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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 2017

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017

21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

## BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading Of the Part: Certificate of Education and Examination Requirements
- 2) Code Citation: 23 Ill. Adm. Code 1400
- 3) Section Number: 1400.90                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2 and 26 of the Illinois Public Accounting Act [225 ILCS 450/2, 26, as amended by PA 98-254, effective August 9, 2013].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment would make changes to the description of the educational requirements pertaining to business courses. The proposed amendment also would expand the time period for receipt of final transcripts from provisional candidates with the goal of increasing the number of minority provisional candidates.
- 6) Published studies or reports, and sources of underlying data, used to compose this rule making: None.
- 7) Will this rulemaking replace an emergency rule current in effect: No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these proposed rules within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Russ Friedewald, Executive Director  
Illinois Board of Examiners

## BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

1120 E. Diehl Road, Suite 107  
Naperville IL 60563

815/753-8900

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Those providing or desiring to provide the services of public accountants and certified public accountants
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: Public accounting skills are required.
- 14) Regulatory Agenda in which this rulemaking was summarized: This amendment was not included on either of the two most recent agendas because: The need for rulemaking was not anticipated at that time, together with drafting and approval delays.

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

## BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER VI: BOARD OF EXAMINERS

## PART 1400

## CERTIFICATE OF EDUCATION AND EXAMINATION REQUIREMENTS

## Section

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

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**AUTHORITY:** Implementing and authorized by Sections 2 and 26 of the Illinois Public Accounting Act [225 ILCS 450/2, 26].

**SOURCE:** Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342; amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. 14143, effective August 26, 1994; emergency amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days; transferred from Chapter V, 23 Ill. Adm. Code 1300 (Board of Trustees) pursuant to 225 ILCS 450, January 1, 1994, at 19 Ill. Reg. 6325; amended at 20 Ill. Reg. 6262, effective May 1, 1996; amended at 21 Ill. Reg. 13315, effective September 26, 1997; amended at 28 Ill. Reg. 4548, effective March 5, 2004; emergency amendment at 28 Ill. Reg. 16485, effective December 17, 2004, for a maximum of 150 days; emergency expired May 15, 2005; amended at 29 Ill. Reg. 19524, effective November 21, 2005; emergency amendment at 31 Ill. Reg. 11373, effective July 27, 2007, for a maximum of 150 days; emergency expired December 23, 2007; amended at 35 Ill. Reg. 16071, effective September 26, 2011; amended at 40 Ill. Reg. 9963, effective July 7, 2016; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1400.90 The Educational Requirement**

- a) Requirements Applicable Until January 1, 2001
  - 1) As provided in Section 3 of the Act, to be admitted to take the examination given before January 1, 2001, a candidate for the Illinois Uniform Certified Public Accountant examination must have successfully completed at least 120 semester hours of acceptable credit. Of the semester hours accepted by the Board, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided not more than 6 semester hours shall be in business law. Candidates may apply to take the Illinois CPA examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given.
  - 2) Acceptable credit recognized by the Board is:
    - A) credit earned from a college or university that is a candidate for or is accredited by a regional accrediting association that is a member

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of the Commission on Recognition of Postsecondary Accreditation (CORPA);

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

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## NOTICE OF PROPOSED AMENDMENT

completed 24 semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting, and completed at least 24 additional semester hours of business courses, or substantially equivalent (other than accounting) courses, at the undergraduate or graduate level.

- D) Earned a baccalaureate or higher degree from an accredited educational institution or other institution recognized by the Board, including at least 24 semester hours of accounting at the undergraduate and/or graduate level with at least one course each in financial accounting, auditing, taxation, and management accounting and completed at least 24 additional semester hours in business courses or substantially equivalent (other than accounting) courses at the undergraduate or graduate level.
- 2) For purposes of subsection (b)(1), the formula for conversion of quarter hours to semester hours is to multiply quarter hours by two-thirds.
  - 3) Authorization to Test
    - A) Except as otherwise provided in subsection (b)(3)(B), proof of satisfactory completion of all educational requirements must be received by the Board before the Board issues an authorization to test.
    - B) First time candidates who apply for the examination will be granted provisional approval of in-progress courses taken at domestic institutions. Candidates granted provisional approval shall be allowed 120 days from the date of taking the first section of the examination to provide evidence that all requirements have been completed. No grades will be released to the candidate until all final official credentials are received with degree posted, if required, and eligibility verified by Board staff. If final transcripts verifying completion of all courses for eligibility to sit are not received by the Board within 120 days after taking the first examination section of the computer-based examination, grades for all examination sections authorized with provisional approval will be voided.

