premiums shall be equal to the sum of:
    - A) The present value of the endowment benefit and any incremental death benefits provided for by the policy during the endowment period;
    - B) 1% of the average amount of insurance (total death benefit under the policy, including any incremental death benefits) at the beginning of each of the first 10 policy years; and
    - C) 125% of the nonforfeiture net level premium, as defined in subsection (a)(7); provided, however, that no nonforfeiture net level premium shall be considered to exceed 4% of the average amount of insurance (total death benefit under the policy, including any incremental death benefits) at the beginning of each of the first 10 policy years.
  - 7) The nonforfeiture net level premium for the policy shall be equal to the present value, at the date of issue of the policy, of the endowment benefit and any incremental death benefits provided for by the policy during the endowment period, divided by the present value, at the date of issue of the

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

policy, of an annual annuity of one payable on the date of issue of the policy and on each anniversary of the policy on which a premium falls due prior to the endowment date.

- 8) The mortality rates and interest rate used in the determination of the minimum cash values for the policy shall be those applicable under Section 229.2 of the Insurance Code, taking into account guaranteed benefits and premiums (whether guaranteed or indeterminate) during the entire period death benefits are guaranteed available under the policy, provided required premiums are paid.
- b) In no event can the cash surrender value under the policy at any duration be less than the greater of:
    - 1) The minimum cash value calculated according to Section 1415.30(a) of this Part; and
    - 2) The minimum cash value at the same duration resulting from the application of the methods described in Section 229.2(3) and (4c) of the Code, taking into account guaranteed benefits and premiums (whether guaranteed or indeterminate) during the entire period death benefits are guaranteed available under the policy, provided required premiums are paid. In performing this calculation, no annual premium at any duration after the endowment period shall exceed the difference between the death benefit and the cash value at that duration.
  - c) The cash surrender values for the policy must also satisfy the consistency of progression of cash values test contained in Section 229.2(7) of the Code, taking into account guaranteed benefits and premiums (whether guaranteed or indeterminate) during the entire period death benefits are guaranteed available under the policy, provided required premiums are paid.
  - d) For policies in which the benefit is defined in more general terms as providing for a return of premiums paid or a portion of premiums paid, the procedures of Section 229.2(4c)(c) of the Code and the requirements of Section 1415.30(a) of this Part shall be applied in the determination of a revised set of minimum cash values in the event the value of the endowment benefit of the policy changes due to a change made to the premium schedule provided when the policy was issued.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Merit Commission Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 555
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
555.10	Amendment
555.210	Amendment
555.TABLE A	Amendment
- 4) Statutory Authority: 5 ILCS 100/5-15
- 5) The effective date of the amendments: July 14, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection at 360 S. College, Springfield IL 62756.
- 9) Notice of Proposal Published in Illinois Register: April 8, 2011; 35 Ill. Reg. 6053
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part No
- 15) Summary and Purpose of this rulemaking: This rulemaking codifies a change in the organizational structure of the staffing of the Secretary of State Merit Commission.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding the adopted amendments shall be directed to:

Ferdinand P. Serpe  
Secretary of State Merit Commission  
630 S. College  
Springfield, Illinois 62756

217/782-7914

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER III: SECRETARY OF STATEPART 555  
MERIT COMMISSION  
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

## SUBPART A: PUBLIC INFORMATION

Section  
555.10           Public Information

## SUBPART B: RULEMAKING

Section  
555.110         Rulemaking

## SUBPART C: ORGANIZATION

Section  
555.210         Organization of the Merit Commission

555.TABLE A       Organization Chart

**AUTHORITY:** Implementing and authorized by Section 8 of the Secretary of State Merit Employment Code [15 ILCS 310], Section 3 of the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100].

**SOURCE:** Adopted at 7 Ill. Reg. 17497, effective January 1, 1984; codified at 8 Ill. Reg. 12487; amended at 8 Ill. Reg. 18516, effective October 1, 1984; amended at 19 Ill. Reg. 13456, effective September 12, 1995; amended at 35 Ill. Reg. 12756, effective July 14, 2011.

## SUBPART A: PUBLIC INFORMATION

**Section 555.10 Public Information**

- a) The public can obtain information on programs, and activities of the Merit

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

Commission or request to inspect and/or copy documents by writing, phoning, or visiting the Merit Commission office located at 630 S. College, Springfield, Illinois 62756, ~~during normal business.~~

- b) All written requests to inspect or copy documents will be handled in accordance with the Freedom of Information Act (FOIA) ~~[5 ILCS 140]. (P.A. 83-1013, effective July 1, 1984, Supp. to Ill. Rev. Stat. 1983, ch. 116, par. 201 et seq.)~~
- c) Copies of current agendas, minutes, rules, notices of public hearings and public meetings, and annual reports will be provided free of charge. All other copies, including non-current copies of the aforementioned items, but excluding transcripts, will be provided for a fee of 50 ~~cents~~ cents per page. Copies of transcripts will be provided for the same fee as charged by the court reporter who prepared the transcript.
- d) All written requests submitted to the Merit Commission must be on an approved form, available without charge from the Merit Commission, ~~and must be submitted to the Executive Secretary of the Merit Commission.~~
- e) All oral requests will be considered promptly. However, the FOIA does not apply to oral requests.

(Source: Amended at 35 Ill. Reg. 12756, effective July 14, 2011)

## SUBPART C: ORGANIZATION

**Section 555.210 Organization of the Merit Commission**

The Commission consists of ~~five (5)~~ members, the Chairman and ~~four (4)~~ commissioners, who are appointed by the Secretary of State with the advice and consent of the Senate. ~~The administrative head of the Commission is the Executive Secretary who reports directly to the five (5) members.~~ Support staff may consist of technical advisors, hearing officers, personnel technicians, clerks, or other employees as may be necessary to carry out the ~~requirements~~ provisions of the Secretary of State Merit Employment Code [15 ILCS 310] in exercising the powers and performing the duties conferred by law upon the Commissioners. These employees are directly accountable to the ~~Chairman~~ Executive Secretary. (See Table A).

(Source: Amended at 35 Ill. Reg. 12756, effective July 14, 2011)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

**Section 555.TABLE A Organization Chart**



(Source: Amended at 35 Ill. Reg. 12756, effective July 14, 2011)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Lobbyist Registration and Reports
- 2) Code Citation: 2 Ill. Adm. Code 560
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
560.100	Amendment
560.105	New Section
560.200	Amendment
560.205	Amendment
560.210	Amendment
560.220	Amendment
560.225	New Section
560.300	Amendment
560.301	New Section
560.305	Amendment
560.310	Amendment
560.315	Amendment
560.330	Amendment
560.370	Amendment
560.371	Amendment
560.375	Amendment
560.380	Amendment
560.385	Amendment
560.390	Amendment
560.395	Amendment
560.400	Amendment
560.405	Amendment
560.410	Amendment
560.420	Amendment
560.430	New Section
- 4) Statutory Authority: Lobbyist Registration Act [25 ILCS 170]
- 5) Effective Date of Amendments: July 18, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: February 4, 2011; 35 Ill. Reg. 1870
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: All nonsubstantive, technical changes recommended by JCAR and the agency were made, and the reporting of non-expenditure related lobbying activity was removed from Section 560.310.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No. A companion emergency rulemaking expired on June 19, 2011.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Implements lobbyist registration and expenditure reporting processes under Public Acts 96-555 and 96-1358.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:  
  
Michelle Nijm  
Assistant General Counsel  
Office of the General Counsel  
100 W. Randolph Street, #5-400  
Chicago, Illinois 60601  
  
312/814-3154
- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER III: SECRETARY OF STATEPART 560  
LOBBYIST REGISTRATION AND REPORTS

## SUBPART A: DEFINITIONS

Section	
560.100	Definitions
<u>560.105</u>	<u>Designated Officials</u>

## SUBPART B: LOBBYIST REGISTRATION

Section	
560.200	Persons Required to Register
560.205	Designation and Duties of Authorized Agent
560.210	Persons Not Required to Register
560.220	Registration Requirements
<u>560.225</u>	<u>Ethics Training</u>
560.230	Failure to Register (Repealed)

## SUBPART C: REPORTING REQUIREMENTS

Section	
560.300	Persons Required to File <u>Semi-monthly Expenditure</u> Reports
<u>560.301</u>	<u>Affirmations</u>
560.305	Time, Place and Manner for Filing <u>Semi-monthly Expenditure</u> Reports
560.310	Categorizing Expenditures
560.315	Allocating Expenditures
560.320	Large Gatherings and Giveaways
560.325	Reporting Expenditures by Participants in Grass Roots Lobbying Events
560.326	Registrant's Duties for Grass Roots Lobbying Events
560.330	Expenditures for Immediate Family Members of Officials
560.340	Travel and Lodging Accommodations for Officials
560.345	Members of Legislative or State Study Committees
560.350	Personal and Office Expenses

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

560.355	Registrant's Duties for Grass Roots Lobbying Events (Repealed)
560.360	Salaries, Fees and Compensation
560.365	Contributions Reported Under the Election Code
560.370	Returned <del>Expenditures</del> <del>Gifts and Honoraria</del> /Reimbursement by Official
560.371	Lobbyist Notifications to Officials
560.372	Official's Clarification Notice
560.375	Reports in the Absence of Reportable Expenditures
560.380	Amending Reports
560.385	Termination of Lobbying Activities
560.390	Failure to File Registration Statements and <del>Semi-monthly</del> <del>Expenditure</del> Reports
560.395	Preservation of Records

## SUBPART D: PUBLIC DISCLOSURE

## Section

560.400	Requests for Reports
560.402	Location and Business Hours
560.405	Official Forms
560.410	List of Officials
560.420	Fees
<u>560.430</u>	<u>Enforcement</u>

## 560.APPENDIX A Lobbyist Registration Statements

560.ILLUSTRATION A	Form R1: Lobbyist Registration Statement – For Individual/Firm/Partnership/Committee/ Association/Corporation or any Other Organization Employing a Lobbyist on Their Own Behalf (Repealed)
560.ILLUSTRATION B	Form R2: Lobbyist Registration Statement – For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Who Performs Lobbying Services on Behalf of Another (Repealed)
560.ILLUSTRATION C	Attachment R1/R2: Lobbyist Registration Attachment – For Individual Lobbyist (Repealed)
560.ILLUSTRATION D	Form R3: Lobbyist Registration Attachment – For Addition or Deletion of Affiliated Lobbyists (Repealed)
560.ILLUSTRATION E	Form R4: Lobbyist Registration Attachment – For Addition or Deletion of Affiliated Clients (Repealed)
560.APPENDIX B	Lobbyist <del>Semi-monthly</del> <del>Expenditure</del> Reports

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

560.ILLUSTRATION A	Form S1: Lobbyist <del>Semi-monthly Expenditure</del> Report – Summary of Reportable Expenditures (Repealed)
560.ILLUSTRATION B	Schedule 1A/2A: Lobbyist Expenditure Report – Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)
560.ILLUSTRATION C	Schedule 1B/2B: Lobbyist Expenditure Report – Non-Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)
560.ILLUSTRATION D	Schedule 2C/3C: Lobbyist Expenditure Report – Expenditures for Large Gatherings <del>or Giveaways</del> (Repealed)
560.ILLUSTRATION E	Schedule 3A/4A: Lobbyist Expenditure Report – Itemized Expenditures for Gifts or Honoraria (Repealed)
560.ILLUSTRATION F	Schedule 3B/4B: Lobbyist Expenditure Report – Non-Itemized Expenditures for Gifts and Honoraria (Repealed)
560.ILLUSTRATION G	Schedule GR1: Lobbyist Expenditure Notification – Expenditures Notification in Connection with a Grass Roots Lobbying Event (Repealed)

AUTHORITY: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170].

SOURCE: Adopted at 18 Ill. Reg. 22532, effective January 1, 1994; amended at 21 Ill. Reg. 405, effective January 1, 1997; emergency amendment at 22 Ill. Reg. 22419, effective December 8, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 5856, effective May 3, 1999; amended at 24 Ill. Reg. 6708, effective April 14, 2000; emergency amendment at 35 Ill. Reg. 2424, effective January 21, 2011, for a maximum of 150 days; emergency expired June 19, 2011; amended at 35 Ill. Reg. 12761, effective July 18, 2011.

## SUBPART A: DEFINITIONS

**Section 560.100 Definitions**

The following definitions shall apply to this Part:

"Act" means the Lobbyist Registration Act [25 ILCS 170].

*"Administrative action" means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing*

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

*agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any executive agency, department, board or commission of the State.* (Section 2(i) of the Act) It shall not include any correspondence or direct lobbying communication to an official providing a response to an official's request.

"Allocation" means the proration of the expenditure made for lobbying an official when the expenditure is made for more than one official, but fewer than 25 officials.

"Authorized Agent" means the person designated by *an entity or lobbyist registered under the Act as the person responsible for the accurate submission and retention of reports required under the Act.* (Section 2(l) of the Act) ~~the registered entity to be responsible to the Secretary of State for the accurate submission of lobbyist registration statements and expenditure reports required under this Part.~~ The authorized agent need not register unless he or she is a lobbyist, as defined in this Section.

"Client" means an individual, firm, partnership, committee, association, corporation or any other organization on whose behalf a lobbyist influences officials with respect to executive, administrative and legislative action.

*"Compensation" means any money, thing of value or financial benefits received or to be received in return for services rendered or to be rendered, for lobbying, as defined in this Section herein. Monies paid to officials by the State as remuneration for performance or reimbursement of expenses in connection with their constitutional and statutory duties as officials shall not constitute compensation.* (Section 2 of the Act)

"Complete Report" means a statement, or report to be filed with the Secretary of State Index Department in apparent and substantial conformity with the requirements of this Part that shall contain the electronic acknowledgements ~~signature~~ of the authorized agent, the completion of all applicable sections of the statement or report, and the attachment of all appropriate schedules.

"Direct Lobbying Communication" means any activity concerning the direct contact of officials in person or by means of correspondence, telephone or other

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

electronic medium for the purpose of influencing executive, legislative or administrative action. Any correspondence or contact of a routine nature with an official's office, or by a citizen lawfully petitioning a public official pursuant to Section 9 of the Act, shall not be considered direct lobbying communication, unless the communication is made by a hired lobbyist or is in conjunction with a reportable expenditure.

"Due Diligence" means when a lobbyist or authorized agent for any registered entity shows that best efforts have been used to obtain, maintain and submit the information required by the Act. With regard to filing complete reports, the authorized agent will not be deemed to have exercised due diligence unless he or she has access to the expense records of the entity's lobbyists, and has made at least one written request to obtain ~~such~~ information required by the Act from the lobbyist ~~that~~which informs the lobbyist that the reporting of ~~that~~such information to the authorized agent is required by law or regulation. This definition should not be construed as a requirement that the authorized agent review the lobbyist's expense records if the lobbyist certifies their accuracy to the authorized agent.

"Employer" means the individual, firm, partnership, committee, association, corporation or any other organization or group of persons by whom a lobbyist is employed, and not the name of the lobbyist's supervisor.

*"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a State entity of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.* (Section 2(g) of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

*"Expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure, for the ultimate purpose of influencing executive, legislative or administrative action, other than compensation as defined in this Section~~herein~~.* (Section 2(b) of the Act) For the purposes of this Part, Subpart C, "expenditure" refers to a reportable expenditure made on behalf of an official in one of the ~~6~~four categories described in Section 6 of the Act and Section 560.310 of this Part.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

"File", "Filed" and "Filing" means the submission of a complete report, as defined in this Section, to the Secretary of State Index Department by the close of business on the prescribed filing date. Registration statements, semi-monthly reports, and any other required reports or correspondence shall be completed online, using the Secretary of State Index Department website (<http://www.cyberdriveillinois.com/departments/index/home.html>) unless otherwise instructed. ~~Registration statements and expenditure reports shall be filed at either 111 East Monroe Street, Springfield, Illinois 62756, or at 17 N. State, Chicago, Illinois 60602, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding official State holidays. Forms may be sent by mail with a postmark date no later than the filing deadline.~~ If the filing deadline falls on a weekend or a holiday, the deadline will be extended to the next business day unless otherwise instructed. The Index Department shall notify any lobbying registered entity who has failed to submit a complete report and pay proper fees as required by Sections 560.220 and 560.390. An entity that fails to file a complete entity registration statement, semi-monthly report, or other required report or correspondence and/or pay proper fees shall not be considered a registered lobbying entity by the Secretary of State.

"Goodwill" means, for reporting purposes, any expenditure made on behalf of officials thatwhich has no direct relation to a specific executive, legislative or administrative action, regardless of whether the lobbyist making the expenditure is reimbursed by his or her employing registered entity or client. Goodwill should be reported as the subject matter whenwhere no specific action is discussed.

"Grass Roots Lobbying Communication" means:

correspondence by a representative (a lobbyist or a non-lobbyist) of a registered entity to the general public, or any segment thereof, encouraging correspondence to an official's office in support of, or opposition to, an executive, legislative or administrative action;

correspondence by a member of the general public, or any segment thereof, to an official's office in support of, or opposition to, an executive, legislative or administrative action when such correspondence is a result of a communication described above in this definition. A reportable expenditure made for or on behalf of an official by a member of the

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

general public as a result of a grass roots lobbying communication shall constitute lobbying activity requiring that individual to register as a lobbyist unless that person reports the expenditure to the registered entity pursuant to Section 560.325.

"Grass Roots Lobbying Event" means:

any organized activity sponsored by a registered entity that is intended to influence the actions of officials by inviting or transporting participants (e.g., members, employees, constituents or the general public) to a specific site on the grounds of, or in the proximity of, public offices or other meeting places where officials are expected to be accessible for grass roots lobbying; or

any event to which officials are invited that is sponsored by a non-lobbyist member or employee of a registered entity, e.g., an on-site inspection of, or reception at, the member's or employee's place of business, or a social gathering at any location. Reportable expenditures incurred as a result of the event shall be reported to the registered entity pursuant to Section 560.325.

