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## INTRODUCTION

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

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

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

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

## ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2014

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

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

**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2014 until January 2, 2015.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fire Truck Revolving Loan Program
- 2) Code Citation: 41 Ill. Adm. Code 290
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
290.10	Amendment
290.15	New Section
290.20	Amendment
290.30	Amendment
290.40	Amendment
290.50	Amendment
290.55	New Section
290.60	Amendment
290.70	Amendment
290.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 80 of the Illinois Finance Authority Act, Fire Truck Revolving Loan Program [20 ILCS 3501/825-80]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking clarifies and updates the administrative procedures for the application, review and award of loans under the Fire Truck Revolving Loan Program. The amendments clarify the respective roles of the Office of the State Fire Marshal and the Illinois Finance Authority. The proposed amendments update Part 290 to add provisions specific to loans for brush trucks adopted in PA 97-900 (effective 8/6/2012). The amendments also provide authority and establish procedures for the Office and IFA to issue low interest loans as provided in PA 97-901(effective 1/1/2013) and change the maximum loan award from \$250,000 to \$350,000 as provided in PA 98-662 (effective 6/23/14). The proposed amendments revise loan payment schedules from quarterly to annual, address conflicts of interest and ethics for members of the Loan Review Committee and establish criteria for determining which applicants will receive low interest loans instead of zero interest loans.
- 6) Published Studies or Reports, and Sources of Underlying Data used to compose this Rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules provide assistance to units of local government so they can provide fire suppression services to the citizens of the State in a timely and safe manner.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:
- Les Albert  
Deputy Fire Marshal  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield IL 62703-4259
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rule will provide financing for small municipalities and fire protection districts that provide fire suppression services.
- B) Reporting, bookkeeping or other procedures required for compliance: Those local governmental authorities that elect to participate will be required to complete an application and maintain records of purchase and repayment for the life of the loan.
- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 290  
FIRE TRUCK REVOLVING LOAN PROGRAM

Section	
290.10	Definitions
<a href="#">290.15</a>	<a href="#">Severability</a>
290.20	<a href="#">Purpose and Eligibility</a>
290.30	Eligible Expenditures
290.40	Loan Application Review Committee
290.50	Application Procedure and Content
<a href="#">290.55</a>	<a href="#">Criteria for Review of Loan Applications</a>
290.60	<a href="#">Request for Reconsideration</a> <del>Appeal Process</del>
290.70	Repayment Procedures
290.80	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Section 825-80 of the Illinois Finance Authority Act [20 ILCS 3501/825-80].

SOURCE: Adopted at 28 Ill. Reg. 4581, effective February 26, 2004; amended at 32 Ill. Reg. 8745, effective May 29, 2008; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 290.10 Definitions**

The following definitions are used in this Part:

"Applicant" means a unit of local government, including any municipality, township, township fire department, or special district such as a fire protection district that operates a fire department or provides fire suppression services itself without contracting those services from another entity.

"Authority" means the Illinois Finance Authority created by the Illinois Finance Authority Act [20 ILCS 3501] or its successor agency.

"Board" means the governing body of the entity receiving the loan.

## OFFICE OF THE STATE FIRE MARSHAL

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*"Brush truck" means a pickup chassis with or equipped with a flatbed or a pickup box. The truck must be rated by the manufacturer as between three-fourths of a ton and one ton and outfitted with a fire or rescue apparatus.*

"Committee" means the Loan Application Review Committee established in Section 290.40 ~~of this Part~~.

"Fire ~~department~~ Department" means a fire department, fire protection district or township fire department that is a unit of local government (as defined in Article VII, Section 1 of the Illinois Constitution of 1970 and in 5 ILCS 70/1.28) in Illinois that provides fire suppression within a geographical area. For purposes of this Part, "fire department" is defined to include volunteer fire departments and volunteer fire protection districts.

"Fire ~~truck~~ Truck" means an emergency vehicle identified as, but not limited to, a pumper, ladder truck, elevating platform, rescue truck, tanker, ~~brush truck~~ or squad truck.

"Funding date" means the date on which a zero-interest or low-interest loan is closed and funded.

"Low-interest loan" means a loan with a rate of interest lower than commercially available.

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

"Program" means the Illinois Fire Truck Revolving Loan Program.

"Recipient" means an applicant that has successfully applied for and received all required approvals from the Office and the Authority, agreed to and executed loan documentation prepared by the Authority, and closed and funded its fire truck or brush truck loan.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 290.15 Severability

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

OFFICE OF THE STATE FIRE MARSHAL  
NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 290.20 Purpose and Eligibility**

- a) The Office ~~of the State Fire Marshal~~ and the ~~Illinois Finance~~ Authority ~~may~~ jointly administer ~~this Program~~ program to provide zero-interest loans or low-interest loans to finance or reimburse all or a portion of the cost of purchasing ~~purchase of~~ fire trucks or brush trucks by a fire department, ~~fire protection district, or township fire department~~. The Office ~~will~~ determine loan awards based on equipment needs, financial need, and how recently the applicant has received a previous loan under this Program. A loan award will be reviewed by ~~program, supplemented by recommendations from~~ the Authority under its guidelines of ~~based on~~ creditworthiness. Loans for the purchase of fire trucks or brush trucks shall not exceed ~~\$350,000~~ \$250,000 in any single fiscal year to any fire department ~~or fire protection district~~. Loans for brush trucks shall not exceed \$100,000 per brush truck in any single fiscal year to any single fire department.
- b) Applicants that are required by Section 6 of the Fire Investigation Act [425 ILCS 25/6] to report fires to the Office must also have participated in the National Fire Incident Reporting System (NFIRS) for a minimum of ~~the previous~~ two years immediately prior to the date of the loan application in order to be eligible for a loan under the Program. Fire departments ~~or fire stations~~ that are for-profit entities, non-profit entities, associations ~~and~~ or not-for-profit corporations (i.e., that are not governmental bodies) are not eligible to apply for a loan under this Program. Units of local government that do not operate fire departments are similarly not eligible (e.g., a municipality that contracts for fire suppression from another municipality or fire district).

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 290.30 Eligible Expenditures**

The ~~Funding is available under the Illinois Fire Truck Revolving Loan~~ Program ~~provides~~ for zero-interest loans or low-interest loans to fire departments to finance or reimburse for the purchase of fire trucks or brush trucks up to a maximum of \$350,000 per fiscal year. Loans to fire departments for brush trucks shall not exceed \$100,000 per truck. Loan proceeds may be used to pay off a loan that was obtained no more than one year prior to the receipt of a loan under this

## OFFICE OF THE STATE FIRE MARSHAL

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Program if the loan being paid off was obtained to purchase the fire truck or brush truck that is the subject of the application that was approved under this Program.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 290.40 Loan Application Review Committee**

The State Fire Marshal shall appoint a Loan Application Review Committee to determine, based on equipment needs, financial need, and how recently the applicant has received a previous loan under this ~~Program~~program, which eligible ~~applicants will~~fire departments shall be recommended to the Authority to receive a loan under this ~~Program~~program for to finance or reimburse the purchase of a fire truck or brush truck.

- a) The Committee shall consist of the following nine members, who shall also serve as the Loan Application Review Committee for the Fire Station Revolving Loan Program and the Ambulance Revolving Loan Program:
  - 1) The State Fire Marshal, or his or her designee, as ~~Chair~~chairman;
  - 2) Three Fire Chiefs (one each from a volunteer department, a combination department and a career/municipal fire department);
  - 3) One representative from the Associated Fire Fighters of Illinois;
  - 4) Two representatives from the Illinois banking community (one from the Community Bankers Association of Illinois and one from the Illinois Bankers Association), ~~one of whom will serve as Vice Chairman of the Committee for a period of one year, after which the Vice Chairmanship will rotate to the other banking community representative~~;
  - 5) One member who is a volunteer firefighter; and
  - 6) One member from the Illinois Association of Fire Protection Districts.
- b) The Authority's Chief Financial Officer, or his or her designee, will serve as an ex officio member of the Committee for the purpose of reviewing loan documentation to ensure that all documents necessary for the Authority to conduct its loan review are present.

## OFFICE OF THE STATE FIRE MARSHAL

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- ~~cb)~~ Members shall serve without salary, but may receive reimbursement for reasonable expenses from the Office from appropriations for ~~thosesueh~~ purposes.
- ~~de)~~ All members shall have one vote except for the Chair and the Authority's Chief Financial Officer or his or her designee. ~~The ChairState Fire Marshal, who~~ shall only vote to break a tie.
- ~~ed)~~ Members shall serve a term of four years with two members' terms expiring each year. Members shall be appointed for initial terms as follows: two members shall serve terms of one year; two members shall serve terms of two years; two members shall serve terms of three years; and two members shall serve terms of four years. The allocation of initial terms shall be determined by a random drawing.
- ~~fe)~~ At the expiration of their initial terms of office, the members (or their successors) shall be appointed for terms of four years each. Upon the expiration of a member's term of office, the State Fire Marshal shall reappoint that member, or appoint a successor who is a representative of the same interests with which his or her predecessor was identified.
- ~~gf)~~ The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office. In ~~thesesueh~~ instances, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. Upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified.
- ~~g)~~ ~~Appointments shall be made to geographically represent the State.~~
- ~~h)~~ ~~As determined by the State Fire Marshal, the Committee shall meet and organize within 10 days after the appointment of its members and, at that meeting, shall elect one Secretary of the Committee to serve a term to be fixed by the committee at that meeting.~~
- ~~hi)~~ Regular meetings of the Committee shall occur ~~once in each quarter, or~~ as often as deemed necessary by the ChairState Fire Marshal, at a date, time and place to be fixed by the Committee (or by the ChairState Fire Marshal, should he or she

## OFFICE OF THE STATE FIRE MARSHAL

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call for the meeting) and at such additional times as the Committee deems necessary, for the consideration of loan applications, reviews, requests for reconsideration~~appeals~~ and the transaction of any other business as properly may come before it.

- i) A quorum shall be a majority of the appointed positions that have been filled by appointment. Unfilled positions shall not be counted.
- j) No Committee member affiliated with a fire department that has a pending application for a loan under this Program shall participate in the review of that fire department's application.
- k) Members of the Committee are required to participate in annual ethics training. Upon completion of the ethics training program, members of the Committee must certify that they have completed the training program.
- l) Members of the Committee are required to execute a confidentiality statement agreeing not to disclose any information gained during the course of their service on the Committee.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 290.50 Application Procedure and Content**

- a) Subject to the availability of funds, the Office ~~of the State Fire Marshal~~ will send a notification to all fire departments of fund availability and post~~annually issue~~ application forms for zero-interest loans and low-interest loans under this Program on the Office's website at [www.sfm.illinois.gov](http://www.sfm.illinois.gov)~~program to all fire departments~~. ~~The~~Each application form ~~provided~~ shall identify the information applicants must include in their loan requests and shall require that the loan application be returned to the Office no later than the ~~late~~ date specified in the application form. Applications shall be returned to the Office of the State Fire Marshal, Attention: Fire Truck Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- b) Each loan application shall include the following components:
  - 1) A completed application form supplied by the Office and signed by the duly authorized officers of the Board~~fire department~~.

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- 2) A description of the applicant's fire department's need for the proposed fire truck or brush truck in light of the resources available to the fire department.
  - 3) Identification of the personnel to serve as contacts for information.
  - 4) Budget information, including detailed information on income, expenditures and copies of the two most recent audits (and/or income and expense reports) for the unit of local government, as well as information on the source of loan repayment funds. If repayment plans are based on charitable contributions (local fundraisers, for example), the applicant must provide a history of amounts raised in prior years.
  - 5) Certifications and assurances as the Office and/or Authority may require.
  - 6) All other information as requested on the loan application form and in the Program program guidance section of the application.
- c) Applications received at the Office shall be logged in as received and assigned an application identification number ~~Application Number by the Office~~.
  - d) Applications shall be assessed by blind review, meaning the Committee shall not see the name, address or any specific information that identifies the applicant. ~~The Committee shall review and rank the applications based on assessment of need and information provided in the loan application.~~
  - e) Loan ~~After the Committee's review and ranking of applications,~~ loan dollar amounts will be assigned to the loan applications up to the maximum amount of funding available for loans under this Program program. Approval of an application by the Committee is not, nor should be, construed as any form of commitment or guarantee on the part of the Authority to the applicant ~~unit~~ that the proposed loan will be made.
  - f) Those loan applications recommended for approval shall be forwarded to the Authority for review under its guidelines of creditworthiness. The Authority, after completion of its review, will notify the Committee of the which loan applications it will approve, ~~subject to the end of the appeals process outlined in Section 290.60.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- g) Applicants that are delinquent on a previous loan funded through this Program will be automatically disqualified from funding under this Program, and other loan programs administered by the Office, until any loan repayment delinquency has been cured.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 290.55 Criteria for Review of Loan Applications**

- a) Applicants receiving a loan in previous loan application cycles will not be considered until one of the following conditions has been met:
- 1) all applicants who have never received a loan have been considered; or
  - 2) the previous loan received by the applicant has been repaid.
- b) Applicants who have not achieved compliance with Section 290.20(b) or who have submitted incomplete loan applications will not be considered.
- c) Applicants will be ranked by the Loan Application Review Committee based on:
- 1) financial need;
  - 2) equipment need, including whether the current equipment is in need of major repair or replacement; and
  - 3) the descriptive narrative provided in the application.
- d) If the applicant does not demonstrate sufficient annual revenue to allow the applicant to repay the loan under the terms required, the Office or the Authority may deny the application for lack of ability to repay.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 290.60 Request for Reconsideration Appeal Process**

- a) Those applicants whose loans were denied by the Committee or the Authority shall be notified by First Class U.S. mail.

## OFFICE OF THE STATE FIRE MARSHAL

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- b) ~~Notice of denial shall be deemed received the date of mailing.~~ The applicant has 30 calendar days from ~~the~~~~that~~ date of the postmark on the notice to forward to the Committee a Request for Reconsideration.
- c) The Request for Reconsideration shall be sent to the Office of the State Fire Marshal, Attention: Fire Truck Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- d) The Request for Reconsideration may be accompanied by supporting documents and information not previously considered by the Committee or Authority. The Committee, or, if appropriate, the Authority shall review the Request for Reconsideration. A denial of the Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request for Reconsideration shall be deemed ~~denied complete for the purposes of this Part.~~

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 290.70 Repayment Procedures**

Loans shall be repaid within 20 years, except for loans to finance acquisition of brush trucks, which shall be repaid within 10 years.

- a) The rate of interest for zero-interest loans shall be stipulated on the loan ~~agreement~~~~application~~ as 0% percent.
- b) For the purchase of brush trucks by a fire department, the Program shall provide loans at a 2% rate of simple interest per year for a brush truck if both the chassis and the apparatus are built outside of Illinois, a 1% rate of simple interest per year for a brush truck if either the chassis or the apparatus is built in Illinois, or a 0% rate of interest for a brush truck if both the chassis and the apparatus are built in Illinois.
- c) The rate of interest on loans under the Program, except for brush trucks, will be zero percent interest unless the recipient has one or more investment grade credit ratings (i.e., at or above Baa3 or BBB- or the equivalent) from any nationally recognized municipal credit rating agency.

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- d) For recipients that do not qualify for zero percent interest loans pursuant to subsection (c), the interest rate shall be determined as follows:
- 1) The interest rate will be set each January 1 for loans funded that calendar year;
  - 2) The interest rate will be equivalent to 50% of the mean of the Bond Buyer's 20-Bond General Obligation Index for the 12 month period ending October 1 of the previous calendar year; and
  - 3) The loans will bear interest on a simple-interest basis.
- e) The interest rate for all low-interest loans will be stipulated in the loan agreement and remain fixed for the term of the loan agreement.
- f) Payments on the loan (principal and accrued interest, if any) shall be made by check on an annual-a-~~quarterly~~ basis in 80-equal installments as provided in the loan agreement between the recipient and the Authority.
- 1) Loan payments shall be due ~~quarterly~~ on November 1 of each year~~December 30, March 30, June 30 and September 30~~, with the first payment under each loan due as follows:~~on the second due date following the receipt of the loan.~~
    - A) If the time period between the loan funding date and the immediately following November 1 is 180 days or more, the first payment shall be due on November 1 immediately following the loan funding date; or
    - B) If the time period between the loan funding date and the immediately following November 1 is less than 180 days, the first payment shall be due on the second November 1 immediately following the loan funding date.
  - 2) After the first payment is made, succeeding payments shall be due on each November 1 until repaid in full.
  - 3) Payments~~Checks~~ shall be made payable to the "Illinois Finance Authority – Fire Truck Revolving Loan Fund" with payments submitted by wire

## OFFICE OF THE STATE FIRE MARSHAL

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~~transfer, electronic funds transfer, or check pursuant to the instructions provided by and mailed to the Illinois Finance Authority in the annual invoice care of the Office of the State Fire Marshal.~~

~~43)~~ Payments not received within 15 calendar days after the due date shall be assessed a penalty of ~~5% percent~~ of the payment due; however, the late payment penalty shall be waived when the postmark date on the envelope used to submit ~~the~~ payment by check is dated five days or more before the end of the 15-day grace period.

~~ge)~~ A ~~recipient fire department~~ may prepay the balance due on the loan in its entirety, without penalty, on any ~~scheduled payment~~ date, provided that the recipient fire department first contacts the Authority to obtain the total amount of the principal and accrued interest, if any, due at that time.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 290.80 Terms and Conditions of Loan Agreement**

An approved loan application with the Office and the Authority is subject to the following terms:

- ~~a)~~ ~~Orders for payment will be submitted to the Office of the Comptroller by the Office according to the terms of Section 290.70, Repayment Procedures.~~
- ~~ab)~~ Loan proceeds under this ~~Program program~~ shall be used exclusively for the purposes listed in Section 290.30 ~~of this Part~~ and shall be expended in accordance with the approved application and the ~~recipient's applicant's~~ policies and procedures related to ~~those such~~ expenditures. In the event that the loan proceeds are not expended in the manner approved, ~~then~~ the ~~recipient fire department~~, upon written notification from the ~~Authority Office~~, shall be required to submit, by the next payment due date, payment of the loan's outstanding principal and any accrued interest of the loan.
- ~~be)~~ Loan proceeds shall be obligated no later than six months following the ~~receipt of the loan funding date~~.
- ~~cd)~~ Proof of use Use of loan proceeds shall be provided to the Authority and the Office accounted for in accordance with standard accounting practices. ~~Loan recipients shall submit to the Office a report detailing how the loan proceeds were~~

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~~used. This expenditure report, to be submitted on a form supplied by the Office, shall be due not later than nine months following receipt of the loan.~~

- e) ~~Loan proceeds shall be included in the fire department's budget.~~
- d) In the event of default that is not cured within 90 calendar days, the ~~Authority~~Office shall notify the Office of the Comptroller to deduct the amount owed from any payments from other State agencies, ~~and the fire department shall be ineligible for additional loans until good standing has been restored.~~ In addition, the Office and/or the Authority may avail itself of all remedies, rights and provisions of law applicable in the circumstances, and the failure to exercise or exert any rights or remedies provided by law may not be raised as a defense by the ~~recipient~~fire department in default.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Ambulance Revolving Loan Program
- 2) Code Citation: 41 Ill. Adm. Code 292
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
292.10	Amendment
292.15	New Section
292.20	Amendment
292.30	Amendment
292.40	Amendment
292.50	Amendment
292.60	Amendment
292.70	Amendment
292.80	Amendment
292.90	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 85 of the Illinois Finance Authority Act (Ambulance Revolving Loan Program) [20 ILCS 3501/825-85]
- 5) A Complete Description of the Subjects and Issues Involved: The Office of the State Fire Marshal and the Illinois Finance Authority jointly administer a program to provide loans for the purchase of ambulances by a not-for-profit ambulance service or a unit of local government that provides emergency medical service within a geographical area. This proposed rulemaking clarifies and updates the administrative procedures for the application, review and award of loans under this Program. The amendments clarify the respective roles of the Office of the State Fire Marshal and the Illinois Finance Authority. PA 97-901 (effective 1/1/2013) provided additional authority to the Office and IFA to provide low interest loans and this rulemaking updates Part 292 to establish these low interest loan requirements. The proposed amendments revise loan payment schedules from quarterly to annual, address conflicts of interest and ethics for members of the Loan Review Committee and establish criteria for determining which applicants will receive low-interest loans instead of zero-interest loans.
- 6) Published Studies or Reports, and Sources of Underlying Data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 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: These rules provide assistance to units of local government and non-profit ambulance companies so they can provide emergency services to the citizens of the State in a timely and safe manner.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:
- Les Albert  
Deputy Fire Marshal  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield IL 62703-4259
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rule will provide financing for small municipalities, fire protection districts and non-profit stand-alone entities that provide ambulance services.
- B) Reporting, bookkeeping or other procedures required for compliance: Those local governmental authorities and non-profit ambulance companies that elect to participate will be required to complete an application and maintain records of purchase and repayment for the life of the loan.
- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 292  
AMBULANCE REVOLVING LOAN PROGRAM

Section	
292.10	Definitions
<a href="#">292.15</a>	<a href="#">Severability</a>
292.20	Purpose and Qualifications
292.30	Eligible Expenditures
292.40	Loan Application Review Committee
292.50	Application Procedure and Content
292.60	Criteria for Review of Loan Applications
292.70	<a href="#">Request for Reconsideration</a> <del><a href="#">Appeal Process</a></del>
292.80	Repayment Procedures
292.90	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by the Illinois Finance Authority Ambulance Revolving Loan Program [20 ILCS 3501/825-85].

SOURCE: Adopted at 32 Ill. Reg. 8750, effective May 29, 2008; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 292.10 Definitions**

The following definitions are used in this Part:

"Ambulance" means an on-road vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for and is maintained and operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

"Applicant" means a not-for-profit emergency medical service provider or a unit of local government (township fire department, fire protection district or municipal fire department) that provides emergency medical service within a geographical area. Applicants may be either paid or volunteer not-for-profit or governmental emergency medical service providers.

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"Authority" means the Illinois Finance Authority created by the Illinois Finance Authority Act [20 ILCS 3501] or its successor agency.

~~"Committee" means the Loan Application Review Committee established in Section 292.40 of this Part.~~

~~"Applicant" or "Recipient" means a not for profit emergency medical service or a unit of local government (township fire department, fire protection district or municipal fire department) that provides emergency medical service within a geographical area.~~

~~"Ambulance" means an emergency medical vehicle that complies with USDOT and the Illinois Department of Public Health as a medical transport ambulance.~~

~~"Board" means the governing body of the entity receiving the loan.~~

~~"Committee" means the Loan Application Review Committee established in Section 292.40.~~

~~"Funding date" means the date on which a zero-interest or low-interest loan is closed and funded.~~

~~"Low-interest loan" means a loan with a rate of interest lower than commercially available.~~

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

"Program" means the Illinois Ambulance Revolving Loan Program.

"Recipient" means an applicant that has successfully applied for and received all required approvals from the Office and the Authority, agreed to and executed loan documentation prepared by the Authority, and closed and funded its ambulance loan.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 292.15 Severability**

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

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 292.20 Purpose and Qualifications**

- a) The ~~Office~~OSFM and the ~~Illinois Finance~~ Authority ~~may~~shall jointly administer ~~this~~a ~~Program~~program to provide zero-interest loans or low-interest loans to finance or reimburse all or a portion of the cost of purchasing~~for the purchase of~~ an ambulance or ambulances by a not-for-profit emergency medical service or a unit of local government (township fire department, fire protection district or municipal fire department) that provides emergency medical service to a geographic area.
- b) The ~~Office will~~OSFM ~~shall~~ determine loan awards based on equipment needs, financial need, and how recently the applicant has received a previous loan under this ~~Program~~. ~~A loan award will be reviewed~~ program, supplemented by recommendations from the Authority under its guidelines of ~~based on~~ creditworthiness. A loan for the purchase of an ambulance shall not exceed \$100,000 in any single fiscal year to any recipient.
- c) Applicants ~~that~~who are required by Section 6 of the Fire Investigation Act [425 ILCS 25/6] to report fires to the ~~Office~~OSFM must have participated in the National Fire Incident Reporting System (NFIRS) for a minimum of two years immediately prior to~~preceding~~ the date of loan application ~~for the loan~~ in order to be eligible~~considered~~ for a loan under the Program.
- d) Fire departments or emergency medical service providers that are for-profit entities are not eligible to apply for a loan under this ~~Program~~program. Units of local government that do not provide~~operate~~ emergency medical services~~service~~ ~~units~~ are similarly not eligible (e.g., a municipality that contracts for emergency medical services from another municipality or fire district).

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 292.30 Eligible Expenditures**

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~~Funding is available under the Illinois Ambulance Revolving Loan~~ The Program provides for zero-interest loans or low-interest loans to applicants to finance or reimburse for the purchase of ambulances up to a maximum of \$100,000 per fiscal year. ~~(See Section 292.50.)~~ Loan proceeds may be used to pay off a loan that was obtained no more than one year prior to the receipt of a loan under this Program if the loan being paid off was obtained to purchase the ambulance that is the subject of the application that was approved under this Program.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 292.40 Loan Application Review Committee**

The State Fire Marshal shall appoint a Loan Application Review Committee to determine, based on equipment needs, financial need, and how recently the applicant has received a previous loan under this ~~Program~~ program, which eligible applicants will ~~applications shall~~ be recommended to the Authority to receive a loan under this ~~Program~~ program for to finance or reimburse the purchase of an ambulance.

- a) The Committee shall consist of the following nine members, who shall also serve as the Loan Application Review Committee for the Fire Truck Revolving Loan ~~Program~~ program and the Fire Station Revolving Loan Program:
- 1) The State Fire Marshal, or his or her designee, as Chair ~~chair~~;
  - 2) Three Fire Chiefs (one each from a volunteer department, a combination department and a career/municipal fire department);
  - 3) One representative from the Associated Fire Fighters of Illinois;
  - 4) Two representatives from the Illinois banking community (one from the Community Bankers Association of Illinois and one from the Illinois Bankers Association), ~~one of whom will serve as vice chair of the Committee for a period of one year, after which the vice chair position will rotate to the other banking community representative;~~
  - 5) One member who is a volunteer firefighter; and
  - 6) One member from the Illinois Association of Fire Protection Districts.

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- ~~b)~~ The Authority's Chief Financial Officer, or his or her designee, will serve as an ex officio member of the Committee for the purpose of reviewing loan documentation to ensure that all documents necessary for the Authority to conduct its loan review are present.
- ~~cb)~~ Members shall serve without salary, but may receive reimbursement for reasonable expenses from the Office OSFM from appropriations for thosesueh purposes.
- ~~de)~~ All members shall have one vote, except for the Chair State Fire Marshal, and the Authority's Chief Financial Officer or his or her designee. The Chair-who shall only vote to break a tie.
- ~~ed)~~ Members shall serve a term of four years with two members' terms expiring each year. Members shall be appointed for initial terms as follows: two members shall serve terms of one year; two members shall serve terms of two years; two members shall serve terms of three years; and two members shall serve terms of four years. The allocation of initial terms shall be determined by a random drawing.
- ~~fe)~~ At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of four years each. Upon the expiration of a member's term of office, the State Fire Marshal shall reappoint that member, or appoint a successor who is a representative of the same interests with which his or her predecessor was identified.
- ~~gf)~~ The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office. In thesesueh instances, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. Upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified.
- ~~g)~~ Appointments shall be made to geographically represent the State.
- ~~h)~~ As determined by the State Fire Marshal, the Committee shall meet and organize within 10 days after the appointment of its members and, at that meeting, shall

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~~elect one Secretary of the Committee to serve a term to be fixed by the committee at that meeting.~~

- ~~hi)~~ Regular meetings of the Committee shall occur ~~once in each quarter, or~~ as often as deemed necessary by the ~~Chair State Fire Marshal~~, at a date, time and place to be fixed by the Committee (or by the ~~Chair State Fire Marshal~~, should he or she call for the meeting) and at such additional times as the Committee deems necessary, for the consideration of loan applications, reviews, requests for reconsideration appeals and the transaction of any other business as properly may come before it.
- ~~ij)~~ A quorum shall be a majority of the appointed positions that have been filled by appointment. Unfilled positions shall not be counted.
- ~~j)~~ No Committee member affiliated with an applicant that has a pending application for a loan under this Program shall participate in the review of that application.
- ~~k)~~ Members of the Committee are required to participate in annual ethics training. Upon completion of the ethics training program, members of the Committee must certify that they have completed the training program.
- ~~l)~~ Members of the Committee are required to execute a confidentiality statement agreeing not to disclose any information gained during the course of their service on the Committee.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 292.50 Application Procedure and Content**

- a) Subject to the availability of funds, the ~~Office OSFM~~ will post application forms for zero-interest loans and low-interest loans under this ~~Program program~~ on the ~~Office's Fire Marshal's~~ web site at [www.sfm.illinois.gov](http://www.sfm.illinois.gov). ~~The Each~~ application form ~~provided~~ shall identify the information applicants must include in their loan requests and shall require that the loan application be returned to the ~~Office OSFM~~ no later than the ~~late~~ date specified in the application form. Applications shall be returned to the Office of the State Fire Marshal, Attention: Ambulance Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- b) Each loan application shall include the following components:

## OFFICE OF THE STATE FIRE MARSHAL

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- 1) A completed application form supplied by the Office OSFM and signed by the duly authorized officers of the applicant.
  - 2) A description of the applicant's need for the proposed ambulance, in light of the resources available to the applicant fire department.
  - 3) Name, address, phone, facsimile, and email contact information of the persons authorized to serve as contact for information regarding the application.
  - 4) Budget information, including detailed information on income, expenditures and copies of the two most recent audits (and/or income and expense reports) for the applicant or unit of local government, as well as information on the source of loan repayment funds. If repayment plans are based on charitable contributions (local fundraisers, for example), the applicant must provide a history of amounts raised in prior years.
  - 5) Certifications and assurances as the Office OSFM and/or Authority may require.
  - 6) All other information as requested on the loan application form and in the Program program guidance section of the application.
- c) Applications received at the Office OSFM shall be logged in as received and assigned an application identification number ~~Application Identification Number by the OSFM.~~
- d) Applications shall be assessed by blind review, meaning the Committee shall not see the name, address or any specific information that identifies the applicant. ~~The Committee shall review and rank the applications based on assessment of need and information provided in the loan application.~~
- e) ~~After the Committee's review and ranking of applications, loan~~ Loan dollar amounts will be assigned to the loan applications up to the maximum amount of funding available for loans under this Program program. Approval of an application by the Committee shall not be construed as any form of commitment or guarantee on the part of the Authority to the applicant ~~unit~~ that the proposed loan will be made.

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- f) Those loan applications recommended for approval shall be forwarded to the Authority for review under its guidelines of creditworthiness. The Authority, after completion of its review, will notify the Committee ~~of theas to which~~ loan applications it will approve, ~~subject to the end of the appeals process outlined in Section 292.60.~~
- g) Applicants that are delinquent on a previous loan funded through this Program will be automatically disqualified from funding under this Program, and other loan programs administered by the Office, until any loan repayment delinquency has been cured.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 292.60 Criteria for Review of Loan Applications**

- a) ~~The Committee will consider the following criteria and assign point totals when determining loan recipients.~~
- 1) ~~Priority = 0-5 points~~
- A) ~~Loan applications will be given an identification number when the OSFM receives the application.~~
- B) ~~If, for some reason, an applicant would withdraw or refuse a loan, priority would pass to the application next submitted.~~
- 2) ~~Equipment Need = 0-45 points~~
- A) ~~The applicant does not currently own an ambulance.~~
- B) ~~The applicant currently owns one or more ambulances.~~
- C) ~~The applicant is unable to acquire an ambulance without a grant or cannot borrow one from another department on a consistent or need basis (due to geographical distance, availability, etc.), or the ambulance represents a unique need for the district.~~
- 3) ~~Financial Need = 0-50 points~~

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- A) ~~Will be determined by considering the total budget of the applicant as an available resource.~~
- B) ~~The cost of the ambulance is prohibitively expensive given the applicant's total budget.~~
- ab) Those applicants receiving a loan in previous loan application cycles will not be considered until one of the following conditions has been met:
- 1) all applicants who have never received a loan ~~but are requesting a loan~~ have been considered; or
  - 2) the previous loan received by the applicant has been repaid.
- ~~Previous grant recipients will still be eligible to receive a grant if they have received a previous loan, but the point total for their application will result in a lower priority.~~
- b) Applicants who have not achieved compliance with Section 292.20(c) or who have submitted incomplete loan applications will not be considered.
- c) Applicants will be ranked by the Loan Application Review Committee based on:
- 1) financial need;
  - 2) equipment need, including whether the current equipment is in need of major repair or replacement; and
  - 3) the descriptive narrative provided in the application.
- d) If the applicant does not demonstrate sufficient annual revenue to allow the applicant to repay the loan under the terms required, the Office or the Authority may deny the application for lack of ability to repay.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 292.70 Request for Reconsideration~~Appeal Process~~**

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- a) Those applicants whose loans were denied by the Committee or the Authority shall be notified by First Class U.S. mail.
- b) ~~Notice of denial shall be deemed received the date of mailing.~~ The applicant has 30 calendar days from ~~the~~that date of the postmark on the notice to forward to the Committee a Request for Reconsideration.
- c) The Request for Reconsideration shall be sent to the Office of the State Fire Marshal, Attention: Ambulance Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- d) The Request for Reconsideration may be accompanied by supporting documents and information not previously considered by the Committee or Authority. The Committee or, if appropriate, the Authority shall review the Request for Reconsideration. A denial of the Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request for Reconsideration shall be deemed ~~denied complete for the purposes of this Part.~~

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 292.80 Repayment Procedures**

- a) Loans shall be repaid within 10 years.
- b) The rate of interest for zero-interest loans shall be stipulated on the loan application as 0% percent.
- c) The rate of interest on loans under the Program will be zero-percent interest unless the recipient has one or more investment grade credit ratings (i.e., at or above Baa3 or BBB- or the equivalent) from any nationally recognized municipal credit rating agency.
- d) For recipients that do not qualify for zero-percent interest loans pursuant to subsection (c), the interest rate shall be determined as follows:
  - 1) The interest rate will be set each January 1 for loans funded that calendar year;

## OFFICE OF THE STATE FIRE MARSHAL

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- 2) The interest rate will be equivalent to 50% of the mean of the Bond Buyer's 20-Bond General Obligation Index for the 12 month period ending October 1 of the previous calendar year; and
- 3) The loans will bear interest on a simple-interest basis.
- e) The interest rate for all low-interest loans will be stipulated in the loan agreement and remain fixed for the term of the loan agreement.
- fe) Payments on the loan (principal and accrued interest, if any) shall be made by check on an annual-a quarterly basis in 40-equal installments as provided in the loan agreement between the recipient and the Authority.
- 1) Loan payments shall be due quarterly on November 1 of each year-December 30, March 30, June 30 and September 30, with the first payment under each loan due as follows: on the second due date following the receipt of the loan.
  - A) If the time period between the loan funding date and the immediately following November 1 is 180 days or more, the first payment shall be due on November 1 immediately following the loan funding date; or
  - B) If the time period between the loan funding date and the immediately following November 1 is less than 180 days, the first payment shall be due on the second November 1 immediately following the loan funding date.
- 2) After the first payment is made, succeeding payments shall be due on each November 1 until repaid in full.
- 32) Payments-Checks shall be made payable to the "Illinois Finance Authority - Ambulance Revolving Loan Fund" with payments submitted by wire transfer, electronic funds transfer, or check pursuant to instructions provided by and mailed to the Illinois Finance Authority in care of the annual invoice-Office of the State Fire Marshal.
- 43) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5%-percent of the payment due; however, the late

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payment penalty shall be waived when the postmark date on the envelope used to submit the payment by check is dated five days or more before the end of the 15-day grace period.