*"Honorarium" means a payment of money to a member of the General Assembly for an appearance or speech, excluding any actual and necessary travel expenses incurred by the member (and one relative) to the extent that those expenses are paid by any other person. [5 ILCS 420/2-110]*

*"Influencing" means any communication, action, or reportable expenditure ~~as prescribed in Subpart C of this Part~~ or other means used to promote, support, affect, modify, oppose or delay any executive, legislative or administrative action or to promote goodwill with officials, as defined ~~in this Section~~ ~~herein~~. (Section 2(f) of the Act)*

*"Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or passage or defeat of any bill, amendment, resolution, report, nomination, administrative rule, or other matter by either house of the General Assembly or a committee thereof, or by a legislator. Legislative action also means the action of the Governor in approving or vetoing any bill or portion thereof, and the action of the Governor or any*

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

*agency in the development of a proposal for introduction in the legislature.* (Section 2(h) of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

*"Lobby" and "Lobbying" means any communication with an official of the executive or legislative branch of State government as defined in this Sectionherein for the ultimate purpose of influencing any executive, legislative or administrative action.* (Section 2(e) of the Act) Lobbying shall not be construed to infringe in any way the right of a citizen to lawfully petition any public official by any means of communication. The following are hereby excluded from the definition of "lobbying":

Any grass roots lobbying communication as defined in this Sectionherein;

Any communication by a candidate or political committee, as defined in Article 9 of the Election Code [10 ILCS 5/9], in relation to the candidate's campaign, or other communications by a political party committee registered with the Illinois State Board of Elections or Federal Election Commission;

Any communication by a political committee registered with the Illinois State Board of Elections or Federal Election Commission in connection with a question of public policy referendum to be presented to the electors; and

Any professional or technical assistance or ministerial function (a function in which nothing is left to discretion) as a normal course of business (see Section 560.210(c), (d), and (n) of this Part).

*~~"Lobbyist" means any natural person who is employed by a registered entity who undertakes to lobby State government as defined in this Section. (Section 2(j) of the Act) direct lobbying communication with an official as defined herein for the ultimate purpose of influencing executive, legislative or administrative action.~~*

*"Lobbying entity" means any entity that hires, retains, employs or compensates a natural person to lobby State government as provided in this Section. (Section 2(k) of the Act)*

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

"Official" means:

*the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer and State Comptroller and their Chiefs of Staff;*

*Cabinet members of any elected constitutional officer, including Directors, Assistant Directors and Chief Legal Counsel or General Counsel, and other position titles of comparable ranking that are deemed by their employing Constitutional Officer to be an official under this Part; and*

*Members of the General Assembly; and-*

*Members of any board, commission, authority, or task force of the State authorized or created by State law or by executive order of the Governor that has authority to make binding recommendations or determinations. (Section 2(c) of the Act) (See Section 560.105 for additional information.)*

"Official" shall not be construed to include those individuals possessing power of attorney on behalf of an official.

"Person" means any individual, firm, partnership, committee, association, corporation or any other organization or group of persons. (Section 2(a) of the Act)

"Picture" means an original or photocopied photograph of a lobbyist to be affixed to the lobbyist's registration attachment.

"Professional Services and Technical Skills" shall be limited to advice and analysis directly applying any professional or technical discipline (see Section 560.210(c) and (d) of this Part). Being a professional or technical person does not in itself exempt a person from registering if that person undertakes a direct lobbying communication or makes a reportable expenditure.

~~"Registered Entity" means the firm, partnership, committee, association, corporation or any other organization or group of persons who has filed, as defined in this Section, a lobbyist registration statement with the Secretary of State Index Department as prescribed in Section 560.200(b). A self-employed~~

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

~~individual who is not officially organized as a corporation or firm is considered such for purposes of this definition.~~

"Vendor" means any person who sells or leases commodities, equipment, or real estate to the State of Illinois.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.105 Designated Officials**

As indicated in Section 560.100, the term "official" means all members of the General Assembly; all elected constitutional officers (Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and State Comptroller), their Chiefs of Staff, their cabinet members (including Directors, Assistant Directors, and General Counsels or Chief Legal Counsels) and all position titles the employing constitutional officer deems comparable; and members of any board, commission, authority, or task force of the State authorized or created by State law or by executive order of the Governor that has authority to make binding recommendations or determinations. (Section 2(c) of the Act) For reporting purposes, the term "official" includes the following positions, boards, commissions, authorities, and task forces:

**MEMBERS OF THE GENERAL ASSEMBLY****CONSTITUTIONAL OFFICERS**

Governor  
Lieutenant Governor  
Attorney General  
Secretary of State  
Comptroller  
Treasurer

**ATTORNEY GENERAL'S OFFICE**

Chief Deputy Attorney General  
Chief of Staff  
Counsel to the Attorney General  
Deputy Attorney General/Child Support Enforcement  
Deputy Attorney General/Civil Litigation

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

Deputy Attorney General/Criminal Justice  
Deputy Attorney General/Springfield & Regional Coordination  
Deputy Chief of Staff/Administration  
Deputy Chief of Staff/Policy & Legislative Affairs  
Senior Counsel to the Attorney General  
Solicitor General

**COMPTROLLER'S OFFICE**

Assistant Comptroller – Fiscal Policy  
Assistant Comptroller – Operations  
Assistant Comptroller – Policy & Planning  
Chief of Staff  
Deputy Director of Legal Affairs  
Director of Administrative Services & Budget  
Director of Cemetery Care & Burial Trusts  
Director of Communications  
Director of Financial Reporting  
Director of Human Resources  
Director of Information Technology  
Director of Internal Audits  
Director of Issues Development  
Director of Legal Affairs  
Director of Legislative Affairs  
Director of Local Government  
Director of Research & Fiscal Information  
Director of State Accounting  
Legislative Liaison  
Press Secretary  
Purchasing Agent

**LIEUTENANT GOVERNOR'S OFFICE**

Director of Constituent Services  
Director of Intergovernmental Affairs  
Director of Operations  
Director of Rural Affairs  
General Counsel

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Legislative Counsel  
Policy Assistant  
Senior Policy Advisor

**SECRETARY OF STATE'S OFFICE**

Chief Auditor  
Deputy Chief Auditor  
Deputy Chief of Staff  
Deputy Director of Intergovernmental Affairs  
Deputy Secretary of State/Chief of Staff  
Director of Intergovernmental Affairs  
Director of Policy and Programs  
General Counsel  
Inspector General  
Executive Inspector General  
Press Secretary

Directors, Chief Deputy Directors and Deputy Directors  
of the following departments:

Accounting Revenue  
Administrative Hearings  
Archives  
Budget and Fiscal Management  
Business Services  
Communications  
Court of Claims  
Driver Services  
Index  
Information Technology  
Legislative Affairs  
Library  
Personnel  
Physical Services  
Police  
Securities  
Vehicle Services

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

**TREASURER'S OFFICE**

[Chief Internal Auditor](#)  
[Chief of Staff](#)  
[Chief Procurement Officer](#)  
[Deputy Chief of Staff for Administration](#)  
[Deputy Chief of Staff for Programs](#)  
[Deputy Director of Legislative Affairs](#)  
[Deputy Press Secretary](#)  
[Deputy Treasurer/CFO](#)  
[Director of College Savings](#)  
[Director of Communications](#)  
[Director of Community Affairs](#)  
[Director of Financial Education](#)  
[Director of Human Resources](#)  
[Director of the Illinois Funds](#)  
[Director of Information Technology](#)  
[Director of Invest in Illinois](#)  
[Director of Marketing](#)  
[Director of Scheduling and Advance](#)  
[Director of Technical and Support Services](#)  
[Director of Unclaimed Property](#)  
[Director of Legislative Affairs](#)  
[General Counsel](#)  
[Manager of Accounting](#)  
[Manager of Banking](#)  
[Manager of Warrant](#)  
[Portfolio Manager](#)  
[Press Secretary](#)

**GOVERNOR'S OFFICE**

[Chief of Staff](#)  
[Deputy Chief of Staff – Economy & Labor](#)  
[Deputy Chief of Staff – Education](#)  
[Deputy Chief of Staff – Intergovernmental Affairs](#)  
[Deputy Chief of Staff – Legislative Affairs](#)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Deputy Chief of Staff – Operations  
Deputy Chief of Staff – Public Safety  
Deputy Chief of Staff – Social Services  
Deputy Governor  
Director of Communications  
Director of Office of Management & Budget  
Director of Policy Development  
General Counsel

**CODE DEPARTMENTS:**

Directors, Assistant Directors and General Counsel of the following agencies:

Aging  
Agriculture  
Central Management Services  
Children and Family Services  
Commerce and Economic Opportunity  
Corrections  
Employment Security  
Financial and Professional Regulation  
Healthcare and Family Services  
Human Rights  
Human Services \*\*  
Illinois Power Agency  
Juvenile Justice  
Labor  
Lottery  
Natural Resources  
Public Health  
Revenue  
State Police  
Transportation \*\*  
Veterans Affairs

\*\* Secretary, Assistant Secretary and General Counsel  
of this Agency

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

**NON-CODE DEPARTMENTS:**

Directors, Assistant Directors and General Counsel of the following agencies:

Emergency Management Agency  
Environmental Protection Agency  
Fire Marshal  
Historic Preservation Agency  
Military Affairs

**BOARDS, COMMISSIONS, TASK FORCES AND AUTHORITIES:**

Members, Executive Directors and General Counsel of the following:

Block Grants, Advisory Committee on  
Boiler and Pressure Vessel Rules Board  
Capital Development Board  
Carnival-Amusement Safety Board  
Charitable Trust Stabilization Committee  
Chicago Transit Authority Board  
Civil Service Commission  
Commerce Commission  
Comprehensive Health Insurance Board  
Conservation Foundation  
Court of Claims  
Credit Union Advisors Board  
Currency Exchange Advisors Board  
Downstate Illinois Sports Facilities Authority Board  
Educational Labor Relations Board  
Environmental Health Practitioners Board  
Executive Ethics Commission  
Gaming Board  
General Assembly Retirement System, Board of Trustees  
Health Facilities and Services Review Board  
Higher Education, Board of  
Historic Preservation Agency, Board of Trustees  
Hospital Licensing Board  
Human Rights Commission

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

[Illinois Arts Council](#)  
[Illinois Development Finance Authority](#)  
[Illinois Educational Facilities Authority](#)  
[Illinois Finance Authority](#)  
[Illinois Global Partnership, Inc., Board of Directors](#)  
[Illinois Health Facilities Authority](#)  
[Illinois Housing Development Authority](#)  
[Illinois Juvenile Justice Commission](#)  
[Illinois Math and Science Academy, Board of Trustees](#)  
[Illinois Medical District Commission](#)  
[Illinois Public Safety Agency Network, Inc., Board of Directors](#)  
[Illinois State Board of Investment](#)  
[Illinois State Toll Highway Authority](#)  
[Illinois Student Assistance Commission](#)  
[Illinois Workers' Compensation Commission](#)  
[Joint Committee on Administrative Rules](#)  
[Judges' Retirement System, Board of Trustees](#)  
[Labor Relations Boards, State and Local](#)  
[Liquor Control Commission](#)  
[Local Records Commission](#)  
[Lottery Control Board](#)  
[Merit Commission for the Office of the Comptroller](#)  
[Merit Commission for the Secretary of State](#)  
[Metropolitan Pier and Exposition Authority](#)  
[Minority Controlled and Female Controlled Business Loan Board](#)  
[Motor Vehicle Review Board](#)  
[Personnel Review Board for the Treasurer](#)  
[Pollution Control Board](#)  
[Prisoner Review Board](#)  
[Property Tax Appeal Board](#)  
[Purchased Care Review Board](#)  
[Racing Board](#)  
[Savings Institutions Board](#)  
[Small Business Utility Advocate](#)  
[Sports Facilities Authority Board](#)  
[State Board of Education](#)  
[State Board of Elections](#)  
[State Employees' Retirement System, Board of Trustees](#)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

State Mining Board  
State Police Merit Board  
State Universities Retirement System, Board of Trustees  
Teachers' Retirement System, Board of Trustees  
Workforce Investment Board

(Source: Added at 35 Ill. Reg. 12761, effective July 18, 2011)

## SUBPART B: LOBBYIST REGISTRATION

**Section 560.200 Persons Required to Register**

The following individuals shall register with the Secretary of State Index Department:

- a) Any natural person who, for compensation or otherwise, ~~either individually or as an employee or contractual employee of another person, undertakes to lobby as defined in Section 560.100. influence executive, legislative or administrative action by any direct lobbying communication with an official of the executive or legislative branch of State government even if lobbying constitutes a small percentage of the employee's job duties.~~ (Section 3(a) of the Act)
- b) Any person or entity who employs, retains, or compensates another person for the purposes of lobbying, even if lobbying constitutes a small percentage of the individual's duties~~influencing executive, legislative or administrative action by any direct lobbying communication with an official of the executive or legislative branch of State government.~~ (Section 3(a) of the Act) For example, XYZ Corporation is required to register upon retaining a lobbying registered entity that does not lobby exclusively for XYZ Corporation, or upon employing an individual to lobby exclusively for XYZ Corporation.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.205 Designation and Duties of Authorized Agent**

- a) Every lobbying registered entity shall designate on its Registration Statement an authorized agent who shall be responsible for keeping copies of the expenditure and registration records provided to him or her by that entity's lobbyists.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- b) For each lobbyist registering independently pursuant to Section 560.220, the Index Department shall assume that the authorized agent is the lobbyist himself or herself unless the lobbyist has specifically designated another individual as his or her agent.
- cb) The authorized agent shall be the Index Department's contact person for the registered entity. Notices from the Department will be mailed only to the authorized agent. The authorized agent shall notify the Department of any change of address.
- de) No registered entity shall have a vacancy in the position of authorized agent. The Department shall continue to send notices to the authorized agent designated until a registered entity notifies the Department in writing of the new authorized agent.
- ed) The authorized agent shall submit the official semi-monthly expenditure reports on behalf of the registered entity, consolidating the expenditure information for all of the lobbyists for that entity ~~(see Subpart C of this Part)~~.
- fe) The Index Department shall not accept registration statements and semi-monthly expenditure reports that are signed by anyone other than the authorized agent unless accompanied by a written explanation.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.210 Persons Not Required to Register**

This Part is not intended and shall not be construed to apply to the following:

- a) *Persons or entities who, for the purpose of influencing any executive, legislative or administrative action and who do not make expenditures that are reportable pursuant to Section 6 of the Act, Subpart C of this Part, appear without compensation or promise thereof only as witnesses before committees of the House and Senate for the purpose of explaining or arguing for or against the passage of or action upon any legislation then pending before ~~those such~~ committees, or who seek without compensation or promise thereof the approval or veto of any legislation by the Governor. (Section 3(a)(1) of the Act)*
- b) *Persons or entities that ~~who~~ receive no compensation from their immediate*

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

employer or association *other than reimbursement for expenses of up to \$500 per year while engaged in lobbying State government, unless those persons made expenditures that are reportable under Section 6 of the Act~~Subpart C of this Part.~~ (Section 3(a)(8) of the Act)* Volunteers for non-profit registered entities who undertake a direct lobbying communication within the scope of their volunteer activities are not required to register unless they make reportable expenditures. However, this exemption does not apply to non-profit entities engaged in direct lobbying communications.

- c) *Persons or entities performing professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation when those~~where such~~ professional services are not otherwise, directly or indirectly, connected with executive, legislative or administrative action. (Section 3(a)(3) of the Act)* Examples include, but are not limited to, the following:
- 1) an entity that monitors or drafts legislation on behalf of its members or clients, but does not engage in direct lobbying communications with officials or make reportable expenditures;
  - 2) an individual employed by a registered or non-registered entity who monitors or drafts legislation on behalf of his or her employer or client, but does not engage in direct lobbying communications with officials or make reportable expenditures.
- d) *Persons or entities in possession of~~who possess~~ technical skills and knowledge relevant to certain areas of executive, legislative or administrative actions, whose skills and knowledge would be helpful to officials regardless of whether the~~such~~ assistance was requested when considering such actions, whose activities are limited to making occasional appearances for or communicating on behalf of a registrant and who do not make expenditures that are reportable pursuant to Section 6 of the Act~~Subpart C of this Part~~ even though receiving expense reimbursement for those~~such~~ occasional appearances. (Section 3(a)(6) of the Act)* Examples include, but are not limited to the following:
- 1) A group of physicians (or individual physician if the firm is registered under this Part) that prepares a report on a particular health issue that is used to inform officials on the subject in connection with a hospital's

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

~~efforts to lobby for additional funding. The physician's or physicians' contact with officials shall be limited to explanation of the medical subject matter and shall not attempt to influence the hospital's funding. 1) A law firm (or individual lawyer if the firm is a registered entity) that prepares a contract for a client that is lobbying for a purchasing agreement. The firm's or lawyer's contact with officials shall be limited to the explanation of the contract terms, and shall not attempt to influence the procurement of the contract.~~

- 2) An engineering firm (or individual engineer if the firm is a registered ~~under this Part~~entity) that prepares a technical analysis on structural performance or operational capability ~~that~~which is used in the preparation for, or negotiation of, a bid or any other executive or administrative action. The firm's or engineer's contact with officials shall be limited to the explanation of the analysis; and shall not attempt to influence the procurement of the bid.
- e) *Employees of the General Assembly, legislators, legislative agencies and legislative commissions who, in the course of their official duties only, engage in activities that otherwise qualify as lobbying. (Section 3(a)(5) of the Act)*
- f) *Persons or entities who are employees of departments, divisions, or agencies of State government, and who appear before committees of the House and Senate for the purpose of explaining how the passage of or action upon any legislation then pending before ~~those~~such committees will affect ~~those~~said departments, divisions or agencies of State government. (Section 3(a)(4) of the Act) No communication by a department, division, agency or employees thereof acting within the scope of their employment regarding any executive, legislative or administrative action shall be construed as lobbying activities requiring a department, division or agency of State government or its employees to register under this Part.*
- g) *Any full-time employee of a bona fide church or religious organization who represents that organization solely for the purpose of protecting the right of the members thereof to practice the religious doctrines of ~~that~~such church or religious organization, or any such bona fide church or religious organization. (Section 3(a)(7) of the Act)*
- h) *Persons or entities who own, publish, or are employed by a newspaper or other*

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

regularly published periodical, or who own or are employed by a radio station, television station or other bona fide news medium ~~that which~~ in the ordinary course of business disseminates news, editorial or other comment, or paid advertisements ~~that which~~ directly urge the passage or defeat of legislation.

- 1) This exemption shall not be applicable to such an individual insofar as he receives additional compensation or expenses from some source other than the bona fide news medium for the purpose of influencing executive, legislative or administrative action.
- 2) This exemption does not apply to newspapers and periodicals owned by or published by trade associations and not-for-profit corporations engaged primarily in endeavors other than dissemination of news. (Section 3(a)(2) of the Act)
  - i) Any attorney or group or firm of attorneys in the course of representing a legal client in any administrative or judicial proceeding in which ex parte communications are not allowed and who does not make expenditures that are reportable under Section 6 of the ActSubpart C, or any witness providing testimony in any administrative or judicial proceeding, in which ex parte communications are not allowed and who does not make expenditures that are reportable pursuant to Section 6 of the ActSubpart C of this Part. The act of representing a legal client in any administrative or judicial proceeding begins with the retaining of legal counsel for that purpose.
  - j) Persons who, in the scope of their employment as a vendor, regardless of any ownership interest in same, offer or solicit an official for the purchase or lease of any goods or services where:
    - 1) ~~thesaid~~ solicitation is limited to either an oral inquiry or written advertisements and informative literature; or
    - 2) ~~thesaid~~ goods and services are subject to pre-qualification or competitive bidding requirements of the Illinois Procurement Code [30 ILCS 500]Purchasing Act, Architectural, Engineering, and Land Surveying Qualifications Based Selections Act [30 ILCS 535], ~~State Paper Purchasing Act, State Printing Contracts Act~~, Governmental Joint Purchasing Act [30 ILCS 525], and ~~Minority and Female~~ Business

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575]; or

- 3) ~~thesaid~~ goods and services are for sale at a cost not to exceed \$5,000; and
- 4) ~~thesuch~~ persons do not make expenditures that are reportable under Section 6 of the Act. (Section (3)(a)(10) of the Act)Subpart C of this Part. (Section 4 of the Act)
- k) National, State, ~~county~~ or local government units and school districts~~political subdivisions, including municipalities, school districts, and other units of local government~~, and elected or appointed officers or employees thereof, who, within the scope of their public office or employment, lobby exclusively for one of the aforementioned units of government. For purposes of this Part, a "unit of local government" shall mean a unit of local government as defined by Article VII, Section 1 of the Illinois Constitution.
- l) Persons who make incidental contacts with officials at business or social functions where executive, legislative or administrative action is discussed and who do not make a reportable expenditure pursuant to Section 6 of the Act~~Subpart C~~. However, the person or entity sponsoring the event or making a reportable expenditure in connection with the event is not exempt from registering under this subsection.
- m) Individuals or entities employed by a lobbyingregistered entity or other participants in a grass roots lobbying event whose lobbying activity is limited to participation at a grass roots lobbying event, and who report expenditures to the lobbyingregistered entity as prescribed by Section 560.325. However, persons or entities performing contractual grass roots lobbying communication services involved in organizing a grass roots lobbying event or communication shall register if there is contact with officials other than the routine communication ~~that~~which is the subject of the contract.
- n) Persons who perform ministerial functions in conjunction with an executive, legislative or administrative action ~~that~~which require routine written correspondence or contact with officials shall not subject a person to register pursuant to this Part (for example, an assistant arranging an appointment between a lobbyist and an official).

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- o) Any attorney or group or firm of attorneys in the course of representing a client in an administrative or executive action involving a contractual or purchasing arrangement who does not make expenditures that are reportable pursuant to Section 6 of the Act. (Section 3(a)(9.5) of the Act)
- p) A person or entity claiming an exemption under Section 3 of the Act shall complete a statement of exemption and shall certify under penalties existing under the Act and Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109] that the person or entity is not required to register under the Act. (Section 3(c) of the Act) The statement of exemption shall include the individual's or entity's name, address, phone number, fax number, contact person, and contact person's email address, and shall indicate the particular exemption claimed under Section 3 of the Act.
- q) In addition, the individual or entity shall also cite any further statutory authority that provides a basis on which the individual or entity may claim an exemption from registration, such as an enacting statute that designates an entity as a unit of local government.
- r) Each lobbying entity shall inform its clients of the requirement to register under the Act or to file a statement of exemption. All individuals or entities claiming an exemption shall utilize the form available on the Secretary of State Index Department website.
- s) Nothing prohibits the Secretary from rejecting a statement of exemption and requiring a person or entity to register should the Secretary determine the individual or entity is not eligible for the claimed exemption. (Section 3(c) of the Act)

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.220 Registration Requirements**

- a) Every natural person and every entity required to register under the Act ~~Section 560.200~~ shall register each and every year, or before any such service is performed which requires the natural person or entity to register, but in any event not later than 2 business days after being employed or retained. (Section 5 of the

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

~~Act) No person shall engage in lobbying or employ any person for the purpose of lobbying who is not registered with the Office of the Secretary of State except on condition that the person register and the person does in fact register within ten (10) working days of an agreement to conduct any lobbying activity (Section 5 and Section 3(b) of the Act).~~ Every lobbying registered entity shall designate a person as an authorized agent (see Sections 560.100 and 560.205) who shall be responsible for reporting under this Part.

- b) The authorized agent shall file an Entity Registration Statement and an Exclusive Lobbyist Information Statement for all persons who lobby exclusively for the entity even if lobbying is a small percentage of that person's job duties. ~~The authorized agent shall use official forms or copies thereof for the submission of registration statements (See Section 560.405).~~
- c) ~~Every natural person and every entity~~ Upon the beginning of each calendar year, entities required to register under the Act Section 560.200 shall annually renew his or her registration on or before register by January 31 ~~of each for that~~ year if continuing its lobbyist activities ~~are continuing~~ from the previous year. By December 15 of each year, the Secretary of State Index Department will send to all current authorized agents reminder notices of the January 31 deadline. Nothing in this Section shall relieve a lobbyist or lobbying entity from the requirement to register before commencing lobbying activities in a particular year and within 2 business days after being employed or retained for lobbying services. Any entity who has not re-registered by January 31 is deemed not to be engaged in lobbying activities for that calendar year, and will not be sent further notices from the Secretary of State Index Department.
- d) The registrant has a continuing duty to report any substantial change or addition to the information contained in the registration. (Section 5 of the Act)
- ~~ed~~) Registration statements shall be filed in accordance with the definition of "filing" (see Section 560.100).
- ~~fe~~) All registration statements shall include an annual, non-refundable, non-transferable registration fee, assessed as follows, in the form of a credit or debit card payment or electronic check ~~or money order made~~ payable to the Secretary of State:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) ~~A lobbyist's~~An entity's registration shall include a single, annual, non-refundable, non-transferrable~~\$50~~ registration fee of \$300~~for the entity~~. ~~However, a~~ A self-employed independent contract lobbyist who does not lobby under a business entity name or an assumed business name and who has no employees engaged in lobbying activities may submit a single annual fee of ~~\$300~~\$50 and need not pay an entity fee.
  - 2) ~~A lobbying~~An entity's registration shall include a single, annual, non-refundable, non-transferable registration fee of \$300 for the entity and a \$50 single, annual, non-refundable, non-transferable registration fee of \$300 for each person registering as a lobbyist on an Exclusive Lobbyist Information Statement. ~~The entity should submit one check or money order for the total amount owed. For example, an entity registering 5 lobbyists should submit one check for \$300, rather than 6 checks for \$50.~~
- gf) The Secretary of State Index Department will providesend an acknowledgment to each authorized agent indicating the date of receipt for all statements ~~delivered by mail or in person. Acknowledgment will be sent only if the statement meets the definition of "filed" in filed~~ (see Section 560.100).
- hg) Persons solely engaged in grass roots lobbying as an employee of a lobbying registered entity or a participant in a grass roots lobbying event who make a reportable expenditure are required to register unless the expenditure is reported to the registered entity pursuant to Section 560.326.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.225 Ethics Training**

Each natural person required to register as a lobbyist under the Act must complete the ethics training program provided by the Secretary of State (see Section 4.5 of the Act). Each natural person registered under the Act must complete the training program no later than 30 days after registration or renewal under the Act. (Section 4.5 of the Act) The training may address topics including, but not limited to, registration mandates, reporting requirements, prohibited gifts, prohibited board appointments and enforcement powers of the Secretary of State's Office of the Inspector General. The Secretary of State may include the ethics training for lobbyists as part of the registration process and the training materials may be presented online. Failure to complete the ethics training by the established deadline may delay the following year's registration and

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

may result in the registrant being reported to the Secretary of State's Office of the Inspector General.

(Source: Added at 35 Ill. Reg. 12761, effective July 18, 2011)

## SUBPART C: REPORTING REQUIREMENTS

**Section 560.300 Persons Required to File Semi-monthly Expenditure Reports**

- a) *Except as otherwise provided in this Section, every person required to register as prescribed in Section 560.200 shall report under oath subject to penalties existing under the Act and pursuant to Section 1-109 of the Code of Civil Procedure to the Secretary of State all expenditures for lobbying made or incurred by the lobbyist on his *or her* behalf or the behalf of his *or her* employer (Section 6 of the Act). For the purpose of this Subpart, "expenditures" shall refer to reportable expenditures made on behalf of officials or immediate family members of officials who reside with the officials in the 6~~four~~ categories described in Section 6 of the Act and Section 560.310.*
- b) In the case where an individual is solely employed by another person to perform job related functions, any part of which includes lobbying, the employer shall be responsible for reporting all lobbying expenditures incurred on the employer's behalf as shall be identified by the lobbyist to the employer preceding such report (~~Section 6 of the Act~~). The authorized agent for each lobbying registered entity shall file one semi-monthly expenditure report that includes all expenditures made by persons who lobby exclusively for that entity; and reimbursed expenditures made by persons who do not lobby exclusively for that entity. Lobbyists shall submit their expenditure information to the authorized agent for their lobbying registered entities~~entity~~; and shall not file separate semi-monthly expenditure reports with the Secretary of State. In connection with each semi-monthly report filed, the authorized agent shall verify, under penalties existing under the Act and Section 1-109 of the Code of Civil Procedure, that the expenditure information contained in the report is true, accurate and complete to the best of his or her knowledge as provided by the individually reporting lobbyists, if any.
- c) Persons and entities that do not lobby exclusively for one lobbying registered entity shall report all expenditures that~~which~~ were not reimbursed by employers

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

(i.e., clients), including expenditures to establish goodwill with officials ~~that~~which were not on behalf of a client.

- d) Participants in grass roots lobbying events who make reportable expenditures shall file reports as prescribed by Section 560.325.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.301 Affirmations**

- a) Twice annually, each lobbyist required to be registered under this Part shall affirm, under oath subject to penalties existing under the Act and Section 1-109 of the Code of Civil Procedure, the accuracy of all expenditures included in semi-monthly reports filed in the reporting period on his or her behalf for the preceding 6 month period. The affirmation statement for the period of January 1 through June 30 shall be due on August 4. The affirmation statement for the period of July through December 31 shall be due on February 4.
- b) If a lobbyist cannot affirm the expenditures reported on his or her behalf due to errors or omissions, the lobbyist shall report the discrepancy to his or her authorized agent, after which the agent and lobbyist shall reconcile the differences and, if necessary, the agent shall make amendments to previously filed semi-monthly reports. The period of time used for the reconciliation of expenditure records and/or the amendment of a report may not extend the affirmation deadline unless agreed to in writing by the Secretary of State.
- c) Registrants shall use official affirmation statement forms provided by the Index Department.

(Source: Added at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.305 Time, Place and Manner for Filing Semi-monthly Expenditure Reports**

- a) A report for the period beginning July 1, 2010 and ending on December 31, 2010 shall be filed no later than January 15, 2011. Beginning January 1, 2011, reports shall be filed semi-monthly as follows:
- 1) for the period beginning the first day of the month through the 15<sup>th</sup> day of

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

the month, the report shall be filed no later than the 20<sup>th</sup> day of the month;  
and

2) for the period beginning on the 16<sup>th</sup> day of the month through the last day of the month, the report shall be filed no later than the 5<sup>th</sup> day of the following month. (Section 6(f) of the Act)~~A semi-annual report under this Section shall be filed by July 31, for expenditures from the previous January 1 through the later of June 30 or the final day of the regular General Assembly session, and an annual report by January 31, for expenditures from the entire previous calendar year January 1—December 31 (Section 6 of the Act). Registrants shall use official forms for the submission of expenditure reports (see Section 510.405).~~

b) Semi-monthly reports~~Expenditure Reports~~ shall be filed in accordance with the definition of "filing" (see Section 560.100).~~Reports may also be faxed to the Index Department at 217/524-0930.~~

e) ~~The Secretary of State Index Department will mail to authorized agents an acknowledgment of filing indicating the date of receipt for all reports delivered by mail or in person. An acknowledgment will be sent only if the report is sworn under oath (i.e., notarized,) and meets the definition of "filed" in Section 560.100.~~

cd) ~~Within 5 business~~thirty (30) days after a reporting deadline, the Secretary of State Index Department shall notify authorized agents of their failure to file a report. (Section 7(b) of the Act)

e) ~~If the regular General Assembly session adjourns later than June 30, the filing period for the semi-annual report may be extended by notice from the Secretary of State Index Department to all Authorized Agents of registered entities.~~

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.310 Categorizing Expenditures**

a) *Expenditures attributable to lobbying officials shall be listed and reported according to the following categories:*

1) *travel and lodging on behalf of others, including, but not limited to, all*

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

travel and living accommodations made for or on behalf of State officials during sessions of the General Assembly;

2) *meals, beverages and other entertainment;*

3) *gifts;*

4) gifts on the basis of personal friendship;

5) *honoraria.* Note: Public Act 89-405 added Section 2-110 of the Governmental Ethics Act [5 ILCS 420/2-110] to prohibit members of the General Assembly from accepting any honorarium. This amendment to the Governmental Ethics Act [~~5 ILCS 420/2-110~~] applies only to members of the General Assembly and contains no similar prohibition with respect to the acceptance of honoraria by other officials;:-

6) any other thing or service of value not listed under subsections (a)(1) through (5), setting forth a description of the expenditure. (Section 6(b-2) of the Act)

b) *The report shall itemize each individual expenditure or transaction ~~over \$100~~ and shall include the name of the lobbyist, the name of the official on whose behalf the expenditure was made, the name of the client on whose behalf the expenditure was made, if applicable, the total amount of the expenditure, a description of the expenditure, the seller, purveyor or other provider to whom the expenditure was made (including the address or location of the expenditure), the date on which the expenditure occurred and the subject matter of the lobbying activity, if any (Section 6(b) of the Act). For purposes of expenditure reporting, the address of an expenditure may be listed as a landmark, if applicable. If there is no subject matter pertaining to the lobbying activity in connection with an expenditure, the term "goodwill" should be reported as the subject matter. Allocation is permitted for determining the itemization threshold (see Section 560.315).*

c) Client Information

1) Subject to the qualifications in subsection (c)(2), the semi-monthly report shall include the names and addresses of all the clients who retained the lobbyist or lobbying entity, together with an itemized description for each

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

client of the following:

- A) lobbying regarding executive action, including the name of any executive agency lobbied and the subject matter;
- B) lobbying regarding any legislative action, including the General Assembly and any other agencies lobbied and the subject matter;
- C) lobbying regarding administrative action, including the agency lobbied and the subject matter.

- 2) Registrants who made no reportable expenditures during a reporting period shall file a report stating that they had no expenditures. If, however, changes in lobbying activities that are reportable under Section 5 of the Act have taken place, a registrant shall amend its registration pursuant to Section 560.220. Individual expenditures required to be reported as described herein which are equal to or less than \$100 in value need not be itemized but are required to be categorized and reported by officials in an aggregate total in the manner prescribed by the Expenditure Report Non-Itemized Schedule (Section 6 of the Act). Allocation is permitted for determining the itemization threshold (see Section 560.315).

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.315 Allocating Expenditures**

- a) For reporting purposes, the registrant may allocate the expenditure by prorating the total cost of the transaction among the number of beneficiaries (officials and non-officials). Example: A lobbyist buys dinner for a group of 5 five persons, an official, the official's spouse, two of whom are officials and three of whom are non-officials who are not immediate family members of an official. The total cost of the expenditure is divided by 5 five to compute the portion allocable to each beneficiary. The lobbyist must report the portions allocable to the official and the official's spouse, whether the expenditure is required to be itemized, i.e., exceeds \$100 per beneficiary. If each beneficiary's share is \$100 or less, the transaction is reportable as a non-itemized expenditure.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- b) Alternatively, when the transaction includes more than one beneficiary (officials and non-officials), the registrant may report the exact amount expended on behalf of an official or member of an official's immediate family.
- c) To be included in the allocation calculation, the ~~lobbyist~~lobbyist(s) must be present and participating at the event at which~~where~~ the expenditure occurred. If lobbyists for more than one ~~lobbying~~registered entity divide the bill for a single transaction, each lobbyist must report an expenditure for each official in attendance.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.330 Expenditures for Immediate Family Members of Officials**

- a) *Each individual expenditure required to be reported shall include all expenses made for or on behalf of a State official~~officials~~ and members of the official's immediate family ~~living with the official of those persons~~ if the expenditure was made with the intent to influence the official or to promote ~~business~~goodwill with the official (Section 6**(b)** of the Act). The expenditure shall be reportable as if the expenditure were made to the official.*
- b) "Immediate family member" shall be defined as a spouse or ~~dependent~~ child of the official.
- ~~e) When a lobbyist is invited to, attends, or acknowledges a gathering that is neither political nor of a business nature where it is customary to give a gift or memorial, e.g., a wedding, hospital stay, funeral, anniversary, graduation, birthday, or holiday celebration, and the gift or memorial is not in excess of \$100, the gift or memorial for or on behalf of the official or his or her immediate family member need not be reported under this Part.~~
- cd) Expenditures by a lobbyist for or on behalf of an official who is a member of the lobbyist's immediate family need not be reported under this Part.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.370 Returned Expenditures~~Gifts and Honoraria~~/Reimbursement by Official**

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

~~Any Gifts and honoraria returned to the registrant within thirty (30) days of the date of receipt need not be reported (Section 6 of the Act). Additionally, any reportable expenditure that the official returns to the lobbyist or for which the official reimburses the lobbyist or lobbying registered entity prior to the deadline for submission of the report within the reporting period need not be reported. (Section 6(b-7)(5) of the Act) A registrant's reports listing gifts or honoraria which have been returned, or other expenditures which have been reimbursed, shall be amended pursuant to Section 560.380, or in lieu of amending the report, the authorized agent may submit a letter of explanation. The amendment shall be filed no later than thirty (30) days from the authorized agent's receipt of the notice of nonacceptance by the official.~~

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.371 Lobbyist Notifications to Officials**

Pursuant to Sections 6 and 6.5 of the Act, ~~registrants~~lobbyists shall send ~~two~~ notifications to each official on whose behalf an expenditure was incurred during the reporting period.