- ~~g~~) A recipient may prepay the balance due on the loan in its entirety, without penalty, on any ~~scheduled payment~~ date, provided that the recipient first contacts the Authority to obtain the total amount of the principal and accrued interest, if any, due at that time.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 292.90 Terms and Conditions of Loan Agreement**

~~An approved~~ loan approved by application with the Office OSFM and the Authority is subject to the following terms:

- ~~a)~~ ~~Orders for payment will be submitted by OSFM to the Office of the Comptroller according to the terms of Section 292.80 (Repayment Procedures).~~
- ~~ab)~~ Loan proceeds under this Program program shall be used exclusively for the purposes listed in Section 292.30 and shall be expended in accordance with the approved application and the recipient's applicant's policies and procedures related to those such expenditures. In the event that the loan proceeds are not expended in the manner approved, ~~then~~ the recipient, upon written notification from the Authority OSFM, shall be required to submit, by the next payment due date, payment of the loan's outstanding principal and any accrued interest of the loan.
- ~~be)~~ Loan proceeds shall be obligated no later than six months following ~~the receipt of~~ the loan funding date.
- ~~cd)~~ Proof of use of loan proceeds shall be provided to the Authority and the Office. ~~Use of loan proceeds shall be accounted for in accordance with standard accounting practices. Loan recipients shall submit to the OSFM a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by the OSFM, shall be due not later than nine months following receipt of the loan.~~
- ~~e)~~ ~~Loan proceeds shall be included in the recipient's budget.~~

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- df) In the event of default that is not cured within 90 calendar days, the Authority~~OSFM~~ shall notify the Office of the Comptroller to deduct the amount owed from any payments from other State agencies, ~~and the recipient shall be ineligible for additional loans until good standing has been restored~~. In addition, the Office~~OSFM~~ and/or the Authority may avail itself of all remedies, rights and provisions of law applicable in the circumstances, and the failure to exercise or exert any rights or remedies provided by law may not be raised as a defense by the recipient in default.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Fire Station Revolving Loan Program
- 2) Code Citation: 41 Ill. Adm. Code 294
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
294.100	New Section
294.110	New Section
294.120	New Section
294.130	New Section
294.140	New Section
294.150	New Section
294.160	New Section
294.170	New Section
294.180	New Section
294.190	New Section
- 4) Statutory Authority: Implementing and authorized by Section 81 of the Illinois Finance Authority Act, Fire Station Revolving Loan Program [20 ILCS 3501/825-81]
- 5) A Complete Description of the Subjects and Issues Involved: The Office of the State Fire Marshal and the Illinois Finance Authority were given authority in PA 96-135 (effective 8/7/2009) to jointly administer a program to provide zero interest loans for the construction, rehabilitation, remodeling, or expansion of a fire station or the acquisition of land for the construction or expansion of a fire station by a fire department, fire protection district, or a township fire department. This rulemaking establishes the application, loan award and repayment requirements and clarifies the relationship between the OSFM and IFA. PA 97-901(effective 1/1/2013) provided additional authority to OSFM and IFA to provide low interest loans and this rulemaking also establishes these low interest loan requirements.
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No

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## NOTICE OF PROPOSED RULES

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules provide assistance to units of local government so they can provide emergency and fire suppression services to the citizens of the State in a timely and safe manner.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:
- Les Albert  
Deputy Fire Marshal  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield IL 62703-4259
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rule will provide financing for small municipalities and fire protection districts that provide emergency and fire suppression services.
- B) Reporting, bookkeeping or other procedures required for compliance: Those local governmental authorities that elect to participate will be required to complete an application and maintain records of purchase and repayment for the life of the loan.
- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED RULES

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 294  
FIRE STATION REVOLVING LOAN PROGRAM

Section	
294.100	Definitions
294.110	Severability
294.120	Purpose and Eligibility
294.130	Eligible Expenditures
294.140	Loan Application Review Committee
294.150	Loan Application Procedure and Content
294.160	Criteria for Review of Loan Applications
294.170	Request for Reconsideration
294.180	Repayment Procedures
294.190	Terms and Conditions of Loan Agreement

**AUTHORITY:** Implementing and authorized by the Illinois Finance Authority Fire Station Revolving Loan Program [20 ILCS 3501/825-81].

**SOURCE:** Adopted at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 294.100 Definitions**

The following definitions are used in this Part:

"Applicant" means a unit of local government, including any municipality, township, township fire department, or special district such as a fire protection district that operates a fire department or provides fire suppression services itself without contracting those services from another entity.

"Authority" means the Illinois Finance Authority created by the Illinois Finance Authority Act [20 ILCS 3501] or its successor agency.

"Board" means the governing body of the entity receiving the loan.

"Committee" means the Loan Application Review Committee established in Section 294.140.

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"Fire department" means a fire department, fire protection district or township fire department that is a unit of local government in Illinois that provides fire suppression within a geographical area. For purposes of this Part, fire department is defined to include volunteer fire departments and volunteer fire protection districts.

"Fire station" means a building or structure set aside for storage of firefighting apparatus (including fire trucks, pumpers, ladder trucks, elevating platforms, rescue trucks, tankers, brush trucks, squad trucks, ambulances and related vehicles), personal protective equipment, fire hose and other fire extinguishing equipment. It may also include dormitory living facilities and work areas such as offices, meeting rooms, workshops or laundry facilities. The term includes additions to existing buildings as well as new construction.

"Funding date" means the date on which a zero-interest or low-interest loan is closed and funded.

"Low-interest loan" means a loan with a rate of interest lower than commercially available.

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

"Program" means the Illinois Fire Station Revolving Loan Program.

"Recipient" means an applicant that has successfully applied for and received all required approvals from the Office and the Authority, agreed to and executed loan documentation prepared by the Authority, and closed and funded its fire station loan.

**Section 294.110 Severability**

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

**Section 294.120 Purpose and Eligibility**

- a) The Office and the Authority may jointly administer this Program to provide zero-interest loans or low-interest loans to fire departments, the proceeds of which

## OFFICE OF THE STATE FIRE MARSHAL

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shall be used to finance all or any portion of the costs associated with the construction, rehabilitation, remodeling or expansion of a fire station.

- b) The Office will determine loan awards based on building need, financial need, and how recently the applicant has received a previous loan under this Program. A loan award will be reviewed by the Authority under its guidelines of creditworthiness. A loan for the construction, rehabilitation, remodeling or expansion of a fire station or for the acquisition of land for the construction or expansion of a fire station shall not exceed \$2,000,000 in any single fiscal year to any fire department.
- c) Applicants that are required by Section 6 of the Fire Investigation Act [425 ILCS 25/6] to report fires to the Office must also have participated in the National Fire Incident Reporting System (NFIRS) for a minimum of two years immediately prior to the date of the loan application in order to be eligible for a loan under the Program.
- d) Fire departments that are not governmental bodies, including for-profit entities, non-profit entities, associations or not-for-profit corporations, are not eligible to apply for a loan under this Program. Units of local government that do not operate fire departments or contract for fire suppression from another municipality or fire district are similarly not eligible.

**Section 294.130 Eligible Expenditures**

Subject to the availability of monies in the Fire Station Revolving Loan Fund, zero-interest loans or low-interest loans will be available for the purpose of paying all or a portion of the costs associated with the construction, rehabilitation, remodeling or expansion of a fire station or acquisition of land for the construction or expansion of a fire station up to a maximum loan amount of \$2,000,000 per fire department per fiscal year.

**Section 294.140 Loan Application Review Committee**

The State Fire Marshal shall appoint a Loan Application Review Committee to determine, based on building need, financial need, and how recently the applicant has received a previous loan under this Program, which eligible applicants will be recommended to the Authority to receive a loan under this Program.

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- a) The Committee shall consist of the following nine members, who shall also serve as the Loan Application Review Committee for the Fire Truck Revolving Loan Program and the Ambulance Revolving Loan Program:
- 1) The State Fire Marshal, or his or her designee, as Chair;
  - 2) Three Fire Chiefs (one each from a volunteer department, a combination department and a career/municipal fire department);
  - 3) One representative from the Associated Fire Fighters of Illinois;
  - 4) Two representatives from the Illinois banking community (one from the Community Bankers Association of Illinois and one from the Illinois Bankers Association);
  - 5) One member who is a volunteer firefighter; and
  - 6) One member from the Illinois Association of Fire Protection Districts.
- b) The Authority's Chief Financial Officer, or his or her designee, will serve as an ex officio member of the Committee for the purpose of reviewing loan documentation to ensure that all documents necessary for the Authority to conduct its loan review are present.
- c) Members shall serve without salary, but may receive reimbursement for reasonable expenses from the Office from appropriations for those purposes.
- d) All members shall have one vote except for the Chair and the Authority's Chief Financial Officer or his or her designee. The Chair shall only vote to break a tie.
- e) Members shall serve a term of four years, with two members' terms expiring each year. Members shall be appointed for initial terms as follows: two members shall serve terms of one year; two members shall serve terms of two years; two members shall serve terms of three years; and two members shall serve terms of four years. The allocation of initial terms shall be determined by a random drawing.
- f) At the expiration of their initial terms of office, the members (or their successors) shall be appointed for terms of four years each. Upon the expiration of a

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member's term of office, the State Fire Marshal shall reappoint that member, or appoint a successor who is a representative of the same interests with which his or her predecessor was identified.

- g) The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office. In these instances, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. Upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified.
- h) Regular meetings of the Committee shall occur as often as deemed necessary by the Chair, at a date, time and place to be fixed by the Committee (or by the Chair, should he or she call for the meeting) and at such additional times as the Committee deems necessary, for the consideration of loan applications, reviews, requests for reconsideration and the transaction of any other business as properly may come before it.
- i) A quorum shall be a majority of the appointed positions that have been filled by appointment. Unfilled positions shall not be counted.
- j) No Committee member affiliated with a fire department that has a pending application for a loan under this Program shall participate in the review of that fire department's application.
- k) Members of the Committee are required to participate in annual ethics training. Upon completion of the ethics training program, members of the Committee must certify that they have completed the training program.
- l) Members of the Committee are required to execute a confidentiality statement agreeing not to disclose any information gained during the course of their service on the Committee.

**Section 294.150 Loan Application Procedure and Content**

- a) Subject to the availability of funds, the Office will send a notification to all fire departments of fund availability and post application forms for zero-interest loans

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and low-interest loans under this Program on the Office's website at [www.sfm.illinois.gov](http://www.sfm.illinois.gov). The application form shall identify the information applicants must include in their loan requests and shall require that the loan application be returned to the Office no later than the date specified in the application form. Applications shall be returned to the Office of the State Fire Marshal, Attention: Fire Station Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.

- b) Each loan application shall include the following components:
  - 1) A completed application form supplied by the Office and signed by the duly authorized officers of the Board.
  - 2) A description of the applicant's need for the proposed fire station construction, rehabilitation, remodeling or expansion as identified in the application in light of the resources available to the fire department.
  - 3) Identification of the personnel to serve as contacts for information.
  - 4) Budget information, including detailed information on income, expenditures and the source of loan repayment funds. If repayment plans are based on charitable contributions or fundraisers, the applicant must provide a history of amounts raised in prior years.
  - 5) Certifications and assurances as the Office or Authority may require.
  - 6) All other information as requested on the loan application form and in the Program guidance section of the application.
- c) Applications received at the Office shall be logged in as received and assigned an application identification number.
- d) Applications shall be assessed by blind review, meaning the Committee shall not see the name, address or any specific information that identifies the applicant.
- e) Loan dollar amounts will be assigned to the loan applications up to the maximum amount of funding available for loans under this Program. Approval of an application by the Committee is not, nor should be, construed as any form of

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commitment or guarantee on the part of the Authority to the applicant that the proposed loan will be made.

- f) Those loan applications recommended for approval shall be forwarded to the Authority for review under its guidelines of creditworthiness. The Authority, after completion of its review, will notify the Committee of the loan applications it will approve.
- g) Applicants that are delinquent on a previous loan funded through this Program will be automatically disqualified from further funding under this Program, or other loan programs administered by the Office, until any loan repayment delinquency has been cured.

**Section 294.160 Criteria for Review of Loan Applications**

- a) Applicants receiving a loan in previous loan application cycles will not be considered until one of the following conditions has been met:
  - 1) all applicants who have never received a loan have been considered; or
  - 2) the previous loan received by the applicant has been repaid.
- b) Applicants who have not achieved compliance with Section 294.120(c) or who have submitted incomplete loan applications will not be considered.
- c) Applicants will be ranked by the Loan Application Review Committee based on:
  - 1) financial need;
  - 2) building need; and
  - 3) the descriptive narrative provided in the application.
- d) If the applicant does not demonstrate sufficient annual revenue to allow the applicant to repay the loan under the terms required, the Office or the Authority may deny the application for lack of ability to repay.

**Section 294.170 Request for Reconsideration**

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- a) Applicants whose loans are denied by the Committee or the Authority shall be notified by First Class U.S. mail.
- b) The applicant has 30 calendar days from the date of the postmark on the notice to forward to the Committee a request for reconsideration.
- c) The request for reconsideration shall be sent to the Office of the State Fire Marshal, Attention: Fire Station Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- d) The request for reconsideration may be accompanied by supporting documents and information not previously considered by the Committee or Authority. The Committee or, if appropriate, the Authority shall review the request for reconsideration. A denial of the request for reconsideration shall be final. While a request for reconsideration is pending, the application that is the subject of the request for reconsideration shall be deemed denied.

**Section 294.180 Repayment Procedures**

- a) Loans shall be repaid within 25 years.
- b) The rate of interest for zero-interest loans shall be stipulated in the loan agreement as 0%.
- c) The rate of interest on loans under the Program will be zero percent unless the recipient has one or more investment grade credit ratings (i.e., at or above Baa3 or BBB- or the equivalent) from any nationally recognized municipal credit rating agency.
- d) For recipients that do not qualify for zero percent interest loans pursuant to subsection (c), the interest rate shall be determined as follows:
  - 1) The interest rate will be set each January 1 for loans funded that calendar year;
  - 2) The interest rate will be equivalent to 50% of the mean of the Bond Buyer's 20-Bond General Obligation Index for the 12 month period ending October 1 of the previous calendar year; and

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- 3) The loans will bear interest on a simple-interest basis.
- e) The interest rate for all low-interest loans will be stipulated in the loan agreement and remain fixed for the term of the loan agreement.
- f) Payments on the loan (principal and accrued interest, if any) shall be made on an annual basis in equal installments as provided in the loan agreement between the recipient and the Authority.
  - 1) Loan payments shall be due on November 1 of each year, with the first payment under each loan due as follows:
    - A) If the time period between the loan funding date and the immediately following November 1 is 180 days or more, the first payment shall be due on November 1 immediately following the loan funding date; or
    - B) If the time period between the loan funding date and the immediately following November 1 is less than 180 days, the first payment shall be due on the second November 1 immediately following the loan funding date.
  - 2) After the first payment is made, succeeding payments shall be due on each November 1 until repaid in full.
  - 3) Payments shall be made payable to the "Illinois Finance Authority – Fire Station Revolving Loan Fund" with payments submitted by wire transfer, electronic funds transfer or check, pursuant to the instructions provided by the Authority in the annual invoice.
  - 4) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5% of the payment due; however, the late payment penalty shall be waived when the postmark date on the envelope used to submit a payment by check is dated five days or more before the end of the 15-day grace period.
- g) A recipient may prepay the balance due on the loan in its entirety, without penalty, on any date, provided that the recipient first contacts the Authority to

## OFFICE OF THE STATE FIRE MARSHAL

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obtain the total amount of the principal and accrued interest, if any, due at that time.

**Section 294.190 Terms and Conditions of Loan Agreement**

A loan approved by the Office and the Authority is subject to the following terms:

- a) Loan proceeds under this Program shall be used exclusively for the purposes listed in Section 294.130 and shall be expended in accordance with the approved application and the recipient's policies and procedures related to those expenditures. In the event that the loan proceeds are not expended in the manner approved, the recipient, upon written notification from the Authority, shall be required to submit, by the next payment due date, payment of the loan's outstanding principal and any accrued interest.
- b) Loan proceeds shall be obligated no later than 12 months following the loan funding date.
- c) Proof of use of loan proceeds shall be provided to the Authority and the Office.
- d) In the event of default that is not cured within 90 calendar days, the Authority shall notify the Office of the Comptroller to deduct the amount owed from any payments from other State agencies. In addition, the Office and/or the Authority may avail itself of all remedies, rights and provisions of law applicable in the circumstances, and the failure to exercise or exert any rights or remedies provided by law may not be raised as a defense by the recipient in default.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Visa Waiver Program for International Medical Graduates
- 2) Code Citation: 77 Ill. Adm. Code 591
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
591.30	Amendment
591.115	New Section
- 4) Statutory Authority: PA 98-1006 and Sections 212(e) and 214(l) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(l)), and 22 CFR 62, Exchange Visitor Program
- 5) A Complete Description of the Subjects and Issues Involved: Changes to Part 591 are proposed to incorporate language regarding fee assessments on J-1 Visa Waiver applicants. The fee assessment is in response to PA 98-1006, which gives the Department the authority to assess a fee on J-1 Visa Waiver applications. Monies collected will be deposited into the Rural/Downstate Health Access Fund and be used, in part, to conduct site visits on physicians who receive a waiver as well as general administrative expenses of the program.

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

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

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
591.10	Repeal	38 Ill. Reg. 15816; July 25, 2014
591.20	Amendment	38 Ill. Reg. 15816; July 25, 2014

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

591.30	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.40	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.100	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.110	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.120	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.130	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.140	Amendment	38 Ill. Reg. 15816; July 25, 2014
591.150	New Section	38 Ill. Reg. 15816; July 25, 2014
591.160	New Section	38 Ill. Reg. 15816; July 25, 2014
591.170	New Section	38 Ill. Reg. 15816; July 25, 2014
591.180	New Section	38 Ill. Reg. 15816; July 25, 2014

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

217/782-2043  
dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of Professional skills necessary for compliance: None

DEPARTMENT OF PUBLIC HEALTH

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- 14) Regulatory Agenda on which this rulemaking was summarized: This rule 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 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 j: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL  
MEDICAL GRADUATES

PART 591  
VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES

## SUBPART A: GENERAL PROVISIONS

Section	
591.10	Applicability
591.20	Definitions
591.30	Incorporated or Referenced Materials
591.40	Administrative Hearings

## SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section	
591.100	Participation Eligibility of Physicians and Facilities
591.110	Application Submission Timeframes
<a href="#">591.115</a>	<a href="#">Processing Fee</a>
591.120	Application Materials and Processing
591.130	Selection Process
591.140	Terms of Performance

**AUTHORITY:** Authorized by and implementing Sections 212(e) and 214(l) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(l)), and 22 CFR 62, Exchange Visitor Program.

**SOURCE:** Adopted at 22 Ill. Reg. 14485, effective July 24, 1998; amended at 24 Ill. Reg. 7551, effective May 15, 2000; emergency amendment at 27 Ill. Reg. 2277, effective January 22, 2003, for a maximum of 150 days; emergency expired June 20, 2003; amended at 27 Ill. Reg. 10281, effective June 30, 2003; emergency amendment at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days; emergency expired September 11, 2004; amended at 29 Ill. Reg. 3327, effective February 16, 2005; emergency amendment at 29 Ill. Reg. 7825, effective May 10, 2005, for a maximum of 150 days; emergency expired October 6, 2005; amended at 30 Ill. Reg. 898, effective January 5, 2006; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

**Section 591.30 Incorporated or Referenced Materials**

The following materials are incorporated or referenced in this Part:

- a) The following Illinois statutes and rules are referenced in this Part:
  - 1) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
  - 2) Medical Practice Act of 1987 [225 ILCS 60].
  - 3) [Court of Claims Act \[705 ILCS 505\]](#).
- b) The following federal statutes are referenced in this Part:
  - 1) Designation of Health Professional Shortage Areas, Section 332 of the Public Health Service Act (42 USC 254e).
  - 2) Designation of Medically Underserved Areas/Populations, Section 330 of the Public Health Service Act (42 USC 254e).
- c) The following federal regulations are incorporated in this Part:  
Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program (22 CFR 62 (April 1, 2004)).
- d) All incorporations by reference of federal regulations refer to materials on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

**Section 591.115 Processing Fee**

- a) [A processing fee of \\$3,000 shall accompany each application submitted to the Department.](#)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- b) Payment shall be by check or money order payable to the Illinois Department of Public Health.
- c) If the payment does not accompany the application, it will be considered to be incomplete (see Section 591.120(e)(1)(B)). The Department will take no action on the application until the required payment has been received.
- d) If the Department determines that the payment is not valid due to insufficient funds or other reasons, the application will be null and void. The Department may charge the applicant for any penalties incurred by the State for processing an applicant's bad payment. The Department will determine whether to collect based on cost effectiveness.
- e) Fee payments are not refundable. Any disputes about the fee payments will be subject to the administrative hearing process. If the administrative law judge awards monies to the applicant, the applicant shall be paid by petitioning the Illinois Court of Claims.
- f) Fees collected from applicants shall be deposited into the Rural/Downstate Health Access Fund.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: 510.220                      Proposed Action:  
Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to Section 510.220 updates a rule cite from Section 510.190 to Section 510.250. Section 510.190 has been repealed.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:  
  
Mickey Ezzo  
Illinois Racing Board  
100 West Randolph  
Suite 5-700  
Chicago IL 60601  
  
312/814-5017
- 13) Initial Regulatory Flexibility Analysis:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: The Board did not anticipate the need for this rulemaking at that time.

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

## ILLINOIS RACING BOARD

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TITLE 11: ALCOHOL, HORSE RACING, ~~AND LOTTERY~~, AND VIDEO GAMING

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

## PART 510

## CLAIMING RACES

Section	
510.10	Definition
510.20	Claiming Eligibility
510.30	Form and Deposit of Claim
510.40	Errors which Invalidate Claim
510.50	Refund of Voided Claim
510.60	Prohibited Action with Respect to Claim
510.70	Horses under Lien
510.80	Affidavit May be Required
510.90	Claimant's Responsibility
510.100	Claimed Horse's Certificate
510.110	Engagements of a Claimed Horse
510.120	Protests of a Claim
510.130	Title to a Claimed Horse
510.140	Distribution of the Purse
510.150	Delivery of a Claimed Horse
510.160	Trainer Responsibility for Post-Race Tests
510.170	Excusing Claimed Horse
510.180	Stable Eliminated by Fire or Other Hazard
510.190	Entering Claimed Horse (Repealed)
510.195	Determining Eligibility Dates
510.200	Claimed Horse Racing Elsewhere
510.210	Sale of a Claimed Horse
510.220	Illinois Rules Govern Claimed Horse
510.230	Extension of Regular Meeting (Repealed)
510.240	Claiming Authorization
510.250	Claiming Price
510.260	Option to Declare Horse Ineligible to be Claimed

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. 6393, effective May 1, 2001; amended at 25 Ill. Reg. 8814, effective July 1, 2001; amended at 27 Ill. Reg. 533, effective January 1, 2003; amended at 31 Ill. Reg. 15094, effective November 1, 2007; amended at 32 Ill. Reg. 10161, effective July 1, 2008; amended at 33 Ill. Reg. 11318, effective July 21, 2009; amended at 36 Ill. Reg. 12371, effective July 23, 2012; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 510.220 Illinois Rules Govern Claimed Horse**

When a horse is claimed at a recognized meeting governed by other rules of racing, Illinois shall recognize title to the horse under the rules of the meeting at which the claim was made. However, while racing in Illinois, such a horse shall comply with Sections 510.170 and ~~510.250~~[510.190](#).

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Charitable Games Act
- 2) Code Citation: 86 Ill. Adm. Code 435
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
435.110	Amendment
435.120	Amendment
435.130	Amendment
435.140	Amendment
435.150	Amendment
435.160	Amendment
435.170	Amendment
435.180	Amendment
435.190	Amendment
435.200	Amendment
435.210	Amendment
- 4) Statutory Authority: The Charitable Games Act [230 ILCS 30]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Sections 435.110, 435.120, 435.130, 435.140, 435.150, 435.160, 435.170, 435.180, 435.190, 435.200, and 435.210 of Part 435 to implement multiple legislative changes to the Charitable Games Act.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

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

Paul Caselton  
Deputy General Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield IL 62796

217/782-7055

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking applies to municipalities and exempt organizations that conduct charitable games and to small businesses that provide gaming supplies.
  - 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 2014

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 435  
CHARITABLE GAMES ACT

Section	
435.100	Introduction
435.110	Definitions
435.120	Charitable Games Licenses
435.130	Supplier's <del>License Licenses</del>
435.140	Provider's <del>License Licenses</del>
435.150	<del>Ineligible Organizations</del> <del>Ineligibility for License</del>
435.160	Operation of Charitable Games Events
435.170	Restrictions and Limitations on the Conducting of Charitable Games
435.180	Imposition of Tax, Returns
435.190	Records; Audits
435.200	Denial, Suspension, or Revocation of Licenses
435.210	Criminal and Civil Penalties
435.220	State-Local Relations

AUTHORITY: Implementing and authorized by the Charitable Games Act [230 ILCS 30].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 15687, effective September 15, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 3722, effective February 10, 1987; peremptory amendments at 11 Ill. Reg. 10702, effective May 26, 1987; amended at 15 Ill. Reg. 10966, effective July 10, 1991; amended at 16 Ill. Reg. 14702, effective September 14, 1992; amended at 18 Ill. Reg. 11629, effective July 7, 1994; amended at 21 Ill. Reg. 3978, effective March 14, 1997; emergency amendment at 25 Ill. Reg. 14193, effective October 19, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 3734, effective February 26, 2002; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

**Section 435.110 Definitions**

As used in this Part, the terms listed below are defined as follows:

"Act": The Charitable Games Act [230 ILCS 30].

"Charitable games": The ~~14~~fourteen games of chance involving cards, dice,

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wheels, random selection of numbers, and gambling tickets enumerated in Section 435.160 ~~that which~~ may be conducted at charitable games events. Only the following games may be conducted at a charitable games event: roulette, blackjack, poker, pull tabs, craps, bang, beat the dealer, big six, gin rummy, five card stud poker, chuck-a-luck, keno, hold-em poker, and merchandise wheel. (Section 2 of the Act)

"Charitable games equipment": Any supplies, devices, equipment, products or materials designed for use or used in the playing of charitable games, including, but not limited to, cards, dice, pull tabs and any related type of gambling ticket, chips, representations of money, and wheels.

~~"Charitable games event" or "event": The type of fundraising event authorized by the Act at which participants pay to play charitable games for the chance of winning cash or noncash prizes, and that which may be conducted only on the date stated on a license issued by the Department (Section 2 of the Act), and only between the hours of noon and 2:00 a.m.. A charitable games event is considered to be a one day event; each licensee may be licensed to conduct as many as four one day events in a license year.~~

~~"Charitable games provider": An individual or entity holding a license to provide premises for a charitable game.~~

~~"Charitable games supplier": An individual or entity holding a license to supply licensed organization with charitable games equipment.~~

"Charitable games license": A license to conduct charitable games issued under Section 435.120, including any renewed or amended license issued under Section 435.120.

"Charitable organization": An organization or institution organized and operated to benefit an indefinite number of the public. (Section 2 of the Act)

"Chips": Scrip, play money, poker or casino chips, or any other representations of money, used to make wagers on the outcome of any charitable game. (Section 2 of the Act)

~~"Complete application": An application that contains all information necessary for the Department to determine the applicant's eligibility under the Act and this~~

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Part.

"Consultant company": ~~Any~~ means any person, as defined in this Section, that is hired by or on behalf of a licensed organization to perform services at the event (other than management or operation of the event), including, but not limited to, security for persons or property at the event (other than for the charitable games equipment and money, chips or scrip used in the conducting of charitable games), or to perform services before the event, including, but not limited to, training for volunteers or advertising. "Consultant companies" include, for instance, "party planners" who plan an event for a licensed organization~~licensee~~ by locating and securing qualified suppliers and providers on behalf of the licensed organization~~licensee~~, or who assist a licensed organization~~licensee~~ in planning a hosted casino night ~~that which~~ is not open to the public (e.g., an event open to only a corporation and its clients ~~that which~~ is hosted by the licensed organization~~licensee~~ and in return for ~~that which~~ a donation is made to the licensed organization~~licensee~~).

"Currency": Coin, checks, marketable securities, or any other similar item that can be readily redeemed or converted into legal tender.

*"Department": The Illinois Department of Revenue, ~~Office of Bingo and Charitable Games, P.O. Box 19480, Springfield, Illinois 62794.~~ (Section 2 of the Act).*

*"Educational organization": An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning that compare favorably in their scope and intensity with the course of study presented in tax-supported schools (Section 2 of the Act). For purpose of the Act, a public school or school district is not considered an educational organization.*

*"Fraternal organization": An organization of persons, including but not limited to ethnic organizations, having a common interest, organized and operated exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis (Section 2 of the Act).*

*"Holiday": Any of the holidays listed in Section 17 of the Promissory Note and Bank Holiday Act [815 ILCS 105].*

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"Ineligible organization": An organization that is ineligible for any license under the Act and Section 435.150.

"Labor organization": An organization composed of labor unions or workers organized with the objectives of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations (Section 2 of the Act).

"License ~~year~~Year": The ~~two-year~~ period beginning on the date a charitable games license, or the renewal of a charitable games license, is ~~effective~~ issued under the Act. The licensure date, ~~which date~~ is stated on the license or renewed license.

"Licensee": An organization holding a license to conduct charitable games events or a person licensed under the Act as a supplier or provider.

"Licensed organization": A qualified organization that has obtained a charitable games license under Section 435.120 (Section 2 of the Act).

"Management or operation" of an event includes, but is not limited to:

selling admission tickets or pull tabs at the event; selling or redeeming or in any way assisting in the selling or redeeming of chips; or participating in the conducting of any games played at the event or acting as a supervisor or pit boss of a person conducting the games;

conducting a game, which includes, but is not limited to, dealing cards in poker or other card games, spinning the roulette wheel, turning the chuck-a-luck cage, or acting as a croupier;

counting or handling, or supervising anyone who counts or handles, any of the proceeds or chips at the event;

being present at the event to ensure that the games are being conducted in conformance with the rules established by the licensed organization or to ensure that the equipment is working properly; and

providing security for the charitable games equipment, the chips used in the conducting of charitable games, or money at the event.

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"Management or operation" of an event does not include setting up, cleaning up, selling food and drink, or providing security either for persons or property at the event (other than for the charitable games equipment or scrip used in the conducting of charitable games).

"Non-profit organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation (Section 2 of the Act).

"Organization": ~~A~~ corporation, agency, partnership, institution, association, firm, business or other entity consisting of two or more persons joined by a common interest or purpose (Section 2 of the Act).

"Person": ~~Any means any~~ natural individual, ~~a~~ corporation, ~~a~~ partnership, ~~a~~ limited liability company, ~~an~~ organization as defined in this Section, ~~a~~ qualified organization, ~~a~~ sponsoring organization, licensed organization~~any other licensee~~ under the Act, or ~~a~~ volunteer. (Section 2 of the Act).

"Premises": A distinct parcel of land and the buildings thereon (Section 2 of the Act). Premises may also include a boat upon which charitable games are being played, provided that documentation required by the Department regarding the location and identification of the boat is submitted with the application.

"Provider": Any person or organization owning, leasing, or controlling premises upon which any charitable game event is to be conducted (Section 2 of the Act).

"Qualified organization": An organization that:

is not an ineligible organization;

is a bona fide ~~means a~~ charitable, religious, fraternal, veterans, labor or educational organization ~~or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under sections~~ ~~Section~~ 501(c)(3), (c)(4), (c)(5), (c)(8), (c)(10) or (c)(19) of the Internal Revenue Code; a veterans organization as defined in Section 1.14 of the Bingo License and Tax Act [230 ILCS 25], ~~organized and conducted on a not for profit basis with no personal profit inuring to anyone as a~~

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~~result of the operation; an auxiliary organization of a veterans organization; or a local fraternal mutual benefit organization;~~

~~is organized in Illinois (Section 2 of the Act);~~

~~is a non-profit organization; and~~

~~except in the case of a local fraternal mutual benefit organization, has been in existence in Illinois continuously for a period of 5 years immediately before making application for a license and which has had during that 5-year period a bona fide membership engaged in carrying out its objects. The 5-year period is reduced to 2 years in the case of a local organization that is affiliated with and chartered by a national organization that meets the 5-year requirement. To be chartered by a national organization, an Illinois organization must have a document issued by the national organization formally authorizing the establishment of the Illinois organization. The period of existence specified in this subparagraph shall not apply to an organization, organized for charitable purposes, created by a fraternal organization that meets the existence requirements if the charitable organization has the same officers and directors as the fraternal organization. Only one charitable organization created by a branch lodge or chapter of a fraternal organization may be licensed under this provision. In the case of a local fraternal mutual benefit organization, the organization must be chartered at least 40 years before it applies for a license under the Act chartered at least 40 years before it applies for a license. (Section 3 of the Act)~~

~~"Received by the Department" or similar phrases: Whenever this Part requires that any writing or any payment must be received within a specified number of days or by a specified date, the provisions of Section 1.25 of the Statute on Statutes [5 ILCS 70] shall apply.~~

~~"Religious organization": Any church, congregation, society, or organization founded for the purpose of religious worship (Section 2 of the Act).~~

~~"Sponsoring organization": A means a qualified organization that has obtained a license to conduct a charitable games event in conformance with the provisions of the Act. (Section 2 of the Act).~~

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"Supplier": Any person, firm, or corporation that sells, leases, distributes or otherwise provides to any licensed organization any charitable games equipment (Section 2 of the Act).

"Veterans' organization": An organization comprised of members of which substantially all are individuals who are veterans, or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit (Section 2 of the Act).

"Volunteer": ~~A~~means a person who, without consideration, performs services at a charitable games event for the benefit of a licensed organization ~~recruited by the sponsoring organization who voluntarily performs services at a charitable games event~~, including participation in the management or operation of a game under Section 435.170(b). (Section 2 of the Act).

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 435.120 Charitable Games Licenses**

- a) Licenses~~Eligibility. To be eligible for a charitable games license, an applying organization must have been organized in Illinois and must satisfy each of the following conditions of eligibility:~~
- 1) In General~~The organization must be a charitable, religious, fraternal, veterans, labor, or educational organization or institution organized and conducted on a not for profit basis with no personal profit inuring to anyone as a result of the operation and which is exempt from federal income taxation under Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, a veterans' organization as defined in the Bingo License and Tax Act [230 ILCS 25], an auxiliary of a veteran's organization (Section 2 of the Act), or a local fraternal mutual benefit organization chartered at least 40 years before it applies for a license.~~
  - A) Except as otherwise provided, no person may conduct charitable games without having in its possession a valid charitable games license issued by the Department. In addition, a licensed organization may conduct charitable games only on the date,

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~~during the hours, and (except as provided in subsection (a)(4)) at the location stated on the license. For an organization to be considered charitable for purposes of obtaining a charitable games license, its activities must benefit an indefinite number of persons; it must have no capital, capital stock, or shareholders; its funds must be derived mainly from private and public charity and be held in trust for the objects and purposes expressed in its charter; it must dispense charity to all who need and apply for it; and it must place no obstacles in the way of those seeking the benefits.~~

- B) ~~A charitable games license will be issued for as many as four events during a license year. A charitable games event is considered to be a one-date event (beginning no earlier than noon of one day and concluding no later than 2 a.m. on the following day). These dates may be consecutive or separate, or a combination of both. For an organization to be considered educational for purposes of obtaining a charitable games license, it must be organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.~~
- C) ~~A licensee may hold only one charitable games license. (Section 3 of the Act) A license is not assignable or transferable. (Section 4(8) of the Act) For an organization to be considered religious for purposes of obtaining a charitable games license, it must be a church, congregation, society, or organization founded for the purpose of religious worship.~~
- D) The Department shall issue a charitable games license only upon:
- i) submission of an application in the form and manner provided in this Section;
  - ii) payment of a nonrefundable fee of \$400 in the form of a check or money order payable to the Illinois Department of Revenue; and

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- iii) ~~a determination by the Department that the applicant is a qualified organization. For an organization to be considered fraternal for purposes of obtaining a charitable games license, it must be a civic, service or charitable organization, not for pecuniary profit, which is a branch, lodge or chapter of a national or State organization and exists for the common business, brotherhood, or other interest of its members. This does not include a college or high school fraternity or sorority.~~
- E) ~~Unless renewed or extended as provided in subsection (a)(3) and (a)(5), a charitable games license shall be valid only for the two-year period beginning with the effective date stated on the license. However, as provided in Section 435.200, the Department may suspend or revoke a license prior to the expiration of the two-year period. For an organization to be considered labor for purposes of obtaining a charitable games license, it must be composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.~~
- F) ~~For an organization to be considered a veteran's organization for purposes of obtaining a charitable games license, it must be comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.~~
- 2) Application. At least 30 days prior to the date or dates an organization wishes to conduct charitable games, the organization must submit to the Department an application for a charitable games license. The Department may issue a license to an organization that applies less than 30 days prior to the date or dates the licensee wishes to conduct the games if all other requirements of the Act are met and the Department has sufficient time and resources to issue the license in a timely manner. (Section 3 of the Act) Application for a license shall be made on the forms prescribed by the Department and must contain the following information: The organization must have had a bona fide membership engaged in carrying

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~~out its objects for at least the entire five-year period immediately preceding application (Section 3 of the Act). However, this five-year requirement shall not apply with regard to the following two types of organizations:~~

- A) ~~*A sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations of that organization. (Section 4(1) of the Act)*~~An organization which has had a bona fide membership engaged in carrying out its objectives for at least the entire two-year period immediately preceding application, and which is affiliated with and chartered by a national organization which meets the five-year requirement (Section 3 of the Act).
- B) ~~Documentary evidence sufficient to show that the organization is a qualified organization. The documentation (bylaws, constitution, charter, minutes of past meetings, promotional material and articles of incorporation) should prove that the organization has been carrying out its objectives for the requisite period preceding the application.~~A charitable organization created by a fraternal organization which meets the five-year requirement, and which has the same officers and directors as the fraternal organization. "Fraternal Organization" means a civic, service or charitable organization in Illinois, except a college or high school fraternity or sorority, not for pecuniary profit, which is a branch, lodge or chapter of a national or Illinois organization and exists for the common business, brotherhood, or other interest of its members (Section 3 of the Act).
- C) Any other information requested by the Department necessary to establish the eligibility of the organization for a license, including a copy of the determination letter or other document issued to the organization by the Internal Revenue Service showing that the organization is currently exempt from federal income taxation under section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code.
- D) Information concerning all of the members, volunteers and

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employees of the organization who will participate in the management or operation of the charitable games events to be conducted under the license. This information shall include the names, addresses, social security numbers and dates of birth of all persons who will participate in the management or operation of the games, along with a sworn statement made under penalty of perjury, signed by the presiding officer and secretary of the applicant, that the persons listed as participating in the management or operation of the games are bona fide members, volunteers or employees of the applicant, that to the best of his or her knowledge these persons have not participated in the management or operation of more than 12 charitable games events conducted by any licensed organization in the calendar year, and that these persons will receive no remuneration or compensation, directly or indirectly, from any source, for participating in the management or operation of the games. Any amendments to this listing, including a list of additional members, volunteers and employees who will participate in the management or operation of the charitable games events, must contain an identical sworn statement. If, from the information provided, the Department cannot determine with reasonable certainty that a member, volunteer or employee does not have a criminal record that would make the organization ineligible for a license under Section 435.150, the Department will require the member, volunteer or employee to submit to fingerprinting in order to make a more certain determination as to the lack of a criminal history of the member, volunteer or employee. Information concerning additional members, volunteers and employees must be received by the Department in writing at least 3 days before the event and must contain all the information required in this subsection (a)(2)(D).

E) Any other information requested on the form supplied by the Department for purposes of making the application.

- 3) Renewals~~*Auxiliary organizations of a licensee shall not be eligible for a license to conduct charitable games, except for auxiliary organizations of veterans organizations (Section 4 of the Act). An "auxiliary organization" is one which exists to assist or support an affiliated organization.*~~

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- A) In General. At least 30 days prior to the expiration of its current license (but no earlier than 60 days), an organization holding a valid license may apply for renewal of its license in the manner provided in this subsection (a)(3). A license so renewed shall be considered a valid license for the two-year period beginning on the effective date stated on the renewed license.
- B) Notice of License Renewal. Upon payment of a nonrefundable fee of \$400, in the form of a check or money order payable to the Department, and a determination by the Department that the organization remains a qualified organization eligible for a license, the Department shall issue the organization a renewed license. An organization may not conduct charitable games at any time following the expiration of its license without having been issued a renewed license.
- C) Application for Renewal. Application for renewal shall be made on the forms prescribed by the Department and must contain the following information:
- i) *A sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations of that organization. (Section 4(1) of the Act)*
- ii) A statement of the names, addresses, social security numbers and dates of birth of all persons who will participate in the management or operation of the games not previously provided to the Department under this subsection (a)(3)(C)(ii) or under subsection (a)(2)(D), plus a statement that information previously provided to the Department under subsection (a)(2)(D) regarding the persons who will participate in the management or operation of the games remains unchanged, plus a sworn statement made under penalty of perjury, signed by the presiding officer and secretary of the applicant, that the persons who will participate in the management or operation of the games are bona fide members, volunteers

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or employees of the applicant, that to the best of his or her knowledge these persons have not participated in the management or operation of more than 12 charitable games events conducted by any licensed organization in the calendar year, and that these persons will receive no remuneration or compensation, directly or indirectly, from any source, for participating in the management or operation of the games. Any amendments to this listing, including a list of additional members, volunteers and employees who will participate in the management or operation of the charitable games events, must contain an identical sworn statement. If, from the information provided, the Department cannot determine with reasonable certainty that a member, volunteer or employee does not have a criminal record that would make the organization ineligible for a license under Section 435.150, the Department will require the member, volunteer or employee to submit to fingerprinting in order to make a more certain determination as to the lack of a criminal history of the member, volunteer or employee. Information concerning additional members, volunteers and employees must be received by the Department in writing at least 3 days before the event and must contain all the information required in this subsection (a)(3)(C)(ii).

iii) Any other information requested on the form supplied by the Department necessary to establish the continued eligibility of the organization for a charitable games license.

4) Amended License. Upon submission by a licensed organization of a written request, the Department may issue the organization an amended license that changes the location, day or time in which the licensed organization is authorized to conduct charitable games. In the case of a request to change the location, the requirements of subsection (a)(1)(B) apply. An organization may not conduct charitable games at the new location, date, or time without having in its possession the amended regular license. If a licensee wishes to conduct games at a location other than the locations originally specified in the license, the licensee shall submit the written

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request at least 30 days before the night on which the licensee wishes to conduct games at the alternate location. The Department may accept an applicant's change in location with less than 30 days' notice if all other requirements of the Act are met and the Department has sufficient time and resources to process the change in a timely manner. (Section 3 of the Act)

- 5) Extensions. The Department may grant an extension of a charitable games license beyond the period for which the license is otherwise effective (but not to exceed one year), provided that an application for renewal of the license has been first submitted to the Department in accordance with subsection (a)(3).
- b) Upon receipt of a charitable games license, including any renewed or amended license, the licensed organization shall file a copy of the license with each police department or, if in an unincorporated area, each sheriff's office whose jurisdiction includes the premises on which the charitable games events are authorized under the license (Section 4(4) of the Act).~~Applications. Application for a charitable games license must be prepared by the prospective licensee or its duly authorized representative only on the forms prescribed by the Department, and must be accompanied by a license fee of \$200. A duly authorized representative is a person who has filed a power of attorney with the Department. Information requested of an applicant shall include, but not be limited to, name, mailing address, description of organization, information regarding the organization's officers and signatures. The Department will not consider applications which are not complete or which are not accompanied by the information described below. Each license must be applied for at least 30 days prior to the event at which the licensee wishes to conduct such games (Section 3 of the Act). Any willful misstatements contained in an application constitute perjury (Section 4 of the Act). An organization applying for a charitable games license must submit the following information in addition to the completed application form:~~
- 1) ~~Documentary evidence sufficient to show that the organization meets the eligibility requirements of subsection (a) above. Such documentation must include, when applicable, a copy of the organization's by laws, constitution, charter, minutes of past meetings, promotional materials, and Articles of Incorporation;~~
  - 2) ~~A copy of the letter or any other document issued to the organization by~~

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~~the Internal Revenue Service showing that the organization is currently exempt from federal income taxation under Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code;~~

- 3) ~~Information, on the form for that purpose, supplied by the Department or on additional sheets attached to the form, concerning all of the members, volunteers, and employees of the organization who will participate in the management or operation of the charitable games events to be conducted under the license. This information shall include the names, addresses, social security numbers, and dates of birth of all persons who will participate in the management or operation of the games, along with a sworn statement made under penalties of perjury, signed by the presiding officer and secretary of the applicant, that the persons listed as participating in the management or operation of the games are bona fide members, volunteers, or employees of the applicant, that these persons have not participated in the management or operation of more than four charitable games events conducted by any licensee in the calendar year, and that these persons will receive no remuneration or compensation, directly or indirectly, from any source, for participating in the management or operation of the games. Any amendments to this listing, including a list of additional members, volunteers and employees who will participate in the management or operation of the charitable games events, must contain an identical sworn statement. If, from the information provided, the Department cannot determine with reasonable certainty that a member, volunteer, or employee does not have a criminal record which would make the organization ineligible for a license under Section 435.150, the Department will require such member, volunteer or employee to submit to fingerprinting in order to make a more certain determination as to the lack of a criminal history of the member, volunteer, or employee. Information concerning additional members, volunteers, and employees must be received by the Department in writing at least 3 days before the event and must contain all the information required in this subsection (b)(3);~~
- 4) ~~If the organization will be using charitable games equipment which it owns, it must include with its application for a charitable games license an application for a charitable games equipment ownership permit. The application for such permit must be on the form prescribed by the~~

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~~Department, and must be accompanied by an application fee of \$50. On the permit application, the organization must list all charitable games equipment it owns and certify that all such equipment has the name of the organization permanently affixed thereto in a clearly visible location. Such permits shall be valid indefinitely. However, an organization possessing a permit must file an annual report with the Department that includes a listing of its inventory of charitable games equipment. This report must be filed by January 30 of each year. An organization holding a charitable games equipment ownership permit may lend such equipment without compensation to other licensed organizations without applying for a supplier's license (Section 6 of the Act);~~

- ~~5) A diagram of the areas where the charitable games are to be played, showing the approximate location of each game, the location at which chips will be sold and redeemed (the bank), and the location of all doorways entering into the areas;~~
  - ~~6) If the organization will not be conducting its charitable games events on premises which it owns, or at which it has its principal office or conducts activities for which it is organized, the organization must submit with its application a copy of a written, signed lease with the person or organization holding the license to provide the premises on which the charitable games events will be conducted. No charitable games license will be issued for any dates not expressly stated in such lease;~~
  - ~~7) Any other information requested by the Department which is necessary to establish the eligibility of the organization for a charitable games license;~~
  - ~~8) A report on a form provided by the Department accounting for the disposition of the gross charitable games proceeds for the organization's most recent license year;~~
  - ~~9) The application shall be signed by the presiding officer and the secretary of the applicant organization, who shall attest under penalties of perjury that the information contained in the application is true, correct and complete (Section 4 of the Act).~~
- c) The Department will not issue a charitable games license for an event to be held in a municipality if the municipality or county has adopted an ordinance

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~~prohibiting such events and has filed a copy of the ordinance with the Department. Licenses. A licensee may hold only one charitable games license (Section 3 of the Act). A charitable games license will be issued for as many as four dates during a license year. These dates may be consecutive, or separate, or some combination thereof. The license must state at what location each game will be conducted.~~

- ~~1) Addition of new event dates or changes in established event dates and times. Although applicants are not required to list four dates on the application, charitable games licenses which are issued for fewer than four dates must be amended to add additional dates. The Department must receive written notice of an added date, or changed date or time, at least 30 days in advance of such date.~~
- ~~2) Changes in established locations. In cases of changed locations, an officer of the organization must notify the Department in writing at least 60 days in advance of the date on which the licensee wishes to conduct games at the alternate location. (Section 3 of the Act)~~
- d) A licensed organization must notify the Department of a change in officers within 30 days after the change. Notification must include the name, address, social security number, date of birth, sex and daytime telephone number of the officer. In addition, the presiding officer and secretary will be required to sign an amended application. Upon receipt of a charitable games license the licensee shall file a copy of the license with each police department or, if in an unincorporated area, each sheriff's office whose jurisdiction includes the premises on which the charitable games events are authorized under the license (Section 4 of the Act).
- e) ~~The Department will not issue a charitable games license for an event to be held in a municipality if the municipality or county has adopted an ordinance prohibiting such events and has filed a copy of the ordinance with the Department.~~
- f) ~~A licensee must notify the Department of a change in officers within 30 days after such change. Notification must include the name, address, social security number, date of birth, race and daytime telephone number of the officer. In addition, the presiding officer and secretary will be required to sign an amended application.~~

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(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 435.130 Supplier's License~~Licenses~~**

- a) In General. ~~No~~Any person shall sell, lease, lend, distribute, ~~firm, or corporation~~ which sells, leases, lends, distributes, or otherwise ~~provide~~provides to any organization licensed to conduct charitable games events in Illinois any charitable games equipment, without having first obtained ~~must obtain~~ a supplier's license to do so from the Department except as provided in subsection (h) (Section 6 of the Act).~~Section 435.120(b)(4).~~
- 1) No licensed supplier under the Act shall lease, lend, or distribute charitable gaming equipment, supplies, or other devices to persons not otherwise licensed to conduct charitable games under the Act (Section 6 of the Act). To ensure that the organization to whom equipment is sold, leased, lent or distributed is licensed for charitable gaming, the supplier shall obtain from the organization and retain among his or her books and records a copy of the organization's license showing the license number, expiration date and event date for which the equipment was sold, leased, lent or distributed.
- A) All charitable games equipment shall be kept segregated and separate from any other products, materials or equipment that the supplier might own, sell or lease (Section 6 of the Act), and the supplier shall inform the Department of the exact location of the storage of all charitable games equipment in the supplier's possession.
- B) No supplier shall sell, lease or distribute to any licensed organization any item of charitable games equipment not included on the list (or any amendments to the list) described in subsection (b)(1), nor shall any supplier sell, lease or distribute to any charitable games licensed organization any item of charitable games equipment at a price other than the price on file with the Department. Changes in price must be reported to the Department 30 days prior to the change.
- C) Suppliers may deliver equipment to a licensed organization up to one day before the date of the scheduled event, if the contract with

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the licensed organization specifies an early delivery date. Delivery is authorized only when the supplier delivers the equipment to a secured location (e.g., a location where access is restricted to the licensed organization with whom the supplier has contracted).

- 2) A licensed organization may purchase charitable games equipment only from a person that possesses a valid supplier's license issued by the Department.
  - 3) A supplier's license shall not be issued to an ineligible organization.
  - 4) Unless extended as provided in this Section, an annual supplier's license shall be valid only for the one-year period beginning with the effective date stated on the license, and a triennial supplier's license shall be valid only for the three-year period beginning with the effective date stated on the license. However, as provided in Section 435.200, the Department may suspend or revoke a supplier's license prior to the expiration of the one or three year period.
  - 5) The Department may extend a supplier's license beyond the period for which the license is otherwise effective (but not to exceed one year), provided that an application for a license with respect to the period covered by the extension has first been submitted to the Department in accordance with subsection (b).
- b) Applications. Application for a supplier's license must be made on the form and in the manner provided by the Department, and must contain such information or documentation as the Department may require. Applications for an annual license and must be accompanied by a nonrefundable license fee of \$500 in the form of a check or money order payable to the Illinois Department of Revenue. Applications for a triennial license must be accompanied by a nonrefundable license fee of \$1,500 in the form of a check or money order payable to the Illinois Department of Revenue. ~~Corporate applicants shall submit a copy of their Certificate and Articles of Incorporation. A supplier's license is valid for one year from its date of issuance. If, from the information provided, the Department cannot determine with reasonable certainty that a person whose name appears on the application in a capacity described in Section 435.150(a)(6) or (7) does not have a criminal record which would make the applicant ineligible for the license, the Department will require such person to submit to fingerprinting in order to~~

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~~make a more certain determination as to the lack of a criminal history of such person. Any change in officers, directors, partners, or stockholders or partners owning at least 10% of the shares of a corporate or partnership licensee, must be reported to the Department within 30 days after the change. If ownership of a licensee is changed, a new application must be submitted to the Department (e.g., a corporate licensee is merged into a different corporation).~~

- 1) Along with the application form, the applicant must submit a list of all charitable games equipment offered for sale, lease or distribution to any charitable games licensed organization licensee, and the sales and/or rental price for all such equipment, including, if applicable, the price of equipment rented as part of a package deal. ~~All charitable games equipment shall be kept segregated and separate from any other products, materials or equipment that the supplier might own, sell or lease (Section 6 of the Act), and the supplier shall inform the Department of the exact location of the storage of all charitable games equipment in the supplier's possession.~~
- 2) Any change in officers or directors, or partners, members or stockholders owning at least 10% of the shares or interests of a licensed organization must be reported to the Department within 30 days after the change. If ownership of a licensed organization is changed, a new application must be submitted to the Department (e.g., a corporate licensed organization is merged into a different corporation). ~~No supplier shall sell, lease or distribute to any charitable games licensee any item of charitable games equipment not included on the list or any amendments thereto described in subsection (b)(1) above, nor shall any supplier sell, lease or distribute to any charitable games licensee any item of charitable games equipment at a price other than the price on file with the Department. Changes in price must be reported to the Department 30 days prior to such change.~~
- 3) ~~No supplier shall sell, lease, lend or distribute any item of charitable games equipment to any organization or entity not holding a license to conduct charitable games. To ensure that the organization to whom equipment is sold, leased, lent, or distributed is licensed for charitable gaming, the supplier shall obtain from the organization and retain among his or her books and records a copy of the organization's license showing the license number, expiration date and the event date for which the equipment was sold, leased, lent, or distributed.~~

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- 4) ~~Suppliers may deliver equipment to a licensed organization up to one day before the date of the scheduled event, if the contract with the licensed organization specifies an early delivery date. Such delivery is authorized only when the supplier delivers the equipment to a secured location (e.g., a location whose access is restricted to the licensed organization with whom the supplier has contracted).~~
- c) Within 20 days after the end of any calendar quarter during which a supplier's license is in effect, the supplier shall file a return with the Department listing all sales and leases of charitable games equipment for such quarter, the gross proceeds derived from each such sale or lease, and the event dates for which equipment was sold, leased, lent, or distributed.
- d) The following general provisions apply to all licensed suppliers:
- 1) *A supplier shall not alter or modify any charitable games equipment, or possess any charitable games equipment so altered or modified, so as to allow the possessor or operator of the equipment to obtain a greater chance of winning a game other than as under normal rules of play of such games (Section 6 of the Act). Any charitable games equipment so altered or modified shall be confiscated by the Department.*
  - 2) *A supplier shall permit Department employees to enter the supplier's premises to inspect and test all charitable games equipment (Section 6 of the Act).*
  - 3) *A supplier shall not receive a percentage of the proceeds or admission fees from any charitable games event (Section 6 of the Act).*
  - 4) No employee, owner, partner, officer, or agent of a supplier may recruit or provide volunteers for a licensed organization.
  - 5) *No employee, owner, partner, officer, or agent of a supplier may participate in the management or operation of any charitable games event, even if the employee, owner or officer is also a member, volunteer, or employee of the charitable games licensee (Section 6 of the Act). The supplier may provide training classes and consulting service prior to the events, and it may have one representative present at the event to ensure*

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its equipment is not damaged.

- 6) *A supplier shall not have any interest, direct or indirect, in the business of any person, firm, or corporation licensed under the Act to provide premises for the conduct of charitable games (Section 6 of the Act).*
- 7) *A supplier may not promote or solicit a charitable games event on behalf of a charitable games licensee or qualified organization (Section 6 of the Act). For instance, suppliers may not maintain or operate hotlines, websites or newsletters ~~that~~which advertise game dates or locations, nor may they recruit qualified organizations to host events.*
- 8) *No corporation, firm, agency, or partnership, in which an owner, officer, partner, agent, or employee of a supplier holds any interest, direct or indirect, shall promote, advertise, announce, or solicit charitable games events on behalf of a charitable games licensed organization~~licensee~~ or qualified organization.*
- e) *A supplier shall permanently affix his name to all charitable games equipment, supplies and pull tabs he or she sells, leases or rents (Section 6 of the Act). The name shall be plainly visible to the public while any item of charitable games equipment is being used for the purpose for which it was intended at a charitable games event. The supplier's name shall be affixed to any box or other package containing unopened pull tab or break open tickets, and to any promotional cards, or "flares" (~~Section 6 of the Act~~).*
- f) *Suppliers may not enter into agreements not to compete in certain geographic areas with other suppliers.*
- g) *A supplier shall keep books and records for the furnishing of charitable games equipment separate and distinct from any other business the supplier might operate (Section 6 of the Act). A supplier shall maintain all such books and records, including the documentation required by this Section~~subsection (b)(3)~~ above, for a period of at least three years and must allow inspection of the books and records by agents or employees of the Department during reasonable business hours.*
- h) *Organizations licensed to conduct charitable games may own their own equipment. Such organizations must apply to the Department for an ownership*

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permit. Any such application must be accompanied by a one-time, nonrefundable fee of \$50. Such organizations shall file an annual report listing their inventory of charitable games equipment. Such organizations may lend such equipment without compensation to other licensed organizations without applying for a supplier's license. (Section 6 of the Act) The one-time, nonrefundable fee of \$50 shall be in the form of a check or money order payable to the Department.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 435.140 Provider's License~~Lienses~~**a) In General

- 1) Except as provided in this Section, any subsection (c) below, the person or organization owning, leasing, or controlling premises upon which any charitable games event is to be conducted must first obtain a license to provide the premises for the charitable games event. ~~As used in this Section "premises" means a distinct parcel of land and the buildings thereon. Premises may also include a boat upon which charitable games are being played, provided that documentation required by the Department regarding the location and identification of the boat is submitted with the application.~~

A) A licensed provider, other than a municipality, may not provide the same premises for conducting more than 12 charitable games nights per calendar year. A municipality may provide the same premises for conducting 48 charitable games nights during a 12 month period. (Section 5 of the Act)

B) A provider is authorized to provide premises for charitable gaming only for organizations that have been duly licensed by the Department. To ensure that the organization is duly licensed, the provider shall obtain from the organization a copy of its charitable games license, and shall retain this documentation in its books and records.

- 2) A provider's license shall not be issued to an ineligible organization.

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- 3) Unless extended as provided in subsection (a)(4), an annual provider's license shall be valid only for the one-year period beginning with the effective date stated on the license, and a triennial provider's license shall be valid only for the three-year period beginning with the effective date stated on the license. However, as provided in Section 435.200, the Department may suspend or revoke a provider's license prior to the expiration of the one- or three-year period.
- 4) The Department may extend a provider's license beyond the period for which the license is otherwise valid (but not to exceed one year), provided that an application for a license with respect to the period covered by the extension has been first submitted to the Department in accordance with subsection (b), and provided that the person is otherwise eligible to hold a license.
- b) Applications. ~~Application for a provider's license must be made on the form provided by the Department. Applications for an annual license, and must be accompanied by a nonrefundable license fee of \$50 in the form of a check or money order payable to the Illinois Department of Revenue. Applications for a triennial license must be accompanied by a nonrefundable license fee of \$150 in the form of a check or money order payable to the Illinois Department of Revenue. If, from the information provided on the application, the Department cannot determine with reasonable certainty that a person whose name appears on the application in a capacity described in Section 435.150 (a)(6) or (7) does not have a criminal record which would make the applicant ineligible for the license, the Department will require such person to submit to fingerprinting in order to make a more certain determination as to the lack of a criminal history of such person. If the owner of the premises is a trust, the owner must disclose the names of all trust beneficiaries. Any change in officers or, directors, or partners, members, or stockholders or partners owning at least 10% of the shares or interests of a licensed organization or corporate or partnership licensee, must be reported to the Department within 30 days after the change. If ownership of a licensed organization licensee is changed, a new application must be submitted to the Department (e.g., a corporate licensed organization licensee is merged into a different corporation). Each provider's license is valid for one year from its date of issuance.~~
- c) A licensed organization may rent, lease or borrow premises on which to conduct charitable games only from an organization possessing a valid provider's license.

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*licensed provider, other than a municipality, may not provide the same premises for conducting more than 8 charitable games nights per year. A municipality may provide the same premises for conducting 16 charitable games nights during a twelve month period (Section 5 of the Act).*

- d) *A licensed*~~If an organization may~~*has a license to conduct a charitable games event on premises*~~which~~ it owns, or at which it has its principal office or conducts activities for which it was organized, ~~without first obtaining a~~ provider's license ~~is necessary~~. In addition, ~~the licensed organizations~~*such licensee* may obtain a provider's license in accordance with ~~this~~ Section 5 of the Act to allow it to rent or otherwise provide its premises to another ~~licensed organization~~*licensee* for the conducting of an additional 4 charitable games ~~events~~. ~~(Section 5.1 of the Act)~~. However, in no event shall a premises be used for the conducting of more than ~~128~~ events per calendar year ~~(Section 5.1 of the Act)~~, even if one or more licensed organization owns, ~~has its principal office in, or~~ conducts activities for which it was organized in, ~~or has its principal office in,~~ that premises. ~~(Section 5.1 of the Act)~~
- e) *A provider may receive reasonable compensation for the provision of the premises.* ~~The compensation shall not be based upon a percentage of the gross proceeds from the charitable games~~ (Section 5 of the Act). Any arms-length agreement as to rent between a provider and a charitable games ~~licensed organization~~*licensee* shall be presumed to be reasonable, provided both parties are in full compliance with all provisions of this Section.
- f) *A provider shall not have any interest in any supplier's business, either direct or indirect. No employee, officer, partner, agent, or owner of a provider may participate in the management or operation of a charitable games event, even if the employee, officer, partner, agent, or owner is also a member, volunteer or employee of the charitable games licensee, and regardless of whether compensated.* (Section 5 of the Act)
- g) *A provider may not promote or solicit a charitable games event on behalf of a charitable games licensee or qualified organization* (Section 5 of the Act). For instance, a provider may not maintain or operate a hotline, ~~website~~ or newsletter advertising the time and date of games. However, a marquis located on the provider's premises which indicates that a ~~licensed organization~~*licensee* is hosting a charity gaming night is permissible. A provider may not recruit a qualified organization for an event.

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- h) ~~The provider's books and records relating to the provision of premises for charitable games events, including the documentation required by subsection (a)(1)(B), shall be maintained for a period of three years after the expiration of a license issued pursuant to this Section and shall be available for inspection by agents or employees of the Department during reasonable business hours. A provider is authorized to provide premises for charitable gaming only for organizations which have been duly licensed by the Department. To ensure that the organization is duly licensed, the provider shall obtain from the organization a copy of its license showing the license number and expiration date, and shall retain this documentation in his books and records.~~
- i) ~~The provider's books and records relating to the provision of premises for charitable games events, including the documentation required by subsection (h) above, shall be maintained for a period of three years after the expiration of a license issued pursuant to this Section and shall be available for inspection by agents or employees of the Department during reasonable business hours.~~

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 435.150 Ineligible Organizations~~Ineligibility for License~~**

- a) The following are ineligible for any license under the Act:
- 1) *Any person who has been convicted of a felony within the last 10 years prior to~~of~~ the date of the application;*
  - 2) Any person who has been convicted of a violation of Article 28 (Gambling) of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/Art. 28];
  - 3) *Any person who has had any license issued under the Bingo License and Tax Act [230 ILCS 25], Illinois Pull Tabs and Jar Games Act [230 ILCS 20] or Charitable Games Act [230 ILCS 30] revoked by the Department;*
  - 4) *Any person who is or has been a professional gambler; for example, one who has declared himself to be a professional gambler on an income tax return, or who has been convicted of a gambling offense in another jurisdiction;*

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- 5) *Any person found gambling in a manner not authorized by ~~the~~<sup>this</sup> Act, ~~the Illinois Pull Tabs and Jar Games Act, or the Bingo License and Tax Act,~~ participating in such gambling, or knowingly permitting such gambling on premises where an authorized charitable games event is authorized to be being or has been conducted. ~~(Section 9 of the Act)~~ These acts are deemed to have been committed by a person when any determination issued by the Department (e.g., fine, suspension or revocation) regarding these events has become final;*
- 6) *Any ~~business or~~ organization in which a person defined in ~~subsections~~ subsections (a)(1), (2), (3), (4) or (5) ~~above~~ has a proprietary, equitable, or credit interest, or in which the person is active or employed;*
- 7) *Any ~~business or~~ organization in which a person defined in ~~subsections~~ subsections (a)(1), (2), (3), (4) or (5) ~~above~~ is an officer, director, or employee, whether compensated or not ~~(Section 7 of the Act)~~;*
- 8) *Any organization in which a person defined in ~~subsections~~ subsections (a)(1), (2), (3), (4) or (5) ~~above~~ is to participate in the management or operation of charitable games (Section 7 of the Act);*
- 9) *Any unlicensed person engaging in any activities required to be licensed under the Act. These acts are deemed to have been committed when any determination issued by the Department (e.g., fine, confiscation) regarding these events has become final;*
- 10) *Any person submitting any application, supporting documentation, return, or report containing statements ~~which~~ the person knows, or should know, to be false;*
- 11) *Any person ~~whowhich~~, when required pursuant to the Act or this Part, has failed to file or submit any report, return, application, or documentation, or ~~thatwhich~~ has failed to pay any fee, tax, penalty, or interest due the Department for any period during which the person has a valid license issued under the Act;*
- 12) *Any person ~~thatwhich~~ fails to file a return, or to pay the tax, fee, penalty or interest shown in a filed return, or to pay any final assessment of tax,*

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*fee, penalty or interest, as required by any other tax or fee Act administered by the Department. [20 ILCS 2505/~~2505-38039b~~47].*

- b) The ineligibility of a person under ~~subsections~~ (a)(6), (7) or (8) ~~above~~ shall continue so long as any person defined in ~~subsections~~ (a)(1), (2), (3), (4) or (5) ~~above~~ maintains with the person a relationship causing ineligibility. The ineligibility of a person under subsection (a)(9) ~~above~~ shall continue for a period of five years from the date the unlicensed activities were discontinued. The ineligibility of a person under subsections (a)(~~1~~), (2), (3), (4), (5) and (10) ~~above~~ is permanent. The ineligibility of a person under subsections (a)(11) and (12) ~~above~~ shall continue until the required information has been provided, ~~or~~ the amounts owed the Department have been paid, or arrangements for payment have been made with the Department.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 435.160 Operation of Charitable Games Events**

- a) *Only the following games may be conducted at a charitable games event: roulette, blackjack, poker, pull tabs, craps, bang, beat the dealer, big six, gin rummy, five card stud poker, chuck-a-luck, keno, hold-em poker, and merchandise wheel. A licensed organization ~~licensee~~ need not conduct every game permitted. The licensed organization ~~licensee~~ shall promulgate rules, and make printed copies available to participants, for the games conducted at the charitable games event (Section 8(15) of the Act). However, the games, as played at a charitable games event, must be recognizable from the following general descriptions of these games: Craps, bang, beat the dealer, and chuck-a-luck are dice games. "Craps" involves players rolling a pair of dice in an effort to throw certain combinations of numbers paying various odds. Several rolls may be necessary to determine whether a player has won or lost. "Bang" is similar to craps but with fewer relevant combinations, and a decision is reached on each roll of the dice. In "beat the dealer" the player attempts to throw a higher total on two dice than the dealer. "Chuck-a-luck" uses three dice with players wagering on whether particular spots will appear on one or more of the dice. Roulette, big six, and merchandise wheel are wheel games. "Roulette" uses a wheel, usually separated into 38 numbered compartments into which a ball drops at random, and wagers are made regarding several variables in the outcome of a spin of the wheel. "Big six" uses a sectioned wheel on which are pictured various combinations of three dice, and wagers are made on whether particular spots will appear in the*

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combination that is chosen at random by spinning the wheel. "Merchandise wheels" have numbers, symbols or colors used to designate the winning wager and, where applicable, the type of merchandise to be awarded. Blackjack, gin rummy, poker, hold-em poker, and five card stud poker are card games and must be played substantially according to the description of such games found in Hoyle's Modern Encyclopedia of Card Games by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974, 1<sup>st</sup> Edition, hereby incorporated by reference (no later editions or amendments are included). However, a house dealer must be provided for all card games played at an event. These dealers are considered to participate in the management and operation of the games, and must be a bona fide employee, member, or volunteer recruited by the licensed organization. Keno is a lotto-type game, similar to bingo, in which a player, to win, must select numbers on a card which correspond to numbers drawn at random from a container. A pull tab, or similar type of gambling ticket, is a single-folded or banded ticket, or is a card, the face of which is initially covered or otherwise hidden from view to conceal a number, symbol, or set of symbols, some of which are winners. Players receive from the licensed organization~~licensee~~ the prize for a winning ticket, which is stated on the promotional display or "flare". *No cards, dice, wheels or other charitable games equipment may be modified or altered so as to give the licensee a greater advantage in winning, other than as provided under the normal rules of play of a particular game* (Section 8 of the Act). Any charitable games equipment so altered or modified shall be confiscated by the Department. No single bet at any game shall exceed \$20. (Section 8(4) of the Act)

- b) *Only chips, scrip, or play money (collectively referred to as "chips") may be used to play any of the games listed in subsection (a) ~~above~~.* Cash may never be used to wager on any of the games conducted at any charitable games event. *All chips must be permanently monogrammed with the license number or a Department-registered logo of the sponsoring organization or of the supplier (Section 8(5) of the Act).* Sponsoring organizations may, at their discretion, accept checks or credit cards as payment for chips. However, such checks must be endorsed by the sponsoring organization ~~so as to show that they were deposited into the sponsoring organization's charitable games checking account established under Section 435.190.~~ Proceeds from credit cards must be maintained as provided in Section 435.190.
- 1) Chips must be sold and redeemed at a single, stationary location on the premises where the charitable games event is conducted. This area shall

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be known as the "bank". [\(See Section 8\(5\) of the Act.\)](#) The bank must be staffed entirely by members, volunteers or employees of the sponsoring organization, who will be required to account for all transactions. No "floor sellers" or "runners" are allowed. For each participant the sponsoring organization shall keep a complete and accurate record of the name and address of the participant, the cash value of each purchase of chips by the participant, and, if chips are redeemable for cash, the cash value of all chips redeemed by the participant. After each separate purchase of chips, the sponsoring organization shall issue to the purchaser a separate receipt identified by a unique pre-printed number. The number of the receipt, and the amount of the purchase must be entered on the record maintained for that purchaser.