- a) ~~A registrant that makes an expenditure on behalf of an official must inform the official in writing, contemporaneously with receipt of the expenditure, that the expenditure is a reportable expenditure pursuant to the Act and that the official will be included in the report submitted by the registrant in accordance with Section 6 of the Act. (Section 6.5(a) of the Act) At least 25 days prior to the filing deadline for the report (January 6 for the annual report and July 6 for the semi-annual report), lobbyists shall notify each official for whom an expenditure will be reported of the total amount of each expenditure, the date on which each expenditure was incurred, and, if applicable, the subject matter of the lobbying activity. Lobbyists may either provide an official with a copy of the report, or a separate notification pertaining to the expenditures of that official only.~~
- b) ~~Any official disclosed in a report submitted pursuant to Section 6 of the Act who did not receive the notification of the expenditure required by subsection (a) of this Section or who has returned or reimbursed the expenditure included in a report submitted pursuant to Section 6 of the Act may, at any time, contest the disclosure of an expenditure by submitting a letter to the registrant and the Secretary of State. The Secretary of State shall make the letter available to the public in the same manner as the report. (Section 6.5(b) of the Act)~~
- cb)** Within 30 days after a filing deadline ~~(March 2 for the annual report and August~~

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

~~30 for the semi-annual report~~, a ~~registrant~~lobbyists shall ~~again~~ notify each official for whom an expenditure was reported of the name of the registrant, a description of the expenditure, the total amount of the expenditure, the date on which the expenditure was incurred, and, if applicable, the subject matter of the lobbying activity.

- ~~de~~ Registrants~~Lobbyists~~ shall not send the Secretary of State a copy of the notifications to officials.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.375 Reports in the Absence of Reportable Expenditures**

~~Registrants~~Registered entities that *made no reportable expenditures during a reporting period shall file* an Expenditure Summary Report *stating that no expenditures were incurred* (Section 6**(b-1)** of the Act). ~~The~~Such reports shall be filed ~~in accordance with (see Section~~Sections 560.100), in accordance with Sections ~~and~~ 560.305 and 560.310.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.380 Amending Reports**

Any change or error in information previously submitted in a statement or report shall be disclosed by filing an amended statement or report as soon as practicable~~within thirty (30) days~~ following ~~the~~such change or discovery of the error. A registrant has a continuing duty to report any substantial change or addition to the information contained in its registration. (Section 5 of the Act)

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.385 Termination of Lobbying Activities**

- a) To terminate ~~the~~ registration under this Section, a lobbyist or lobbying~~of an~~ entity, ~~must~~the authorized agent may file with the Secretary of State Index Department via its authorized agent a written notification of the termination of lobbying activities and a final expenditure report covering the period of time since the filing of its last semi-monthly report to the date of termination within 30 days after the termination, as determined by the entity. *Such notice and report shall be*

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

*final and relieve ~~such said~~ registrant of further reporting under this Part. (Section 6(c) of the Act) ~~Alternatively, a registered entity may terminate its lobbying status by permitting the registration to expire on December 31, and not re-registering for the next calendar year. A registered entity that does not renew its registration is still required to file an annual expenditure report pursuant to Section 560.305.~~*

- b) To terminate an individual lobbyist from a ~~lobbying registered~~ entity, the lobbyist shall ~~notify the Secretary of State within 30 days, as required by Section 6 of the Act, or~~ notify the authorized agent in sufficient time for the authorized agent to notify the Secretary of State within 30 days after the termination that the lobbyist no longer lobbies for that entity. ~~The~~*In either case, the* lobbyist must provide the authorized agent with copies of expenditure records ~~and an affirmation~~ for the next reporting period. The authorized agent shall include any reportable expenditures incurred by that lobbyist prior to termination in the entity's next report.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

### Section 560.390 Failure to File Registration Statements and ~~Semi-monthly~~ Expenditure Reports

Failure to file a statement or report within the time designated, or the reporting of incomplete information, may constitute a violation of ~~the Act this Part~~. *Within ~~5 business ten (10)~~ days after a filing deadline, the Secretary of State Index Department shall notify ~~by certified mail~~ the authorized agent for any ~~registrant registered entity~~ that is deemed *required to file, but has failed to do so.* (Section 7(b) of the Act)*

- a) A ~~registrant registered entity~~ that is required to file a registration statement or ~~semi-monthly expenditure~~ report, and ~~who~~ has not filed by the deadlines prescribed in ~~the Act this Part~~, is subject to the following late filing fees ~~in addition to any penalties imposed by the Act~~:
- 1) Filings received within ~~fifteen (15)~~ days after a filing deadline shall be accompanied by a \$50 late filing fee;
  - 2) A ~~registrant registered entity~~ that fails to file within 15 days shall be subject to a penalty of \$100, which shall be in addition to the \$50 late

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

filing fee specified in subsection (a)(1) above;

~~3) A registered entity that registers within 30 days after a deadline for filing expenditure reports may file such report within 30 days after the deadline without a late filing fee or penalty. Such entity is subject to the fee schedule above for filing statements and reports later than the 30-day extension.~~

b) For good cause shown, the Director of the Index Department may extend the time for compliance for an additional ~~thirty (30)~~ days after the date of the filing deadline. ~~No further extensions of time shall be given.~~

1) Examples of such extenuating circumstances include, but are not limited to, the following:

~~A1)~~ inadvertent data erasure or computer malfunction;

~~B2)~~ hospitalization of the authorized agent;

~~C3)~~ loss of original receipts resulting from fire, flood, or other act of nature.

2) Lobbyists must provide replacement expenditure information to the authorized agent for compilation of the entity's report.

c) A ~~registrant~~registered entity will be liable for the late filing fee and penalty if it does not receive notifications from the Secretary of State's Office due to the ~~registrant's~~entity's failure to inform the Index Department of a change of street address and/or email address or authorized agent.

d) Copies of all records shall be maintained by the Index Department for inspection by the Secretary of State Inspector General, Attorney General or appropriate State's Attorney in the course of his or her enforcement activities under Section 11 of the Act.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.395 Preservation of Records**

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- a) A lobbyist, or an authorized agent, if the ~~lobbying registered~~ entity prefers, shall preserve for a period of ~~two (2)~~ years from the filing date copies of all receipts and records forwarded to the Authorized Agent ~~that which~~ were used in preparing reports under this Part. (Section 6(d) of the Act)
- b) Examples of records ~~that which~~ should be maintained include, but are not limited to, the following:
- 1) The total of all expenditures made for or on behalf of officials;
  - 2) Proof of payment for every expenditure ~~in excess of \$100~~;
  - 3) The allocation formula used in prorating the ~~expenses expense(s)~~ incurred for or on behalf of an official when an expenditure is made for more than one ~~(1)~~ official, but fewer than ~~twenty five (25)~~;
  - 4) A list of the officials invited to a large gathering.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

## SUBPART D: PUBLIC DISCLOSURE

**Section 560.400 Requests for Reports**

- a) All requests to view or copy statements or ~~semi-monthly expenditure~~ reports shall be made in person or submitted in writing. Copies must be paid for in advance (see Section 560.420).
- b) All statements and reports filed under this Part with the Secretary of State Index Department shall be available within ~~5 four (4)~~ business days from the filing date for examination and copying by the public during regular business hours (see Section 560.402) ~~and shall be made available via the Internet without charge.~~
- c) The Secretary of State Index Department shall certify that an entity or individual is or is not registered pursuant to the ~~Lobbyist Registration~~ Act. The written inquiry shall include the name and address of the person submitting the request and the name and address of the individual requested and their ~~lobbying registered~~

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

entity, if applicable.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.405 Official Forms**

Registered entities are required to use only the electronic lobbyist registration and reporting system and official forms ~~or photostatic copies of official forms~~ and schedules approved by the Secretary of State Index Department when filing lobbyist registration statements or reports.

- a) Copies of official forms may be obtained from the Index Department.
- b) Alternative methods of reporting are prohibited unless prior written approval has been received from the Director of the Index Department.
- c) Prior written approval will be given based on the compatibility of alternative methods with the Index Department's public disclosure procedures.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.410 List of Officials**

The Secretary of State Index Department shall maintain and make available to registrants a list of position titles deemed by their employing Constitutional Officers to be officials under this Part. The Constitutional Officers may provide this list to the Index Department on an annual basis or as amendments are required. The Secretary of State Index Department shall ~~postmail~~ an updated list of officials on its website as applicable to all authorized agents if any amendments are made, or upon request.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.420 Fees**

~~Semi-monthly Expenditure~~ reports and lists of registrants shall be made available to the public at the following fees:

- a) ~~The Paper copies of the~~ list of registrants shall be available free of charge via the Internet. This list is available on ~~compact disc~~ computer disk for \$10.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- b) Copies of statements or semi-monthly expenditure reports shall be available free of charge via the Internet. Paper copies of statements or semi-monthly reports are available for \$.50 per page. ~~Only the authorized agent for a registered entity may obtain a free copy of that entity's statements or reports.~~
- c) There is no charge to inspect materials filed at the Secretary of State Index Department, 111 East Monroe Street, Springfield, Illinois 62756 or via the Internet.
- d) Certification that an entity or individual is or is not registered pursuant to the ~~Lobbyist Registration~~ Act shall be available for \$2.00.

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)

**Section 560.430 Enforcement**

The Secretary of State Inspector General is the office having investigative authority for alleged violations of the Act. Investigations shall be conducted pursuant to Section 11 of the Act.

(Source: Added at 35 Ill. Reg. 12761, effective July 18, 2011)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Merit Commission
- 2) Code Citation: 80 Ill. Adm. Code 50
- 3) Section Number: 50.110                      Adopted Action:  
Amendment
- 4) Statutory Authority: 15 ILCS 310/9a
- 5) The effective date of the Amendment: July 14, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection at 630 S. College, Springfield, IL 62756.
- 9) Notices of Proposal Published in Illinois Register: April 8, 2011; 35 Ill. Reg. 6058
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of this Rulemaking: This rulemaking codifies a change in the organizational structure of the staffing of the Secretary of State Merit Commission.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ferdinand P. Serpe

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Secretary of State Merit Commission  
630 S. College  
Springfield, Illinois 62756

217/782-7914

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER II: SECRETARY OF STATE MERIT COMMISSIONPART 50  
MERIT COMMISSION

## Section

50.10	Meetings of the Merit Commission
50.20	Classification Plan
50.30	Personnel Rules
50.40	Jurisdiction B Exemptions
50.50	Orders of Compliance
50.60	Disciplinary Hearings and Demotions
50.70	Geographical Transfers
50.80	Allocation Appeals
50.90	Layoff Appeals
50.100	Personnel Code and Personnel Rule Violations
50.110	Record of Hearings and General Procedural Rules
50.120	Authority of <a href="#">the</a> Hearing Officer
50.130	Authority of the Commission Over Hearing Officer
50.140	Administrative Review

AUTHORITY: Implementing and authorized by Sections 8-9a of the Secretary of State Merit Employment Code [15 ILCS 310].

SOURCE: Filed September 15, 1977; amended at 7 Ill. Reg. 17496, effective January 1, 1984; amended at 8 Ill. Reg. 1988, effective February 10, 1984; codified at 8 Ill. Reg. 15000; amended at 11 Ill. Reg. 6285, effective April 15, 1987; amended at 35 Ill. Reg. 12801, effective July 14, 2011.

**Section 50.110 Record of Hearings and General Procedural Rules**

- a) Filing and Form of Papers
  - 1) The original copy of any complaint, appeal, pleading, written motion, notice or other documents shall be on 8½ x 11 paper and shall be filed in the Office of the Commission. Documents shall be signed in ink by the

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

party filing them or by his representative and contain the address and telephone number of the party, or, if represented, the name, business address and telephone number of such representative.

- 2) Copies of all filed documents shall be served on all known parties to proceedings, and notice of such service shall be given to the Commission.
- 3) For the purpose of determining the timeliness of filing only, "receipt" is herein defined to mean either personal delivery or date of postmark when deposited in the U.S. mail, in a sealed envelope, with postage prepaid, and properly addressed. If the last date for filing falls upon a weekend or legal holiday, the last date for filing is the first business day following such weekend or legal holiday.

b) Notice

Notice to a designated representative is notice to his/her client. Notice to an employee who is not represented shall be served at the address specified in the employee's appeal or, in the absence of such specification, to the last address shown in the employee's personal file. Notice shall be served at the General Law Division of the Attorney General's Office with a copy sent to the Division or Department Head, and to the Director of Personnel.

c) Time of Hearing

The Commission shall grant the parties a hearing within 30 calendar days following actual, in hand receipt of a written request for hearing, except for cases involving position allocation, geographical transfer, and violation appeals. Geographical transfer, violation, and allocation appeal hearings shall be granted within 60 calendar days after receipt of a request for hearings.

d) Conduct of Hearings

All disciplinary hearings shall be public, but individuals displaying disruptive behavior may be barred. Each party may call witnesses to testify in his/her own behalf and to have the aid of counsel at his/her own expense. The respective parties may cross-examine opposing witnesses and present documentary and demonstrative evidence. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. ~~(Illinois Administrative Procedure Act, [5 ILCS 100/10-40].)Ill. Rev. Stat. 1991, ch. 127, par. 1010-40).~~

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- e) Motions
- 1) If any party objects to the written charges, or other matters, the Commission favors the practice of submitting motions outlining such objections prior to the date of the hearing.
  - 2) The motion shall point out specifically the defects complained of, and shall ask for appropriate relief, such as: that the action be dismissed, or that a charge be made more definite and certain in a specified particular, or that designated immaterial matter be stricken, and so forth. The Hearing Officer shall rule and enter an appropriate order either to permit or require pleading over or amending or terminating the matter in the whole or in part.
- f) Continuances and Extensions
- 1) The Commission or a Hearing Officer appointed by it to conduct a hearing may, at its discretion, for good cause shown, on timely motion, after notice to the opposite party, extend the time for filing any pleading or documents or may continue the date of a scheduled hearing for a limited period.
  - 2) Motions for extensions or continuances are not timely unless asserted at least 48 hours prior to the time scheduled for filing or hearing except for emergencies.
  - 3) The granting of a request for continuance by the employee in a discharge appeal will constitute a voluntary waiver by him/her of any claim to compensation for the period of such continuance if he/she is ordered retained in his/her position.
- g) Request for List of Witnesses  
Upon timely request made, either party must furnish to the other party a list of the names and addresses of prospective witnesses.
- h) Right to Inspect and Interview  
Any party or their representative shall have the right, upon timely motion, to inspect any relevant documents in the possession of or under the control of any other party and to interview employees having knowledge of relevant facts.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

Interviews of employees and inspection of documents shall be at times and places reasonable for the employee and for the employer.

## i) Appearances of Witnesses

- 1) The ~~Executive Secretary of the~~ Commission Chairman and Commissioners are authorized to issue subpoenas for those witnesses or documents as may be required by any party. Subpoenas duces tecum shall specify the books, papers, and accounts or documents desired to be produced. The appearance of a party or agent and/or employee of a party, may be secured by merely serving the party with written notice designating the persons required to appear. For good cause shown the Hearing Officer on motion may quash or modify any subpoena or notice.
- 2) *The Code provides that any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony herein, shall be guilty of a misdemeanor.*

## j) Pre-Hearing Conference

- 1) In any action, the Hearing Officer may hold a pre-hearing conference. At the conference, the parties, or their representatives, shall appear as the Hearing Officer directs to consider:
  - A) The simplification of the issue;
  - B) Amendment to the charges;
  - C) The possibility of obtaining admissions and stipulations of fact and of documents ~~to which will~~ avoid unnecessary proof;
  - D) The limitation of the number of expert witnesses;
  - E) Any other matters ~~that which~~ may aid in the disposition of the action.
- 2) The Hearing Officer shall make an order reciting which recites any action

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

taken, any agreement made by the parties as to any of the matters considered, and the issues to be heard.

- k) Written Interrogatories
  - 1) Any party may direct written interrogatories to any other party. Interrogatories shall be restricted to the subject matter of the particular case.
  - 2) Within a reasonable time period after the service of the interrogatories an answer or objection shall be made to each interrogatory. If an answer may be obtained from a document in the possession or control of a party, it shall be sufficient to specify that document as an answer.
  - 3) Answers to interrogatories may be used in the same manner in Commission proceedings as depositions.
- l) Depositions

Upon order of the Hearing Officer, the Commission, its Hearing Officer, or any party may cause a deposition of any witness to be taken for use in a Commission proceeding as evidence. The deposition shall be taken in the manner provided by law for depositions in civil actions in the courts of this [statestate](#).
- m) Written Admissions

A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request, or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. Failure to answer such request within a reasonable time shall be deemed as an admission of all items contained in the request.
- n) Opening and Closing Statements

Upon the opening of the hearing, the Hearing Officer may allow the Petitioner and the Respondent to make opening statements. Upon the close of the hearing, each side may make a closing statement orally and/or by written brief incorporating arguments of fact and law. The form of the closing statement shall be at the discretion of the Hearing Officer.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- o) Examination of Adverse Party or Agent  
In the hearing of any case, any party or his agent may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not concluded thereby, but may rebut the testimony thus given and may impeach the witness by proof of prior inconsistent statement.
- p) Hostile Witness  
If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him/her as if under cross-examination. The party calling an occurrence witness may, upon showing that he/she called the witness in good faith but is surprised by his/her testimony, impeach the witness by proof of prior inconsistent statements.
- q) Failure to Comply with Orders or Rules  
If a party, or any person at the instance of or in collusion with a party, unreasonably refuses or fails to comply with this Part, or with any order of the Merit Commission or its Hearing Officer, the hearing authority may enter such adverse finding, order, or decision as may be necessary to insure just disposition of the matter.
- r) Record of Proceedings  
In all hearings, other than informal allocation conferences, held before the Commission or a Hearing Officer duly appointed by the Commission to conduct ~~those~~ such hearings, the Department or Division ~~that~~ which is a party thereto shall arrange for a record of the proceedings to be made, transcribed, and filed in the Office of the Commission.
- s) Proposed Decision and Responses
- 1) In every contested case, the Hearing Officer shall prepare a proposal for decision ~~that~~ which shall be forwarded to the parties at least 10 calendar days prior to the Commission meeting to allow the filing of written exceptions and legal arguments prior to the Commission rendering a final decision.
  - 2) Five copies of any such response must be received by the Commission at least ~~72~~ 24 hours prior to the meeting at which a decision is scheduled to be rendered. For purposes of this subsection only "receipt" is defined as

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

"actual, in-hand receipt."