- A) All receipts for the purchase of chips must be pre-printed with consecutive numbers, beginning with the number one. Any receipts not issued, and any voided receipts, must be retained as part of the sponsoring organization's records. (Example: Seller A is selling chips and issuing receipts numbered 1-150. ~~Seller B is also selling chips and issuing receipts numbered 151-300.~~ At the end of the night, seller A has only issued receipts through number 135. Blank receipts 136-150 must be retained by the sponsoring organization.)
  - B) The entire amount of any admission fee shall be considered to be a purchase of chips even if no chips are given in return for payment of the fee, and must be entered on the record of each participant. For this purchase of chips only, the sponsoring organization need not issue a receipt to the purchaser.
- 2) If the value of all chips redeemed by a participant for cash exceeds the value of all chips purchased by the participant, the participant must give a signed receipt for the cash won. The participant's signature on the record kept by the sponsoring organization shall be a sufficient receipt. A *participant may cash in his or her chips, ~~scrip or play money~~ in exchange for currency not to exceed \$500250 (Section 8(6) of the Act). There is no limit on the amount of noncash prizes that may be exchanged for chips; ~~scrip or play money.~~*
  - 3) When a participant exchanges chips for any noncash prize, the participant

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shall sign for the receipt of ~~thesuch~~ prize. The receipt shall describe the noncash prize and state the retail value of the prize. The sponsoring organization shall provide the Department with a listing of all prizes awarded, including the retail value of all prizes awarded (Section 8(6) of the Act).

- 4) All receipts required by this subsection (b) shall include the date and the sponsoring organization's name and charitable games license number.
- c) *The sponsoring organization shall designate a person in charge of and primarily responsible for the conduct of the charitable games event, and that person must be present on the premises continuously during the charitable games event (Section 4(1) of the Act). The person in charge must verify that only eligible persons, whose names appear on the workers list, participate in the management or operation of the event. The person in charge must have been a member of the sponsoring organization for at least one year prior to the charitable games event and shall be familiar with the provisions of the Act and this Part.*
- d) ~~No less than one week prior to an event, each sponsoring organization shall obtain and maintain a bond for the benefit of participants in the charitable games event to insure payment to the winners of such games (Section 4 of the Act). If cash prizes are offered, the amount of the bond shall be \$50 times the number of participants that the sponsoring organization reasonably estimates will attend the charitable games event, based on past attendance at similar events and any other indications of attendance available to the sponsoring organization. If only noncash prizes are offered, the amount of the bond shall be the amount the sponsoring organization will have to pay to purchase all of the noncash prizes which, at any time prior to the event, had been advertised as being available to be won at the event, except that the sponsoring organization need not obtain a bond to cover the purchase price of any advertised noncash prizes which are in the actual or constructive possession of the sponsoring organization no less than one week prior to the event. In a county with fewer than 60,000 inhabitants, the Department may waive the bond requirement upon a showing by a sponsoring organization that it has sufficient funds on deposit to insure payment to the winners of such games.~~
- de) The sponsoring organization must post its charitable games license in a prominent place at or near the location where chips are sold and redeemed, and in a manner such that the license may be easily seen by participants.

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- ef) *Charitable games events must be conducted in accordance with local building and fire code requirements (Section 4(11) of the Act).*
- fg) *The sponsoring organization must allow Department employees to be present on the premises during, and for two hours before and after, the charitable games event to inspect or test equipment, devices and supplies used in the conduct of the event, and to examine the records maintained pursuant to Section 435.190 (Section 4(12) of the Act).*
- gh) *The entire net proceeds from charitable games must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game (Section 8 of the Act).*

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 435.170 Restrictions and Limitations on the Conducting of Charitable Games**

- a) *The entire net proceeds from charitable games must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game (Section 8(1) of the Act).* ~~*No license issued under the Act is assignable or transferrable (Section 4 of the Act).*~~
- b) *No person except a bona fide member or employee of the sponsoring organization, or a volunteer recruited by the sponsoring organization, may participate in the management or operation of a charitable games event (Section 8(2) of the Act).* ~~*Participation in the management or operation of an event includes, but is not limited to:*~~
- 1) *A house dealer must be provided for all card games played at an event. These dealers are considered to participate in the management and operation of the games, and must be a bona fide employee, member or volunteer recruited by the licensed organization.* ~~*selling admission tickets or pull tabs at the event; selling or redeeming or in any way assisting in the selling or redeeming of chips; or participating in the conducting of any games played at the event or acting as a supervisor or pit boss of a person conducting the games. Conducting a game includes, but is not limited to, dealing cards in poker or other card games, spinning the roulette wheel, turning the chuck a luck cage, or acting as a croupier. Participation in the*~~

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~~management or operation of games also includes persons who, at any time during the hours of the charitable games event, count or handle or supervise anyone who counts or handles any of the proceeds or chips at the event. A person who is present to ensure that the games are being conducted in conformance with the rules established by the licensed organization or is present to ensure that the equipment is working properly is also considered to be participating in the management or operation of a game. Setting up, cleaning up, selling food and drink, and providing security either for persons and property at the event (other than for the charitable games equipment and money, chips or scrip used in the conducting of charitable games), do not constitute, in and of themselves, participation in the management or operation of a charitable games event.~~

- 2) No employee, owner or officer of a consultant service hired by a licensed organization to perform services at the event, including, but not limited to, security for persons or property at the event, or services before the event, including, but not limited to, training for volunteers or advertising, may participate in the management or operation of the games (Section 8(21) of the Act).
- c) No person may receive any remuneration or compensation, either directly or indirectly, from any source for participating in the management or operation of a charitable games event (Section 8(3) of the Act). Whether a person has received compensation for participating in the management or operation of a charitable games event shall take into account all the facts and circumstances.
  - 1) Employees of a sponsoring organization may participate in the management or operation of an event on a volunteer basis only. They may not be required to participate as a condition of employment, nor may they receive any compensation for such participation.
  - 2) Food and drink having a retail value less than \$10 ~~that which~~ is provided to workers shall not be considered to be "remuneration or compensation-".
- d) No person may participate in the management or operation of a charitable games event and, at the same event, also place any wager, either personally or by proxy, on any charitable game conducted at the event.
- e) All persons participating in the management or operation of a charitable games

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event shall wear name tags, plainly visible, on which are printed the first and last names of the wearer in letters at least one-half inch in height.

- f) ~~No person~~~~Volunteers, or bona fide members or employees of the sponsoring organization,~~ may ~~not~~ participate in the management or operation of more than ~~124~~ charitable games events, either of the sponsoring organization or any other organization licensed to conduct charitable games, during a calendar year.
- g) No person participating in the management or operation of a charitable games event may solicit or accept any tip, gratuity, gift, or other consideration from any participant or from any ~~licensed organization~~~~licensee~~ under the Act. The charitable games ~~licensed organization~~~~licensee~~ shall post at least one sign prohibiting tipping in a conspicuous place on the premises where the charitable games event is being conducted.
- h) Only ~~the sponsoring an~~ organization ~~of a licensed to conduct~~ charitable games ~~event~~ can make a determination that equipment is not working properly and that a game must consequently be shut down. If this determination has been made, the supplier's representative present at the event may contact the supplier to request removal and repair or replacement of the equipment.
- i) ~~No single bet at any game may exceed \$20 (Section 8(4) of the Act). Accordingly,~~~~the~~~~The~~ amount wagered by any participant on the outcome of any roll of dice, selection of a set of numbers at random, or spin of a wheel shall not exceed ~~\$20~~~~\$10~~ worth of chips. The amount wagered by any participant on any round of betting during a card game shall not exceed ~~\$20~~~~\$10~~ worth of chips. In poker, a round of betting is deemed to occur whenever a deal of cards, or group of cards on which a wager will be made, has been distributed to participants (e.g., after the first two cards, one up and one hole card, have been distributed in 5-card stud poker). In blackjack, a player is authorized to wager ~~\$20~~~~\$10~~ on each hand that has been "split." A blackjack player who has chosen to "double down" may wager an additional bet not to exceed ~~\$20~~~~\$10~~. The ~~licensed organization~~~~licensee~~ shall not extend credit to any participant in the charitable games event at any time for any reason.
- j) *No one other than the sponsoring organization of a charitable games event may have a proprietary interest in the game promoted* (Section 8(11) of the Act). For example, a person who provides services to a licensed organization in connection with setting up a charitable games event may not receive as compensation for

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those services a percentage of the gross or net proceeds derived by the licensed organization.

## k) Illegal Gambling and Raffles-

- 1) Unlicensed raffles or other forms of gambling prohibited by law shall not be conducted on the premises where a charitable games event is being conducted. A raffle is "licensed" only when a document is issued to the sponsoring organization of the charitable games event ~~charitable games licensee~~ by a city or county pursuant to an ordinance providing for the licensing of raffles.
- 2) *No slot machines, including coin-in-the-slot-operated devices which allow a participant to play games of chance ~~based upon cards or dice~~, shall be permitted to be used on the premises and during the time at which a charitable games event is being conducted. However, establishments that have video gaming terminals licensed under the Video Gaming Act [230 ILCS 40] may operate them along with charitable games under rules adopted by the Department (Section 8(16) of the Act).*

## l) Miscellaneous Provisions:

- 1) *No person under the age of 18 years may play or participate in the conducting of a charitable games event. Any person under the age of 18 may be within the area where charitable games are being played only when accompanied by his or her parent or guardian.* (Section 8(10) of the Act): A licensed organization ~~licensee~~ may, at its discretion, prohibit persons under the age of 18 from being within the area where charitable games are being played.
- 2) *No licensee shall knowingly permit the entry into any part of the premises where a charitable games event is being conducted by any person who has been convicted of a violation of Article 28 (Gambling) of the Criminal Code of 1961 or the Criminal Code of 2012 (Section 10 of the Act).*
- 3) No organization licensed to conduct charitable games shall purchase or lease any charitable games equipment other than from a person or organization licensed to supply charitable games equipment under the Act.

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- 4) Any advertising by or on behalf of, a sponsoring organization regarding the conducting of its charitable games events shall contain its name and charitable games license number.
- 5) Charitable games may be conducted only between the hours of noon and 2:00 a.m. of the following day. (Section 8(9) of the Act)

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 435.180 Imposition of Tax, Returns**

- a) *There shall be paid to the Department ~~5%~~<sup>3%</sup> of the ~~netgross~~ proceeds of any charitable games event conducted in the State (Section 9 of the Act). "~~NetGross proceeds~~<sup>Proceeds</sup>" means all money received, plus the fair market value of any property received, from the sale of chips, and the entire fee or donation charged for admission or entry into a charitable games event, minus all money, plus the cost to the organization of any noncash prize, paid out to participants to redeem chips at the conclusion of the event or when the participant leaves. ~~(Section 9 of the Act)~~ For purposes of this Section, "fee or donation charged for admission or entry into a charitable games event" includes the amount paid to a sponsoring organization for hosting a charitable games event which is not open to the public (e.g., a "casino night" party which is hosted only for a corporation and its clients). The entire amount of an entry fee or donation is considered to be "~~netgross~~ proceeds" even when payment does not entitle the person paying to receive any chips, and even though part or all of the fee represents payment for food or beverages.*
- b) *~~Payment~~Each payment of tax shall be made by money order or certified check payable to the Illinois Department of Revenue (Section 9 of the Act). Payments shall be made within 30 days after the completion of the charitable games events. In the case of a series of charitable games events conducted on~~On~~ successive days, the payment for all such events shall be made within 30 days after the completion of the last such event.*
- c) *Accompanying each payment shall be a return on forms prescribed by the Department. The return shall be filed by the sponsoring organization and shall contain such information as the Department may require. The return shall include, on a form provided by the Department, the names, social security numbers and signatures of all individuals participating in the management or operation of the*

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~~games, containing a signed statement by all such individuals and the presiding officer of the sponsoring organization that the organization has complied with all provisions of the Act. Failure to submit either the payment or return within the specified time may result in suspension or revocation of the license of the sponsoring organization. (Section 9 of the Act) Every organization licensed to conduct charitable games must submit a report along with each payment of tax, on a form provided by the Department, which must contain the following information: A list of the types of charitable games conducted, and the number of stations of each; the number of persons purchasing chips; the amount of the entry fee, if any; gross proceeds; the amount of cash prizes and the cost to the licensee of noncash prizes; the names of all persons and organizations providing security either for persons or property at the event; a listing, on a form provided by the Department, of all individuals participating in the management or operation of the games, containing a signed statement by all such individuals and the presiding officer of the organization that all provisions of the Act have been complied with; and any other information requested by the Department relating to books or records which the sponsoring organization is required to maintain. In addition, the licensee shall file a list of all noncash prizes awarded, stating whether the prizes were purchased by the licensee or donated, and, if donated, by whom.~~

- d) If a sponsoring organization intends to cancel a charitable games event, it must notify the Department in writing prior to the event. If it notifies the Department after the event date, it must file a return within 30 days after the scheduled date of the cancelled event.
- e) *The sale of tangible personal property at charitable games events is subject to all State and local taxes and obligations (Section 8(14) of the Act).*
- f) *Tax returns filed pursuant to the Act shall not be confidential and shall be available for public inspection (Section 9 of the Act).*

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 435.190 Records; Audits**

- a) *Each licensee must keep a complete record of charitable games conducted within the previous 3 years. Such record shall be open to inspection by the Department during reasonable business hours. (Section 10 of the Act) Charitable games event checking account.*

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- 1) ~~Each sponsoring organization must establish a separate charitable games event checking account into which it must deposit the following funds:~~
    - A) ~~The entire amount of admission fees collected prior to the day of the charitable games event, or the first day of events held on successive days;~~
    - B) ~~The entire gross proceeds collected on the day(s) of the charitable games event(s), less only any cash prizes paid.~~
  - 2) ~~All expenditures of funds deposited in the charitable games event checking account must be by checks, having consecutive numbers, payable to a specific person or organization. No checks shall be written to "cash". All checks written on this account must be for some lawful purpose of the sponsoring organization.~~
- b) Licensed organizations~~Licensees~~ must keep all records and receipts ~~which this Part requires~~ licensed organization~~licensees~~ to maintain, whether or not ~~thosesuch~~ records and receipts must be filed with the Department. Organizations licensed to conduct charitable games shall keep any and all tax returns, contracts with providers and suppliers, and complete and accurate records issued to participants as set forth under Section 435.160(b)(1) ~~of this Part~~. In addition, the records must demonstrate that the entire net proceeds from charitable games are devoted to the lawful purposes of the organization as required under Section 8(1) of the Act. If an organization enters into an agreement with a consultant company, that agreement must be in writing and must be retained by the licensed organization and available for inspection by the Department. Suppliers shall keep all contracts with licensed organizations, lists of all charitable games equipment offered for sale, lease, loan, or distribution to organizations licensed to conduct charitable games, and copies of the licenses of organizations licensed to conduct charitable games. Providers shall keep all contracts with licensed organizations and copies of the licenses of organizations licensed to conduct charitable games. Licensed organizations~~Licensees~~ shall keep any record or receipt pertaining to any charitable games event for at least three years after the event. All such records shall be available for inspection by representatives of the Department during reasonable business hours. Any and all records of any licensed organizations~~licensee~~ shall be subject to an audit by the Department without notice, performed at the premises where the charitable games event is conducted

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or at the office of the person or organization where the records are located. In the event of an audit by the Department, the person or organization being audited shall provide all such records, provide a place where ~~thesuch~~ audit may be performed, and provide any requested information relevant to the conduct of the event.

- c) When the Department has information indicating that any person or organization licensed under the Act has not paid the full amount of tax due, has not provided the Department with accurate or complete information concerning revenues from charitable games events, or is using proceeds from charitable games events in an unlawful manner, *the Department may require the licensee to obtain from an Illinois certified public accounting firm, at the licensee's own expense, a certified and unqualified financial statement and verification of records of the licensee* (~~Section 10 of the Act~~). If required, this statement must be submitted to the Department within 90 days after notice is received by the ~~licensed organization~~*licensee*. *Failure to comply with this requirement may result in suspension or revocation of the licensee's license and forfeiture of all proceeds.* (Section 10 of the Act)-

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 435.200 Denial, Suspension, or Revocation of Licenses**

- a) The Department shall deny the application, including a renewal application, of any person or organization ~~thatwhich~~ does not satisfy all eligibility requirements for the license for which application is made, or ~~thatwhich~~ is ineligible for a license under Section 435.150(a).
- b) *The Department may, in its discretion, suspend or*~~shall~~ *revoke any license when it finds that the licensee or any person connected therewith has violated or is violating the provisions of the Act* ~~or any rule promulgated thereunder~~ (Section 10 of the Act), or when it finds that the ~~licensed organization~~*licensee* has become ineligible for any reason while the license is in effect.
- 1) The Director may review the offenses subjecting the licensee to revocation and may issue a suspension. The decision to reduce a revocation to a suspension, and the duration of the suspension, shall be made by taking into account factors that include, but are not limited to, the licensee's previous history of compliance with the Act and ~~this Part's rules~~, the

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number, seriousness, and duration of the violations, and the licensee's cooperation in discontinuing and correcting violations. Violations of Sections 4, 5, 6, 7, and ~~subsection (2) of Section 8~~ of the Act are considered to be more serious in nature than other violations under the Act. ~~(Section 10 of the Act)~~

- 2) The effective date of a revocation or suspension shall be not less than 25 days after the date the Department mails the notice of revocation or suspension to the licensed organization~~licensee~~. If the licensed organization~~licensee~~ requests a hearing within 20 days as provided in subsection (c)(2)~~below~~, the effective date of any revocation or suspension is stayed pending the outcome of the hearing, and the licensed organization~~licensee~~ may continue to operate under the license, unless the Department has determined that a summary revocation or suspension is warranted, as provided in Section 13 of the Act. If a license expires during a stay of revocation or suspension, the licensed organization~~licensee~~ may apply for renewal pursuant to Section 435.120(a)(3). Assuming the organization is otherwise eligible, the Department may issue a renewed license~~continue to operate only if a substantially complete renewal application and application fee have been received by the Department prior to the expiration of the license. Although the licensee may continue to operate, the Department will not issue the renewal license until the hearing decision has been rendered.~~ If the hearing officer determines that revocation is warranted, the renewed license shall be summarily revoked~~renewal application will be denied pursuant to Section 435.150(a)(3)~~.
  - 3) *A revocation or suspension shall be in addition to, and not in lieu of, any other civil or criminal penalties or assessments authorized by the Act (Section 10 of the Act).*
- c) Notification of Denial~~denial~~, Suspension~~suspension~~, or Revocation~~revocation~~, Requests~~requests~~ for Hearing~~hearing~~:
- 1) The Department shall send notices of denial, suspension, or revocation by certified mail, return receipt requested, to the applicant or licensed organization~~licensee~~ at the mailing address stated on the applicant's or licensed organization's~~licensee's~~ most recent license application. All such notices will include a statement of the reasons for the Department's action.

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- 2) An applicant or licensed organization~~licensee~~ may request a hearing to contest a denial, suspension, or revocation. The request shall be in writing, and must be received by the Department within 20 days after the date the Department mailed the notice of its action to the applicant or licensed organization~~licensee~~. If no hearing is requested within 20 days, the Department's revocation, suspension, or denial becomes final, and the licensed organization~~licensee~~ is barred from operating. Hearings shall be governed by the regulations established at 86 Ill. Adm. Code 200.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 435.210 Criminal and Civil Penalties**

- a) Section 12 of the~~The~~ Act establishes criminal penalties for violations as follows:
  - 1) Any person who conducts or knowingly participates in an unlicensed charitable game commits the offense of gambling in violation of Section 28-1 of the Criminal Code of 2012. Section 4(1) of the Act provides that any willful misstatement contained in an application for a license to conduct charitable games constitutes perjury.
  - 2) Any person who violates any provision of the Act or who willfully violates any rule or regulation of the Department for the administration and enforcement of the Act is guilty of a Class A misdemeanor. Any second or subsequent violation constitutes a Class 4 felony.~~Section 6 of the Act provides that any person or organization which knowingly sells, leases, or distributes for compensation within this State, or possesses with intent to sell, or lease, or distribute for compensation within this State, any charitable games equipment without having first obtained a license to do so from the Department is guilty of a Class A misdemeanor, the fine for which shall not exceed \$50,000.~~
  - 3) Any person who fails to file a charitable games return or who files a fraudulent return or application under the Act or any officer or agent of an organization or a corporation licensed under the Act who signs a fraudulent return or application filed on behalf of such organization or corporation is guilty of a Class A misdemeanor. Any second or subsequent violation constitutes a Class 4 felony.~~Section 12 of the Act states that any~~

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~~*person who conducts or knowingly participates in an unlicensed charitable game commits the offense of gambling in violation of Section 28-1 of the Criminal Code of 1961*~~

- 4) ~~*Any person or organization which knowingly sells, leases, or distributes for compensation within this State, or possesses with intent to sell, or lease, or distribute for compensation within this State, any charitable games equipment without having first obtained a license to do so from the Department is guilty of a Class A misdemeanor, the fine for which shall not exceed \$50,000.Section 12 of the Act provides that any person who violates any provision of the Act or who knowingly violates any rule or regulation of the Department for the administration and enforcement of the Act is guilty of a Class A misdemeanor. Any second or subsequent violation constitutes a Class 4 felony.*~~
- 5) ~~*Any person who fails to file a charitable games return or who files a fraudulent return or application under the Act, or any officer or agent of an organization or a corporation licensed under the Act who signs a fraudulent return or application filed on behalf of such organization or corporation, is guilty of a Class A misdemeanor. Any second or subsequent violation constitutes a Class 4 felony (Section 12 of the Act).*~~

b) Forfeitures shall be imposed as follows:

- 1) Any charitable games equipment used at an unlicensed charitable games event is forfeited to the State, and will be confiscated. Any charitable games equipment used at the charitable games event of a licensed organization licensee whose license has been suspended or revoked is forfeited to the State, and will be confiscated.
- 2) Any charitable games equipment used for any form of illegal gambling at an otherwise properly licensed charitable games event is forfeited to the State, and will be confiscated.
- 3) The gross proceeds from any charitable games event described in subsection (b)(1)~~above~~, or from any illegal gambling at any licensed charitable games event, are forfeited to the State and will be confiscated. The Department shall determine the amount of gross proceeds based on all information available to the Department and its judgment of all the facts of

## DEPARTMENT OF REVENUE

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each particular case.

- 4) The Department will provide a detailed written receipt describing all confiscated equipment and proceeds.
- c) The Act establishes civil penalties as follows:
- 1) In addition to penalties provided for in the Act, ~~or independently of, confiscation and any forfeiture of gross proceeds as provided in subsection (b)(3) above~~, the Department shall assess against an organization a civil penalty equal to the amount of gross proceeds derived by the organization from any charitable games event ~~that which~~ is conducted without a license or ~~that which~~ is conducted under a suspended or revoked license, or at which illegal gambling is conducted. Notice of assessment of a civil penalty shall be sent by certified mail, return receipt requested. The person or organization against whom a civil penalty has been assessed shall remit to the Illinois Department of Revenue the full amount of the penalty within 60 days after the date the notice was mailed.
  - 2) When charitable games equipment or gross proceeds are confiscated and forfeited to the State under subsection (b) ~~above~~, or a civil penalty is assessed under subsection (c)(1) ~~above~~, the organization entitled to possession of the equipment or proceeds at the time of confiscation or at the time a civil penalty is assessed may, within 60 days after the date of confiscation or imposition of the penalty, request, in writing, a hearing. The sole issue at such hearing shall be whether a charitable games event was conducted without a license, or under a suspended or revoked license, or whether illegal gambling was conducted at an otherwise properly licensed charitable games event.
  - 3) *Any person who violates any provision of the Act or knowingly violates any rule of the Department for the administration of the Act shall, in addition to other penalties provided, be subject to a civil penalty in the amount of \$250 for each separate violation (Section ~~1244~~ of the Act). The penalty shall become final unless the person makes a written request for a hearing in writing within 60 days after the date the Department mailed the notice of its action. Persons subject to this provision include, but are not limited to, sponsoring organizations, volunteers, any licensed organization ~~licensee~~ under the Act, or any other person or organization.*

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(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Public Building Construction
- 2) Code Citation: 71 Ill. Adm. Code 2000
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2000.15	Amendment
2000.100	Amendment
2000.130	Amendment
2000.310	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500]
- 5) Complete Description of the Subjects and Issues Involved: The rulemaking updates the language of the rule to reflect current technology and practices.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site ([www.sos.state.il.us/departments/index/home](http://www.sos.state.il.us/departments/index/home)) as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Carrie E. Leitner  
Office of the General Counsel  
298 Howlett Building

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Springfield IL 62756  
cleitner@ilsos.net

The Department will consider all written comments it receives during the First Notice Period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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

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

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TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
CHAPTER IV: SECRETARY OF STATE

PART 2000  
PUBLIC BUILDING CONSTRUCTION

SUBPART A: GENERAL

Section	
2000.5	Policy
2000.10	Applicability
2000.15	Definitions
2000.20	Prequalification
2000.25	Beneficial Interest
2000.30	Suspension
2000.35	Causes for Suspension
2000.40	Debarment
2000.45	Bid Opening
2000.50	Proprietary Information
2000.55	The Illinois Purchasing Act

SUBPART B: BID SUBMISSIONS

Section	
2000.100	Invitation for Bid
2000.110	Contents of Invitation for Bids
2000.120	Time and Place to Submit Bids
2000.130	Submission of Bids
2000.140	Change or Withdrawal of Bid
2000.150	Submission Binding
2000.160	Bid Reservations
2000.170	Bidder Must be Responsible

SUBPART C: RESPONSIBILITY

Section	
2000.200	Determination by Procuring Agency
2000.205	Proof of Responsibility
2000.210	Standards of Responsibility

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2000.215	New Bidders
2000.220	Security Required
2000.225	Form of Security
2000.230	Amount
2000.235	Subsequent Requirement
2000.240	Security Allowances
2000.245	Annual Security
2000.250	Return of Security
2000.255	Recording

## SUBPART D: AWARDING OF BIDS AND REJECTION

Section	
2000.300	Award
2000.310	Delay in Award
2000.320	Cancellation of Invitation
2000.330	Notice of Cancellation
2000.340	Rejection of Individual Bids
2000.350	Minor Informalities or Irregularities in Bids
2000.360	Time of Award
2000.370	General

## SUBPART E: MISTAKES AND ERRORS

Section	
2000.400	Apparent Clerical Mistake
2000.410	Other Mistakes Disclosed Before Award
2000.420	Processing Mistakes
2000.430	Incorrect Procedures

## SUBPART F: TERMS AND CONDITIONS

Section	
2000.500	Terms and Conditions of Transactions
2000.510	Modification
2000.520	Fiscal Year Contracting
2000.530	Contracts Spanning Fiscal Years
2000.540	Prevailing Wage Required
2000.550	Full Compliance

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2000.560	Cancellation for Material Breach of Contract
2000.570	Cancellation for Fraud, Collusion, Illegality, Etc.
2000.580	Withholding Monies to Compensate State for Damages
2000.590	Damages

## SUBPART G: PROTESTS

Section	
2000.600	General
2000.610	Time/Place for Protest or Objections
2000.620	Suspension of Award
2000.630	Evaluation of Protest or Objection
2000.640	No Rights Conferred
2000.650	Attempt to Influence Award
2000.660	Collusive Bids

## SUBPART H: MISCELLANEOUS

Section	
2000.700	Identical Bids
2000.710	Severability

AUTHORITY: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 9 Ill. Reg. 174, effective December 24, 1984; amended at 10 Ill. Reg. 19104, effective October 27, 1986; amended at 16 Ill. Reg. 10068, effective June 15, 1992; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

**Section 2000.15 Definitions**

"Agency" unless otherwise specified, means the Office of the Secretary of State.

"Architect" means a person who is licensed as an architect ~~"Licensed Architect"~~ ~~registered~~ by the Illinois Department of Financial and Professional Regulation ~~Registration and Education, State of Illinois~~.

"Beneficial Interest" means any profit, benefit or advantage resulting from a

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contract.

"Bid" means an offer made by a Bidder in response to a request by the Office of the Secretary of State for sealed bids, sealed proposals or request for proposal.

"Bidder" means any person or entity by representative ~~that~~<sup>which</sup> submits a bid. The term Bidder may also, in the appropriate context, refer to the successful Bidder or to a vendor.

"CDB" means the Capital Development Board.

"~~CMS~~<sup>DCMS</sup>" means the Department of Central Management Services.

"Contract" means the Agreement for the stated services and/or material.

"Director" unless otherwise specified, means the Director of ~~the Department of Physical Services~~ <sup>for the, Department of the Office of the</sup> Secretary of State.

"Director of Purchasing" means the Director of the Purchasing Department of the Office of the Secretary of State.

"Engineer" means a person who is licensed as a professional or structural engineer ~~"Licensed Engineer" registered by the Illinois Department of Financial and Professional Regulation~~ ~~Registration and Education, State of Illinois.~~

"~~LSNC~~" ~~means the Legislative Space Needs Commission.~~

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: BID SUBMISSIONS

**Section 2000.100 Invitation for Bid**

The Secretary of State will advertise the bid in the official State ~~Purchasing Website~~<sup>Newspaper</sup> in accordance with requirements ~~of the Illinois Procurement Code~~<sup>contained in the Illinois Purchasing Act</sup>, and use the ~~list of~~ prequalified Bidders of the Capital Development Board (44 Ill. Adm. Code 950). Bidders who have failed on two consecutive occasions to return the bid form without bidding will not ordinarily be sent a bid form on the next occasion, unless the Bidder has shown in a letter to the Director of Purchasing that it wishes to be sent a bid form.

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(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2000.130 Submission of Bids**

Each bid must conform to the requirements of this Part and to any additional requirements in the Invitation for Bids. Unless otherwise stated in the Invitation, bids shall be returned using the Agency supplied bid form ~~and envelope~~. Every bid should be typed or written clearly in ink. Bids must be signed by an authorized representative of the Bidder.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: AWARDING OF BIDS AND REJECTION

**Section 2000.310 Delay in Award**

Should administrative difficulties, such as delay in approval from [the Office of the Architect of the State Capitol](#) ~~LSNC~~, fiscal problems, acts of God, death of parties, and utility failures, be encountered after bid opening ~~that~~ ~~which~~ may delay award beyond Bidders' acceptance periods, the responsive Bidders may be requested, before expiration of their bids, to extend the bid acceptance period (with consent of sureties, if any) in order to avoid the need for readvertisement.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Public Use of the Capitol Complex and Springfield Facilities
- 2) Code Citation: 71 Ill. Adm. Code 2005
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2005.40	Amendment
2005.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5]
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking updates the language of the rule to reflect current technology and practices.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site ([www.sos.state.il.us/departments/index/home](http://www.sos.state.il.us/departments/index/home)) as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Carrie E. Leitner  
Office of the General Counsel  
298 Howlett Building  
Springfield IL 62756

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

cleitner@ilsos.net

The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
CHAPTER IV: SECRETARY OF STATE

## PART 2005

## PUBLIC USE OF THE CAPITOL COMPLEX AND SPRINGFIELD FACILITIES

Section	
2005.10	Applicability
2005.20	Definitions
2005.30	Business Hours and Public Access
2005.40	Prohibited Activities
2005.50	Demonstrations
2005.60	Use of Building for Non-Demonstration Activity or Fund Raising Events
2005.70	Distribution of Leaflets and Solicitation of Funds
2005.80	Secretary of State Police Department
2005.90	Severability

**AUTHORITY:** Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].

**SOURCE:** Adopted at 14 Ill. Reg. 7282, effective May 1, 1990; emergency amendment at 21 Ill. Reg. 6927, effective May 21, 1997, for a maximum of 150 days; emergency expired October 17, 1997; amended at 21 Ill. Reg. 14563, effective October 23, 1997; emergency amendment at 25 Ill. Reg. 15259, effective November 7, 2001, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 25 Ill. Reg. 15656, effective November 27, 2001; emergency amendment at 25 Ill. Reg. 15658, effective November 27, 2001, for a maximum of 150 days; emergency expired April 25, 2002; amended at 26 Ill. Reg. 9948, effective June 24, 2002; amended at 36 Ill. Reg. 7662, effective May 2, 2012; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2005.40 Prohibited Activities**

- a) No animals, except guide dogs to assist persons with disabilities, or dogs utilized by police officers and firefighters in the performance of their official duties, shall be permitted in the buildings in the Capitol Complex.
- b) No person or organization shall camp, erect a tent, monument (except as authorized by the Secretary of State to commemorate a deceased public official or a historical event), structure, portable toilet, platform, sign, or similar device on

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

the grounds of or within the State Capitol, Visitors' Center, the State Library, the Howlett Building, or the Stratton Building, except as provided in subsection (i) ~~of this Section.~~

- c) No person or organization shall block, obstruct, or impede any doorway, stairway, corridor, or elevator in the Capitol Complex.
- d) No demonstrations are allowed above the first floor of the Capitol Building; this includes singing, chanting or shouting in a loud voice of the type that could interfere with the business conducted in the building.
- e) No banners, posters, placards, signs or symbols may be carried above the first floor of the Capitol Building. No sticks, poles, or laths may be used to carry any sign or placard into the buildings. No chains or ropes may be carried into the buildings, except by authorized workers and State employees, with the permission of the Director or the Director of the Secretary of State Department of Police.
- f) No person or group of persons shall use any electronic loudspeaker, bullhorn, or other amplifying device within the Capitol Complex buildings or grounds, unless prior permission of the Director or the Director of the Secretary of State Department of Police is obtained pursuant to Section 2005.50(d) ~~of this Part.~~ Permission will be granted for demonstration only.
- g) No banners, posters, placards, signs, or symbols may be affixed in any way by any person to the railing of the second, third or fourth floor of the State Capitol Building. No banners, posters, placards, signs or symbols for demonstration purposes may be affixed in any way to the walls, railings, floors, or ceilings of any of the buildings in the Capitol Complex.
- h) No banners, posters, placards, signs or symbols may be displayed for more than two weeks within a six month period.
- i) No displays or structures (including tents) in the buildings or on the grounds may be erected without the permission of the Director or the Director of the Secretary of State Department of Police pursuant to Section 2005.50(d) ~~of this Part.~~ Permission shall be granted only if the display structure is part of symbolic expression in the exercise of free speech guaranteed by the First Amendment to the United States Constitution and Article I, Sections 4 and 5 of the 1970 Illinois Constitution. No more than 2 tents or small structures may be erected at the

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location designated by the Director [or the Director of the Secretary of State Department of Police](#), which location will not impede pedestrian or vehicular traffic or substantially damage the Capitol grounds i.e., damage to grass or grounds which would require replacement. The only locations which are authorized for structures and displays shall be the paved areas between the Howlett Building and the Capitol Building, in the north front of the Howlett Building and between the Stratton Building and the Archives Building. No structures or displays will be placed on grass areas which have an underground watering system on them.

- j) The display of commercial signs, placards, or other forms of advertisement, or the sale, display, or vending of commercial products or articles in the buildings or on the grounds is prohibited, except pursuant to contract with the State Government.
- k) The noise level from demonstrators, picketers, and protesters of any group or groups, or as individuals within the Capitol Building rotunda shall not exceed a decibel level of 75dB. If the noise level from these persons exceeds this limit, the Director [or the Director of the Secretary of State Department of Police](#) shall direct all persons to decrease the noise or to reduce the numbers of people within the Capitol Building to lower the noise level to the specified level, which shall not exceed 75dB(A).
- l) No person or organization shall damage, destroy, remove, deface, defile, tarnish, or injure in any way State property within the buildings or on the grounds thereof. All persons and organizations engaging in this type of prohibited activity will be responsible for all costs, expenses, damages, and liability resulting from their own actions or the actions of persons or organizations controlled or directed by them at the time of the damage to state property.
- m) No smoking is permitted in any building in the Capitol Complex.
- n) No skateboard riding, rollerblading, or skating is allowed in the Capitol Complex.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2005.50 Demonstrations**

- a) The holding or conducting of any demonstration, public meeting, gathering, or parade on or in the buildings or their grounds is prohibited unless a permit for

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

such activity is issued by the Director [or the Director of the Secretary of State Department of Police](#). A Special Events form addressed to the Department of Physical Services, Special Events Division, must be submitted at least 48 hours in advance of the event to be scheduled, unless the requestor can show by the preponderance of the evidence, that the cause or reason for the requested demonstration, meeting, gathering or parade was not known, contemplated, reasonably foreseeable, resulted from changed circumstances, or in existence within those 48 hours, except that no such request shall take precedence over an activity which was previously scheduled by the Director [or the Director of the Secretary of State Department of Police](#).

- b) The Special Events form shall state the name of the individual, organization, corporation, association, society, fraternity, sorority, club, or group seeking to use the building or the grounds. The request shall list the event contact person, telephone numbers and address. Additionally, the particular facility desired to be used, the dates and times sought, equipment to be used, or supplied, and the estimated number of the participants shall be provided by the applicant. The permit shall only be valid for the date and time approved by the Director [or the Director of the Secretary of State Department of Police](#) and does not allow the group to demonstrate at any date or time other than what has been approved.
- c) Any group seeking a permit under this Section shall have one marshal per 25 participants. Marshals will be identified by insignia and their identities disclosed to security and/or police officials prior to the demonstration. The marshals' duties shall include making certain, to the best of his/her ability under the circumstances, that the conditions of the permit are met, that compliance with the rules occurs, that the demonstration remains peaceful and orderly and the participants remain within the physical boundaries of the permit.
- d) The Director [or the Director of the Secretary of State Department of Police](#) will issue a permit to an applicant unless he or she finds that the intended activity will:
  - 1) Unreasonably interfere with the movement of vehicular traffic in the parking lots of the Capital Complex, or persons within the buildings or on the grounds;
  - 2) Not occur in the area designated and will create or cause a health and/or safety hazard and will impede substantially the performance of public business to be conducted in the area;

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- 3) Endanger the health and safety of the permit applicants or other persons;
  - 4) Be a commercial activity; or
  - 5) Conflict in date, time, and place with a previously scheduled activity of another applicant or a government agency. All Special Events forms are date and time stamped upon receipt and permits are issued on a first-come, first-served basis.
- e) Applicants may also be denied a permit if past demonstrations involving their particular organization/individuals have resulted in removal, arrest, or other violation of this Part.
- f) Applicants denied a permit may modify their request to meet the objection and concerns of the Director or the Director of the Secretary of State Department of Police and may resubmit their application for consideration.
- g) A Special Events form addressed to the Department of Physical Services, Special Events Division shall be considered an application. A written response from the Director or the Director of the Secretary of State Department of Police approving part or all of the application shall be considered the permit. The written response shall state the reasons for denying in whole or in part the request. The Director or the Director of the Secretary of State Department of Police is required to show by the preponderance of the evidence that an unreasonable interference will occur or is occurring when he denies the request in whole or in part.
- h) A person or organization denied a permit in whole or in part, may appeal the denial to the Secretary of State. The appeal shall be in writing, stating the specific reasons why the decision of the Director~~Director's~~ or the Director of the Secretary of State Department of Police decision was incorrect and what relief is sought. The appeal must be submitted at least 24 hours prior to the time of the requested demonstration, to allow the Secretary time within which to consider and decide the appeal. The Secretary's decision shall be in writing, and shall be made at least 2 hours prior to the requested demonstration's time of starting. The Secretary's decision shall be final for the purposes of the Administrative Review Act [735 ILCS 5/Art. III].
- i) Permitted demonstrations may be canceled without prior notice by the Director of

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the [Secretary of State](#) Department of Police, if security concerns warrant such an action.

- j) Groups may be subject to time changes or cancellation if it is determined that the scheduled activity will unreasonably interfere with legislative process.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED RULES

- 1) Heading of Part: Procedures for Implementing the Electronic Canvass
- 2) Code Citation: 26 Ill. Adm. Code 219
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
219.10	New Section
219.20	New Section
219.30	New Section
219.40	New Section
- 4) Statutory Authority: Implementing Section 5/22-6 of the Election Code [10 ILCS 5/22-6] and authorized by Section 18A-15 of the Election Code [10 ILCS 5/18A-15]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes uniform procedures and protocols to implement the electronic transmission of election results (the canvass) from the election authorities to the SBEL.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does the 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: To further comply with PA 95-699
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking in writing within 45 days after publication of this notice to:

Steven S. Sandvoss, General Counsel  
Illinois State Board of Elections  
2329 South MacArthur Blvd.  
Springfield IL 62704

## STATE BOARD OF ELECTIONS

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217/782-4141  
ssandvoss@elections.il.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: Basic knowledge of how to use a web browser and tabulation software is needed to prepare and submit the electronic canvass. Specific instructions will be provided for all steps that need to be completed.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because at the time the regulatory agenda was required to be filed, this rulemaking was not anticipated.

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

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED RULES

## TITLE 26: ELECTIONS

## CHAPTER 1: STATE BOARD OF ELECTIONS

## PART 219

## PROCEDURES FOR IMPLEMENTING THE ELECTRONIC CANVASS

## Section

219.10	General Provisions
219.20	Office, Candidate and Party ID Numbers
219.30	File Specification and Export Procedures
219.40	New System Requirements

**AUTHORITY:** Implementing Section 5/22-6 of the Election Code [10 ILCS 5/22-6] and authorized by Section 18A-15 of the Election Code [10 ILCS 5/18A-15].

**SOURCE:** Adopted at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 219.10 General Provisions**

This Part implements Section 22-6 of the Election Code [10 ILCS 5/22-6], setting forth procedures and requirements for the implementation of the electronic canvass (eCanvass).

- a) No later than 22 days after each election, each election authority must submit to the State Board of Elections (SBEL), an electronic canvass file, in accordance with the specifications listed in this Part, as well as a paper canvass. The paper canvass must be a report printed directly from the tabulation system that the election authority uses, and may be submitted as a PDF file via email in lieu of printing the report and mailing it via overnight mail. The paper canvass must include:
- 1) Total registered voters for the jurisdiction;
  - 2) Total registered voters for each precinct;
  - 3) Total ballots cast for the jurisdiction;
  - 4) Total ballots cast for each precinct;
  - 5) Ballots cast by party (primary only);

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- 6) Precinct level results for all offices and candidates; and
  - 7) Valid write-in candidates and valid votes cast for each.
- b) Access to the eCanvass System
- 1) In order to access the eCanvass system, each election authority shall use its Illinois Voter Registration System (IVRS) login credentials. If the election authority would like to delegate this task to a deputy or another jurisdiction employee, it may request eCanvass access through that person's IVRS account.
  - 2) The eCanvass system can be accessed through vendor accounts. The vendors that have been authorized by a jurisdiction to prepare its election results may prepare and complete all aspects of electronic canvassing, except the final certification. The final certification must be completed by the office of the election authority.
- c) The Board will provide instructions to the election authority for use of the eCanvass system.

**Section 219.20 Office, Candidate and Party ID Numbers**

- a) Offices and candidates that are certified by the State Board of Elections will have ID numbers assigned to them by SBEL. In most cases, office ID numbers will not change except in the event that reapportionment requires an increase or decrease in the number of Congressional Districts in Illinois. Judicial offices and statewide questions, which are unique to each election, will be created and assigned at each election.
- b) Candidate IDs will be assigned and distributed after the ballot placement lottery conducted pursuant to Sections 7-12 and 10-6.2 of the Election Code has been performed. It is necessary to wait for the lottery results to ensure that the ID numbers generated are in the same order as the ballot order.
- c) SBEL will also assign Party ID numbers/codes.
  - 1) Party Codes:

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Party	Numeric Code	Alpha Code
Democratic	11	DEM
Republican	12	REP
Green	13	GRN
Constitution	14	CON
Constitution Party of Illinois	15	CPI
Harold Washington	16	HWP
Honesty & Integrity	17	HON
Independent	18	IND
Libertarian	19	LIB
Moderate	20	MOD
Reform	21	REF
Jobs	22	JOB
Better Option	23	BET
10 <sup>th</sup> District Unity	24	TDU
Nonpartisan	99	NP

- 2) New party codes will be added as needed, and SBEL will notify the jurisdictions of these codes when candidate and office ID numbers are issued.
- 3) For users of the WinEds, Unity and GEMS tabulation systems, the party ID numbers are two digit codes to associate each candidate with the proper party. In a primary election, the party ID must also be applied to the office. In a general election, the party ID will be 99 for all offices.
- 4) For users of the Hart Intercivic, Inc. tabulation system, the party ID will be an abbreviated alpha code. To incorporate the code for an office in a primary election, the code should be placed after two pipes (||) following the office name.

For example: UNITED STATES SENATOR ||DEM  
ATTORNEY GENERAL ||REP  
COMPTROLLER ||GRN

- d) SBEL Office and Candidate ID Entry in Tabulation Software

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- 1) GEMS Tabulation Software. The ID numbers must be incorporated into the Candidate and Contest Export ID fields in the following format:  
aaaa:bb
  - A) Contest Export ID
    - i) a = an integer representing the State issued office ID number.
    - ii) b = an integer representing the State issued party ID number. (In a general election, this will always be "99".)
  - B) Candidate Export ID
    - i) a = an integer representing the State issued candidate ID number.
    - ii) b = an integer representing the State issued party ID number.
- 2) Unity Tabulation Software
  - A) Using Unity EDM, the Candidate Alternate ID field must be entered as "PPCCCCppcccc", where:
    - i) PP is the State Contest Party Number – 2 digits;
    - ii) CCCC is the State Contest Number – 4 digits;
    - iii) pp is the State Candidate Party Number – 2 digits; and
    - iv) ccccc is the State Candidate Number – 5 digits.
  - B) NOTE: The ID field must be entered as a complete 13 digit code in order for eCanvass to properly recognize the numbers. Therefore, if part of the sequence has more digits available than are

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in the ID number, precede the ID number with zeroes in order to fill all digits/spaces.

- 3) WinEds Tabulation Software. The ID numbers must be entered in a manner that places them in the Illinois Export Master File according to the following specifications:
  - A) SBEL Office/Contest ID shall be placed in record type 5 in the 4<sup>th</sup> field.
  - B) SBEL Office/Contest Party ID shall be placed in record type 5 in the 6<sup>th</sup> field.
  - C) SBEL Candidate ID shall be placed in record type 6 in the 4<sup>th</sup> field.
  - D) SBEL Party ID shall be placed in record type 3 in the 6<sup>th</sup> field.
  - E) Jurisdiction Party ID shall be placed in record type 3 in the 2<sup>nd</sup> field.
- 4) Hart Intercivic, Inc. Tabulation Software
  - A) Jurisdictions that use Hart Intercivic, Inc. equipment and tabulation software must use the candidate and office/contest ID numbers issued by SBEL as their primary ID numbers. ID numbers used for local offices and candidates must be in the ranges established by SBEL. Under no circumstances may ID numbers assigned to any office or candidate that is certified by SBEL be used for any local office or candidate.
  - B) When entering Parties into the Hart system, the appropriate alpha code must be used because the Hart system is incapable of handling party ID numbers that are greater than 16.
- e) Write-In Candidates
  - 1) All results for candidates who filed a timely Declaration of Intent to be a write-in candidate with the proper election authority must be included in both the paper canvass and the election authority's eCanvass certification.

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These results must also be included when no valid votes were cast for the write-in candidate.

- 2) Electronic Reporting of Vote Totals for Write-In Candidates
  - A) Jurisdictions using tabulation systems that do not report vote totals for individual write-in candidates in the export files must enter the information through the eCanvass website (<https://ecanvass.elections.il.gov>).
  - B) When a write-in line is printed on the ballot, the data file will reflect this by including a candidate with the name "write-in" within the respective office.
  - C) Jurisdictions using tabulation systems capable of including individual write-in candidate totals must ensure that the candidates are properly coded to be recognized as write-in candidates.
    - i) Hart Intercivic, Inc. Tally exports shall label the candidates as type "WI" to identify that they are write-in candidates.
    - ii) GEMS software shall assign ID numbers in the range of 9000-9499 to write-in candidates. See subsection (e)(1)(B) for proper candidate ID formatting. Write-in candidates must NOT be entered manually on the website if they are included in the export file.
    - iii) New systems certified after adoption of this Part shall identify valid write-in candidates in the master file record structure, record type 6, in the 6<sup>th</sup> field.
    - iv) When valid write-in votes are included in the data file, the valid vote count reported for the write-in candidate must be subtracted from the count listed for the candidate "write-in", which will then reflect only invalid write-in votes cast.
- f) Verification Files

All jurisdictions must upload a verification file to ensure that all ID numbers and offices are properly loaded in their election database. This verification file must

## STATE BOARD OF ELECTIONS

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be uploaded early enough (before the election) that changes to the election setup can be made and shall be created in accordance with the same procedures for creating a canvass data file.

**Section 219.30 File Specification and Export Procedures**

- a) GEMS Tabulation Software. Jurisdictions must prepare a standard text file export to be uploaded to the eCanvass system with the following settings:
- 1) Label: A jurisdiction may name this export whatever it likes, as long as it will be recognized as the SBEL export;
  - 2) County Code: Enter the jurisdiction name;
  - 3) Field Delimiter: ~ (located in the top left corner of most keyboards)  
NOTE: Make certain that, when this character is entered in the appropriate box, no space remains in front of the character. GEMS has a space in the text field by default and it needs to be deleted before entering ~ into the box;
  - 4) Quote strings should NOT be checked;
  - 5) Export Results for: All boxes should be checked;
  - 6) Reporting Set: All races;
  - 7) Row Definitions: All boxes should be checked;
  - 8) Column Definitions: All boxes should be checked.

NOTE: If the jurisdiction has set up an administrative precinct for President/Vice President only ballots, a memory card must be created for this precinct. It must be downloaded and closed even if it only has zero totals and must be uploaded to GEMS in order to generate the same statistics as the other precincts in the database. The President/Vice President only precinct should be treated like all other precincts in the Presidential General Election.

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- b) Unity Tabulation Software. Jurisdictions must use the Unity ERM software to generate a "Results XML File" to be uploaded through the eCanvass system. To properly generate the file, follow these steps:
- 1) Click on the "State Transfer" menu;
  - 2) Select "Create Results XML File";
  - 3) For Verification Files: Select the option "Run the XML Create Program – Interim" and click "OK";  
  
For Results Certification: Select the option "Run the XML Create Program – Final Results" and click "OK".
- c) Tally Tabulation Software. Jurisdictions using Hart Intercivic, Inc. tabulation software must generate the EDX export file through the Tally Export Wizard.
- 1) Jurisdictions using Hart Intercivic, Inc. tabulation software must use ONLY "Tally" software to prepare their export files. The "Fusion" software must NOT be used as it will not maintain the original ID numbers.
  - 2) If multiple databases are created for a single election, the jurisdiction must use "Tally" to create separate EDX export files for each database. After logging into eCanvass, the user must select how many files to be uploaded. In the event that multiple files have to be generated, this will facilitate combining the results and maintaining the original ID numbers.
- d) WinEds Tabulation Software. Jurisdictions using Dominion Voting Systems WinEds tabulation software shall generate the IL State Export Master File and Vote File and upload both through the eCanvass system.

**Section 219.40 New System Requirements**

In order to facilitate accurate calculations for signature requirements, it is necessary to have ballot style level data from within each precinct. When precincts are split, there is no way to accurately attribute the portion of ballots cast within one district from those cast in a different district within the same precinct. Therefore, when a new system is certified in this State, in

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addition to this Part, the new system must meet the following requirements prior to being tested for certification in Illinois:

- a) System must be able to generate election results/data for all elections in the preferred Illinois Canvass File Format (Appendix XX).
- b) System must be able to provide votes by each ballot style from within each precinct (records will be in the vote file).
- c) System must provide ballots cast for contests in which no candidate has filed. This is most common in primaries in which there are no candidates that file for a given established party. Under these circumstances, the number of times that the contest was on a ballot that was voted should be reported as a blank ballot for that contest. (In the vote file, the 4<sup>th</sup> field for this record shall be labeled as "9999997".)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rules of Conduct, Discipline, Suspension and Discharge Procedures
- 2) Code Citation: 89 Ill. Adm. Code 827
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
827.5	New Section
827.10	Amendment
827.15	New Section
827.20	Amendment
827.30	Amendment
827.35	Amendment
827.40	Amendment
827.50	Amendment
827.60	Amendment
827.70	Repealed
827.80	Amendment
827.Appendix A	Amendment
- 4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)]
- 5) Effective Date of Rule: October 8, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 14, 2014, 38 Ill. Reg. 4292
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following changes were made to the proposed amendments:

## DEPARTMENT OF HUMAN SERVICES

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In the Table of Contents, in the listing for 827.APPENDIX A, "Consequences/" was struck and "(Repealed)" was deleted.

In the header for Section 827.APPENDIX A, "Consequences/" was struck and "(Repealed)" was deleted.

Appendix A was added. It includes a chart that provides a list of the types of offenses that may be addressed by the Schools.

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking pertains to the Department of Human Services, rules of conduct, and discipline and discharge procedures for students at the residential school facilities. This rulemaking is a result of updating all school rules to insure that language is consistent with current terminology and program practices. The revisions include:

Adding language that indicates the Rights, Responsibilities and Procedures Handbook is updated and distributed annually to staff, parents or guardians and students;

Changing the term "multi-disciplinary staffing" to "eligibility review";

Adding language that indicates parents or guardians will be immediately notified when disciplinary action has occurred – previous language indicated they were notified when they expressed a desire to be notified or when the incident was serious enough to warrant such notification;

Revising current practices for staff who have authority to reprimand and/or discipline students;

Removing special assignment of duties and restriction to classroom/dormitory from the list of disciplinary actions;

## DEPARTMENT OF HUMAN SERVICES

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Adding structured study as a separate form of discipline;

Adding language concerning expulsion or termination of a student, including expulsion as a result of a student having a weapon and placement of that student by the local school district;

Repealing "Interim Services" because the DHS-DRS residential schools are not responsible to provide interim services; the local school district is responsible to provide services;

Updating language in Appendix A;

Updating School Code references; and

Updating language so it is consistent with current program standards and Illinois State Board of Education (ISBE) requirements.

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

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3rd Floor  
Springfield IL 62762

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER f: EDUCATIONAL FACILITIES

## PART 827

## RULES OF CONDUCT, DISCIPLINE, SUSPENSION AND DISCHARGE PROCEDURES

## Section

<a href="#">827.5</a>	<a href="#">Definitions</a>
827.10	General Applicability
<a href="#">827.15</a>	<a href="#">Accessibility of Information</a>
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827.APPENDIX A [Consequences](#)/Definitions for Disciplinary Action

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 11 Ill. Reg. 6500, effective March 27, 1987; amended at 12 Ill. Reg. 14700, effective September 2, 1988; amended at 17 Ill. Reg. 6260, effective April 5, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10249, effective August 10, 1999; amended at 38 Ill. Reg. 20215, effective October 8, 2014.

**Section 827.5 Definitions**

[Definitions for this Part can be found at 89 Ill. Adm. Code 751.](#)

(Source: Added at 38 Ill. Reg. 20215, effective October 8, 2014)

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**Section 827.10 General Applicability**

- a) ~~State~~ School staff shall maintain discipline at the ~~State~~ School to ensure the proper conduct and safety of the students. In all matters relating to the discipline ~~in~~ and conduct of the ~~students~~ ~~State School and the State School children~~, these staff are "in loco parentis" (in place of a parent) ~~stand in the relation of parents to the students~~ ~~pupils~~. This relationship shall extend to all activities (~~both~~ on and off campus) ~~that are~~ connected with the ~~State~~ School program and may be exercised at any time for the safety and supervision of the ~~students~~ ~~pupils~~ in the absence of their parents ~~or guardians~~. Nothing in this Section affects the ~~authority~~ ~~power~~ of the Department to establish rules with respect to discipline.
- b) Disciplinary action taken by staff at the Schools will be progressive in nature and will be in response to the seriousness of the infraction, the student's age and disability, and the number of times the student has been involved in similar behavior. ~~The disciplinary action taken by staff at these State Schools will be progressive in nature. For additional information regarding discipline and the code of conduct, see the Rights, Responsibilities and Procedures Handbook, provided to each parent and student upon admission to a State School. The disciplinary action will be in response to: the seriousness of the infraction which has occurred; the student's age and and disability; and the number of times he or she has been involved in similar behavior. Each case will be judged individually by the superintendent or designee in consultation with staff who take all relevant factors into consideration when reaching a decision.~~
- 1) The Superintendent (or his or her designee) shall judge each student's case individually and his or her decision shall be based upon consultation with staff, consideration of all relevant factors, and the requirements of the Rights, Responsibilities and Procedures Handbook (Handbook).
  - 2) The Handbook, which is updated annually, contains information regarding discipline and code of conduct. It is provided to students and their parents or guardians upon admission to the School and to students, parents or guardians and staff at the beginning of each school year.
- c) ~~Parents or guardians~~ ~~When State school staff have been made aware by the student's parents of their desire to be involved in their child's discipline, or when the superintendent has determined the incident so serious as to require parental involvement,~~ parents will be notified and informed of the disciplinary action taken

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by the School. In cases of suspension and expulsion, the parent or guardian will be notified of the action taken by the State School and of the right to appeal the action. ~~in person or by telephone and by written notice. Parents of students over 18 will also receive notification.~~

- 1) Notification by the School will be done immediately in person, by telephone or by written notice.
  - 2) Parents or guardians of students over the age of 18 years will also receive notification.
- d) In addition to the disciplinary action ~~described contained~~ in Section 827.30, financial restitution will be required when damage results from a student's behavior that requires disciplinary action, and when that damage is to State property. ~~When the amount of damage is determined, through an impartial appraisal, the responsible student will be required to pay the cost of the damage upon notification by the superintendent. The Student/Parent is responsible for establishing and following through with a payment plan for repayment. If the student and/or parent refuses to cooperate or to follow through on the restitution payment, consequences may include the withdrawal of special privileges (i.e., extracurricular activities, graduation).~~
- 1) When the amount of damage is determined, the responsible student will be required to pay the cost of the damage, upon notification by the Superintendent.
  - 2) The student, parent or guardian is responsible for establishing and following through with a plan for repayment.
  - 3) If the student and/or parent or guardian refuses to cooperate or to follow through on the restitution payment, consequences may include the withdrawal of the student's special privileges (i.e., extracurricular activities, graduation).

(Source: Amended at 38 Ill. Reg. 20215, effective October 8, 2014)

**Section 827.15 Accessibility of Information**

Written and verbal information or communication regarding a student's conduct and the School's

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policies, procedures and disciplinary actions regarding student conduct shall be made available to students, parents and guardians in their native language, in their preferred mode of communication and in a format that is accessible for their use. This shall include interpreter and translation services for individuals whose primary language is other than English.

(Source: Added at 38 Ill. Reg. 20215, effective October 8, 2014)

**Section 827.20 Infractions by Students**

Infractions of ~~State~~ School policies, including violations of the rules of conduct, may result in disciplinary action. The specific rules of conduct are provided in the ~~State School Handbook that is provided to students and parents or guardians upon admission to the School and annually thereafter at the beginning of each school year.~~ Rights, Responsibilities and Procedures that is provided to parents and students annually at the time of enrollment at the beginning of the State School year (see Appendix A for the list of Consequences/Definitions for Disciplinary Action).

(Source: Amended at 38 Ill. Reg. 20215, effective October 8, 2014)

**Section 827.30 Disciplinary Actions**

- a) ~~Disciplinary~~The following disciplinary actions ~~may~~can be issued by school staff, as set forth in this Section and in accordance with Section 827.10. No teacher or staff member may use corporal punishment of any form, and may not in any way physically, verbally, emotionally or sexually abuse students. ~~Additionally, there shall be a review of the recommended discipline to determine if a behavior management plan is either in effect or needed prior to any disciplinary action being taken. A behavior management plan is developed only for serious infractions. If the student has a behavior management plan, the IEP team shall meet to review the plan and its implementation, and modify the plan and its implementation as necessary. All IEP meetings shall be held 10 working days prior to any such discipline involving a change in placement or suspensions of more than 10 days in a school year. Behavior intervention techniques are found at 89 Ill. Adm. Code 830.150. A behavior management plan shall not be developed for items listed in subsections (a)(1)-(5) below.~~
- b) A review of the recommended discipline shall be completed to determine if a behavior management plan is in effect, or if one is needed prior to any disciplinary action being taken.

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- 1) A behavior management plan shall not be developed for items listed in subsections (c)(1) through (4).
  - 2) A behavior management plan shall only be developed for serious infractions.
  - 3) If the student has a behavior management plan, the Individualized Education Plan (IEP) team shall meet to review the plan and its implementation, and modify the plan and its implementation as necessary.
  - 4) IEP meetings shall be held 10 working days prior to any discipline involving a change in placement or suspensions of more than 10 days in the aggregate for a School year.
  - 5) 89 Ill. Adm. Code 830.150 (Behavior Intervention) identifies behavior intervention techniques that may be utilized.
- c) The following disciplinary actions may be issued by School staff:
- 1) Counseling – Any staff person working directly with students may discuss ~~informally counsel a student on a given time limited,~~ a relatively uncomplicated matter with a student. ~~Ongoing~~ ~~However, ongoing~~ or complex counseling requiring specialized professional skills must be reported to the supervisor, who will make the appropriate referral and who will inform the Superintendent via chain of command, ~~superintendent via the administrative chain of command.~~
  - 2) Verbal reprimand – A verbal reprimand ~~may~~ can be issued by the supervisor for any inappropriate behavior when ~~by any staff person for~~ behavior ~~which~~ is not consistent with ~~State~~ School policy or acceptable conduct.
  - 3) Written reprimand – A written reprimand can be issued by education, educational and dormitory and administrative staff if they observe the student in activities that ~~which~~ warrant such action. ~~Administrative staff can also issue written reprimands upon the recommendation of the appropriate staff or on their own.~~
  - 4) Special assignment of duties — ~~Special assignment of duties can only be~~

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~~issued by staff having direct responsibility for the student. Special assignments requiring more than 3 hours but fewer than 5 hours time or being issued by a staff person who has issued a prior special assignment to the student, must receive prior approval from the staff person's supervisor.~~

- ~~45)~~ Referral to principal's office – Teachers may send a student who is disruptive to the principal's office during the class period. The principal will take action based upon the teacher's referral and will decide upon further discipline, if appropriate.
- ~~56)~~ Retention after ~~State~~ School – A teacher may retain a student for up to ~~one~~ hour a day for ~~three~~ days per ~~State~~ School year without prior approval of the teacher's supervisor. ~~Retaining a student beyond that number of hours requires the prior approval of the responsible teacher's supervisor.~~
- ~~67)~~ Detentions – Teachers may refer students for detentions to their respective principal ~~or his or her designee~~. The principal will review the matter and determine if and when a detention is assigned to a student.
- ~~78)~~ Withdrawal of Privileges – Privileges, such as social activities, may be withdrawn by appropriate ~~State School~~ staff and/or ~~School~~ school administrators based upon the seriousness of the student's infractions.
- ~~89)~~ Contract – A contract is a written agreement that the student, educator, and administrator compose together with the goal of modifying the student's behavior within a designated time period.
- ~~910)~~ Schedule change – Staff working directly with a student may recommend schedule changes that they believe ~~will~~ would help resolve a disciplinary problem and ~~will~~ would benefit the involved ~~students~~ student(s). ~~The~~ Such changes may not be made, ~~however~~, without the prior written approval of the ~~appropriate~~ principal and the supervisor of residential care.
- ~~1011)~~ Restriction to campus – A student may be restricted to campus with the prior approval of:
- A) the principal or the supervisor of residential care, depending upon where and when the infraction occurred, if the recommended

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period of the restriction does not exceed one week;

- B) the ~~Superintendents~~superintendent if the recommended period of restriction is over one week; however, this authority may not be delegated if the recommended restriction is ~~2~~two weeks or more.
- ~~12)~~ Restriction to classroom/dormitory—A student may be restricted to the classroom or dormitory for a specific period of time, but:
- A) ~~if the restriction is for two days or less, the principal or dorm supervisor must approve the restriction.~~
- B) ~~if the restriction is more than two days, the superintendent must approve the restriction following a meeting with involved staff to review all relevant facts.~~
- 11) Structured study – A guided after school instructional program in which students complete classroom assignments.
- ~~12~~13) Structured Study/Selective isolationIsolation – A guided instructional program, conducted in a setting away from other students, but during the school day, designed to help students concentrate on their academic program and at the same time receive counseling and an education time block focusing on the particular infraction that occurred. This disciplinary alternative to suspension must be approved by the ~~Superintendents~~superintendent prior to implementation.
- ~~13~~14) Suspension From~~from~~ the Dormitorydormitory, but Not From~~not from~~ the State School—
- A) Residential care staff or their supervisors may recommend to the ~~Superintendents~~superintendent the suspension of a student from the dormitory but not from the State School for a specific number of days, but the suspension shall not become effective until the ~~Superintendents~~superintendent has:
- iA) held an in-house Eligibility Review (ER) multidisciplinary ~~staffing~~ to determine whether ~~that such~~ action is appropriate in relation to the disciplinary infraction;



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~~1516~~) Suspension from ~~State~~-School – The suspension shall not become effective until the ~~Superintendents~~~~superintendent~~ has reviewed all relevant facts and has notified the parents ~~or/~~ guardians by telephone. ~~The phone call is followed by written notification sent to the parents/guardians and a copy of such notification is sent to the local school district. Notification must be made within 10 school days from the date of completion of the review.~~

~~A)~~ The phone call shall be followed by written notification sent to the parents or guardians, with a copy sent to the local school district.

~~B)~~ Notification must be made within 10 school days from the date of completion of the review.

~~1617~~) Expulsion from ~~State~~-School – Expulsion from the ~~State~~-School can only be done with the prior approval of the ~~Associate~~ Director of DHS-ORS. ~~Change of placement will only be used for cases of serious infractions that pose a significant threat to the safety or rights of the student or others. The student can be immediately suspended for up to 10 days pending an investigation of the situation by the superintendent.~~

~~A)~~ Change of placement will only be used for cases of serious infractions that pose a significant threat to the safety or rights of the student or others.

~~B)~~ The student can be immediately suspended for up to 10 days pending an investigation of the situation by the Superintendent.

~~db)~~ The ~~DHS-DRS~~~~Associate~~ Director or designee must expel a student who brings a gun or dangerous weapon on campus and ~~the~~~~such~~ expulsion shall take effect immediately as ~~is~~ required by the Gun Free Schools Act (20 USC 8921) and Section 10-22.6 of the School Code [105 ILCS 5].