(Source: Amended at 35 Ill. Reg. 12801, effective July 14, 2011)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulations under the Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
130.200	Amended
130.832	Amended
- 4) Statutory Authority: 815 ILCS 5/1
- 5) Effective Date of Amendments: July 14, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill Reg. 4773; March 25, 2011
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 130.200 changes the name of the NASD to FINRA to reflect the new designation of the self-regulatory agency. Section 130.832 adds the Series 66 (Uniform Combined State Law exam) and the newly created Series 79 (Investment Banking exam) to the list of examination requirements for salespersons.
- 16) Information and questions regarding these adopted amendments shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Tanya Solov, Director  
Illinois Securities Department  
69 W. Washington St., Suite 1220  
Chicago, IL 60602

312/793-3384

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE  
SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER I: SECRETARY OF STATEPART 130  
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

## SUBPART A: RULES OF GENERAL APPLICATION

Section	
130.100	Business Hours of the Securities Department
130.101	Computation of Time
130.110	Payment of Fees
130.120	Place of Filing
130.130	Date of Filing
130.135	Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140	Requirements as to Proper Form
130.141	Additional Information
130.142	Additional Exhibits (Repealed)
130.143	Information Unknown or Not Reasonably Available
130.144	Requirements as to Paper, Printing, and Language
130.145	Number of Copies – Signatures
130.190	Provisions for Granting of Variance from Rules

## SUBPART B: DEFINITIONS

Section	
130.200	Definitions of Terms Used in the Act and the Rules
130.201	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210	Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211	Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act
130.212	Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- (Testing the Waters)
- 130.215 Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
- 130.216 Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
- 130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
- 130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
- 130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
- 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
- 130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)
- 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)
- 130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
- 130.242 Definition of the Term "Financial Institution" under Section 4.C of the Act
- 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(F)(1) of the Act
- 130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
- 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R of the Act
- 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
- 130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act
- 130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 130.251 Discounts", as Used in Section 4 and Section 5 of the Act  
Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act
- 130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
- 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
- 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser, as Used in Section 8 of the Act
- 130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
- 130.285 Definition, for Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
- 130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty

## SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

- Section  
130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
- 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

## SUBPART D: EXEMPT TRANSACTIONS

- Section  
130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
- 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
- 130.440 Procedures for Filing Reports of Sale under Section 4.G of the Act
- 130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
- 130.442 Report of Sale of Securities pursuant to Section 4.G of the Act
- 130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act  
130.492 Exemption from Registration for Certain Canadian Broker-Dealers and Agents  
and for Transactions Effected by Certain Canadian Broker-Dealers

## SUBPART E: REGISTRATION OF SECURITIES

Section	Title of Securities
130.501	Title of Securities
130.502	Financial Statement Requirements
130.503	Disclaimer of Control
130.505	Formal Requirements as to Consents
130.506	Consents Required in Special Cases
130.507	Application to Dispense with Consent
130.508	Consent to Use of Material Incorporated by Reference
130.510	Procedures for Registration of Securities by Coordination under Section 5.A of the Act
130.520	Procedures for Registration of Securities by Qualification under Section 5.B of the Act
130.525	Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7
130.530	Renewal of Registration of Securities Under Section 5.E of the Act
130.531	Computation of Fees
130.532	Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act
130.533	Formal Requirements for Amendments Under Section 5 of the Act
130.534	Powers to Amend or Withdraw Registration Statement
130.535	Signatures of Amendments
130.536	Delaying Amendments
130.538	Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act
130.540	Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments
130.550	Additional Fees Under Section 5 of the Act
130.570	Legibility of Prospectuses
130.571	Presentation of Information in Prospectuses
130.572	Summaries or Outlines of Documents
130.573	Preparation of Application for Registration
130.574	Incorporation of Certain Information by Reference
130.575	Form of and Limitation Upon Incorporation by Reference

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

130.576	Statement Required in Prospectuses
130.577	Prospectuses Supplementing Preliminary Material Supplied Previously
130.578	Application of Amendments to this Part Governing Contents of Prospectuses
130.581	Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act
130.582	Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act
130.590	Identifying Statements
130.591	Requirements as to Appraisals
130.592	Omission of Substantially Identical Documents
130.593	Incorporation of Exhibits by Reference

## SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section	
130.600	Preamble
130.610	Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act
130.630	Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F of the Act
130.650	Additional Fees Under Section 6 of the Act

## SUBPART G: INVESTMENT FUND SHARES

Section	
130.700	Preamble
130.701	Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act
130.710	Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act
130.715	Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
130.730	Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
130.750	Additional Fees Under Section 7 of the Act
130.771	Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

Section	
130.805	Exemptions From Registration as an Investment Adviser Under Section 8.A of the Act
130.806	Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act
130.810	Procedures for Registration as a Dealer Under Section 8.B of the Act
130.811	Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)
130.820	Procedure for Renewal and Withdrawal from Registration as a Dealer
130.821	Reporting of Dealer Branch Office Locations and Required Fees
130.822	Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer
130.823	Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements
130.824	Financial Statements to be Filed by a Registered Dealer
130.825	Records Required of Dealers and Customer Fees
130.826	Registered Dealer Net Capital Requirements
130.827	Confirmations
130.828	Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer
130.829	Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act
130.832	Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson
130.836	Hardship Exemption
130.837	Transition to Electronic Filing
130.838	Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act
130.839	Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act
130.840	Procedures for Registration as an Investment Adviser Under Section 8.D of the Act
130.841	Reporting of Investment Adviser Branch Office Location(s) and Required Fees

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D.(9) of the Act Prior to Registration as an Investment Adviser
- 130.843 Examination and Education Program Requirements for Registration the Act
- 130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements
- 130.845 Records Required of Investment Advisers
- 130.846 Written Disclosure Statements of a Registered Investment Adviser
- 130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients
- 130.850 Account Transactions
- 130.851 Commission, Profit or Other Compensation
- 130.852 Compensation
- 130.853 Account Transactions
- 130.854 Use of the Term "Investment Counsel"
- 130.855 Use of Senior Certifications and Professional Designations
- 130.860 Additional Fees Under Section 8 of the Act
- 130.872 Procedure with Respect to Abandoned Dealer Applications
- 130.873 Procedure with Respect to Abandoned Investment Adviser Applications

## SUBPART J: SERVICE OF PROCESS

## Section

- 130.1001 Service of Process upon the Secretary of State

## SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

## Section

- 130.1100 Preamble
- 130.1101 Qualifications and Duties of the Hearing Officer
- 130.1102 Notice of Hearing
- 130.1103 Institution of a Contested Case by the Securities Department
- 130.1104 Requirement to File an Answer
- 130.1105 Amendment or Withdrawal of the Notice of Hearing
- 130.1106 Representation
- 130.1107 Special Appearance

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

130.1108	Substitution of Parties
130.1109	Failure to Appear
130.1110	Motions
130.1111	Requirements Relating to Continuances
130.1112	Rules of Evidence
130.1113	Form of Papers
130.1114	Bill of Particulars (Repealed)
130.1115	Discovery
130.1116	Examination of Witnesses
130.1117	Subpoenas
130.1118	Pre-Hearing Conferences
130.1119	Record of a Pre-Hearing Conference
130.1120	Hearings
130.1121	Record of Proceedings
130.1122	Record of Hearing
130.1123	Orders
130.1124	Burden of Proof
130.1125	Stipulations
130.1126	Open Hearings
130.1127	Corrections to the Transcript
130.1128	Imposition of Fines
130.1129	Application for Hearing to Present Newly Discovered Evidence
130.1130	Failure to Comply With Order or Rules
130.1131	Application to Vacate an Order Issued Due to Default
130.1132	Disqualification of a Hearing Officer

## SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section	
130.1520	Request for Non-Binding Statements

## SUBPART P: SAVINGS PROVISIONS

Section	
130.1661	Investors Syndicate of America, Inc.
130.1662	State Bond and Mortgage Company

## SUBPART Q: PUBLIC INFORMATION

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## Section

130.1701 Inspection of Applications  
130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records  
130.1703 Non-Public Distribution of Information

130.APPENDIX A Uniform Consent to Service of Process  
130.APPENDIX B Uniform Application to Register Securities  
130.APPENDIX C Uniform Application for Broker-Dealer Registration  
130.APPENDIX D Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. 973, effective January 1, 2001, for a maximum of 150 days; emergency expired May 30, 2001; amended at 25 Ill. Reg.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

8817, effective July 6, 2001; amended at 26 Ill. Reg. 14843, effective September 30, 2002; amended at 27 Ill. Reg. 9490, effective June 9, 2003; emergency amendment at 29 Ill. Reg. 15087, effective September 23, 2005, for a maximum of 150 days; emergency expired February 19, 2006; emergency amendment at 30 Ill. Reg. 13009, effective July 11, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18211, effective October 31, 2006; amended at 33 Ill. Reg. 12817, effective September 8, 2009; amended at 34 Ill. Reg. 17783, effective November 3, 2010; emergency amendment at 35 Ill. Reg. 4781, effective March 10, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 12810, effective July 14, 2011.

## SUBPART B: DEFINITIONS

**Section 130.200 Definitions of Terms Used in the Act and the Rules**

- a) As used in the Act and this Part, unless the context otherwise requires, the term:

"Act" means the Illinois Securities Law of 1953 [815 ILCS 5].

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

"Applicant" means the person making application for registration or exemption.

"Certified", when used in regard to financial statements, means examined and reported upon with an opinion expressed by an independent certified public accountant.

"CFTC" means the Federal Commodity Futures Trading Commission.

"Charter" includes articles of incorporation, a declaration of trust, articles of association or partnership, or any similar instrument, as amended, affecting (either with or without filing with any governmental agency) the

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

organization or creation of an incorporated or unincorporated person.

"Correspondent" means the person authorized in the application for registration or exemption to receive notices and communications from the Secretary.

"Controlling Person" as used in Section 4.F of the Act shall not include any sponsor of a unit investment trust after the completion of the initial distribution.

"CRD" means the computer registration system for the registration of dealers and salespersons known as the "Central Registration Depository" operated by the NASD.

"Customer", as used in Section 130.270 of this Part, means any person for whom the futures commission merchant effects or intends to effect transactions in futures, options on futures, or any other instruments subject to CFTC jurisdiction.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee, or officer.

"Federal 1933 Act" means the Act of the Congress of the United States known as the Securities Act of 1933 (15 USC 77a-77aa).

"Federal 1934 Act" means the Act of Congress of the United States known as the "Securities Exchange Act of 1934" (15 USC 78a-78aa).

"Federal 1936 Act" means the Act of Congress of the United States known as the Commodity Exchange Act of 1936 (7 USC 1 et seq.).

"Federal 1940 Investment Company Act" means the Act of Congress of the United States known as the Investment Company Act of 1940 (15 USC 80a-1 through 80a-52).

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

"Federal 1940 Investment Advisers Act" means the Act of Congress of the United States known as the Investment Advisers Act of 1940 (15 USC 80b-1 through 80b-21).

"Federal Banking Act of 1933" means 12 USC 227.

"Federal Covered Investment Adviser Representative" means any person with a place of business in this State who is an investment adviser representative of a federal covered investment adviser.

"Federal Public Utility Holding Company Act of 1935" means 15 USC 79 through 79z-6).

["FINRA" means the self-regulatory organization registered under the Federal 1934 Act, as defined in this Section, known as the Financial Industry Regulatory Authority.](#)

"Fiscal Year" means the annual accounting period or, if no accounting period has been adopted, the calendar year ending on December 31.

"Futures" and "Futures Contracts", as used in Section 130.270 of this Part, mean contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market designated by the CFTC or traded on or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Futures Commission Merchants", as used in Section 130.270 of this Part, means individuals, associations, partnerships, corporations and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee or secure any trades or contracts that result or may result therefrom.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary only

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

after opportunity for a hearing.

"Hearing Officer" means the designee of the Secretary or the Securities Director who, pursuant to Section 11 of the Act, is designated in the Notice of Hearing to preside at a hearing conducted pursuant to Section 11 of the Act or any person so designated as a substitute hearing officer.

"IARD" means the computer web-based registration system for the registration of investment advisers and investment adviser representatives known as the Investment Adviser Registration Depository operated by the NASD.

"Identifying Statement" means a written or oral communication or advertisement meeting the requirements of Section 130.210(b)(1) of this Part.

"Insolvency" or "Insolvent" means the inability to pay debts and obligations when due or when current liabilities exceed current assets. Any party regulated by this Part claiming insolvency shall file with the Securities Department a balance sheet prepared as of a current date and executed and verified by the chief financial officer of the issuer.

"Internal Revenue Code" means the Internal Revenue Code of 1986 (26 USC 1-9602).

"Majority-Owned Subsidiary" means a subsidiary more than 50% of whose outstanding securities, which represent the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable investor would consider it important in deciding upon a course of action to be taken, including, but without limitation, purchasing, selling or holding the security or securities involved, or accepting or rejecting an offer or proposal made with regard to any security or securities.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

"NASD" means the self-regulatory organization registered under the Federal 1934 Act, as defined in this Section, known as the "National Association of Securities Dealers, Inc."

"Nonaccredited Investor", as used in Section 130.420 of this Part, means a person who is not a person set forth in Section 4.C, 4.H, 4.R or 4.S of the Act.

"Office", unless otherwise clarified, refers to the Office of the Securities Department of the Secretary of State, and not to any particular address or location.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function; and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Options on Futures", as used in Section 130.270 of this Part, means puts or calls on a futures contract traded on or subject to the rules of a contract market designated by the CFTC or traded or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Pacific Coast Stock Exchange, Inc." means the Pacific Stock Exchange, Inc.

"Parent" of a specified person means an affiliate controlling such person directly or indirectly through one or more intermediaries.

"Party" means any person named as a petitioner or a respondent in a hearing conducted by the Securities Department.

"Person" means a natural person, a corporation, a partnership, a limited partnership, a limited liability company, a limited liability limited partnership, an association, a joint stock company, a trust or any

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

unincorporated organization, except that, as used in this Section, the word "trust" includes only a trust where the interest or the interests of the beneficiary or beneficiaries are a security.

"Place of Business" of a federal covered investment adviser representative means a location at which the federal covered investment adviser representative provides investment advisory services, solicits, meets with, or otherwise communicates with clients, and any other location that is held out to the general public as a location at which the investment adviser representative provides investment advisory services, solicits, meets with, or otherwise communicates with clients.

"Predecessor" means a person, the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

"Preliminary Prospectus" means a document meeting the requirements of Section 130.210(b)(2) of this Part.

"Principal Underwriter" means an underwriter in privity of contract with the issuer of the securities as to which such person is an underwriter.

"Promoter" means any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer; or any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both, 10% or more of any class of securities of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer. However, a person who receives the securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this definition if the person does not otherwise take part in founding and organizing the enterprise.

"Prospectus" means any prospectus, notice, circular, advertisement, letter or communication, written or by radio, television or other communications

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

medium that offers any security for sale or confirms the sale of any security; except that a communication sent or given after the effective date of the registration of the security (other than a prospectus permitted under Section 10(b) of the Federal 1933 Act) shall not be deemed a prospectus if it is proved that, prior to or at the same time as the communication, a written prospectus, meeting the requirements of Section 10(a) of the Federal 1933 Act at the time of the communication, was sent or given to the person to whom the communication was made, and a notice, circular, advertisement, letter or communication in respect to a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of Section 5 of the Act may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Secretary by this Part deems necessary or appropriate in the public interest and for the protection of investors and, subject to such terms and conditions as may be described therein, may permit.

"Regulated Account", as used in Section 130.270 of this Part, means a customer segregation account subject to 17 CFR 1.20 as in effect on August 1, 1997 (no subsequent amendments or editions); provided, however, that, where such regulations do not permit to be maintained in such an account or require to be maintained in a separate regulated account funds or securities in proprietary accounts or funds or securities used as margin for or excess funds related to futures contracts, options on futures or any other instruments subject to CFTC jurisdiction that trade outside the United States, its territories or possessions, the term "regulated account" means such separate regulated account or any other account subject to 17 CFR 1.31 et seq. as in effect on August 1, 1997 (no subsequent amendments or editions).

"Registrant" means the issuer of the securities that are the subject of the application for registration.

"Rules" refers to all rules adopted by the Secretary pursuant to the Act.

"Share" means a share of stock in a corporation or unit of interest in an unincorporated person.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

"SEC" means the United States Securities and Exchange Commission.

"Secretary of State" "or Secretary" means the Secretary of State of Illinois.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

"Securities Department" means the Securities Department of the Office of the Secretary of State.

"Securities Protection Act of 1970" means the Securities Investor Protection Act of 1970 (15 USC 78aaa et seq.).

"Segregated Customer Funds", as used in Section 130.270 of this Part, means funds subject to 17 CFR 1.20 as in effect on August 1, 1997 (no subsequent amendments or editions).

"SRD" means the automated computer registration system for the registration and renewal of registration of securities, investment fund shares and unit investment trusts registered under the Federal 1933 Act and Federal 1940 Investment Company Act known as the Securities Registration Depository.