(Source: Amended at 38 Ill. Reg. 20215, effective October 8, 2014)

**Section 827.35 Effective Date of Discipline**

a) All discipline ~~except as discussed in subsection (b) of this Section~~ will take place immediately or in the time frame established by the staff person determining the

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discipline. Consideration shall be given for students who have, or who require, a behavior management plan as outlined in Section 827.30.

- b) In cases of suspensions of 10 days or more, changes of placement, or expulsion, the action taken will not take place until an appeal, if taken, has been exhausted, unless the situation poses a danger to the student or others, or the expulsion is required by the Gun Free Schools Act (~~20 USC 8921~~) and Section 10-22.6 of the School Code.
- 1) If expulsion is a result of the student having a weapon, the local school district is responsible for securing an alternate placement of the student for a minimum of 45 days.
  - 2) An IEP will be scheduled by the local school district to determine appropriate placement after the 45 day alternate placement period.
  - 3) The School is not responsible for providing interim services to students; however, if appropriate, the School will provide technical and program assistance for students returned to the local school district or Local Education Agency (LEA).

(Source: Amended at 38 Ill. Reg. 20215, effective October 8, 2014)

**Section 827.40 Appeals of Disciplinary Actions**

- a) Actions taken by DHS-DRS in conformance with this Part are appealable through procedures ~~as~~ set forth in this Section.
- b) In cases of suspensions of more than 10 days and changes of placement including expulsion, the proposed discipline will not take place until the appeal has been exhausted, unless the student is a danger to self or others. Suspensions of more than 10 days or changes of placement may be appealed directly to the DHS-DRS Director or designee of Educational Services or through Impartial Due Process Hearing (89 Ill. Adm. Code 828).
- c) If the student receiving the discipline and/or his or her parents or guardian is are dissatisfied with disciplinary actions taken, they can appeal as follows:
- 1) Step 1. When the action is appealable under this Section: ~~the student~~

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~~and/or parents should, within 3 school days after learning or being informed by the school of the disciplinary action, ask the staff person who imposed the disciplinary action for a meeting to explain the student's and/or his/her parents' position. The student and/or parents may request that the supervisor of the staff person imposing the discipline, as well as the superintendent, be present at the meeting.~~

- A) the student, parents or guardians may request a meeting with the staff person who imposed the disciplinary action within 3 school days after learning of, or being informed by the School of, the disciplinary action to explain the student's, parent's or guardian's position.
- B) The student, parents or guardians may request the supervisor of the staff person imposing the discipline, as well as the Superintendent, to be present at the meeting.
- C) The meeting must take place within 4 school days after the date the request is received.

## 2) Step 2-

- A) If the matter is not resolved, the student, parents or guardians may, within 3 school days after meeting with the Superintendent, write a letter to the DHS-DRS Director requesting a meeting. ~~the student and/or parents should, within 3 school days after meeting with the superintendent, write a letter to the Director of Educational Services requesting a meeting.~~
  - B) The meeting with the DHS-DRS Director must take place within 5 working days after the date the written request is received.
- d) ~~For Step 1, the meeting must take place within 4 school days after the date the request is received. For Step 2, the meeting must take place within 5 working days after the date the written request is received.~~
- de) A student has the right to be accompanied by or assisted by his or her parents or guardians, or other representative of the student's choosing, at any or all of the meetings. Any expenses that which result from involving the adults must be borne

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by the student or some source other than the ~~State~~ School.

(Source: Amended at 38 Ill. Reg. 20215, effective October 8, 2014)

**Section 827.50 Discharge**

A student may be discharged from a ~~State~~ School when:

- a) The student graduates from high ~~school~~ School.
- b) The student reaches age ~~22~~21. The student is eligible to receive education services through the day before his or her 22<sup>nd</sup> birthday; however, 89 Ill. Adm. Code 765.30(a) shall apply to students who become 22 during the school year. who becomes 21 during the school year shall be allowed to complete that year.
- c) The student's parents or guardians move out of State, unless a parent or guardian is a member of the armed forces.
- d) The student's parents or guardians request the discharge.
- e) It has been determined through an ERA multidisciplinary case study evaluation conducted in accordance with Section 827.60 that the student is inappropriately placed.
- f) The student is absent for 60 consecutive school days and the parents or guardian~~either~~ cannot be reached or will not provide information concerning~~indicating the reasons for~~ the absence or the anticipated date the student will return. In thesesuch cases, the ~~State~~ School shall contact the local school district about whether the student will return (e.g., due to long term hospitalization, death, change of residence) and request assistance in locating and/or working with the parents or guardians.
- g) The student is expelled for behavior or a condition that is not, or does not result from, his or her ~~disabilities~~disability(ies), as ~~indicated~~defined in the Illinois State Board of Education's rules for Special Education (23 Ill. Adm. Code 226.~~400~~552).
- h) The student, when expelled, is returned to the local school district or LEA and it is the responsibility of the local school district or LEA to secure an appropriate education placement for the student. The School is not responsible for providing

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interim services; however, when appropriate and applicable, the School will provide program and technical assistance, if needed.

(Source: Amended at 38 Ill. Reg. 20215, effective October 8, 2014)

**Section 827.60 Eligibility Review~~Case Study Evaluation~~ to Determine Whether a Student is Inappropriately Placed**

- a) When the ~~State~~ School's administrators, faculty members, other staff, or consultants have reason to believe that a student at the ~~State~~ School is inappropriately placed, an ER~~a case study evaluation~~ will be conducted. ~~The evaluation will not be limited to the student's primary disability, but will include any disability that may be relevant to the determination that the student is or is not appropriately placed at the State School. Case Study Evaluation to Determine Need for Modification of Educational Service (89 Ill. Adm. Code 795.30) sets forth additional requirements.~~
- 1) The ER will not be limited to the student's primary disability, but will include any disability that may be relevant to the determination that the student is or is not appropriately placed at the School.
  - 2) Information contained in Eligibility Reviews to Determine Need for Modification of Educational Services (89 Ill. Adm. Code 795.30) sets forth additional requirements for the ER.
- b) The parents or guardians~~parent(s)~~ and the local school district will be informed of the reasons for the ER~~case study evaluation~~ and the kind of data the evaluators intend to develop. The evaluation shall be subject to parent or guardian~~parental~~ consent.
- c) In interpreting ER~~evaluation~~ data and in making placement decisions, the ~~State~~ School will:
- 1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
  - 2) ensure that information obtained from all ~~such~~ sources is documented and carefully considered; and

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- 3) ensure that the placement decision is made by a group of persons, knowledgeable about the student, e.g., parents or guardians, educators, psychologistspsychologist, social workers, student care specialists, supervisors, administrators, medical practitioners and others knowledgeable about the student and/or the ERevaluative data.
- d) A decision to terminate the placement of a student at the State-School must be made in accordance with Section 827.50~~of this Part~~. A conference will be held that includes, at a minimum, the following participants:
  - 1) A representative of each department of the State-School, other than the student's teacher, who is qualified to provide, or supervise the provision of, special education. TheseSuch divisions include educational, residential, medical, social services, evaluation, and administration;
  - 2) The student's teacher;
  - 3) One or both of the student's parents or guardians;
  - 4) The student, as appropriate, ~~if the social worker or a conference participant requests his/her attendance, or the student is 17 years of age or older;~~
  - 5) A representative of the local school district of parent or guardian andparental/ student residence; and
  - 6) Other individuals, at the discretion of the parent or guardian, the local school district or the State School. Other individuals are allowed who have knowledge or special expertise regarding the student, including related services personnel, as appropriate.
- e) The recommendation for placementof the conference will be the consensus of the conference participants, in accordance with Recommendations (89 Ill. Adm. Code 795.60). The conference participants will document in the IEPprepare a written statement detailing the reasons for the termination, including the type of services the participants believe the student needs and the reasons the State-School cannot provide those services.

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- f) The termination of a student's placement is an appealable issue under Impartial Due Process Hearing (89 Ill. Adm. Code 828). The ~~State~~ School will inform the parents or guardians of their right to request an impartial hearing should the conference recommend termination of the student's placement.
- g) When a student's placement at the School is terminated, the local school district or the LEA is responsible for securing an appropriate education placement for the student. The School is not responsible for providing interim education services; however, when applicable and appropriate, the School will assist with technical and program assistance.

(Source: Amended at 38 Ill. Reg. 20215, effective October 8, 2014)

**Section 827.70 Interim Services (Repealed)**

- a) ~~If the decision of the conference is to terminate the student's placement at the State School, the conference will recommend, at the request of the local school district, an appropriate placement for the student and/or interim services for the student at the State School. Such services shall be as appropriate to the student's needs as possible and continue to be provided for no more than 20 calendar days after the local school district has been notified. This allows time for the local school district to locate the appropriate placement for the student. Such obligation shall terminate if the student refuses to remain on campus or if the parent(s) refuses to allow the student to remain on campus. Further, such obligation is limited solely to such services as may be provided on the State School's premises.~~
- b) ~~In those circumstances in which the conference concludes that the student represents so substantial a danger to self, others or State School property that the only appropriate placement is beyond the State School's authority to provide, in accordance with Sections 10, 11 and 13 of the Disabled Persons Rehabilitation Act (e.g., homebound or hospital instruction, or that the student is unable to adjust to group living) the conference may recommend that the State School is not an appropriate placement for interim services. Any such changes in placements shall be made only in accordance with Section 827.80.~~
- e) ~~The State School will implement the recommendations of the conference and will provide interim services to the student for up to 20 calendar days (depending on the recommendation of the conference) unless the local school district locates an~~

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~~appropriate placement within less time. An interim IEP must be developed and sent to the local school district.~~

- ~~d) The modifications to the student's program will be initiated as soon as possible after the decision to terminate the placement of the student at the State School and the agreement to the amount and type of interim services to be offered.~~
- ~~e) The modifications to the student's program during the 20 calendar day interim period shall be made according to the procedures set forth in 89 Ill. Adm. Code 795.90-795.120 or Section 827.80.~~
- ~~f) Subsections (a) and (c) in no way modify the obligation of the local school district to provide a free appropriate public education to qualified students with disabilities within its jurisdiction, nor do these subsections modify the obligation of the local school district to locate an appropriate placement as soon as possible after the decision to terminate the student's placement at the State School has been made.~~
- ~~g) Under subsections (a) and (c) the State School shall not be required to maintain the student on campus or to provide services during scheduled breaks, shutdowns, or summer vacations.~~

(Source: Repealed at 38 Ill. Reg. 20215, effective October 8, 2014)

**Section 827.80 Suspensions, Changes in Placements, and Discharges of Students who are Dangerous to Themselves or Others**

- a) Suspensions made pursuant to this Section shall be made in accordance with Section 827.30 and the Handbook (see Section 827.10(b)).
- b) A suspension barring the student from both the educational and the residential components of the School for not more than 10 consecutive School days in one School year is not considered a significant change in placement or a discharge.
- c) A suspension for greater than 10 School days in one School year for any reason is considered a significant change in placement under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and is appealable pursuant to Impartial Due Process Hearing (89 Ill. Adm. Code 828).

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- d) The School may suspend a student for no more than 10 days in one School year when suspension is warranted due to a physical danger to the student, others, or School property that is caused by the student's presence, even when the student's behavior results from his or her disability.
- 1) If warranted because a student is an immediate physical danger to self or others, the Superintendent, or his or her designee, may restrict a student's extracurricular activities within the School during the pendency of due process proceedings.
  - 2) The Superintendent of the School may also suspend, for no more than 10 days, a student who is an immediate danger to self or others during the pendency of due process proceedings.
- e) The School may not unilaterally cease to provide services to a student during the pendency of due process proceedings. If the student, however, represents a substantial danger to self or others, the School may make a request for an expedited hearing.
- f) If the School's administrators, faculty members, other staff, or consultants have reason to believe that the suspended student is inappropriately placed at the School, the School shall initiate discharge procedures (see Section 827.50).
- g) As required under Section 827.30(d), the federal Gun Free Schools Act and Section 10-22.6 of the School Code, the School must expel a student for bringing a gun or dangerous weapon on campus.
- h) School staff do not have unilateral authority to significantly change a student's placement, except pursuant to subsections (d)(2) and (e).
- ~~a) A suspension barring the student from both the educational and the residential components of the State School for not more than 10 consecutive State School days in one State School year is not a significant change in placement or a discharge.~~
- ~~b) A suspension for greater than 10 State School days in one State School year for any reason is a significant change in placement under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and is appealable pursuant to Impartial Due Process Hearing (89 Ill. Adm. Code 828).~~

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- e) ~~State School staff do not have unilateral authority to significantly change a student's placement, except pursuant to subsections (g) and (h).~~
- d) ~~The State School may suspend a student for no more than 10 days in one State School year when suspension is warranted due to the physical danger to the student, others, or State School property caused by the student's presence, even when the behavior results from the student's disability. Suspensions made pursuant to this Section shall be made in accordance with the procedures established in Section 827.30.~~
- e) ~~If the State School's administrators, faculty members, other staff, or consultants have reason to believe that the suspended student is inappropriately placed at the State School, the State School will initiate discharge procedures, as set out in Section 827.50.~~
- f) ~~If warranted because a student is an immediate physical danger to self or others, the superintendent or designee may restrict a student's extracurricular activities within the State School of the student during the pendency of due process proceedings.~~
- g) ~~The superintendent of the State School may also suspend, for no more than 10 days, the student who is an immediate danger to self or others during the pendency of due process proceedings.~~
- h) ~~The State School may not unilaterally cease to provide services to a student during the pendency of due process proceedings. If the student, however, represents so substantial a danger to self or others that the only appropriate placement is beyond the State School's capability to provide (e.g., hospital or home bound instruction), the State School can make a request for an expedited hearing.~~

(Source: Amended at 38 Ill. Reg. 20215, effective October 8, 2014)

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**Section 827.APPENDIX A ~~Consequences~~/Definitions for Disciplinary Action**

The following chart provides a list of the types of offenses that may be addressed by the Schools. The Department's Rights, Responsibilities and Procedures Handbook reflects the following information regarding conduct, consequence for an offense and resulting discipline. The Handbook is updated annually and is provided:

- a) to new students and their parents or guardians upon admission to the School;
- b) to students, their parents or guardians and staff at registration;
- c) upon request by contacting School administration; and
- d) on each School's website.

<u>Level 1</u>	<u>Definition</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> Offense</u>
<u>Tardiness</u>	<u>Being late to a scheduled activity one is required to attend (TAR)</u>	<u>Counseling or verbal warning</u>	<u>1 day detention</u>	<u>2 day detention</u>
<u>Littering</u>	<u>Discarding trash or other materials on the floor or grounds or in other inappropriate places (LIT)</u>	<u>15-30 minutes clean-up duty on campus</u>	<u>1 hour clean-up duty on campus</u>	<u>2 hour clean-up duty on campus</u>
<u>Possession of tobacco products on school grounds for students under 18</u>	<u>Possessing tobacco products (PTP)</u>	<u>Counseling or verbal warning; and Phone parents</u>	<u>1 day detention or dorm restriction; and Counseling; and Phone parents</u>	<u>3 day detention or dorm restriction; and Counseling; and Phone parents</u>
<u>Failure to complete assignments</u>	<u>Failing to completely follow through on an assignment or duty given by a staff member (FAI)</u>	<u>Counseling or verbal reprimand or 1 day detention</u>	<u>2 day detention; and Dorm restriction</u>	<u>3 day detention; and Dorm restriction</u>

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<u>Loitering</u>	<u>Remaining in an area of the school or dorm for no apparent reason after being asked by staff to leave (LOI)</u>	<u>1 day detention or dorm restriction; and Verbal reprimand</u>	<u>2 day detention or dorm restriction</u>	<u>3 day detention or dorm restriction</u>
<u>Unauthorized area</u>	<u>Being in an area without permission from staff (UAA)</u>	<u>Counseling or verbal warning</u>	<u>1 day detention or dorm restriction</u>	<u>2-3 day detention or dorm restriction; and Phone parents</u>
<u>Cheating or lying</u>	<u>Being intentionally dishonest, untruthful or deceptive (CHE)</u>	<u>1 day detention; and Counseling or verbal reprimand</u>	<u>2 day detention; and Dorm restriction</u>	<u>3 day detention; and Dorm restriction; and Withdrawal of privileges (town, trips, etc.)</u>
<u>Dress code violation</u>	<u>Inappropriate attire (Ex: sagging pants, low-cut top, hat on backwards) (DCE)</u>	<u>Counseling and/or verbal reprimand</u>	<u>1 day detention or room restriction</u>	<u>2 day detention or room restriction</u>
<u>Bus or public transportation misconduct</u>	<u>Improper conduct while riding the bus, such as smoking, refusing to obey the bus driver or other staff, or endangering the health and safety of bus passengers (BUS)</u>	<u>Assigned seat on next trip</u>	<u>Suspension from bus privileges on next trip; and Phone parents</u>	<u>Bus suspension for remainder of School year; and Phone parents</u>
<u>Insolence</u>	<u>Being disrespectful in speech or action (INS)</u>	<u>Counseling or verbal reprimand or 1 day detention or dorm restriction</u>	<u>2 day detention or dorm restriction</u>	<u>3 day detention or dorm restriction</u>
<u>Disruptive conduct</u>	<u>Inappropriate behavior or disruption of an academic, recreational, therapeutic or planned dorm activity (DIS)</u>	<u>Counseling or verbal reprimand; and 1 day detention or dorm restriction</u>	<u>2 day detention or dorm restriction</u>	<u>3 day detention or dorm restriction</u>

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<u>Unauthorized petition</u>	<u>A student passes a petition around school or dorm without permission from authorized administrative personnel (UNP)</u>	<u>1 day detention or dorm restriction; and Inform parents; and Verbal reprimand</u>	<u>2 day detention or dorm restriction; and Inform parents</u>	<u>3 day detention or dorm restriction; and Inform parents</u>
<u>Possession and/or viewing of inappropriate materials</u>	<u>Holding of any material that is statutorily illegal (ILL)</u>	<u>Confiscate materials; and Notify parents; and 1-3 day on-campus reassignment (OCR) or dorm restriction, depending on rating</u>	<u>Confiscate material; and Notify parents and Local Education Agency (LEA); and 3-5 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and IEP-Eligibility Review (ER )</u>	
<u>Non-staff possession or use of laser pointers</u>	<u>A student has or uses a laser pointer (PLP)</u>	<u>Counseling or verbal reprimand; and Confiscate laser</u>	<u>2 day detention or room restriction; and Confiscate laser</u>	<u>1-3 day OCR; and Confiscate laser</u>
<u>Unauthorized or inappropriate computer use</u>	<u>Unacceptable use of computers, E-mail or Internet privileges, as outlined in the <i>Student Use Agreement (COM)</i></u>	<u>Reference <i>Student Use Agreement: Unacceptable Use and Consequence</i> form</u>		

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<u>Unauthorized or inappropriate use of cellular phone, pager, Sidekick, tape recorder, BlackBerry, camera, smart phone, gaming system, personal laptop, television, etc.</u>	<u>Use of school or personal equipment without staff permission (PAG)</u>	<u>Device confiscated and held by school/dorm staff for 24 hours; and Parent contacted</u>	<u>Device confiscated; and Parent contacted; and Device sent home to parent at the next School break; and Parent decides when to return the device to the child</u>	<u>Device confiscated for the remainder of the School year</u>
<u>Aggressive behavior – verbal</u>	<u>Verbally inappropriate and unacceptable behaviors toward another student or staff member; socially unacceptable behavior that may endanger the student, people within the surrounding environment, or the environment itself (AGV)</u>	<u>1 day detention or dorm restriction; and Counseling</u>	<u>2 day detention or dorm restriction; and Counseling</u>	<ul style="list-style-type: none"> <li>• <u>3 day detention or dorm restriction; and Counseling</u></li> <li>• <u>Upon 4<sup>th</sup> offense, will be documented as EXCESSIVE VIOLATIONS #41 (EXV)</u></li> </ul>
<u>Aggressive behavior – physical</u>	<u>Physically inappropriate and unacceptable behaviors toward another student or staff member; socially unacceptable behavior that may endanger the student, people within the surrounding</u>	<u>1 day detention or dorm restriction; and Counseling</u>	<u>2 day detention or dorm restriction; and Counseling</u>	<ul style="list-style-type: none"> <li>• <u>3 day detention or dorm restriction; and Counseling</u></li> <li>• <u>Upon 4<sup>th</sup> offense, will be documented as EXCESSIVE VIOLATIONS #41 (EXV)</u></li> </ul>

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	<u>environment, or the environment itself (AGP)</u>			
<u>Public display of affection</u>	<u>Socially unacceptable and/or inappropriate physical contact during the school day and at other school and dormitory social functions (Ex: extended hugging, kissing) (PDA)</u>	<u>Counseling or verbal reprimand</u>	<u>Counseling or verbal reprimand; and 1 day detention or dorm restriction</u>	<u>Counseling or verbal reprimand; and 1-3 day detention or dorm restriction</u>
<u>Sexual misconduct (Level 1)</u>	<u>Sexually unacceptable and/or inappropriate sexual physical contact with another person (Ex: playing doctor, grabbing, touching) (SXI)</u>	<u>Counseling or verbal reprimand; and 1 day detention or dorm restriction; and Phone parent; and Contact social worker</u>	<u>Counseling or verbal reprimand; and 2 day detention or dorm restriction; and Phone parent; and Contact social worker</u>	<u>Counseling; and 3 day dorm restriction or 1-3 day OCR or suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and Phone parent; and Contact social worker</u>
<u>Sexual harassment</u>	<u>Words, signs, body movements, vocalization, inappropriate touching, and/or gestures that make someone feel nervous or uncomfortable (SXH)</u>	<u>Counseling or verbal reprimand; and 1 day detention or dorm restriction; and Contact social worker; and Write apology letter; and Phone parents</u>	<u>7 day dorm restriction; and No on-campus privileges; and Counseling; and Contact social worker; and Write apology letter; and Phone parents</u>	<u>Phone parents; and 3-day OCR or suspension; and Contact social worker; and Write apology letter; and 2 weeks minimum in Behavior Transition in the dormitory</u>
<u>Bullying (Level 1)</u>	<u>Bullying is: aggressive behavior that is intended to</u>	<u>1 day detention; and Dorm</u>	<u>Lunch detention; and Bullying article</u>	<u>Meet with police officer; and Call parents; and</u>

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	<u>cause distress or harm; exists in a relationship in which there is an imbalance of power or strength; and is repeated over time (BUL)</u>	<u>restriction; and Bullying counseling</u>	<u>with homework; and 3 day dorm restriction</u>	<u>5 day dorm restriction</u>
<u>Other (OT1)</u>	<u>Staff of the Schools reserve the right to use professional discretion to classify infractions not listed in this chart as Level 1 infractions. The Schools recognize that factors such as mitigating circumstances and new situations can have an impact on incidents. (OT1)</u>	<u>Consequences decided upon severity of offense</u>		

<u>Level 2</u>	<u>Definition</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> Offense</u>
<u>Use of tobacco products on school grounds</u>	<u>Tobacco use is prohibited on school grounds (see smoke-free environment policy) (SMI)</u>	<u>1 day detention or dorm restriction; and No use of tobacco products</u>	<u>3 day detention or dorm restriction; and No use of tobacco products; and Phone parents</u>	<u>7 day detention or dorm restriction; and No use of tobacco products; and Phone parents</u>
<u>Use of tobacco products for students under 18</u>	<u>Tobacco use is prohibited for students under 18 (SMU)</u>	<u>1 day detention or dorm restriction; and No use of tobacco products</u>	<u>3 day detention or dorm restriction; and Phone parents; and No use of tobacco products</u>	<u>7 day detention or dorm restriction; and Phone parents; and No use of tobacco products</u>
<u>Cutting class</u>	<u>Being absent from class without authorization (CUT)</u>	<u>Extra work; and 1 day detention</u>	<u>Extra work; and 2 day detention; and Phone parents</u>	<u>Extra work; and 3 day detention; and Phone parents</u>

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<u>On or off campus without permission</u>	<u>Being on or off campus without proper authorization or notification to staff (PER)</u>	<u>Revoke on-campus and off-campus privileges for up to 2 weeks; and</u> <u>Phone parents</u>	<u>Revoke on-campus and off-campus privileges for up to 1 month; and</u> <u>Phone parents</u>	<u>Revoke on-campus and off-campus privileges for up to 1 semester; and</u> <u>Phone parents</u>
<u>Unauthorized distribution of printed materials, videos and video games</u>	<u>The sharing of inappropriate and unacceptable computer, hard-copy, video, or any other commercially produced materials with other students and/or staff members (UND)</u>	<u>Counseling or verbal reprimand; and</u> <u>1 day detention or dorm restriction</u>	<u>2 day detention or dorm restriction; and</u> <u>Phone parents</u>	<u>Phone parents; and</u> <u>Dorm restriction; and</u> <u>Possible 1 day OCR-School(S)/OCR-Dorm(D) or suspension</u>
<u>Disrespect or insubordination</u>	<u>Failing to follow directions given by a staff member; being disrespectful to a staff member or another student (DIN)</u>	<u>Counseling or verbal reprimand; and</u> <u>1 day detention or dorm restriction or possible 1 day OCR or suspension; and</u> <u>2 weeks minimum in Behavior Transition in the dormitory</u>	<u>Phone parents; and</u> <u>2 day detention or dorm restriction; and</u> <u>Possible 1-2 day OCR or suspension; and</u> <u>2 weeks minimum in Behavior Transition in the dormitory</u>	<u>Phone parents; and</u> <u>Dorm restriction or possible 1-3 day OCR or suspension; and</u> <u>2 weeks minimum in Behavior Transition in the dormitory</u>

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<u>Intimidation or threats to others</u>	<u>Verbal or physical action that may result in physical and/or emotional harm to others (INT)</u>	<u>Phone parents/ police; and 1 day detention; and Dorm restriction; and Counseling or possible 1 day OCR-S/OCR-D or suspension; and 2 weeks minimum in Behavior Transition in the dormitory</u>	<u>Phone parents and police; and 2 day detention and dorm restriction or possible 1-2 day OCR or suspension; and 2 weeks minimum in Behavior Transition in the dormitory</u>	<u>Phone parents and police; and Possible 1-3 day OCR or suspension; and 2 weeks minimum in Behavior Transition in the dormitory</u>
<u>Threat to self</u>	<u>Verbal or physical action that may result in physical harm (TTS)</u>	<u>Threats to self will follow "Emergency Psychiatric Services" (see Individuals with Disabilities Education Act (PL105-17))</u>		
<u>Fighting</u>	<u>Engaging in a physical struggle or conflict between 2 or more individuals with the malicious intent of causing pain or injury (FIG)</u>	<u>Police may be notified; and 1-2 day detention or dorm restriction, or possible 1-3 day OCR or 2 day suspension; and Counseling; and 2 weeks minimum in Behavior Transition in the dormitory</u>	<u>Police may be notified; and Phone parents; and 3-5 day detention or 3-5 day dorm restriction or 1-3 day OCR or 3 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory</u>	<u>Police may be notified; and Phone parents; and Dorm restriction or 2-3 day OCR or 5 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory</u>
<u>Sexual misconduct (Level 2)</u>	<u>Knowingly behaving in such a way that is in violation of School and social rules, policies and norms concerning sexual behavior,</u>	<u>7 day dorm restriction; and No on-campus privileges; and Counseling; and Phone parents; and</u>	<u>7 day room restriction; and Counseling; and No on-campus privileges; and Phone parents; and</u>	<u>Phone parents; and 3-10 day suspension from School; and Police may be notified; and</u>

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	<u>whether or not the individuals involved consent to the act (SXM)</u>	<u>Police may be notified</u>	<u>Police may be notified</u>	<u>2 weeks minimum in Behavior Transition in the dormitory</u>
<u>Theft under \$100</u>	<u>Taking someone else's property without that person's permission – for the purpose of this offense, stealing is limited to items valued under \$100 (THF)</u>	<u>Notify police and parents; and Restitution; and Counseling; and 1-5 day detention or dorm restriction</u>	<u>Notify police and parents; and Restitution; and 1-3 day OCR or 3 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and Counseling</u>	<u>Notify police and parents; and Restitution; and 3 day OCR or 5-7 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and Counseling</u>
<u>Trespassing</u>	<u>Entering the land, property or dormitory room of another person after receiving notice not to enter or when the person is not present (TRE)</u>	<u>3 day detention or dorm restriction; and Counseling</u>	<u>Phone parents; and Possible police intervention; and 1 day OCR-S/OCR-D or suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and Counseling</u>	<u>Notify police and parents; and 3 day OCR or 5-7 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and Counseling</u>
<u>Gambling</u>	<u>Betting or taking part in a game of chance or skill for money or material gain (GAM)</u>	<u>Notify police and parents; and 1 week detention or dorm restriction; and Counseling</u>	<u>Notify police and parents; and 1-3 day OCR or suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and Counseling</u>	<u>Notify police and parents; and 3 day OCR or 5-7 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and Counseling</u>

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<u>Criminal damage to property (under \$100)</u>	<u>Destroying or damaging public or private property in a willful manner – for the purpose of this offense, property damage is limited to damage under \$100 (VAN)</u>	<u>Restitution; and Notify police and parents; and Counseling; and 3 day dorm restriction or detention</u>	<u>Restitution; and Notify police and parents; and Counseling; and 1-3 day OCR or 3 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory</u>	<u>Restitution; and Notify police and parents; and Counseling; and 3 day OCR or 5-7 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory</u>
<u>Criminal damage to property (over \$100)</u>	<u>The willful destroying or damaging of public or private property valued over \$100 (CRI)</u>	<u>Restitution; and Notify police and parents; and Counseling; and 1-3 day OCR or 2 day suspension</u>	<u>Restitution; and Notify police and parents; and Counseling; and 3 day OCR or 3 day suspension</u>	<u>Restitution; and Notify police and parents; and Counseling; and 3 day OCR or 5-7 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory</u>
<u>Unlawful assembly</u>	<u>Forming or participating in a group of three or more persons to cause violence, to do unlawful acts, or to disturb others (UNL)</u>	<u>2 day detention or dorm restriction</u>	<u>Notify parents; and 3 day detention or dorm restriction</u>	<u>Notify parents; and 5 day detention or 5 day dorm restriction or possible 1-3 day OCR or 3 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory</u>
<u>Forgery</u>	<u>Forging any document or using a forged document (FOR)</u>	<u>1-3 day detention or dorm restriction; and Notify parents and police</u>	<u>1-3 day detention or dorm restriction; and Notify parents and police</u>	<u>Detention or dorm restriction or possible 1 day OCR-S/OCR-D or possible suspension; and</u>

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				<u>2 weeks minimum in Behavior Transition in the dormitory; and Notify parents and police</u>
<u>Other (OT2)</u>	<p><u>Staff of the Schools reserve the right to use professional discretion to classify infractions not listed in this chart as Level 2 infractions.</u></p> <p><u>The schools recognize that factors such as mitigating circumstances and new situations can have an effect on incidents. (OT2)</u></p>	<u>Consequences decided upon severity of offense</u>		

<u>Level 3</u>	<u>Definition</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>
<u>Excessive violations</u>	<u>Students with multiple discipline code infractions (EXV)</u>	<u>Parent conference; and Contact LEA; and 1-2 day OCR</u>	<u>1-3 day OCR or 3 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and IEP-ER</u>
<u>Absent from School without authorization</u>	<u>Absent from School without a valid excuse (AWA)</u>	<u>Phone parents; and Contact LEA; and 1-5 day detention or dorm restriction; and Counseling</u>	<u>Phone parents; and Contact LEA; and Possible 1-3 day OCR or 1-10 day suspension; and 2 weeks</u>

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			<u>minimum in Behavior Transition in the dormitory</u>
<u>Truancy</u>	<u>See Sections 26-3d through 26-15 of the School Code [105 ILCS 5] (TRU)</u>		
<u>Gangs and secret societies</u>	<u>Recruitment for gang or cult membership; possession, display or use of gang or cult emblems, symbols or language inciting other students to intimidate, threaten or act with physical violence upon any other person (GSS)</u>	<u>Notify police and parents; and Contact LEA; and 1-10 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and Possible expulsion (If expulsion is chosen, an IEP-ER must be conducted.)</u>	
<u>Possession of illegal materials</u>	<u>Holding of any material that is statutorily illegal (ILL)</u>	<u>Confiscate materials; and Notify police and parents; and 1-3 day OCR or 3 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory</u>	<u>Notify police and parents; and Contact LEA; and 5-7 day suspension; and 2 weeks minimum in Behavior Transition in the dormitory; and IEP-ER</u>
<u>Threat to use dangerous weapon</u>	<u>Any written or verbal threat to use a dangerous weapon to inflict harm on others (TEA)</u>	<u>Notify police and parents; and Immediate suspension pending convening IEP</u>	
<u>Possession, use or transfer of a dangerous weapon</u>	<u>Possession, use or transfer of any item that is used with the intent of causing bodily harm (WEA)</u>	<u>Confiscate weapon; and Notify police and parents; and Contact LEA; and ER</u>	

**Level 1**

**Definition**

**1<sup>st</sup> Offense**

**2<sup>nd</sup> Offense**

**3<sup>rd</sup> Offense**

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1. Tardiness	Being late to a scheduled activity one is required to attend (TAR).	Counseling/ verbal warning	Counseling/ Verbal reprimand	1 day detention
2. Littering	Discarding trash or other materials on the floor, grounds or other inappropriate place (LIT).	15-30 minutes clean-up duty.	One hour clean-up duty on campus.	Two hour clean-up duty
3. Possession of tobacco products on school grounds for students under 18	Possessing tobacco products (PTP).	Counseling/verbal warning/phone parents	1 day detention/dorm restriction/ counseling/ phone parents	3 day detention/dorm restriction/ counseling/ phone parents
4. Failure to complete assignments	Failing to completely follow through on an assignment or duty given by a staff member (FAI).	Counseling/ verbal reprimand/ 1 day detention	2 day detention/ dorm restriction	3 day detention/ dorm restriction
5. Loitering	Remaining in an area of the school/dorm for no apparent reason after being asked by staff to leave (LOI).	1 day detention/dorm restriction/ verbal reprimand	2 day detention/dorm restriction	3 day detention/dorm restriction
6. Abusive language/ profanity	Using language that is inappropriate for use with the group or individual to which it is addressed, such	1 day detention/ dorm restriction/ counseling/ verbal reprimand	2 day detention/ dorm restriction	3 day detention/ dorm restriction/ contract