"Significant Subsidiary" means a subsidiary where:

the assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 15% of the assets of the parent and its subsidiaries on a consolidated basis; or

the sales and operating revenues of the subsidiary exceed 15% of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

In determining whether a subsidiary is a significant subsidiary, such a subsidiary shall be considered in the aggregate with any subsidiaries of which it is the parent.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

"State Bond and Mortgage Company" means the company currently known as SBM Certificate Company or any successor company.

"Subsidiary" of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries. (See also "Majority-Owned Subsidiary", "Significant Subsidiary" and "Totally-Held Subsidiary".)

"Succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have the same meaning as "succession".

"Totally-Held Subsidiary" means a subsidiary substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and that is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount that is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business that is not overdue and that matures within one year from the date of its creation, whether evidenced by securities or not.

"Unit Investment Trust" means an investment company which:

is organized under a trust indenture, agency or custodianship contract or similar instrument, does not have a board of directors; and

issues only redeemable securities, each of which represents an undivided interest in a unit of specified securities.

The term "unit investment trust" does not include a voting trust.

"Unsolicited Transaction", as used in Section 130.270 of this Part, means a transaction that is not effected in a discretionary account or recommended to a customer by the futures commission merchant, an associated person of a futures commission merchant, a business affiliate that is controlled by,

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

controlling, or under common control with, the futures commission merchant, or an introducing broker that is guaranteed by the futures commission merchant.

- b) A Section in this Part that defines a term without express reference to the Act or to this Part defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended at 35 Ill. Reg. 12810, effective July 14, 2011)

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS, INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

**Section 130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson**

- a) Passage of the Series 63 or Series 66 examination and Series 1, 2, 7, 37, 38, 17 or 47 examination conducted by FINRA~~the NASD~~ shall qualify a natural person who is 18 years of age for registration on behalf of a dealer, controlling person or issuer as a salesperson without limitation in this State.
- b) Passage of the Series 63 or Series 66 examination and Series 6, 22, 52, ~~or 62~~ or 79 examination conducted by FINRA~~the NASD~~ shall qualify by examination a natural person who is 18 years of age for registration as a salesperson in a limited capacity in this State, as follows:
- 1) The Series 6 (Investment Company/Variable Contract Products (ICVC) Representative Examination) and the Series 63 or Series 66 examination shall qualify a salesperson to offer or sell securities issued by investment companies and variable contracts.
  - 2) The Series 22 examination (Direct Participation Program Limited Representative Qualification Examination) and the Series 63 or the Series 66 examination shall qualify a salesperson to offer or sell direct participation programs in the form of limited partnerships or joint venture interests in tax shelter programs.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 3) The Series 52 examination (Municipal Securities Representative Examination) and the Series 63 [or Series 66](#) examination shall qualify a salesperson to offer and sell securities of municipalities and industrial development revenue obligation.
  - 4) The Series 62 Examination (Corporate Securities Representative Examination) and the Series 63 [or Series 66](#) examination shall qualify a salesperson to offer and sell corporate securities and bonds, real estate investment trusts and mortgage investment trusts.
  - 5) [The Series 79 Examination \(Investment Banking Representative Examination\) and either the Series 63 or Series 66 examination shall qualify a salesperson to deal exclusively in investment banking.](#)
- c) All scheduling for the examinations referred to in subsections (a) and (b) of this Section shall be made with and fees paid to an office of ~~FINRA~~[the NASD](#). The dealer, controlling person or issuer on whose behalf the salesperson is being registered shall submit in writing satisfactory evidence of passing the examination prior to registration of such person in the State if such information is not available to the Securities Department through the CRD.

(Source: Amended at 35 Ill. Reg. 12810, effective July 14, 2011)

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

## STATE TREASURER

Heading of the Part: Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois

Code Citation: 74 Ill. Adm. Code 740

Section Number: 740.20

Date Related Proposed Rulemaking Published in Illinois Register: 6/10/11  
35 Ill. Reg. 8795

Date Emergency Rule Published in the Illinois Register: 6/10/11  
35 Ill. Reg. 8893

At its meeting on July 12, 2011, the Joint Committee on Administrative Rules voted to object to and suspend the State Treasurer's emergency rule titled Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (74 Ill. Adm. Code 740; 35 Ill. Reg. 8893) because the agency has not adequately shown the existence of any situation threatening the public interest that requires the use of emergency rulemaking.

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

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTOR(S) PROHIBITED FROM AN AWARD  
OF A CONTRACT OR SUBCONTRACT**FOR PUBLIC WORKS PROJECTS**

Pursuant to 820 ILCS 130/11a of the Prevailing Wage Act the Director of the Illinois Department of Labor gives notice that the following contractors and subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two (2) separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project:

B & T Services of Monee, Inc.  
4922 W. Margaret Street  
Monee, IL 60449  
IDOL Case No.(s): 2007-PW-AP06-0839 & 2006-PW-RW06-0939  
May 21, 2010 and continuing through May 20, 2014

American Brick Paving, Inc.  
c/o John Biebrach, President  
825 Seegers Road  
Des Plaines, IL 60016  
IDOL Case No.: 2010-PW-WJ11-0557  
September 24, 2010 and continuing through September 23, 2014

Performance Paving, Ltd.  
c/o Larry Kennebeck, President  
520 Bonner Road  
Wauconda, IL 60084  
IDOL Case No.(s): 2008-PW-WJ01-0530 & 2010-PW-WJ08-0214  
November 29, 2010 and continuing through November 29, 2014

Dirt & Sod, Inc.  
c/o Pat Brandonisio, President  
964 Elizabeth Drive  
Elgin, IL 60120  
IDOL Case No.(s): 2008-PW-WJ02-0633 & 2010-PW-WJ09-0254

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC INFORMATION

November 29, 2010, and continuing through November 29, 2012

Dem/Ex Group, Inc.

c/o Daniel Saal

805 S. Adams Street

Manito, IL 61546

IDOL Case No.(s): 2008-PW-RW09-0186 & 2010-PW-RDW09-0351

Term of Debarment is to begin on the date of this publication and continue for a period of four (4) years from this date.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor  
Conciliation and Mediation Division  
900 S. Spring Street  
Springfield, Illinois 62704

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period April 1, 2011 through June 30, 2011.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006; 30 Ill. Reg. 9195, May 12, 2006 and 30 Ill. Reg. 14377, September 1, 2006; 31 Ill. Reg. 4941, March 23, 2007; 31 Ill. Reg. 7477, May 25, 2007; 31 Ill. Reg. 13233, September 14, 2007; 31 Ill. Reg. 15875, November 26, 2007; 32 Ill. Reg. 4271, March 21, 2008; 32 Ill. Reg. 8454, June 6, 2008; 32 Ill. Reg. 13595, August 15, 2008; 32 Ill. Reg. 19961, December 19, 2008; 33 Ill. Reg. 3683, February 27, 2009; 33 Ill. Reg. 9191, June 26, 2009; 33 Ill. Reg. 13526, September 25, 2009; 33 Ill. Reg. 17178, December 18, 2009; 34 Ill. Reg. 6546, May 7, 2010; 34 Ill. Reg. 7811, June 4, 2010; 34 Ill. Reg. 13565, September 17, 2010; 34 Ill. Reg. 17490, November 12, 2010; 35 Ill. Reg. 3618, February 25, 2011 and 35 Ill. Reg. 8574, June 3, 2011.

Aquatic life and human health criteria for General Use (35 Ill. Adm. Code 303.201) and Lake Michigan Basin (35 Ill. Adm. Code 303.443) waters are listed below. General Use human health criteria are derived for protection of primary contact waters, criteria derived for waters not supportive of primary contact recreation are specified, where applicable. General Use and Lake

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Michigan Basin waters used as Public and Food Processing Water Supplies (35 Ill. Adm. Code 303.202) are subject to more stringent human health criteria as specified in their respective derivation procedures (35 Ill. Adm. Code 302.648 and 302.657 and 35 Ill. Adm. Code 302.585 and 302.590, respectively). Newly derived criteria or criteria used in NPDES permitting this quarter are highlighted in bold print.

**General Use Criteria**

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies: Not used during this period.	
Chemical: Acetochlor	CAS #34256-82-1
Acute criterion: 150 ug/l	Chronic criterion: 12 ug/l
Date criteria derived: September 26, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8
Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Human health criterion (HTC): non-primary contact, 20 mg/L	
Date criteria derived: December 7, 1993; revised January 23, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acrolein	CAS #107-02-8
Acute criterion: 2.7 µg/l	Chronic criterion: 0.22 µg/l
Date criteria calculated: February 1999; reviewed January 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

<p>Acute criterion: 910 ug/l                      Chronic criterion: 73 ug/l  Human health criterion (HNC): 0.21 ug/l  Date criteria derived: November 13, 1991  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Aniline                                      CAS #62-53-3  Acute criterion: 120 ug/l                      Chronic criterion: 15 ug/l  Date criteria calculated: July 24, 1998; reviewed April 15, 2009  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Anthracene                                      CAS #120-12-7  Acute criterion: 0.66 ug/L                      Chronic Criterion: 0.53 ug/L  Human health criterion (HTC): 35 mg/l  Date criteria derived: August 18, 1993, revised May 30, 2007  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Antimony                                      CAS #7440-36-0  Acute criterion: 1,200 ug/L                      Chronic Criterion: 320 ug/L  Human health criterion (HTC): 12,000 ug/l  Non-primary contact: 1,200 ug/l  Public and food processing water supply: 6 ug/l  Date criteria derived: September 29, 2008  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Atrazine                                      CAS #1912-24-9  Acute criterion: 82 ug/l                      Chronic criterion: 9.0 ug/L  Date criteria derived: May 2, 2005  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(a)anthracene                      CAS #56-55-3  Human health criterion (HNC): 0.16 ug/l  Date criteria derived: August 10, 1993; revised February 1999  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(a)pyrene                                      CAS #50-32-8  Human health criterion (HNC): 0.016 ug/l  Date criteria derived: August 10, 1993; revised February 1999  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(b)fluoranthene                      CAS # 205-99-2  Human health criterion (HNC): 0.16 ug/l  Date criteria derived: August 10, 1993; revised February 1999  Applicable waterbodies: Not used during this period.</p>

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Benzo(k)fluoranthene	CAS #207-08-9
Human health criterion (HNC): 1.6 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Bis(2-ethylhexyl)phthalate	CAS #117-81-7
Human health criterion (HNC): 1.9 ug/l	
Date criteria derived: February, 1999; reviewed: June 2009	
Applicable waterbodies: Not used during this period.	
Chemical: Bromodichloromethane	CAS #75-27-4
Acute criterion: 10 ug/l	Chronic criterion: 1 ug/l
Human health criterion (HNC): 13 ug/l	
Date criteria derived: February 1, 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Carbon tetrachloride	CAS #56-23-5
Acute criterion: 3,500 ug/l	Chronic criterion: 280 ug/l
Human health criterion (HNC): 1.4 ug/l	
Date criteria derived: June 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 2-Chloroaniline	CAS #95-51-2
Acute criterion: 75 ug/l	Chronic criterion: 6 ug/l
Date criteria derived: June 21, 1996; reviewed April 15, 2009	
Applicable waterbodies: Not used during this period.	
Chemical: 4-Chloroaniline	CAS #106-47-8
Acute criterion: 2.4 ug/l	
Date criteria derived: February 26, 1992; reviewed April 15, 2009	
Applicable waterbodies: Not used during this period.	
Chemical: Chlorobenzene	CAS #108-90-7
Acute criterion: 990 ug/l	Chronic criterion: 79 ug/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroethane	CAS #75-00-3
Acute criterion: 13 mg/l	Chronic criterion: 1 mg/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloromethane	CAS #74-87-3
Acute criterion: 16 mg/l	Chronic criterion: 1.3 mg/l

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	
Chemical: 2,4-D	CAS #94-75-7
Acute criterion: 100 ug/l	Chronic criterion: 8 ug/l
Date criteria derived: July 1, 1993; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.	
Chemical: Dibenz(a,h)anthracene	CAS #53-70-3
Human health criterion (HNC): 0.016 ug/l Date criteria derived : February, 1999, reviewed June 2007 Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethane	CAS #75-34-3
Acute criterion: 20 mg/l	Chronic criterion: 2 mg/l
Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992 Applicable waterbodies: Not used during this period.	

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

<p>Chemical: 1,1-dichloroethylene      CAS #75-35-4  Acute criterion: 3,000 ug/l      Chronic criterion: 240 ug/l  Human health criterion (HTC): 110 ug/l  Non-primary contact: 120 ug/l  Public and food processing water supply: 6.6 ug/l  Date criteria derived: March 20, 1992; revised May 04, 2009  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,2-dichloroethylene      CAS #540-59-0  Acute criterion: 14 mg/l      Chronic criterion: 1.1 mg/l  Date criteria derived: November 18, 2008  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: trans-1,2-dichloroethylene      CAS #156-60-5  Human health criterion (HTC): 34 mg/l  Date criteria derived: February 1, 1999; reviewed December 2, 2010  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,4-dichlorophenol      CAS #120-83-2  Acute criterion: 630 ug/l      Chronic criterion: 83 ug/l  Date criteria derived: November 14, 1991  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,2-dichloropropane      CAS #78-87-5  Acute criterion: 4,800 ug/l      Chronic criterion: 380 ug/l  Date criteria derived: December 7, 1993  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,3-dichloropropylene      CAS #542-75-6  Acute criterion: 99 ug/l      Chronic criterion: 7.9 ug/l  Date criteria derived: November 13, 1991  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,4-dimethyl phenol      CAS #105-67-9  Acute criterion: 740 ug/l      Chronic criterion: 220 ug/l  Date criteria derived: October 26, 1992  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol      CAS #534-52-1  Acute criterion: 29 ug/l      Chronic criterion: 2.3 ug/l  Date criteria derived: November 14, 1991  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,4-dinitrophenol      CAS #51-28-5</p>

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 85 ug/l	Chronic criterion: 4.1 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 2,6-dinitrotoluene	CAS #606-20-2
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: February 14, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Diquat	CAS #85-00-7
Acute criterion: 990 ug/l	Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
Acute criterion: 4.3 ug/L	Chronic Criterion: 1.8 ug/L
Human health criterion (HTC): 120 ug/l	
Date criteria derived: August 10, 1993; revised June 6, 2007 (Acute/Chronic)	
Applicable waterbodies: Not used during this period.	
Chemical: Fluorene	CAS #86-73-7
Acute criterion: 59 ug/L	Chronic Criterion: 16 ug/L
Date criteria derived: June 6, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Formaldehyde	CAS #50-00-0
Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992	
Applicable waterbodies: Not used during this period.	

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: n-Hexane	CAS #110-54-3
Acute criterion: 250 ug/l	Chronic criterion: 20 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Indeno(1,2,3-cd)pyrene	CAS #193-39-5
Human health criterion (HNC): 0.16 ug/l	
Date criteria calculated: February, 1992, reviewed June 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Isobutyl alcohol = 2-methyl-1-propanol	CAS #78-83-1
Acute criterion: 430 mg/l	Chronic criterion: 35 mg/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene chloride	CAS #75-09-2
Acute criterion: 17 mg/l	Chronic criterion: 1.4 mg/l
Human health criterion (HNC): 330 ug/l	
Non-primary contact: 490 ug/l	
Public and food processing water supply: 4.6 ug/l	
Date criteria derived: January 21, 1992; revised November 25, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Methyl ethyl ketone	CAS #78-93-3
Acute criterion: 320 mg/l	Chronic criterion: 26 mg/l
Date criteria derived: July 1, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl-2-pentanone	CAS #108-10-1
Acute criterion: 46 mg/l	Chronic criterion: 1.4 mg/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2-methyl phenol	CAS #95-48-7
Acute criterion: 4.7 mg/l	Chronic criterion: 0.37 mg/l
Date criteria derived: November 8, 1993	
Applicable waterbodies: Not used during this period.	

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 4-methyl phenol Acute criterion: 670 ug/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #106-44-5 Chronic criterion: 120 ug/l
Chemical: Methyl tert-butyl ether (MTBE) Acute criterion: 67 mg/l Date criteria derived: September 18, 1997 Applicable waterbodies: Not used during this period.	CAS #134-04-4 Chronic criterion: 5.4 mg/l
Chemical: Metolachlor Acute criterion: 380 ug/l Date criteria derived: February 25, 1992; revised October 1, 2007 Applicable waterbodies: Not used during this period.	CAS #51218-45-2 Chronic criterion: 30.4 ug/l
Chemical: Naphthalene Acute criterion: 510 ug/l Date criteria derived: November 7, 1991; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #91-20-3 Chronic criterion: 68 ug/l
Chemical: 4-nitroaniline Acute criterion: 1.5 mg/l Date criteria derived: May 5, 1996 Applicable waterbodies: Not used during this period.	CAS #100-01-6 Chronic criterion: 0.12 mg/l
Chemical: Nitrobenzene Acute criterion: 15 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #98-95-3 Chronic criterion: 8.0 mg/l
Chemical: Pentachlorophenol Acute criterion: 20 ug/l Date criteria derived: national criterion at pH of 7.8, September 1986 Applicable waterbodies: Not used during this period.	Chronic criterion: 13 ug/l
Chemical: Phenanthrene Acute criterion: 46 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #85-01-8 Chronic criterion: 3.7 ug/l
Chemical: Propylene Acute criterion: 4.0 mg/l Date criteria derived: April 8, 2002	CAS #115-07-1 Chronic criterion 0.40 mg/l

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: Pyrene	CAS #120-00-0
Human health criterion (HTC): 3.5 mg/l	
Date criteria derived: December 22, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Styrene	CAS #120-42-5
Acute criterion: 2.5 mg/L	Chronic criterion: 0.2 mg/L
Date criteria derived: October 26, 1992; reviewed May 4, 2009	
Applicable waterbodies: Not used during this period.	
Chemical: Tetrachloroethylene	CAS #127-18-4
Acute criterion: 1,200 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: March 23, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Tetrahydrofuran	CAS #109-99-9
Acute criterion: 220 mg/l	Chronic criterion: 17 mg/l
Date criteria derived: March 16, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Thallium	CAS #7440-28-0
Acute criterion: 86 ug/l	Chronic criterion: 11 ug/l
Human health criterion (HTC): 3.0 ug/l	
Non-primary contact: 3.0 ug/l	
Public and food processing water supply: 1.2 ug/l	
Date criteria derived: October 22, 2007; revised November 18, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2,4-trichlorobenzene	CAS #120-82-1
Acute criterion: 370 ug/l	Chronic criterion: 72 ug/l
Date criteria derived: December 14, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1,1-trichloroethane	CAS #71-55-6
Acute criterion: 4,900 ug/l	Chronic criterion: 390 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1,2-trichloroethane	CAS #79-00-5
Acute criterion: 19 mg/l	Chronic criterion: 4.4 mg/l
Human health criterion (HNC): 12 ug/l	
Date criteria derived: December 13, 1993; revised February 1999	

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: Trichloroethylene	CAS #79-01-6
Acute criterion: 12,000 ug/l	Chronic criterion: 940 ug/l
Human health criterion (HNC): 25 ug/l	
Non-primary contact: 26 ug/l	
Public and food processing water supply: 2.5 ug/l	
Date criteria derived: October 23, 1992; revised November 18, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2,4-trimethylbenzene	CAS #95-63-6
Acute criterion: 360 ug/l	Chronic criterion: 29 ug/l
Date criteria derived: July 15, 1998; reviewed December 2, 2010	
Applicable waterbodies: Not used during this period.	
Chemical: Vinyl chloride	CAS #75-01-4
Acute criterion: 22 mg/l	Chronic criterion: 1.7 mg/l
Human health criterion (HNC): 1.5 ug/l	
Non-primary contact: 2 ug/l	
Public and food processing water supply: 0.025 ug/l	
Date criteria derived: October 23, 1992; revised January 23, 2007; revised November 17, 2008	
Applicable waterbodies: Not used during this period.	