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	as name-calling, profanity, obscenity, or derogatory comments (ABU).			
<del>7. Cheating/lying</del>	<del>Being dishonest, untruthful, or intentionally deceptive (CHE).</del>	<del>1-day detention/ counseling/ verbal reprimand</del>	<del>2-day detention/ dorm restriction</del>	<del>3-day detention/ dorm restriction/ withdrawal of privileges (town, trips, etc.)</del>
<del>8. Bus/public transportation misconduct</del>	<del>Improper conduct while riding the bus, such as smoking, annoying others, refusing to obey the bus driver or other staff or endangering the health and safety of bus passengers (BUS).</del>	<del>Assigned seat on next trip</del>	<del>Suspension from bus privileges on next trip/ phone parents</del>	<del>Bus suspension for remainder of school year/ phone parents</del>
<del>9. Insolence</del>	<del>Being disrespectful in speech or action (INS).</del>	<del>Counseling/ verbal reprimand/ 1-day detention/ dorm restriction</del>	<del>2-day detention/ dorm restriction</del>	<del>3-day detention/ dorm restriction</del>
<del>10. Disruptive conduct</del>	<del>Inappropriate class behavior or disruption of an academic, recreational, or planned dorm activity (DIS).</del>	<del>Counseling/ verbal reprimand/ 1-day detention/ dorm restriction</del>	<del>2-day detention/ dorm restriction</del>	<del>3-day detention/ dorm restriction</del>
<del>11. Unauthorized petition</del>	<del>A student passes a petition around school/ dorm without permission from</del>	<del>Based on consequences delineated in "Computer Contract"</del>	<del>Based on consequences delineated in "Computer Contract"</del>	<del>Based on consequences delineated in "Computer Contract"</del>

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	authorized administrative personnel (UNP).			
13. Aggressive behavior	Physical or verbal inappropriate and unacceptable behaviors toward another student or staff member; socially unacceptable behavior that may endanger the students, people within the surrounding environment or the environment itself (AGG).	<del>1-day detention/ dorm restriction/ counseling</del>	<del>2-day detention/ dorm restriction</del>	<del>3-day detention/ dorm restriction</del>
14. Public Policy	Socially unacceptable and/or inappropriate physical contact during the school day and other school and dormitory social functions (example: hugging, kissing) (PDA)	<del>Counseling/ verbal reprimand</del>	<del>Counseling/ verbal reprimand/ 1-day detention/ dorm restriction</del>	<del>Counseling/ verbal reprimand/ 1-3 day detention dorm restriction</del>
15. Sexual misconduct	Sexually unacceptable and/or inappropriate sexual physical contact with	<del>Counseling/ verbal reprimand/ 1-day detention/ dorm restriction/ contact social worker/ phone</del>	<del>Counseling/ verbal reprimand/ 2-day detention/ dorm restriction/ phone parent/contact</del>	<del>Counseling/ 3 day dorm restriction/ 1-3 day selective isolation or suspension/</del>

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	another person (example: playing doctor, grabbing, touching (SXI))	parent	social worker	phone parent/ contact social worker
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<b>Level 2</b>	<b>Definition</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> Offense</b>
16. Possession/ use of tobacco products on school grounds	Tobacco use is prohibited on school grounds (see smoke-free environment policy (SMI)).	1-day detention/ dorm restriction	3-day detention/ dorm restriction with NO use of tobacco products/ phone parents	1-week detention/ dorm restriction with NO use of tobacco products/ phone parents
17. Cutting class	Being absent from class without authorization (CUT).	Extra work/ 1 day detention/ dorm restriction	Extra work/ 2 day detention/ dorm restriction/ phone parents	3-day detention/ dorm restriction/ truancy charges filled/ extra work/ phone parents
18. On/Off campus without permission	Being on or off campus without proper authorization or notification to staff (PER).	Revoke on/ off campus privileges for 2 weeks	Revoke on/ off campus privileges for 1 moth/ phone parents	Revoke on/ off campus privileges for 1 semester/ phone parents
19. Unauthorized distribution of printed material	The sharing of inappropriate and unacceptable computer, hard- copy, video, or any other commercially produced materials with other students and/ or staff members (UND).	Counseling/ verbal reprimand/ 1-day detention/ dorm restriction	2-day detention/ dorm restriction/ phone parents	Phone parents dorm restriction possible 1-day selective isolation or suspension
20. Disrespect/	Failing to follow	Counseling/	2-day detention/	Phone parents/

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insubordination	directions given by a staff member; being disrespectful to a staff member	verbal reprimand/ 1-day detention/ dorm restriction	dorm restriction/ phone parents	dorm restriction/ possible 1-3 day selective isolation or suspension
21. Intimidation/ threats to others	Verbal or physical action that may result in physical and/or emotional harm to others	1-day detention/ dorm restriction/ counseling/ possible 1-day isolation or suspension	2-day detention/ dorm restriction/ counseling/ possible 1-day isolation or suspension	Phone parents/ possible 1-3 day selective isolation/ suspension/ police notified
22. Fighting	Engaging in a physical struggle or conflict between two or more individuals with the intent of causing pain or injury (FIG).	1-2 day detention/dorm restriction/ counseling/ possible 1-3 day selective isolation or 2-day suspension	3-5 day detention/3-5 day dorm restriction/ phone parents/ 1-3 day selective isolation/3-day suspension	Phone parents/dorm restriction/2-3 day selective isolation/5-day suspension
23. Sexual misconduct	Knowingly behaving in such a way that is in violation of school and social rules, policies and norms concerning sexual behavior whether or not the individuals involved consent to the act (SXM).	7-day dorm restriction/no on- campus privileges/ counseling/phone parents	7-day room restriction/ counseling/phone parents	Phone parents/3- 10-day suspension from school
24. Theft	Taking someone else's property without that person's permission—for the purpose of this code,	Phone police/parents/ restitution/ counseling/1-5 day detention/ dorm restriction	Phone police/parents/ restitution/1-3 day selective isolation/3-day suspension/ counseling	Phone police/parents/ restitution/3-day selective isolation/5-7 day suspension/ counseling

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

	stealing is limited to items valued under \$100 (THF).			
25. Trespassing	Entering the land, property, or dormitory room of another person after receiving notice not to enter (TRE).	3-day detention/ dorm restriction/ counseling	Phone parents/ possible police intervention/1 day selective isolation/1 day suspension/ counseling	Phone police/ parents/3-day selective isolation/5-7 day suspension/ counseling
26. Gambling	Betting or taking part in a game of chance or skill for money or material gain (GAM).	Phone police/ parents/1-week detention/dorm restriction/ counseling	Phone police/ parents/1-3 day selective isolation/1-3 day suspension/ counseling	Phone police/ parents/3-day selective isolation 5-7 day suspension/ counseling
27. Criminal damage to property (under \$100)	Destroying or damaging public or private property in a willful manner — for the purpose of this code, property damage is limited to damage under \$100 (VAN).	Restitution/phone police/parents/ counseling/3-day dorm restriction/ detention	Restitution/1-3 day selective isolation/3-day suspension/couns eling/phone police/parents notified	Restitution/phone police/parents/3 day selective isolation/5-7 day suspension/ counseling
28. Criminal damage to property (over \$100)	The willful destroying or damage of public or private property valued over \$100 (CRI).	Restitution/phone police/parents/ counseling/1-3 day selective	Restitution/phone police/parents/ counseling/3-day selective isolation/3-day suspension/ counseling	Restitution/phone police/parents/3 day selective isolation/5-7 day suspension/ counseling
29. Unlawful assembly	Forming or participating in a group of 3 or more persons to	2-day detention/ dorm restriction	Phone parents/3 day detention/ dorm restriction/ detention	Phone parents/5 day detention/5 day dorm restriction/

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	<del>cause violence, to do unlawful acts, or to disturb others (UNL).</del>			possible 1-3 day selective isolation/3-day suspension
30. Forgery	Forging any document or using a forged document (FOR).	1-3 day detention/dorm restriction/phone parents	1-3 detention/dorm restriction/phone parents	Detention/dorm restriction/ possible 1-day selective isolation/possible suspension/phone parents
31. Other (Level 2)	Staff of the State Schools reserve the right to use professional discretion to classify infractions not listed above as Level 2 infractions, as factors such as surrounding circumstances and new situation can affect incidents (OT2).	*Consequences decided upon severity of offense	*Consequences decided upon severity of offense	*Consequences decided upon severity of offense

Level 3	Definition	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
32. Excessive violations	Students with multiple discipline code infraction (EXV).	Parent conference/ contact LEA/5-10 day suspension	7-10 day suspension/IEP/ MDC	A manifestation determination will be completed on all level 3 offenses at an IEP meeting
33. Absent from school without authorization	Absent from school without a valid excuse (AWA).	Phone parents/contact LEA/1-5 day detention/dorm	Phone parents/contact LEA/possible 1-3 day selective	

DEPARTMENT OF HUMAN SERVICES

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		restriction/ counseling	isolation/1-10 day suspension	
34. Truancy See Illinois School Code Secs. 26-3d through 26-15 (TRU).				
35. Gangs and secret societies	Recruitment for gang/cult membership; possession, or display or use of gang/cult emblems, symbols, language inciting other students to intimidate, threaten or act with physical violence upon any other person (GSS).	Phone police/parents/ contact LEA/1-10-day suspension/ possible expulsion	Phone police/parents/ contact LEA/1-10-day suspension/ possible expulsion	
36. Possession of illegal materials	Holding of any material that is statutorily illegal (ILL).	Confiscate/phone police/parents/1-3-day selective isolation/3-day suspension	Phone police/parents/ contact LEA/5-7 day suspension/ IEP/MDC	
37. Threat to use dangerous weapon	Any written or verbal threat to use a dangerous weapon to inflict harm on others (TEA)	Phone police/parents/ immediate suspension convening IEP	NOTE: The Gun-Free Schools Act of 1994 requires that the student be expelled from school for a period of not less than one year. If a student is determined to have brought a weapon to school under the jurisdiction of the agency (ISD);	WEAPON— Illinois School Code Expulsion period. The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis.  Mandatory

DEPARTMENT OF HUMAN SERVICES

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			<p>then such policy shall be construed in a manner consistent with the Individuals with Disabilities Education Act (IDEA) and may allow the chief administering officer of the agency, after a multi-disciplinary team has determined whether a relationship exists between the conduct and the disability, to modify such expulsion requirement for a multi-disabled student on a case-by-case basis. School personnel may order a change of placement for up to 45 days if the student carries a weapon to school or to a school function</p>	<p>expulsion. A student who has brought a weapon to school, any school sponsored activity event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year, except that the expulsion period may be modified by the board on a case by case basis. For purposes of this offense, the term "weapon" means possession, use, control or transfer of any object that may be used to cause bodily harm, including but not limited to a weapon as defined by 18 USC 921, including BB guns and firearms as defined in Section 1.1 of FOID, Use of</p>
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DEPARTMENT OF HUMAN SERVICES

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				Weapon, as defined in Section 24-1 of the Criminal Code, knives, guns, firearms, rifles, shotguns, brass knuckles, billy clubs, or "look-alike". Such items as baseball bats, pipes, bottles, locks, sticks, pencils, and pens may be considered weapons if used or attempted to be used to cause bodily harm. Reference: 105 ILCS 5/10-22.6
39. Hazing	Any activity, tradition or amusement engaged in by students for the purpose of embarrassing or hurting another student (HAZ).	Phone police/parents/contact LEA/1-3 day selective isolation/5-day suspension/counseling/IEP/MDC	Phone police/parents/contact LEA/3 day selective isolation/10-day suspension/IEP/MDC	
40. Possession of over the counter medications/drugs	Any student possessing legal medications (OCM).	Phone parents/1-2 day selective isolation/1-2 day suspension/counseling	Phone parents/3 day selective isolation/1-10 day suspension/contact LEA	
41. Possession of drug	Any student possessing	Phone police/parents/1-	Phone police/parents/contact	

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paraphernalia	materials that can be used to ingest illegal drugs (PSP).	<del>2-day selective isolation/1-2 day suspension/ counseling</del>	<del>LEA/3-day selective isolation/1-10 day suspension</del>	
42. Possession of drugs or alcohol	Possession of illegal drugs/ alcohol/look-alikes is strictly prohibited (DRU).	Phone police/ parents/contact LEA/1-3 day selective isolation/5-10 day suspension/ counseling	Phone police/ parents/contact LEA/1-3 day selective isolation/1-10 day suspension/ agreement to attend drug or alcohol abuse classes/ counseling/ contract	School personnel may order a change of placement for up to 45 days if the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at a school function
43. Distribution/sale of drugs or alcohol	Selling/providing illegal drugs/ alcohol/look-alikes is strictly prohibited (SAL).	Phone police/ parents/contact LEA/7-10 day suspension/MDC /IEP conference/ expulsion	There are not second or third consequences for 43-54 because the incidents are serious enough that they do not warrant additional chances. Instead an automatic IEP conference will be convened before permission to return to classes and dormitory. Attendance is required by students,	

## DEPARTMENT OF HUMAN SERVICES

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			parents/legal guardians, and LEA.	
44. Extortion	Obtaining sex, drugs, money, or other valuable from another person through the use of force or coercion (EXT).	Restitution/phone police/parent/contact LEA/1-3 day selective isolation/3-5 day suspension	Note 1: Student will be suspended until the IEP can be held.	
45. Robbery	Taking the property of another by force or threat of force totaling \$100-300 (ROB).	Phone police/parent/contact LEA/5-10 day suspension/counseling/restitution/IEP/MDC/possible expulsion	Note 2: Intervention strategies such as counseling and behavioral management plan will be used when appropriate.  Note 3: The police will be called only after permission from the Executive Duty Officer unless the student is a danger to self or to other (i.e., assault/battery).	
46. Arson	Intentionally setting fires when there is the probability they will cause property damage, bodily injury, or anxiety (ARS).	Phone police/parent/contact LEA/7-10 day suspension/IEP/MDC/counseling/expulsion		

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47. Theft (over \$100)	Obtaining another person's property illegally—for the purpose of this code, theft applies to property valued at \$100 or more (LAR).	Phone police/ parent/contact LEA/3 day selective isolation/5-7 day suspension/ counseling/MDC/ IEP/restitution		
48. Bomb threat	Falsely telling someone that a bomb exists, or stating the intent to obtain or use a bomb (BOM).	Phone police/parents/ contact LEA/ immediate suspension pending convening MDC/IEP		
49. Assault/battery	Inflicting physical pain or injury, or beating another person in a violent manner (BAT).	Phone police/ parents/DCFS/ contact LEA/3 day selective isolation/5-7 day suspension/ counseling/MDC/ IEP		
50. Possession/sale of stolen property	Having or selling property belonging to another person or the State without the consent of that person or the State (STP).	Restitution/phone police/parents DCFS/contact LEA/3 day selective isolation/5-7 day suspension/ counseling/MDC/ IEP		
51. Break in or forced entry	Breaking a lock, window, etc., or using force to get into a building, room, or vehicle	Restitution/phone police/parents /contact LEA/3 day selective isolation/5-7 day		

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	(BRE).	suspension/ possible expulsion/ counseling/MDC/ IEP		
52. False fire alarm	Intentionally activating a fire alarm with the knowledge that fire or other reason to use the alarm exists (FFA).	Phone police/ parent/contact LEA/1-3 day selective isolation/1-3 day suspension		
53. Sexual abuse	Knowingly behaving in such a way that is in violation of school and social rules, policies, and norms concerning sexual behavior (SXA).	Phone DCFS/ police/parents/ contact LEA/1- 10 day suspension. Possible expulsion		
54. Sexual assault	An act of sexual penetration by use of force or threat of force (SXB).	Phone DCFS/ police/parents/ contact LEA/10 day suspension/ possible expulsion		
55. Other (Level 3)	Staff of the State Schools reserve the right to use professional discretion to classify infractions not listed above as Level 3 infraction, as	*Consequence decided upon severity of offense		

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

	<del>factors such as surrounding circumstances and new situations can affect incidents (OT3).</del>			
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(Source: Amended at 38 Ill. Reg. 20215, effective October 8, 2014)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Financial Assistance under the Fair Patient Billing Act
- 2) Code Citation: 77 Ill. Adm. Code 4500
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
4500.30	Amendment
4500.40	Amendment
4500.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 27 of the Fair Patient Billing Act [210 ILCS 88/27]
- 5) Effective Date of Rule: October 10, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file and is available for public inspection in the Attorney General's principal office in Chicago (12th Floor, James R. Thompson Center).
- 9) Notice of Proposal published in the Illinois Register: 38 Ill. Reg. 12673; June 20, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There are no differences between the proposal and the final version.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments update Appendix A to reflect the 2014 poverty guidelines published by the United States Department of Health and

DEPARTMENT OF HUMAN SERVICES

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Human Services (DHHS) in the Federal Register on January 22, 2014. The amendments also remove the internal effective date of January 1, 2014.

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

David Buysse  
Deputy Chief, Public Interest Division  
Office of the Attorney General  
100 West Randolph Street, 12th Floor  
Chicago IL 60601

312/814-7236

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER XVIII: OFFICE OF THE ATTORNEY GENERALPART 4500  
HOSPITAL FINANCIAL ASSISTANCE  
UNDER THE FAIR PATIENT BILLING ACT

## Section

4500.10	Definitions
4500.20	Referenced Materials
4500.30	Hospital Financial Assistance Application Requirements
4500.40	Presumptive Eligibility Criteria
4500.50	Hospital Financial Assistance Electronic and Information Technology
4500.60	Hospital Financial Assistance Reporting Requirements

4500.APPENDIX A [20142013](#) Poverty Income Guidelines

AUTHORITY: Implementing and authorized by Section 27 of the Fair Patient Billing Act [210 ILCS 88/27].

SOURCE: Adopted at 37 Ill. Reg. 12536, effective July 22, 2013; amended at 38 Ill. Reg. 20263, effective October 10, 2104.

**Section 4500.30 Hospital Financial Assistance Application Requirements**

~~By no later than January 1, 2014, hospital~~ financial assistance applications shall be provided to patients on forms that are submitted annually, in conjunction with a hospital's filing of its Community Benefits Report as required by the Community Benefits Act or filing of Worksheet C as required by the Hospital Uninsured Patient Discount Act, to the Office of the Attorney General for review of compliance with this Part. Hospital Financial Assistance Applications for each hospital shall be in English and in any other language that is the primary language of at least 5% of the patients served by the hospital annually as identified for purposes of Section 15(c) of the Act. Information requested on the application shall include:

- a) Opening Statement, which shall contain the following paragraphs:

Important: YOU MAY BE ABLE TO RECEIVE FREE OR DISCOUNTED CARE: Completing this application will help \_\_\_\_\_ Hospital determine if you can receive free or discounted services or other

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

public programs that can help pay for your healthcare. Please submit this application to the hospital.

**IF YOU ARE UNINSURED, A SOCIAL SECURITY NUMBER IS NOT REQUIRED TO QUALIFY FOR FREE OR DISCOUNTED CARE.**

However, a Social Security Number is required for some public programs, including Medicaid. Providing a Social Security Number is not required but will help the hospital determine whether you qualify for any public programs.

Please complete this form and submit it to the hospital in person, by mail, by electronic mail, or by fax to apply for free or discounted care within 60 days following the date of discharge or receipt of outpatient care.

Patient acknowledges that he or she has made a good faith effort to provide all information requested in the application to assist the hospital in determining whether the patient is eligible for financial assistance.

NOTE: The requirement to complete and submit this form within 60 days following the date of discharge or receipt of outpatient care referenced in the Opening Statement may be increased by the hospital, but may not be decreased.

- b) Patient information, which shall be limited to the following:
- 1) Patient name;
  - 2) Patient date of birth;
  - 3) Patient address;
  - 4) Whether patient was an Illinois resident when care was rendered by the hospital;
  - 5) Whether patient was involved in an alleged accident;
  - 6) Whether patient was a victim of an alleged crime;
  - 7) Patient Social Security Number (not required if you are uninsured);

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 8) Patient telephone number or cell phone number;
- 9) Patient e-mail address;
- 10) In cases in which a spouse or partner is guarantor for the patient or in which a parent or guardian is guarantor for a minor, the name, address and telephone number of the guarantor.

NOTE: The hospital may choose to not include the information in this subsection (b)(10).

- c) Family/household information, which shall be limited to the following:
  - 1) Number of persons in the patient's family/household;
  - 2) Number of persons who are dependents of the patient;
  - 3) Ages of patient's dependents.
- d) Patient's family income and employment information, which shall be limited to the following:
  - 1) Whether patient or patient's spouse or partner is currently employed;
  - 2) If patient is a minor, whether patient's parents or guardians are currently employed;
  - 3) If patient or patient's spouse or partner is employed, name, address and telephone number of all employers;
  - 4) If a minor patient's parents or guardians are employed, name, address and telephone number of all employers;
  - 5) If patient is divorced or separated or was a party to a dissolution proceeding, whether the former spouse or partner is financially responsible for patient's medical care per the dissolution or separation agreement;

## DEPARTMENT OF HUMAN SERVICES

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- 6) Gross monthly family income, including cases in which a spouse or partner is guarantor for the patient or in which a parent or guardian is guarantor for a minor, from sources such as:
    - A) Wages;
    - B) Self-employment;
    - C) Unemployment compensation;
    - D) Social Security;
    - E) Social Security Disability;
    - F) Veterans' pension;
    - G) Veterans' disability;
    - H) Private disability;
    - I) Workers' compensation;
    - J) Temporary Assistance for Needy Families;
    - K) Retirement income;
    - L) Child support, alimony or other spousal support;
    - M) Other income;
  - 7) Documentation of family income from paycheck stubs, benefit statements, award letters, court orders, federal tax returns, or other documentation provided by the patient.
- e) Insurance/benefit information, including but not limited to:
- 1) Health insurance;
  - 2) Medicare;

## DEPARTMENT OF HUMAN SERVICES

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- 3) Medicare Part D;
  - 4) Medicare Supplement;
  - 5) Medicaid;
  - 6) Veterans' benefits.
- f) Asset and estimated asset value information, which shall be limited to the following:
- 1) Checking;
  - 2) Savings;
  - 3) Stocks;
  - 4) Certificates of deposit;
  - 5) Mutual funds;
  - 6) Automobiles or other vehicles;
  - 7) Real property;
  - 8) Health savings/Flexible Spending Account.
- g) Monthly expense information and estimated expense figures, which shall be limited to the following:
- 1) Housing;
  - 2) Utilities;
  - 3) Food;
  - 4) Transportation;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 5) Child care;
  - 6) Loans;
  - 7) Medical expenses;
  - 8) Other expenses.
- h) Certification, which shall contain only the following paragraph:

I certify that the information in this application is true and correct to the best of my knowledge. I will apply for any state, federal or local assistance for which I may be eligible to help pay for this hospital bill. I understand that the information provided may be verified by the hospital, and I authorize the hospital to contact third parties to verify the accuracy of the information provided in this application. I understand that if I knowingly provide untrue information in this application, I will be ineligible for financial assistance, any financial assistance granted to me may be reversed, and I will be responsible for the payment of the hospital bill.

Patient or Applicant Signature and Date.

- i) The application shall contain a notation that, if a patient meets the presumptive eligibility criteria established in Section 4500.40 or is otherwise presumptively eligible by virtue of the patient's family income, the patient shall not be required to complete the portions of the application addressing the monthly expense information and estimated expense figures set out in subsection (g).

(Source: Amended at 38 Ill. Reg. 20263, effective October 10, 2014)

**Section 4500.40 Presumptive Eligibility Criteria**

- a) ~~Each~~ ~~By no later than January 1, 2014, each~~ hospital shall develop and implement a Presumptive Eligibility Policy setting forth the presumptive eligibility criteria by which a patient's financial need is determined and used by the hospital to deem a patient eligible for hospital financial assistance without further scrutiny by the hospital. The presumptive eligibility criteria set forth in each hospital's Presumptive Eligibility Policy shall be applied to an uninsured patient as defined

## DEPARTMENT OF HUMAN SERVICES

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in Section 10 of the Act as soon as possible after receipt of health care services from a hospital by the patient and prior to the issuance of any bill for those health care services by the hospital.

- b) Patients in hospitals that are not Critical Access Hospitals or rural hospitals shall be deemed presumptively eligible for hospital financial assistance if the patient demonstrates one or more of the following, which shall be included in the presumptive eligibility criteria for those hospitals:
- 1) Homelessness;
  - 2) Deceased with no estate;
  - 3) Mental incapacitation with no one to act on patient's behalf;
  - 4) Medicaid eligibility, but not on date of service or for non-covered service;
  - 5) Enrollment in the following assistance programs for low-income individuals having eligibility criteria at or below 200% of the federal poverty income guidelines:
    - A) Women, Infants and Children Nutrition Program (WIC);
    - B) Supplemental Nutrition Assistance Program (SNAP);
    - C) Illinois Free Lunch and Breakfast Program;
    - D) Low Income Home Energy Assistance Program (LIHEAP);
    - E) Enrollment in an organized community-based program providing access to medical care that assesses and documents limited low-income financial status as a criterion for membership;
    - F) Receipt of grant assistance for medical services.
- c) Hospitals that are not Critical Access Hospitals or rural hospitals may include additional presumptive eligibility criteria, provided that the additional criteria are used for or have the effect of expanding a patient's presumptive eligibility for hospital financial assistance, which shall be included in the presumptive eligibility

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

criteria for the particular hospital. These additional criteria may include, but are not limited to:

- 1) Recent personal bankruptcy;
  - 2) Incarceration in a penal institution;
  - 3) Affiliation with a religious order and vow of poverty;
  - 4) Enrollment in the following assistance programs for low-income individuals:
    - A) Temporary Assistance for Needy Families (TANF);
    - B) IHDA's Rental Housing Support Program.
- d) Patients in hospitals that are Critical Access Hospitals or rural hospitals shall be deemed presumptively eligible for hospital financial assistance if the patient demonstrates one or more of the following, which shall be included in the presumptive eligibility criteria for those hospitals:
- 1) Homelessness;
  - 2) Deceased with no estate;
  - 3) Mental incapacitation with no one to act on patient's behalf;
  - 4) Medicaid eligibility, but not on date of service or for non-covered service.
- e) Hospitals that are Critical Access Hospitals or rural hospitals may include additional presumptive eligibility criteria, provided that the additional criteria are used for or have the effect of expanding a patient's presumptive eligibility for hospital financial assistance, which shall be included in the presumptive eligibility criteria for those hospitals, such as:
- 1) Recent personal bankruptcy;
  - 2) Incarceration in a penal institution;

## DEPARTMENT OF HUMAN SERVICES

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- 3) Affiliation with a religious order and vow of poverty;
- 4) Patients who receive grant assistance for medical services;
- 5) Women, Infants and Children Nutrition Program (WIC);
- 6) Supplemental Nutrition Assistance Program (SNAP);
- 7) Illinois Free Lunch and Breakfast Programs;
- 8) IHDA's Rental Housing Support Program;
- 9) Low Income Home Energy Assistance Program (LIHEAP);
- 10) Temporary Assistance for Needy Families (TANF);
- 11) Enrollment in an organized community-based program providing access to medical care that assesses and documents limited low-income financial status as a criterion for membership.

(Source: Amended at 38 Ill. Reg. 20263, effective October 10, 2014)

## OFFICE OF THE ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

**Section 4500.APPENDIX A ~~2014~~2013 Poverty Income Guidelines**2014~~2013~~ HEALTH AND HUMAN SERVICES POVERTY GUIDELINES

Persons in Family	Poverty Guideline
1	\$ <del>11,670</del> 11,490
2	\$ <del>15,730</del> 15,510
3	\$ <del>19,790</del> 19,530
4	\$ <del>23,850</del> 23,550
5	\$ <del>27,910</del> 27,570
6	\$ <del>31,970</del> 31,590
7	\$ <del>36,030</del> 35,610
8	\$ <del>40,090</del> 39,630
For additional persons, add	\$ <del>4,060</del> 4,020

NOTE: See ~~7978~~ Fed. Reg. ~~3593 through 3594 (January 22, 2014)~~5182 through 5183 (January 24, 2013).

(Source: Amended at 38 Ill. Reg. 20263, effective October 10, 2014)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Grade A Pasteurized Milk and Milk Products
- 2) Code Citation: 77 Ill. Adm. Code 775
- 3) Register Citation to Notice of Proposed Rules: 38 Ill. Reg. 18346; September 5, 2014
- 4) Dates, Times and Locations of Public Hearings:

November 6, 2014  
9:00 AM – 4:00 PM

Illinois Building  
Illinois State Fairgrounds  
801 Sangamon Avenue  
Springfield IL 62706

- 5) Other Pertinent Information:

This hearing is being held solely to gather public comment on the proposed rules. Persons interested in presenting testimony at the hearing are advised that the Department will adhere to the following procedures:

- A) Persons must sign in at the registration desk and must have the name badge provided on their person at all times while in the public hearing location.
- B) Persons may provide oral or written testimony.
- C) Persons wishing to provide oral testimony must register at the beginning of the hearing by completing the registration form available at the hearing room entrance.
- D) Persons registered to provide oral testimony must submit a written copy of their testimony at the time of registration.
- E) Persons giving oral testimony are asked to limit their comments to the time specified by the Department at the time of the hearing. Persons who exceed the time limit will be advised to conclude their testimony so that each person who wishes to offer oral testimony will have time to speak. Persons will not be

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

recognized to speak a second time until all registered persons have been offered the opportunity to give testimony.

- F) Organizations are asked to select one spokesperson to present oral testimony on behalf of the organization.
  - G) To provide a balanced presentation of views and to assist the orderly conduct of the hearing, the Department may impose other rules of procedure as necessary, including, but not limited to, the order of persons providing oral testimony.
- 6) Agency contact person:

Susan Meister  
Department of Public Health-Division of Legal Services  
535 West Jefferson Street, 5th Floor  
Springfield IL 62761-0001

217/782-2043  
dph.rules@illinois.gov

## CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the Illinois Register.
2. Name of Contributor: Toni M. McDonough, McDonough-Whitlow, P.C.
3. Date of Violation: April 28, 2014
4. Description of Violation: Toni M. McDonough, an affiliated person of the business entity McDonough-Whitlow, P.C., made a contribution of \$250.00 to Citizens for Rauner, a campaign committee established to support the election of Bruce Rauner to Governor. At the time of the contribution, Bruce Rauner was a declared candidate for the office of Governor, and McDonough-Whitlow, P.C. had contracts with the Capital Development Board and IDOT valued in total over \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for the Capital Development Board has notified the entity of the apparent violation, reviewed responsive material, and has considered the value, status, and necessity of the contracts. In addition, the Chief Procurement Officer has taken into consideration the recognition by the entity of the violation and its understanding of the necessity to avoid such situations in the future. The Chief Procurement Officer finds that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Citizens for Rauner is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received during the period of October 7, 2014 through October 13, 2014. The rulemakings are scheduled for review at the Committee's November 6, 2014 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
11/21/14	<u>Department of Insurance</u> , Licensing of Public Adjusters (50 Ill. Adm. Code 3118)	6/27/14 38 Ill. Reg. 13149	11/6/14

## PROCLAMATIONS

**2014-370****Careers in Energy Week (Revised)**

WHEREAS, safe, reliable, and affordable energy is essential to our families, communities, and businesses; and,

WHEREAS, energy supplies the simple things in life – heating, cooling, cooking, and lighting; and,

WHEREAS, energy supports modern society's complex systems – providing health care, air traffic control, and running a manufacturing plant. Energy also makes possible the fun things in life – lights at a baseball field, air conditioning at the theater, and rides at the state fair; and,

WHEREAS, the large demand from the industrial sector makes Illinois among the nation's leading consumers of energy. The state's ability to maintain and expand these systems depends on the availability of a highly skilled, educated workforce; and,

WHEREAS, to promote workforce continuity and meet the challenges of our ever-changing economy, new workers are needed; and,

WHEREAS, women and minorities should be encouraged to pursue careers in energy. According to the Bureau of Labor Statistics, women and minorities are significantly underrepresented in the engineering workforce; and,

WHEREAS, through strategic partnerships, members of the Illinois Energy Workforce Consortium (AGL Resources, Ameren Illinois Corp., Association of Illinois Electric Cooperatives, College of DuPage, ComEd, Energy Council – Illinois Chamber of Commerce, Energy Learning Exchange – Illinois State University, Exelon Corporation, Exelon Generation, Illinois Department of Employment Security, Illinois Energy Association, Illinois Green Economy Network, Illinois Municipal Electric Agency, MidAmerican Energy, Mt. Carmel Public Utility Company, Nicor Gas, North Shore Gas, Northern Pipeline Company, Office of the Governor, Peoples Gas, Prairie State Generating Company, Primera Engineers, S&C Electric Company and the State of Illinois) strive to promote a unified and results-oriented strategy to ensure Illinoisans find new and rewarding careers in energy so that Illinois can continue to grow and prosper; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 13-19, 2014, as **CAREERS IN ENERGY WEEK** in Illinois. The Illinois Energy Workforce Consortium and its partners will hold events throughout the state to highlight the need for a strong and growing energy workforce and encourage Illinoisans of all ages to consider a career in the energy industry.

## PROCLAMATIONS

Issued by the Governor August 21, 2014

Filed by the Secretary of State October 8, 2014

**2014-424****Dr. Seymour L. Bryson Day**

WHEREAS, Dr. Seymour Bryson will be honored by Southern Illinois University Carbondale (SIUC) by having the student center named "Seymour L. Bryson Plaza"; and,

WHEREAS, Dr. Bryson overcame racial discrimination at an early age and was a pioneer for education equality while attending Quincy High School, one of Southern Illinois' first integrated public schools; and,

WHEREAS, he shined as a member of the boy's basketball team at Quincy High School. Then, he attended SIUC where he was a four-year letterman and was voted the team's most valuable player three times. He left the Salukis as the all-time leading scorer and rebounder; and,

WHEREAS, Dr. Bryson obtained three degrees from SIUC, including his doctorate; and,

WHEREAS, Dr. Seymour Bryson has served as Dean of SIUC's College of Human Resources and as Director of Affirmative Action and Equal Opportunity Programs. He is the founder and Chairman of the Diversifying Higher Education Faculty in Illinois Program (DFI) Board. In addition, Dr. Seymour Bryson has been on the Illinois African American Family Commission's Board of Commissioners since January 2006; and,

WHEREAS, "Seymour L. Bryson Circle Drive" was named after Dr. Bryson in 2008 on SIUC's campus. In recognition of extensive community service, he received the 2010 Lindell W. Sturgis Memorial Award for professional achievement; and,

WHEREAS, it is important that the SIUC community and the people of Illinois gather to celebrate the achievements of Dr. Bryson and the excellence he exhibits everyday; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 26, 2014, as **DR. SEYMOUR L. BRYSON DAY** in Illinois, in appreciation of his service to SIUC and our state.

Issued by the Governor September 23, 2014

Filed by the Secretary of State October 8, 2014

**2014-425**

## PROCLAMATIONS

**Chicago River Summit Day**

WHEREAS, the State of Illinois has been uniquely defined geographically, historically, and economically by its rivers and other waterways which are treasures that should be preserved and saved for all time; and,

WHEREAS, noteworthy for its beauty and natural, man-made history, one of the most important rivers in Illinois is the Chicago River; and,

WHEREAS, the Chicago River has a combined length of 156 miles and runs through the City of Chicago, including its center, the Chicago Loop; and,

WHEREAS, the Chicago River is increasingly valued as a hub for culture, tourism, and recreation; and,

WHEREAS, the Chicago River is the lifeblood of the Chicago Region and intersects urban planning, biodiversity, architectural majesty, recreation, transportation, clean water, and commerce; and,

WHEREAS, countless species of fish, birds, reptiles, amphibians, mammals, insects, and plants rely on the Chicago River; and,

WHEREAS, the Chicago River is an epicenter for culture and tourism and is consistently being transformed to meet the needs of the people of our state and its wildlife inhabitants; and,

WHEREAS, the stewardship of the Chicago River is a noble duty proudly assumed by elected and non-elected government officials at the state, county and local levels, by advocates, and by all who use it for commerce or recreation. Through continued collaboration, the Chicago River will be improved for future generations; and,

WHEREAS, for 35 years, Friends of the Chicago River has been a leading advocate for stewardship, and helped make the Chicago River cleaner, healthier, and more beautiful; and,

WHEREAS, since 2004, the Chicago River Summit has provided an open forum for the voices of those who care about the Chicago River, brought together diverse interests and crafted strategies for policy-makers; and,

WHEREAS, with a focus on "Rewilding and the Urban Environment," the 10th Annual Chicago River Summit will take place on October 3, 2014. It is important that everyone attending the Chicago River Summit take advantage of its presentations, guest speakers, and networking opportunities; and,

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THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 3, 2014, as **CHICAGO RIVER SUMMIT DAY** in Illinois, in recognition of the scenic Chicago River's contributions to the Land of Lincoln and today's 10th annual event.

Issued by the Governor September 24, 2014

Filed by the Secretary of State October 8, 2014

**2014-426****Mariachi Vargas De Tecalitlán Day**

WHEREAS, the origins of the mariachi orchestra date back to the Spanish-derived string groups of the early 19th century in the Mexican State of Jalisco; and,

WHEREAS, since being founded in 1898 as a quartet, Mariachi Vargas de Tecalitlán has brought joy and entertainment to countless audiences across the globe; and,

WHEREAS, Mariachi Vargas de Tecalitlán acquired national success upon its presentation at the inaugural celebration of President Lázaro Cárdenas in 1934; and,

WHEREAS, Mariachi Vargas de Tecalitlán has appeared in over 200 movies and numerous recordings as well as toured and recorded with Linda Ronstadt; and,

WHEREAS, Mariachi Vargas de Tecalitlán set the tone for many mariachi ensembles by insisting that all of the group's musicians know how to read music, resulting in a more refined and trained ensemble; and,

WHEREAS, Mariachi Vargas de Tecalitlán became renowned as the definitive mariachi ensemble, and its classic sound has won the group numerous awards and accolades, including the title of "World's Best Mariachi" since the 1950s; and,

WHEREAS, Mariachi Vargas de Tecalitlán's appearance on Linda Ronstadt's well-received *Canciones de Mi Padre* won the vocalist a Grammy in 1987; and,

WHEREAS, Mariachi Vargas de Tecalitlán is one of the most accomplished groups in Mexico's musical history; and,

WHEREAS, despite its tremendous successes, Mariachi Vargas de Tecalitlán has remained committed to serving others, promoting the mariachi genre, and making Mexico proud; and,

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WHEREAS, on Sunday, September 28, 2014, Mariachi Vargas de Tecalitlán will make its 8th annual appearance at the Symphony Center in Chicago; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 28, 2014, as **MARIACHI VARGAS DE TECALITLÁN DAY** in Illinois, in recognition of today's performance, and the significant musical contributions of this critically acclaimed group.

Issued by the Governor September 25, 2014

Filed by the Secretary of State October 8, 2014

**2014-427****National Case Management Week**

WHEREAS, case management is a collaborative process of assessment, planning, facilitation, and advocacy for options and services to meet an individual's health needs through communication and available resources to promote quality, cost-effective outcomes; and,

WHEREAS, case managers are advocates who help patients understand their current health status, what they can do about it and why those treatments are important. In this way, case managers are catalysts by guiding patients and providing cohesion to other professionals in the health care delivery team, enabling their clients to achieve goals more effectively and efficiently; and,

WHEREAS, the Case Management Society of America (CMSA) is an international, non-profit, multi-disciplinary, and professional organization dedicated to the support and advancement of the case management profession; and,

WHEREAS, the Case Management Society of America is the leading membership association providing professional collaboration across the healthcare continuum to advocate for patients' wellbeing and improved health outcomes by fostering case management growth and development, impacting health care policy, and providing evidence-based tools and resources; and,

WHEREAS, since its inception, CMSA has been at the forefront of setting professional standards for the industry; and,

WHEREAS, founded in 1990, CMSA currently has more than 11,000 members and over 70 affiliated and pending chapters; and,

WHEREAS, this year, from October 12-19, there will be a weeklong celebration that serves to recognize case managers, to educate the public about case management, and to increase

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recognition of the significant contribution of case managers to quality healthcare for the patient, healthcare provider, and payer; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 12 – 19, 2014 as **NATIONAL CASE MANAGEMENT WEEK** in Illinois, in recognition of the contributions case managers make to the quality of healthcare in our state.

Issued by the Governor September 25, 2014  
Filed by the Secretary of State October 8, 2014

**2014-428**  
**Paralegal Day**

WHEREAS, paralegals provide essential and vital legal support for many organizations, including law firms, corporate legal departments, and government offices; and,

WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and significance for the operation of American organizations and the application of American law; and,

WHEREAS, according to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2014; and,

WHEREAS, created in 1972, the Illinois Paralegal Association represents more than 1,100 paralegals in our state. The association is one of the oldest and largest statewide organizations that supports paralegals, and is celebrating its 42nd anniversary this year; and,

WHEREAS, the purpose of the Illinois Paralegal Association is to promote the paralegal profession and communication among paralegals, the legal community, and civic and professional organizations, as well as encourage the continuing education of paralegals; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 20, 2014, as **PARALEGAL DAY** in Illinois, as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our state for their contributions to our communities.

Issued by the Governor September 25, 2014  
Filed by the Secretary of State October 8, 2014

**2014-429**  
**Rural Health Day**

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WHEREAS, there are 82 rural counties in Illinois that are fueled by the creative energy of their leaders- ordinary people who are willing to step forward to share and implement a vision for change; and,

WHEREAS, rural communities are places where all residents know each other, respect and listen to each other, and work together for the greater good of humanity; and,

WHEREAS, rural health care focuses on relationships, and these health care providers get to know the people they care for and have the opportunity to practice more patient-centered medicine; and,

WHEREAS, the main goal of rural health care has always been to provide affordable and holistic primary care, which serves as a model for the rest of the country to follow as America transitions to a more population-wellness/prevention-based health care system; and,

WHEREAS, rural hospitals and health systems serve as economic foundations for their communities and are often the largest employers; and,

WHEREAS, the health care needs of rural citizens are unique to the communities in which they live and cannot simply be addressed by utilizing a generic approach; and,

WHEREAS, addressing transportation, infrastructure, broadband/telecommunication needs and overcoming geographic barriers is necessary to ensure that all rural safety net providers can adequately meet the basic health care needs of the residents they serve; and,

WHEREAS, the Illinois Department of Public Health, Center for Rural Health, the National Organization of State Offices of Rural Health and several other rural stakeholders provide services and resources to foster relationships and help rural communities address their unique healthcare needs; and,

WHEREAS, National Rural Health Day will be celebrated all throughout America on November 20, 2014 to recognize the unique contributions and selfless, "can do" attitude of our rural communities; and,

THEREFORE, I, Pat Quinn, Governor of the state of Illinois, do hereby proclaim November 20, 2014 to be **RURAL HEALTH DAY** in order to support the needs of rural health care providers, and to recognize the Illinois Department of Public Health Center for Rural Health and the National Organization of State Offices of Rural Health for the valuable services they provide to rural communities.

## PROCLAMATIONS

Issued by the Governor September 25, 2014  
Filed by the Secretary of State October 8, 2014

**2014-430**  
**Paul Konerko Day**

WHEREAS, Paul Konerko, a Major League Baseball player for the Chicago White Sox, was born on March 5, 1976, in Providence, Rhode Island; and,

WHEREAS, Paul Konerko is a graduate of Chaparral High School, where he demonstrated superior talent as a baseball player and was named the Republic/Phoenix Gazette Player of the Year after leading his team to the Class 5-A baseball championship in 1994; and,

WHEREAS, drafted 13th overall in the 1994 MLB draft by the Los Angeles Dodgers, Paul Konerko made his big league debut on September 8, 1997; and,

WHEREAS, in 1998, Paul Konerko was traded to the Chicago White Sox, a team that he helped propel to the upper echelons of Major League Baseball; and,

WHEREAS, Paul Konerko, a right handed first baseman, played a critical role in the Chicago White Sox sweeping the Houston Astros in the 2005 World Series. In Game 2 of that series, he hit the first grand slam in White Sox World Series history; and,

WHEREAS, on April 25, 2012, Paul Konerko hit his 400th career home run, becoming the 48th player in Major League history to hit 400 home runs; and,

WHEREAS, since 2006, Paul Konerko has served as the Chicago White Sox's team captain; and,

WHEREAS, Paul Konerko's impressive career statistics include a .279 batting average, 1412 RBI, and a .354 on base percentage; and,

WHEREAS, throughout his illustrious MLB career, Paul Konerko has been a 6 time All-Star, 6 time Player of the Week, and 2005 ALCS MVP; and,

WHEREAS, only Luke Appling has played more games for the Chicago White Sox than Paul Konerko; and,

WHEREAS, on the Chicago White Sox career lists, Paul Konerko ranks first in total bases, second in home runs and RBIs, and third in hits; and,

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WHEREAS, at the conclusion of this season, Paul Konerko will be retiring from professional baseball. In honor of his tremendously successful career, the Chicago White Sox will host a Paul Konerko Day on September 27, 2014, which will be attended by many of Paul's friends, family members, teammates, and employees of the Chicago White Sox organization; and,

WHEREAS, Paul Konerko is more than an outstanding baseball player. He is a great person who believes that service to others is the rent we pay to live on this earth. His commitment to helping the people of Illinois is admirable and upholds the best traditions of the Land of Lincoln; and,

WHEREAS, the Bring Me Home Campaign, which Paul Konerko helped found, focuses on recruiting foster parents and advocating for the needs of foster children and families; and,

WHEREAS, in its first seven years, the Bring Me Home Campaign raised nearly \$450,000 from 600 individual donors and positively impacted the lives of more than 1,500 children; and,

WHEREAS, perhaps most importantly, Paul Konerko is a loving husband to wife Jennifer and their three beautiful children, Nicholas, Owen, and Amelia; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September, 27, 2014, as **PAUL KONERKO DAY** in Illinois, in recognition of today's celebration and his dedication to his family, the game of baseball, the Chicago White Sox, and the people of our state.

Issued by the Governor September 26, 2014

Filed by the Secretary of State October 8, 2014

**2014-431**  
**Stair Week**

WHEREAS, the State of Illinois is committed to offering health and wellness opportunities for its citizens; and,

WHEREAS, the State is committed to innovations that are needed to achieve the triple aim: improving the health status of people and their communities, improving the efficiency and effectiveness of clinical care, and reducing costs to make health care affordable; and,

WHEREAS, the State Department of Public Health's mission includes protecting the health and wellness of the people in Illinois through prevention and health promotion; and,

WHEREAS, research has shown that walking and moderate physical activity for at least 30 minutes a day can help reduce the risk of coronary heart disease, improve blood pressure and

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blood sugar levels, improve blood lipid profile, maintain body weight and lower the risk of obesity, enhance mental well-being, and reduce the risk of osteoporosis, breast and colon cancer as well as non-insulin dependent (type 2) diabetes; and,

WHEREAS, as a result of about half of all adults not getting enough physical activity to improve their health, it is important to promote walking and other forms of exercise; and,

WHEREAS, losing just 10% of body weight can improve physical and mental health for overweight individuals; and,

WHEREAS, offering safe, convenient places for people to exercise is essential to creating better health outcomes; and,

WHEREAS, using stairs instead of elevators is a good way for individuals to burn calories and increase their fitness levels; a 140-pound person will burn about 4 more calories per minute compared to standing and riding on an escalator or elevator; and,

WHEREAS, walking up stairs is more energy efficient; and,

WHEREAS, US Green Building Council (USGBC) Illinois, along with allied organizations, is hosting Greening the Heartland Conference on the first two days of Stair Week; and,

WHEREAS, the State of Illinois has the most Leadership in Energy and Environmental Design (LEED) square footage per capita in the country, contributing to a healthier environment for residents, workers, and the larger community; and,

WHEREAS, American Institute of Architects (AIA) Illinois advocates for a livable built environment and supports healthy communities by design; and,

WHEREAS, the International Interior Design Association (IIDA) Illinois Chapter is recognizing stair design in Illinois buildings; and,

WHEREAS, community organizations such as the YMCA and United Way, schools, county health departments, and the business communities all support taking the stairs in Illinois buildings during Stair Week; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 29-October 3, 2014, as **STAIR WEEK** in Illinois, and encourage residents of the Land of Lincoln to recognize the important health benefits of taking the stairs and exercising regularly.

Issued by the Governor September 26, 2014

## PROCLAMATIONS

Filed by the Secretary of State October 8, 2014

**2014-432**  
**Walk to School Day**

WHEREAS, the Safe Routes to School National Partnership, the Safe Routes to School National Center, the Illinois Department of Transportation, the Active Transportation Alliance, the Illinois Safe Routes to School Network, and schools across the State of Illinois are working together to promote Walk to School Day in Illinois; and,

WHEREAS, the health and safety of our children is of highest concern to the citizens of Illinois; and,

WHEREAS, a lack of physical activity plays a leading role in rising rates of obesity, diabetes, and other health problems among children and being able to walk or bicycle to school offers an opportunity to build activity into daily routine; and,

WHEREAS, driving students to school by private vehicle contributes to traffic congestion and air pollution, creating over 25% of community traffic at the beginning and end of each school day; and,

WHEREAS, an important role for parents and caregivers is to teach children about pedestrian safety and become aware of the difficulties and dangers that children face on their trip to school each day and the health and environmental risks related to physical inactivity and air pollution; and,

WHEREAS, community members and leaders should make a plan to make immediate changes to enable Illinois' children to safely walk in our communities and develop a list of suggestions for improvements that can be done over time; and,

WHEREAS, children, parents, and community leaders around the world are joining together to walk to school and evaluate walking and bicycling conditions in their communities; and,

WHEREAS, creating special days and events to celebrate and encourage walking have proven to be helpful in encouraging children to safely walk to school and in creating and promoting local Safe Route to Schools programs across the United States and throughout the world; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 8, 2014 as **WALK TO SCHOOL DAY** in Illinois, and urge all students, parents, teachers, administrators, schools, and school districts to participate in these events, and encourage everyone to consider the safety and health of children this day and every day.

## PROCLAMATIONS

Issued by the Governor September 26, 2014  
Filed by the Secretary of State October 8, 2014

**2014-433**  
**Adoption Awareness Month**

WHEREAS, thanks to thousands of adoptive parents across the state, 15,521 children have found permanent homes over the last decade including 1,477 children in the last year alone; and,

WHEREAS, all children need and deserve the love, nurturing, and a sense of security that can only come from being a part of a loving, permanent family; and,

WHEREAS, adoption provides a unique joy and a special opportunity for individuals, whether or not they are already parents, married, in a civil union, single or divorced, to open their hearts and their homes for the rest of their lives to children; and,

WHEREAS, the Illinois Department of Children and Family Services and its nonprofit partners strive to reunite children with their birth families, but when that simply is not possible, they are equally committed to ensuring every child has the safe, loving family they deserve and need to reach their fullest potential; and,

WHEREAS, Illinois has made great strides in recent years in strengthening and improving the child welfare system: reducing the number of children in temporary substitute care from 52,000 to 15,000; establishing a Bill of Rights for both birth parents and adoptive parents; and strengthening licensing requirements for adoption agencies to prevent the exploitation of birth parents, adoptive parents and children; and,

WHEREAS, all of the progress in recent years would not have been possible without champions like State Representative Sara Feigenholtz, an adoptee herself, and State Representative Naomi Jakobsson, an adoptive parent and former foster parent, as well as child advocates including: Child Care Association of Illinois; Illinois Foster and Adoptive Parent Association; Illinois Adoption Advisory Council; Illinois Statewide Youth Advisory Board; Chicago Bar Association; Loyola Child Law Clinic of Loyola University; and many child welfare agencies, adoptive parent groups and individuals across the state; and,

WHEREAS, together we are committed to improving the child welfare system even further, especially in regards to reducing the length of time children remain in temporary foster care; and,

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WHEREAS, currently there are 1,813 children awaiting adoption across the state, of all ages, backgrounds and needs; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2014 as **ADOPTION AWARENESS MONTH** in Illinois, and encourage all Illinoisans to express their gratitude to the thousands of families across the state that have opened their homes and their hearts to children, and encourage others to consider joining them in making a life-changing difference for children.

Issued by the Governor September 29, 2014

Filed by the Secretary of State October 8, 2014

**2014-434****Breast Cancer Awareness Month & Mammography Day**

WHEREAS, October 2014 marks the 30th anniversary of National Breast Cancer Awareness Month, a season to educate women about breast cancer and the importance of early detection through mammography; and,

WHEREAS, 1 in 8 women will be diagnosed with breast cancer in their lifetime; and,

WHEREAS, a projected 232,670 new cases of breast cancer will be diagnosed in women across the United States in 2014; and,

WHEREAS, 40,000 women are estimated to lose their lives to breast cancer in the year 2014; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program offers free breast exams, mammograms, pelvic exams, Pap tests, diagnostic services, and referral to treatment options to eligible uninsured and underinsured women; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program served 27,142 women with free breast and cervical cancer screenings and diagnostic services in FY 2014; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program is projected to serve 25,150 women in Illinois with cancer screening and diagnostic services in FY 2015; and,

WHEREAS, an estimated 10,110 women in Illinois will be diagnosed with breast cancer in 2015; and,

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WHEREAS, mammograms, MRI, and clinical breast exams are the best way to detect breast cancer early; and,

WHEREAS, second only to certain skin cancers, breast cancer is the most common cancer in women, no matter race or ethnicity; and,

WHEREAS, since 1993, the United States has recognized the third Friday in October as National Mammography Day; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2014 as **BREAST CANCER AWARENESS MONTH** and Friday, October 17, as **MAMMOGRAPHY DAY** in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

Issued by the Governor September 29, 2014

Filed by the Secretary of State October 8, 2014

**2014-435****Earth Science Week**

WHEREAS, the earth sciences, especially geology, are integral to finding, developing, and conserving the water, mineral, and energy resources needed for modern society; and,

WHEREAS, the earth sciences provide a basis for preparing for and mitigating the effects of natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and,

WHEREAS, the earth sciences are crucial to our understanding of environmental and ecological issues ranging from air and water quality to waste disposal; and,

WHEREAS, knowledge about geological factors regarding earth resources, hazards, and the environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and,

WHEREAS, study of the earth sciences contributes critically important information to our understanding of the natural world; and,

WHEREAS, Earth Science Week, observed annually during the second full week of October, is an opportunity to seek a greater understanding and appreciation of the value of earth science research and its application and relevance to our daily lives, as well as for science teachers at all

## PROCLAMATIONS

levels throughout the Land of Lincoln to undertake lessons and activities with their students directed toward the study of earth science; and,

WHEREAS, this year's theme, "Earth's Connected Systems", encourages citizens to explore how geoscience aids in the understanding of natural change processes; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 12-18, 2014 as **EARTH SCIENCE WEEK** in Illinois.

Issued by the Governor September 29, 2014

Filed by the Secretary of State October 8, 2014

**2014-436****Illinois Arts & Humanities Month**

WHEREAS, the arts and humanities are the embodiment of all things beautiful and entertaining in the world – the enduring record of human achievement; and,

WHEREAS, the arts and humanities enhance every aspect of life in Illinois – improving our economy, enriching our civic life, driving tourism, and exerting a profound positive influence on the education of our children; and,

WHEREAS, according to Arts & Economic Prosperity IV, an economic impact study conducted by Arts Alliance Illinois and Americans for the Arts, the nonprofit arts and cultural sector also strengthens our economy by generating \$2.75 billion in total economic activity annually and by supporting 78,000 full-time-equivalent jobs; and,

WHEREAS, arts education research shows that the arts help to foster discipline, creativity, imagination, self-expression, and problem solving skills while also helping to develop a heightened appreciation of beauty and cross-cultural understanding; and,

WHEREAS, we use the humanities – the interpretation and discussion of all forms of thought, interest, and expression – to explore what it means to be human; and,

WHEREAS, the arts and humanities play a unique and intrinsically valuable role in the lives of our families, our communities, and our state; and,

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for more than two decades; and,

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THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2014 as **ILLINOIS ARTS & HUMANITIES MONTH** and call upon all citizens to explore, celebrate, and participate in the arts and culture in the Land of Lincoln.

Issued by the Governor September 29, 2014  
Filed by the Secretary of State October 8, 2014

**2014-437**  
**Nurse Practitioner Week**

WHEREAS, there are more than 180,000 licensed nurse practitioners in the United States with over 4,500 in Illinois providing high quality, cost-effective, comprehensive, patient-centered, personalized healthcare; and,

WHEREAS, nurse practitioners have graduate, advanced education and advanced clinical training beyond their initial registered nurse preparation; and,

WHEREAS, nurse practitioners order, perform, and interpret diagnostic tests, diagnose and treat acute and chronic conditions, and prescribe medications and other treatments; and,

WHEREAS, nurse practitioners are true partners in the healthcare of their patients, so that in addition to clinical services, they focus on health promotion, disease prevention, and health education and counseling, guiding patients to make healthier lifestyle choices; and,

WHEREAS, the excellence, safety, and cost-effectiveness of the care provided by nurse practitioners is established and well-documented; and,

WHEREAS, nurse practitioners provide healthcare to people of all ages and in diverse healthcare settings such as private office practice, hospitals, long-term care facilities, schools, state and local health departments, managed care facilities, and retail-based clinics; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 9-15, 2014 as **NURSE PRACTITIONER WEEK** in Illinois, in recognition of the many contributions that this dedicated group of healthcare professionals makes to the health and well-being of the people in the communities they serve in this great state of Illinois and throughout the country.

Issued by the Governor September 29, 2014  
Filed by the Secretary of State October 8, 2014

**2014-438**

## PROCLAMATIONS

**Diversity and Inclusion Day**

WHEREAS, a diverse workplace, where all employees are ensured equal opportunities for success, is an economic necessity; and,

WHEREAS, the success of a company in the 21st century is dependent in part on its ability to maintain a workforce that mirrors the diverse community it serves; and,

WHEREAS, the Chicago United Leadership Conference and Bridge Awards Dinner, hosted by Chicago United, which is of special interest to Chicago-based businesses, will be held on Tuesday, November 18, 2014; and,

WHEREAS, the conference and dinner will provide chief executive officers, corporate executives and minority business owners the opportunity to network and engage in meaningful dialogue regarding diversity and inclusion in the workforce and business partnerships; and,

WHEREAS, the Chicago United Leadership Conference and Bridge Awards Dinner assists in advancing the ongoing efforts to promote diversity and inclusion at all levels to enhance the region's economy; and,

WHEREAS, through its many programs and products, Chicago United will bring together business, civic, and not-for-profit leaders to bridge the gap between race and business; and,

WHEREAS, our success as a state depends on our ability to create conditions that strengthen Illinois employers; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 18, 2014 as **DIVERSITY AND INCLUSION DAY** in Illinois.

Issued by the Governor September 30, 2014

Filed by the Secretary of State October 8, 2014

**2014-439****I'm in to Hire Day**

WHEREAS, Best Buddies International is unveiling a nationwide campaign, "I'm In To Hire" to promote the business benefits of hiring individuals with intellectual and developmental disabilities (IDD); and,

WHEREAS, since only one in three people with IDD are employed, the unemployment rate for people with IDD is much higher than for the rest of the population; and,

## PROCLAMATIONS

WHEREAS, this nationwide campaign is rooted in the key finding by the Institute for Corporate Productivity (i4cp), which has commissioned a new report, "Employing People with Intellectual and Developmental Disabilities." The report brings to light the business benefits of hiring employees with IDD and the need for more businesses to include employees with IDD in the workplace; and,

WHEREAS, the report states that by hiring people with IDD, businesses gain dependable, motivated employees who deliver observable business benefits and help their employers create inclusive cultures that attract desirable talent pools; and,

WHEREAS, people with IDD comprise an underutilized population of potential employees proven to be a positive influence on coworkers, customers, the community and a company's bottom line; and,

WHEREAS, inclusion in the workplace will mean that people with IDD can share the same benefits as any worker and experience the joy of being a contributing member of our global workforce; and,

WHEREAS, businesses need to become more aware of the benefits surrounding hiring someone with intellectual disabilities and take action by making that hire; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 7, 2014 as **I'M IN TO HIRE DAY** in Illinois, to celebrate and recognize that people with IDD have an important part in the workplace.

Issued by the Governor September 30, 2014

Filed by the Secretary of State October 8, 2014

**2014-440****Pui Tak Center Day**

WHEREAS, the State of Illinois is proud of the countless economic and cultural contributions that Chinese immigrants make every day; and,

WHEREAS, founded in 1994, the Pui Tak Center is a church-based community center started by the Chinese Christian Union Church; and,

WHEREAS, every year, the Pui Tak Center serves over 3,000 individuals who live in Chicago's Chinatown and surrounding communities through ESL and citizenship classes for new

## PROCLAMATIONS

immigrants, after-school classes for kids, adult computer classes, and a variety of other services for immigrants; and,

WHEREAS, the Pui Tak Center's programs are driven by a belief in the importance of serving others; and,

WHEREAS, the Pui Tak Center has positively impacted many Chinese immigrants throughout the Land of Lincoln, and should be immensely proud of its accomplishments; and,

WHEREAS, this year represents an important milestone for the Pui Tak Center: its 20th anniversary; and,

WHEREAS, on October 4, 2014, the Pui Tak Center will be hosting an open house and celebrating its 20th anniversary. This event presents an excellent opportunity for the Pui Tak Center to reflect on its successes and make plans for the future; and,

WHEREAS, the Pui Tak Center's longevity is a testament to the commitment of its volunteers, staff, and board members; and,

WHEREAS, the State of Illinois is pleased to recognize the Pui Tak Center on the occasion of its 20th anniversary and wish it a successful future; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 4, 2014, as **PUI TAK CENTER DAY** in Illinois, in recognition of this organization's commitment to Chinese immigrants and making our state a better place for everyone.

Issued by the Governor September 30, 2014

Filed by the Secretary of State October 8, 2014

**2014-441****"Diversity Employment Day"**

WHEREAS, a diverse workplace and "Getting America Back to Work" is an economic necessity; and,

WHEREAS, the success of a company in the 21st century depends on its ability to maintain a workforce that mirrors the diverse community it serves; and,

WHEREAS, the Diversity Employment Day Career Fair will bring together Illinois' major employers with thousands of qualified diversity professionals; and,

## PROCLAMATIONS

WHEREAS, the Diversity Employment Day Career Fair will be held at the Embassy Suites Chicago Downtown/Lakefront in Chicago, Illinois on November 4, 2014; and,

WHEREAS, the Diversity Employment Day Career Fair will offer employment opportunities and career guidance for professionals in accounting, administration, healthcare, hardware and software engineering, finance, information technology, law enforcement, management, marketing, sales, network, data and telecommunications; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 4, 2014 as "**DIVERSITY EMPLOYMENT DAY**" in Illinois, and congratulate all participants for recognizing the economic and social value in employing a diverse workforce.

Issued by the Governor October 2, 2014

Filed by the Secretary of State October 8, 2014

**2014-442****Environmental Health Practitioners Month**

WHEREAS, the Illinois Environmental Health Association will be holding its Association Education Conference on October 2 and 3, 2014, in East Peoria, Illinois; and,

WHEREAS, the purpose of the Illinois Environmental Health Association is to promote the highest degree of skill, efficiency and professional competence among sanitarians and others practicing in the various environmental health disciplines through the mutual exchange of knowledge and experience; and,

WHEREAS, the mission of the Illinois Environmental Health Association is to advance the Environmental health profession and promote sound environmental health practices throughout the State of Illinois; and,

WHEREAS, the Illinois Environmental Health Association cooperates with local departments on program administration, improvement of administrative methods, and engage in other legislative, educational, and policy-forming activities; and,

WHEREAS, Environmental Health Practitioners are trained in biological and sanitary sciences, examine all aspects of the physical and social environment, define and report environmental conditions, and recommend improvements; and,

WHEREAS, practitioners serving in the field of public health and in the industry are concerned with the education and inspection necessary to maintain the safe processing, distribution,

## PROCLAMATIONS

preparation and serving of food, hygienic housing, protection of water supplies, environmental sanitation/pollution, vector control, and radiological health; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2014 as **ENVIRONMENTAL HEALTH PRACTITIONERS MONTH** in the State of Illinois.

Issued by the Governor October 2, 2014

Filed by the Secretary of State October 8, 2014

**2014-443****Youth Art Month**

WHEREAS, the study of art leads to a fuller and more meaningful life; and,

WHEREAS, art education in the State of Illinois contributes educational benefits to all elementary, middle, and secondary students; and,

WHEREAS, art education teaches students sensitivity to beauty, order, and other expressive qualities; and,

WHEREAS, art education gives students a deeper understanding of multi-cultural values and beliefs, while also bringing to life what is learned in other subjects; and,

WHEREAS, the problem solving skills promoted through art education lead to creative thinking; and,

WHEREAS, our nation's leaders have acknowledged the necessity of including arts experiences in all students' education; and,

WHEREAS, the National Art Education Association, in conjunction with the Illinois Art Education Association, is striving to better the human condition by upgrading visual awareness and the cultural strength of Illinois and the United States as a whole; and,

WHEREAS, the citizens of Illinois have joined the National Art Education Association and the Illinois Art Education Association in supporting the youth of our community in their artistic development; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 2015 as **YOUTH ART MONTH** in Illinois, and urge all citizens to give their full support to quality school art programs for children and youth.

## PROCLAMATIONS

Issued by the Governor October 2, 2014  
Filed by the Secretary of State October 8, 2014

**2014-444**  
**Alpha-1 Awareness Month**

WHEREAS, Alpha-1 Antitrypsin Deficiency (Alpha-1) is one of the most common serious hereditary disorders in the world and can result in life threatening lung disease in adults and liver disease in both children and adults; and,

WHEREAS, Alpha-1 has been identified in virtually all populations, and up to 6 percent of Caucasians in the U.S. carry a single deficient gene and may pass the gene on to their children; and,

WHEREAS, Alpha-1 is widely under diagnosed and misdiagnosed. Fewer than ten percent of those predicted to have Alpha-1 have received an accurate diagnosis; and,

WHEREAS, it often takes an average of five doctors and seven years from the time symptoms appear before proper diagnosis is made, which can be done using a simple blood test; and,

WHEREAS, it is important to increase awareness and detection of this serious hereditary and misdiagnosed disorder; and,

WHEREAS, during the month of November, a nationwide awareness campaign will take place throughout the country to educate the public as well as the medical community on Alpha-1 detection and treatment for those affected by this condition; and,

THEREFORE, I Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2014 as **ALPHA-1 AWARENESS MONTH** in Illinois, and extend greetings and best wishes to all observing.

Issued by the Governor October 3, 2014  
Filed by the Secretary of State October 8, 2014

**2014-445**  
**Great Shakeout Day**

WHEREAS, the largest earthquake ever to hit North America occurred in 1811 in New Madrid, Missouri, and was felt throughout the Illinois Territory; and,

## PROCLAMATIONS

WHEREAS, Illinois sits atop two major fault zones - the New Madrid Seismic Zone and Wabash Valley Seismic Zone - as well as the Sandwich Fault Zone, Plum River Fault Zone and others; and,

WHEREAS, in recent years, the State of Illinois has been beset by natural disasters - floods, tornadoes, droughts, and blizzards - prompting a new commitment to emergency preparedness; and,

WHEREAS, the Great Central United States ShakeOut ("Great ShakeOut") is an effective, grass-roots approach to emergency planning and has helped millions of people understand what to do if the ground starts shaking; and,

WHEREAS, Illinois has participated in the Great ShakeOut since 2011, with 523,000 residents participating in last year's drill; and,

WHEREAS, the Illinois Emergency Management Agency has worked to improve awareness of the perils of earthquakes and the appropriate actions Illinoisans can take before, during, and after a seismic event; and,

WHEREAS, the 2014 Great ShakeOut will occur at 10:16 a.m., on October 16, and, with 23 million people already registered worldwide, is expected to be the largest earthquake drill in history; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim Thursday, October 16, 2014, as **GREAT SHAKEOUT DAY** in Illinois, and invite every Illinois resident to participate in this innovative earthquake drill.

Issued by the Governor October 3, 2014

Filed by the Secretary of State October 8, 2014

**2014-446**  
**Suicide Prevention Month**

WHEREAS, in The United States, one person dies by suicide every 13.3 minutes; in 2011, 1,226 reported Illinoisans died by suicide, and several thousand family members' and friends' lives were changed forever after losing those people; and,

WHEREAS, in Illinois, suicide is the sixth leading cause of death amongst 10-14 year olds, the third leading cause of death amongst 15-34 year olds and the fourth leading cause of death amongst 45-54 year olds; and,

## PROCLAMATIONS

WHEREAS, most likely many of those people who died never received effective behavioral health services, for many reasons including the difficulty of accessing services by healthcare providers trained in the best practices to reduce suicide risk, and the stigma of using behavioral health treatment; and,

WHEREAS, suicide prevention practitioners from across Illinois are dedicated to reducing the frequency of suicide attempts and deaths, and the pain of those affected by suicide deaths, through research projects, educational programs, intervention services; and,

WHEREAS, far too many Illinoisans die by suicide each year, and most of these deaths are preventable; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 2014 as **SUICIDE PREVENTION MONTH** in Illinois, in order to raise awareness about suicide, and to encourage citizens of the State to support the worthy efforts of the Suicide Prevention Program.

Issued by the Governor October 3, 2014

Filed by the Secretary of State October 8, 2014

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 38, Issue 43 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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