**Lake Michigan Basin Criteria**

Chemical: Antimony	CAS #7440-36-0
<u>Aquatic Life Criteria:</u>	
Acute criterion: 470 ug/l	Chronic criterion: 120 ug/l
Date criteria derived: September 29, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Bis(2-ethylhexyl)phthalate	CAS #117-81-7
<u>Aquatic Life Criteria:</u>	
Acute criterion: 76 ug/l	Chronic criterion: 17 ug/l
<u>Human Health Non-threshold Criteria:</u>	
Public and food processing water supply: 2.8 ug/l	

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

<p>Non-drinking water: 3.2 ug/l  Date criteria derived: June 20, 2006  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,2-dichloroethylene CAS #540-59-0  <u>Aquatic Life Criteria:</u>  Acute criterion: 8.8 mg/l Chronic criterion: 0.98 mg/l  Date criteria derived: November 18, 2008  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Methylene Chloride CAS #75-09-2  <u>Aquatic Life Criteria:</u>  Acute criterion: 10,803 ug/l Chronic criterion: 1,200 ug/l  <u>Human Health Non-threshold Criteria:</u>  Public and food processing water supply: 47 ug/l  Non-drinking water: 2,600 ug/l  Date criteria derived: June 20, 2006  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Thallium CAS #7440-28-0  <u>Aquatic Life Criteria:</u>  Acute criterion: 54 ug/l Chronic criterion: 15 ug/l  <u>Human Health Threshold Criteria:</u>  Public and food processing water supply: 1.3 ug/l  Non-drinking water: 3.7 ug/l  Date criteria derived: June 20, 2006; revised November 18, 2008  Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Vinyl Chloride CAS #75-01-4  <u>Aquatic Life Criteria:</u>  Acute criterion: 8,380 ug/l Chronic criterion: 931 ug/l  <u>Human Health Non-threshold Criteria:</u>  Public and food processing water supply: 0.25 ug/l  Non-drinking water: 14.4 ug/l  Date criteria derived: June 20, 2006  Applicable waterbodies: Not used during this period.</p>

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Brian Koch

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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217-558-2012

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 12, 2011 through July 18, 2011 and have been scheduled for review by the Committee at its August 16, 2011 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>
8/26/11	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	5/27/11 35 Ill. Reg. 8098	8/16/11
8/27/11	<u>Department of Transportation</u> , Illinois Cycle Rider Safety Training Program (92 Ill. Adm. Code 455)	5/27/11 35 Ill. Reg. 8151	8/16/11
8/28/11	<u>Department of Natural Resources</u> , Squirrel Hunting (17 Ill. Adm. Code 690)	5/20/11 35 Ill. Reg. 7895	8/16/11
8/28/11	<u>Department of Natural Resources</u> , Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)	5/20/11 35 Ill. Reg. 7890	8/16/11
8/28/11	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)	5/20/11 35 Ill. Reg. 7907	8/16/11
8/28/11	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)	5/20/11 35 Ill. Reg. 7916	8/16/11
8/28/11	<u>Torture Inquiry and Relief Commission</u> , Organization, Public Information, Procedures and Rulemaking (2 Ill. Adm. Code 3500)	5/27/11 35 Ill. Reg. 8113	8/16/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/28/11	<u>Torture Inquiry and Relief Commission</u> , Policy, Hearings and Forms (20 Ill. Adm. Code 2000)	5/27/11 35 Ill. Reg. 8130	8/16/11
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## PROCLAMATIONS

**2011-248****Flag Honors – Former First Lady Lura Lynn Ryan**

WHEREAS, on Monday, June 27, 2011, former First Lady of the State of Illinois Lura Lynn Ryan passed away at the age of 76; and,

WHEREAS, raised in Kankakee, Illinois, Lura Lynn Ryan was married to former Governor George Ryan for 55 years, serving as First Lady of the State of Illinois from 1999 to 2003; and,

WHEREAS, as First Lady, Lura Lynn Ryan devoted considerable time to charitable causes and promoted literacy programs and after-school initiatives aimed at curbing drug use and crime among young people; and,

WHEREAS, during her time in Springfield, Lura Lynn Ryan was also an early proponent of the Abraham Lincoln Presidential Library and Museum; and,

WHEREAS, with historian Dan Monroe, Lura Lynn Ryan wrote a book, "At Home with Illinois Governors: A Social History of the Illinois Executive Mansion, 1855-2003."; and,

WHEREAS, over the course of her life, Lura Lynn Ryan made the State of Illinois a better place to live and raise families, and has left behind a legacy that will continue to resonate in the state for many years to come; and,

WHEREAS, a devoted wife, loving mother, loyal friend, and gracious First Lady, Lura Lynn Ryan will be deeply missed by all who had the opportunity to know her; and,

WHEREAS, a public memorial service will be held on Friday, July 1, 2011 for Lura Lynn Ryan:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise until sunset on July 1, 2011 in honor and remembrance of former First Lady of the State of Illinois Lura Lynn Ryan.

Issued by the Governor June 30, 2011

Filed by the Secretary of State July 15, 2011

**2011-249****MDA Firefighter Appreciation Month**

WHEREAS, thousands of dedicated and selfless firefighters in our state provide vital and lifesaving services to the citizens of their communities; and,

## PROCLAMATIONS

WHEREAS, when these heroes are not battling life-threatening situations, they are unselfishly contributing to their communities in other ways, including raising money for local charities and volunteering with agencies such as the Muscular Dystrophy Association (MDA); and,

WHEREAS, the MDA combats neuromuscular diseases through programs that perform worldwide research, comprehensive medical and community services and far-reaching professional and public health education; and,

WHEREAS, the Illinois firefighters who have pledged their lives to saving the lives of others, have also pledged their efforts to help find cures for devastating diseases by supporting MDA's fight against neuromuscular diseases; and,

WHEREAS, in pursuit of this goal, the departments and districts of the Illinois firefighters are conducting "Fill the Boot" fundraising drives; and,

WHEREAS, many Illinois citizens have benefited from the funds raised by firefighters in the "Fill the Boot" campaign, and these public servants make invaluable contributions to our state in all tasks they perform; and,

WHEREAS, the State of Illinois is proud to recognize Illinois firefighters as they conduct fundraising projects in our state for the MDA:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 2011 as **MDA FIREFIGHTER APPRECIATION MONTH** in Illinois, and encourage all citizens to acknowledge the ongoing contributions to the wellbeing of our communities and citizens made daily by these brave men and women.

Issued by the Governor July 1, 2011

Filed by the Secretary of State July 15, 2011

**2011-250****Stevens Johnson Syndrome Awareness Month**

WHEREAS, Stevens Johnson Syndrome (SJS) and Toxic Epidermal Necrolysis Syndrome, another form of SJS, are severe adverse drug reactions to medications; and,

WHEREAS, adverse drug reactions (ADR's) account for approximately 140,000 deaths per year in the United States alone, making drug reactions one of the leading causes of death in the U.S.; and,

## PROCLAMATIONS

WHEREAS, SJS is one of the most debilitating ADR's. Besides death, it can cause severe skin and oral lesions, permanent blindness, lung damage and other life-long complications; and,

WHEREAS, almost any medication, including over-the-counter drugs, can cause SJS, and although it afflicts people of all ages, a large number of its victims are children; and,

WHEREAS, symptoms of SJS include: rash or red splotches on skin, persistent fever, facial blisters and flu-like symptoms; and,

WHEREAS, affected persons must stop taking the offending drug immediately and contact a physician; and,

WHEREAS, recognition of the early symptoms of SJS and prompt medical attention are the best ways to minimize the possible long-term effects SJS may cause:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 2011 as **STEVENS JOHNSON SYNDROME AWARENESS MONTH** in Illinois, and encourage all citizens to educate themselves on the symptoms and treatment of this devastating problem.

Issued by the Governor July 1, 2011

Filed by the Secretary of State July 15, 2011

**2011-251****Alan J. Dixon Day**

WHEREAS, Alan J. Dixon has served the people of the State of Illinois in numerous capacities over the years, including as a member of both the Illinois House of Representatives and the Illinois State Senate, as Illinois State Treasurer, as Illinois Secretary of State, and as a United States Senator from Illinois; and,

WHEREAS, born and raised in Belleville, Illinois, Alan J. Dixon graduated from Belleville Township High School, where the Lindenwood University-Belleville campus is now located; and,

WHEREAS, Alan J. Dixon began his 43-year political career early when he was elected to serve as Belleville Police Magistrate while in law school. At the age of 22, he became one of the youngest legislators ever elected to serve in the Illinois House of Representatives; and,

WHEREAS, Alan J. Dixon rose through the ranks of State government as an Illinois State Representative for 12 years, where he was an advocate for higher education and co-sponsored legislation which produced Illinois' community college system; and,

## PROCLAMATIONS

WHEREAS, Alan J. Dixon went on to serve in the Illinois State Senate for eight years, rising to Assistant Democratic Leader; he was next elected to serve as Illinois State Treasurer in 1970; and from 1977 to 1981, he served as Illinois Secretary of State; and,

WHEREAS, in 1980 Alan J. Dixon was elected to the United States Senate, where he went on to serve two terms. In 1988 and again in 1990, he was unanimously selected by his party colleagues to serve as the chief deputy whip of the United States Senate, the number three leadership post; and,

WHEREAS, in addition to being a passionate and dedicated legislator, Alan J. Dixon is also a devoted husband, father, grandfather, and great-grandfather; and,

WHEREAS, over the course of his distinguished political career, Alan J. Dixon has made the State of Illinois a better place to live and work; and,

WHEREAS, in honor of his significant achievements and his immense contributions to our state and to his hometown of Belleville, Lindenwood University-Belleville will honor Alan J. Dixon by naming its student center the Senator Alan J. Dixon Student Center; and,

WHEREAS, the Senator Alan J. Dixon Student Center will provide Lindenwood University-Belleville students with a state of the art research library, an ergonomically-designed computer lab, a dining hall, a contemporary student lounge, and a spirit shop; as a tribute to Senator Dixon, the library will also showcase a museum of his political accomplishments; and,

WHEREAS, building dedication ceremonies for the Senator Alan J. Dixon Student Center at Lindenwood University-Belleville will be held on August 5, 2011:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 5, 2011 as **ALAN J. DIXON DAY** in Illinois, in recognition of his contributions to our state and our nation.

Issued by the Governor July 1, 2011

Filed by the Secretary of State July 15, 2011

**2011-252****Geraldine Lawhorn Day**

WHEREAS, in today's society, people who have dual-sensory loss, such as hearing or vision, should be able to have options to choose from when making important life-changing decisions; and,

WHEREAS, it is in the interest of the State of Illinois to encourage the full participation of American citizens with multi-sensory disabilities in our economy by fostering the employment

## PROCLAMATIONS

of, and promoting housing and recreational options for, people who are deaf-blind, thus maximizing their opportunities for a productive life in the community of their choice; and,

WHEREAS, it is highly appropriate and necessary to publicize the abilities and potential of our fellow citizens who are deaf-blind, or severely vision and hearing impaired; and,

WHEREAS, Geraldine Lawhorn is an example of one of our deaf-blind fellow citizens who has made a difference in the lives of those around her. Among her many accomplishments, she is a pianist, a published author and an educator; and,

WHEREAS, Geraldine Lawhorn, as head of the deaf blind studies department at the Hadley School for the Blind, has dedicated her life to helping students deal with being visually impaired and blind, and inspired them to keep living life; and,

WHEREAS, Geraldine Lawhorn created a one-woman show and delivered monologues and played the piano in many appearances, including performances that took her to Carnegie Hall; and,

WHEREAS, Geraldine Lawhorn is a guiding example of courage, hope, determination, and achievement for other individuals who are deaf-blind; and,

WHEREAS, the State of Illinois will celebrate Helen Keller Deaf Blind Awareness Week on June 26-July 2 this year:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 2, 2011 as **GERALDINE LAWHORN DAY** in Illinois, and encourage all citizens to recognize the abilities and talent that people with vision and hearing disabilities can bring to our communities across this great State.

Issued by the Governor July 1, 2011

Filed by the Secretary of State July 15, 2011

**2011-253****National Bulk Foods Week**

WHEREAS, bulk foods are food items offered in large quantities, which can be purchased in large, bulk lots or transferred from a bulk container into a smaller container for purchase. Commonly available bulk foods typically include any of a number of dry goods from coffee and tea to beans, cereal, pasta and spices; and,

## PROCLAMATIONS

WHEREAS, in this era of mindfulness about our limited resources, shopping in bulk is one simple choice consumers can make to eliminate excessive packaging, save landfill waste, and lower CO2 emissions, while also saving time and money and reducing food waste; and,

WHEREAS, shopping in bulk offers consumers the opportunity to reduce waste by purchasing only the amount needed and decrease carbon footprints by using limited packaging; and,

WHEREAS, shopping in bulk offers consumers the opportunity to save money – anywhere from 30 to 75 percent on average; and,

WHEREAS, the Bulk is Green Council is a national organization dedicated to increasing awareness of the environmental and economic benefits of shopping in the bulk aisle; and,

WHEREAS, the Bulk is Green Council seeks to educate consumers about the eco-friendly and affordable nature of buying in bulk; and,

WHEREAS, the Bulk is Green Council is partnering with retailers nationwide to present National Bulk Foods Week on October 16 – 22, 2011; and,

WHEREAS, National Bulk Foods Week is a time to celebrate the environmental and economical benefits of buying in bulk, as well as a chance to encourage consumers who have never shopped in the bulk aisle to consider changing their purchasing habits:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 16 – 22, 2011 as **NATIONAL BULK FOODS WEEK** in Illinois, and encourage all Illinoisans to consider buying in bulk for its environmental and economical benefits.

Issued by the Governor July 6, 2011

Filed by the Secretary of State July 15, 2011

**2011-254****National Public Lands Day**

WHEREAS, America's system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas throughout the nation that individually and collectively represent irreplaceable national resources; and,

WHEREAS, public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and,

## PROCLAMATIONS

WHEREAS, public lands promote civic ideals that include shared stewardship and recognition of public ownership; and,

WHEREAS, shared stewardship requires the goodwill, cooperation and active support of citizens, community, city and state officials, business leaders, children and adults; and,

WHEREAS, land managers improve public lands for outdoor recreation and provide Americans with an opportunity to engage in regular physical activity; and,

WHEREAS, land conservation builds awareness among urban dwellers with concerns about planned development, shared land use, preservation of wild areas and natural habitats, and the benefits realized by diligent restoration and enhancement efforts; and,

WHEREAS, alliances between private citizens, land managers and community leaders can improve the condition of publicly held lands for the greater enjoyment and enrichment of all Americans; and,

WHEREAS, National Public Lands Day, co-sponsored by the National Environmental Education Foundation, the Bureau of Land Management, the Bureau of Reclamation, the Department of Defense, the Environmental Protection Agency, the National Park Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and USDA Forest Service has become an annually anticipated event for local participation on publicly held lands throughout the Land of Lincoln:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 24, 2011 as **NATIONAL PUBLIC LANDS DAY** in Illinois, and encourage all citizens to join in this special observance.

Issued by the Governor July 6, 2011

Filed by the Secretary of State July 15, 2011

**2011-255**  
**Raoul Wallenberg Day**

WHEREAS, the International Raoul Wallenberg Foundation is a non-profit organization with a mission to promote peace among nations and to honor all those who were heroes of the Holocaust; and,

WHEREAS, the organization carries the name of the Swedish diplomat, Raoul Wallenberg, who saved tens of thousands of Jews in Hungary during World War II before his disappearance at the hands of Soviet troops in 1945; and,

## PROCLAMATIONS

WHEREAS, in 1944, Raoul Wallenberg was chosen to lead a mission to rescue the two hundred thousand Jews of Budapest after the Nazi invasion of Hungary in March of that year; and,

WHEREAS, Raoul Wallenberg succeeded in issuing thousands of "protective" passports and, with the aid of three hundred volunteers, established thirty-two "safe houses" within Hungary that harbored 15-20,000 Jews under the protection of the Swedish Legation; and,

WHEREAS, Raoul Wallenberg visited Soviet military headquarters on January 17, 1945, where he was subsequently arrested and detained at the Lyublyanka prison in Moscow, never to be seen or heard from again; and,

WHEREAS, Raoul Wallenberg is an honorary citizen of Canada, Israel, and the city of Budapest. On October 5, 1981 Wallenberg became the second person in history to be awarded Honorary United States Citizenship:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 5, 2011 as **RAOUL WALLENBERG DAY** in Illinois, in memory of this noble and heroic man.

Issued by the Governor July 6, 2011

Filed by the Secretary of State July 15, 2011

**2011-256****Respiratory Care Week**

WHEREAS, respiratory diseases are a major health problem in the United States. Unfortunately, the cause of some respiratory diseases are unknown, and many have no known cure; and,

WHEREAS, despite that, appropriate therapy can often slow the progress of respiratory disease, relieve symptoms, reduce the extent of permanent lung damage and respiratory disability, and avert or delay the onset of life-threatening complications; and,

WHEREAS, there are educational programs for patients and their families, as well as a variety of treatments for respiratory disease such as the administration of life-supporting oxygen, drug treatment and lung rehabilitation; and,

WHEREAS, to inform the public about the respiratory care profession and promote lung health, the American Association for Respiratory Care and their affiliate organizations, including the Illinois Society for Respiratory Care, annually sponsors Respiratory Care Week the last week in October; and,

## PROCLAMATIONS

WHEREAS, respiratory therapy centers throughout the country participate by hosting educational screenings, programs, and fundraisers for asthma camps for kids, patients in need of assistance, and other worthy causes; and,

WHEREAS, legislation to grant Illinois Respiratory Care Practitioners full licensure status became effective January 1, 2006; and,

WHEREAS, this year, the American Association and Illinois Society for Respiratory Care will observe Respiratory Care Week from October 23-29:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 23-29, 2011 as **RESPIRATORY CARE WEEK** in Illinois, in support of notable efforts by the American Association and Illinois Society for Respiratory Care, and urge all Illinoisans to be aware of the important role of Respiratory Care to raise awareness about respiratory diseases that affect the lives of many citizens of our state.

Issued by the Governor July 6, 2011

Filed by the Secretary of State July 15, 2011

**2011-257****Tee it Up for the Troops Day**

WHEREAS, the courageous men and women of our Armed Forces serving overseas selflessly put the defense of the United States ahead of their own personal safety and comfort; and,

WHEREAS, it is vital to the success of our troops that we show our support for their service and display our pride in their accomplishment; and,

WHEREAS, Tee it Up for the Troops was created to help support the fallen and disabled members of our Armed Forces and their families, as well as to honor veterans of all wars and acknowledge their sacrifice; and,

WHEREAS, on August 29, 2011, the Third Annual Tee it Up for the Troops Central Illinois Golf Classic will be held to support the Wounded Warrior Project and families of Central Illinois service members currently facing financial challenges as a result of their loved ones' service, and to support scholarships for children of financially challenged veterans; and,

WHEREAS, the Friday closest to September 11<sup>th</sup> has been designated by Tee it Up for the Troops as a National Day of Golf to salute all those who have answered the call of duty:

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 9, 2011 as **TEE IT UP FOR THE TROOPS DAY** in Illinois, and encourage all citizens to show their support for our servicemembers and veterans.

Issued by the Governor July 6, 2011

Filed by the Secretary of State July 15, 2011

**2011-258**  
**Teen Appreciation Week**

WHEREAS, teenagers in this state and across the country play a variety of important roles in their families and communities; and,

WHEREAS, throughout the teenage years, a person undergoes transitional stages in human development between childhood and adulthood; and,

WHEREAS, during these transitions, teenagers need and deserve the community's understanding, guidance, and support; and,

WHEREAS, the creativity, energy, and passion of adolescents often help to refresh our culture and constructively challenge our ideas in a way that benefits our society; and,

WHEREAS, negative publicity about teenagers often overshadows community awareness of their overwhelming accomplishments and positive contributions to the life of our community and society:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 14 – 20, 2011 as **TEEN APPRECIATION WEEK** in Illinois, and encourage all citizens to join in recognizing the great impact teenagers have on our communities.

Issued by the Governor July 6, 2011

Filed by the Secretary of State July 15, 2011

**2011-259**  
**Society of American Archivists Week**

WHEREAS, this year marks the 75<sup>th</sup> Anniversary of the Society of American Archivists; and,

WHEREAS, founded in 1936, the Society of American Archivists is North America's oldest and largest national archival professional association; and,

## PROCLAMATIONS

WHEREAS, the Society of American Archivists' mission is to serve the education and information needs of its members and to provide leadership to ensure the identification, preservation, and use of records of historical value; and,

WHEREAS, the Society of American Archivists is the leading professional association of archivists in the United States, and today numbers more than 6,000 individual and institutional members; and,

WHEREAS, the Society of American Archivists is dedicated to the preservation of our historical documentary heritage from governments, religious bodies, business firms, colleges and universities, professional organizations, and individuals, bringing the past into the service of the present and future; and,

WHEREAS, on August 22-27 of this year, the Society of American Archivists will hold its 75<sup>th</sup> Annual Meeting in Chicago, Illinois, the location of its national headquarters:

THEREFORE, I, Pat, Quinn, Governor of the State of Illinois, do hereby proclaim August 22-27, 2011 as **SOCIETY OF AMERICAN ARCHIVISTS WEEK** in Illinois, in celebration of this organization's 75<sup>th</sup> Anniversary and in recognition of the contributions it has made to the preservation, study, and appreciation of our history.

Issued by the Governor July 6, 2011

Filed by the Secretary of State July 15, 2011

**2011-260****Ramsey Lewis Day**

WHEREAS, born in Chicago, Illinois, Ramsey Lewis began taking piano lessons at the age of four and joined his first jazz band by the age of fifteen; and,

WHEREAS, Ramsey Lewis soon formed the Ramsey Lewis Trio, first captivating fans with the release of their debut album, *Ramsey Lewis And The Gentlemen of Swing*, in 1956; and,

WHEREAS, by the mid 1960's the Ramsey Lewis Trio had recorded a number of hits and Ramsey Lewis had established himself as one of the nation's most successful jazz pianists. In the following years, his success as an artist only continued to grow; and,

WHEREAS, Ramsey Lewis has been referred to as "the great performer," a title that reflects his performance style and musical selections which display his early gospel playing and classical training along with his love of jazz and other musical forms; and,

WHEREAS, Ramsey Lewis has recorded over 80 albums and has received seven gold records and three Grammy Awards. Among his many other awards and recognitions, Ramsey Lewis has

## PROCLAMATIONS

also received the NAACP Image Award for Best Jazz Artist, the Jazz Masters Award from the National Endowment for the Arts, and the Legendary Landmark Award from Landmarks Illinois, acknowledging him as a living treasure of Illinois; and,

WHEREAS, in 2009, Ramsey Lewis premiered *Proclamation of Hope*, a new large-scale, mixed-media symphonic poem celebrating the 200<sup>th</sup> anniversary of the birth of Abraham Lincoln. Each of the work's eight movements was inspired by an event from or impacted by Lincoln's life and vision for the United States, and considers Lincoln's profound and lasting influence on the quest for our nation to become "a more perfect union"; and,

WHEREAS, in addition to recording albums and performing live, Ramsey Lewis has hosted the nationally syndicated radio shows the Ramsey Lewis Morning Show and Legends of Jazz with Ramsey Lewis; and,

WHEREAS, in addition to his professional success, Ramsey Lewis is active in a number of charitable causes, particularly those on behalf of young people. As Artistic Director of Jazz at Ravinia, Ramsey Lewis helped organize Ravinia's Jazz Mentor Program, and in 2005, he created the Ramsey Lewis Foundation to help connect at-risk children to the world of music; and,

WHEREAS, on Sunday, July 10, 2011, Ramsey Lewis will once again share his legendary musical talents with the Land of Lincoln as the Ramsey Lewis Trio performs at the Ravinia Festival:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim July 10, 2011 as **RAMSEY LEWIS DAY** in Illinois, in recognition of his extraordinary contributions to the arts.

Issued by the Governor July 7, 2011

Filed by the Secretary of State July 15, 2011

**2011-261****Americans With Disabilities Act Day**

WHEREAS, the Americans with Disabilities Act (ADA), passed by Congress in 1990, established a clear and comprehensive prohibition of discrimination on the basis of disability, with disability defined as a physical or mental impairment that substantially limits one or more of the major life activities of an individual; and,

WHEREAS, the passage of the ADA represents a major step toward protecting civil rights and improving the quality of life for persons with disabilities, persons who were often subject to discrimination and lacked federal protection; and,

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, increasing participation on community life; and,

## PROCLAMATIONS

WHEREAS, the Americans with Disabilities Act Amendments Act of 2008 emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis; and,

WHEREAS, the year 2011 marks the 21<sup>st</sup> anniversary of the ADA's civil rights guarantee for individuals with disabilities; and,

WHEREAS, Illinois has a long history of protecting the rights of disabled persons, going back 32 years to the passage of the Illinois Human Rights Act (December 6, 1979), which made discrimination against any person with a physical or mental handicap illegal; and,

WHEREAS, in the United States, 19 percent of the non-institutionalized civilian population aged five and older have some level of disability, representing 54 million people in the nation, with nearly 1.3 million of those citizens residing in Illinois, comprising 10.3 percent of the state's population; and,

WHEREAS, the State of Illinois and its agencies are committed to continuing efforts to implement the ADA and ensure that people with disabilities are able to fully participate in employment, transportation, education, communication, and community opportunities; and,

WHEREAS, during the month of July, the Illinois Department of Human Services, in cooperation with a coalition of other state agencies, councils, and consumers, will celebrate the anniversary of the ADA with special events in Springfield and Chicago:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 14, 2011 as **AMERICANS WITH DISABILITIES ACT DAY** in Illinois, and encourage all citizens to reaffirm the principles of equality and inclusion, recognize historical significance of the ADA, and in turn, do their part to ensure that people with disabilities are included in the mainstream community life.

Issued by the Governor July 13, 2011

Filed by the Secretary of State July 15, 2011

**2011-262****Disability Pride Day**

WHEREAS, in the United States, 19 percent of the non-institutionalized civilian population aged five and older have some level of disability, representing 54 million people in the nation, with nearly 1.3 million of those citizens residing in Illinois, comprising 10.3 percent of the state's population; and,

## PROCLAMATIONS

WHEREAS, people with disabilities may be faced with discrimination in a variety of settings; and,

WHEREAS, Illinois has a long-standing history of protecting the rights of persons with disabilities, going back 32 years to the passage of the Illinois Human Rights Act on December 6, 1979, which made discrimination against any person with a physical or mental disability illegal; and,

WHEREAS, all people with disabilities living and working in the State of Illinois seek to gain possession of the rich historical and cultural heritage of their communities while celebrating their belief that disability is a natural and beautiful part of human diversity; and,

WHEREAS, the State of Illinois is committed to continuing its efforts to ensure that people with disabilities are able to fully participate in employment, transportation, education, communication, and community opportunities; and,

WHEREAS, on July 23, 2011, the 2011 Disability Pride Parade Planning Committee will host the Eighth Annual Disability Pride Parade on Dearborn Street in downtown Chicago with the theme "Disability Pride is Contagious":

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 23, 2011 as **DISABILITY PRIDE DAY** in Illinois, and invite all residents to join in celebrating the potential, power, and pride of people with disabilities.

Issued by the Governor July 13, 2011  
Filed by the Secretary of State July 15, 2011

**2011-263**  
**Belize Day**

WHEREAS, the nation of Belize is a Central American country with a diverse society, comprising many cultures and languages; and,

WHEREAS, the State of Illinois has served as a cornerstone for Belizeans since the middle of the 20<sup>th</sup> century; and,

WHEREAS, substantial numbers of Belizeans first migrated to the City of Chicago during the 1940s and 1950s. By the end of the twentieth century, Belizean community leaders estimated that more than 30,000 Belizeans lived in the Chicagoland area; and,

WHEREAS, these Belizean immigrants have contributed immensely to the State of Illinois, both culturally, by bringing with them their rich Belizean heritage and traditions, and economically,

## PROCLAMATIONS

working in domestic service, skilled trades, and healthcare, and opening small businesses and restaurants; and,

WHEREAS, Belizean community organizations have been in existence in Chicago since as far back as the 1950s. These organizations have been established by members of the community to provide social, recreational and professional opportunities for Belizeans in Illinois and to help maintain strong ties with their homeland; and,

WHEREAS, in 1971, Chicago Belizeans organized the Belizean Social Club, which served as an aid society and sponsored dances, benefits, field trips, and cotillions throughout the 1970s and 1980s. In 1980, the club organized the first annual Belizean Day in Washington Park; and,

WHEREAS, the annual festival, which attracts thousands of local, national, and international participants each year, features traditional Belizean music and dancing as well as ethnic foods such as rice and beans, conch fritters, and potato pound; and,

WHEREAS, each year, proceeds from Chicago Belize Day in the Park go to assist a variety of charitable organizations in Belize; and,

WHEREAS, this year, the 31<sup>st</sup> Annual Chicago Belize Day in the Park, America's Biggest Belizean International Festival, will be held on Sunday, August 7<sup>th</sup> at Hawthorne Race Course in Cicero; and,

WHEREAS, cultural events like Chicago Belize Day in the Park serve to promote the essence of diversity of the Land of Lincoln:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 7, 2011 as **BELIZE DAY** in Illinois, in celebration of the 31<sup>st</sup> Annual Chicago Belize Day in the Park, and in recognition of the importance of cultural diversity and the tremendous contributions the Belizean American community makes to our state and our nation.

Issued by the Governor July 13, 2011  
Filed by the Secretary of State July 15, 2011

**2011-264**  
**Ghanafest Day**

WHEREAS, on July 30, 2011, the Ghana National Council of Metropolitan Chicago is sponsoring the 23<sup>rd</sup> Annual Ghanafest; and,

WHEREAS, Ghanafest attracts thousands of visitors from all over the world. Last year, the festival attracted over twenty thousand participants; and,

## PROCLAMATIONS

WHEREAS, Ghanafest is one of the single largest gatherings of African immigrants in the United States; and,

WHEREAS, from traditional African arts and crafts and tribal dress, to extraordinary Ghanaian foods and musical performances, Ghanafest is a great opportunity to experience the rich and diverse culture of Ghana; and,

WHEREAS, past honored guests at the festival have included His Excellency John Dramani Mahama, Vice President of Ghana, and the Honorable Alexander Asum Ahensa, Ghanaian Minister of Chieftaincy and Culture. This year's guests include His Excellency Daniel Ohene Agyekum, Ghanaian Ambassador to the United States; and,

WHEREAS, Ghanaians and the Ghana National Council are celebrating 23 years of sharing this extraordinary presentation of African culture with all of the people of the Land of Lincoln:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 30, 2011 as **GHANAFEST DAY** in Illinois, and welcome all those attending Ghanafest to celebrate Ghanaian culture and heritage.

Issued by the Governor July 13, 2011

Filed by the Secretary of State July 15, 2011

**2011-265****Health and Wellness Weekend**

WHEREAS, the health and well-being of our citizens is a primary concern for the State of Illinois; and,

WHEREAS, despite advances in medical technology and research, many diseases and illnesses can be avoided by simple preventive medicine; and,

WHEREAS, preventive medicine include measures that are taken to prevent disease and illness, rather than curing or treating them; and,

WHEREAS, leading causes of preventable death include: hypertension, smoking, high cholesterol, sexually transmitted infections, poor diet and obesity; and,

WHEREAS, it is imperative that more training become available to individuals from impoverished communities so that they may become health care professionals and improve health care access for all; and,

## PROCLAMATIONS

WHEREAS, Illinois's 7<sup>th</sup> Congressional District area is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and,

WHEREAS, the Health and Wellness Summit and Expo is a project sponsored by Sankofa Safe Child Initiative in collaboration with Congressman Danny K. Davis, the Illinois Medical District Commission and an array of corporations, health associations, social service agencies, government entities and the faith-based community; and,

WHEREAS, the Health and Wellness Summit and Expo will raise awareness of preventive and wellness care and educate participants about access to healthy food choices, healthy lifestyle choices, chronic disease and treatment options; and,

WHEREAS, the Health and Wellness Summit and Expo will feature discussions and activities that include: health screenings, food demonstrations, health fitness demonstrations, conversations on healthcare and resource booths, among others; and,

WHEREAS, the Health and Wellness Summit and Expo will kick-off on Friday, July 22 in the Illinois Medical District, at the Illinois Medical District building in Chicago:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 22-23, 2011 as **HEALTH AND WELLNESS WEEKEND** in Illinois, and encourage all residents to take the necessary measures to prevent disease and illness.

Issued by the Governor July 13, 2011

Filed by the Secretary of State July 15, 2011

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 35, Issue 31 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

44 - 5040	.....	12592
89 - 140	.....	12600
17 - 3020	.....	12624
35 - 304	.....	12634
77 - 515	.....	12645
77 - 661	.....	12668
23 - 3035	.....	12686
20 - 1286	.....	12741

**ADOPTED RULES**

50 - 1415	7/18/2011 .....	12749
2 - 555	7/14/2011 .....	12756
2 - 560	7/18/2011 .....	12761
80 - 50	7/14/2011 .....	12801
14 - 130	7/14/2011 .....	12810

**JOINT COMMITTEE ON  
ADMINISTRATIVE RULES  
STATEMENTS OF SUSPENSION**

74 - 740	.....	12832
----------	-------	-------

**EXECUTIVE ORDERS AND  
PROCLAMATIONS**

11 - 248	6/30/2011 .....	12850
11 - 249	7/1/2011 .....	12850
11 - 250	7/1/2011 .....	12851
11 - 251	7/1/2011 .....	12852
11 - 252	7/1/2011 .....	12853
11 - 253	7/6/2011 .....	12854
11 - 254	7/6/2011 .....	12855
11 - 255	7/6/2011 .....	12856
11 - 256	7/6/2011 .....	12857
11 - 257	7/6/2011 .....	12858
11 - 258	7/6/2011 .....	12859
11 - 259	7/6/2011 .....	12859
11 - 260	7/7/2011 .....	12860
11 - 261	7/13/2011 .....	12861
11 - 262	7/13/2011 .....	12862
11 - 263	7/13/2011 .....	12863
11 - 264	7/13/2011 .....	12864
11 - 265	7/13/2011 .....	12865

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