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- c) Requirements Applicable Beginning July 1, 2013
  - 1) Examination Qualifications
    - A) Beginning July 1, 2013, an applicant must provide proof of successful completion of:
      - i) 150 semester credit hours, as defined, of college or university study; and
      - ii) a baccalaureate or higher degree; and
      - iii) the requirements set out in subsection (c)(3).
    - B) Applicants who have taken the Uniform Certified Public Accountant Examination at least once before July 1, 2013 may take the examination under the qualifications in effect when the examination was first taken.
  - 2) Definitions
    - A) Board – Illinois Board of Examiners (IBOE).
    - B) Semester Credit Hours or SCH accredited college or university semester credit hours.
    - C) 150 SCH – minimum number of credit hours earned and posted to the applicant's official college or university transcripts.
    - D) Conversion of Quarter Credit Hours to SCH – quarter credit hours may be converted to SCH by multiplying quarter credit hours by two-thirds.
    - E) Internship – faculty approved and appropriately supervised short-term work experience, usually related to student's major field of study, for which the student earns academic credit as posted to the applicant's official college or university transcripts.

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- F) Life Experience – college level life experience posted on a college or university transcript as academic credit that has been assessed by appropriate faculty and/or staff of that institution as earned competence. Those areas addressed in the review of life experience should, at a minimum, contain the context of the experience in relation to work and studies and a detailed description of the experience.
- G) Colleges or Universities – Board-recognized institutions of higher education accredited by a national or regional accrediting association recognized by the Council for Higher Education Accreditation (CHEA), the U.S. Department of Education (USDE) and/or any accreditation organization approved by the Board. Recognition means the accrediting organization is certified as legitimate and competent. An individual program within a larger accredited institution may be separately accredited by a professional or specialized organization. Business schools recognized by the Board are accredited by the Association to Advance Collegiate Schools of Business (AACSB) or the Association of Collegiate Business Schools and Programs (ACBSP).
- H) Integration of Subject Matter – program of learning in which certain subjects that may be discrete courses in some colleges or universities are integrated or embedded within related courses. Colleges or universities that use an integrated approach to cover multiple course subjects will need to provide evidence of the required coverage. Acceptance of integration of any subject matter is subject to Board approval. Proof of coverage may be provided through specific evaluation by a national accrediting organization recognized by CHEA, such as AACSB or ACBSP, in which evidence is provided to assure the Board that the respective subjects adequately cover the desired content.
- I) Ethics – program of learning that provides a framework of ethical reasoning, professional values and attitudes for exercising professional skepticism and other behavior that is in the best interest of the public and profession. At a minimum, an ethics

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program should provide a foundation for ethical reasoning and the core values of integrity, objectivity and independence.

- J) Graduate Accounting Credit Hours – hours earned in courses classified by the college or university as post-secondary level courses leading to a master's degree. For purposes of meeting the accounting hours requirement, one graduate SCH is equivalent to 1.6 SCH earned at the undergraduate level.
  - K) Applicant – person who has applied to sit for the Uniform Certified Public Accountant Examination.
  - L) Research and Analysis in Accounting or R&A may be a stand-alone course or integrated into a related course or courses. If integrated in a related course or courses, colleges and universities will determine the amount of R&A that will be credited within the related course toward satisfying the R&A requirement.
  - M) Business Communication<sub>5</sub> or BC may be a stand-alone course or integrated into a related course or courses. If integrated in a related course or courses, colleges and universities will determine the amount of BC that will be credited within the related course toward satisfying the BC requirement.
  - N) Authorization to Test or ATT – issued to candidates approved by the Board of Examiners to take the Certified Public Accountant (CPA) Examination.
  - O) National Association of State Boards of Accountancy or NASBA – the national organization for all State Boards of Accountancy.
- 3) Examination Admittance  
An applicant will be deemed to have met the educational requirement if, as part of the 150 SCH of education, or equivalent as determined by the Board, the applicant has met any one of the following three conditions:
- A) Earned a graduate degree from an accounting program that is accredited in accounting by an accrediting agency recognized by the Board (see subsection (c)(2)(G));

## BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

- B) Earned a graduate degree from a business or accounting program that is accredited in business by an accrediting agency recognized by the Board (see subsection (c)(2)(G)) and completed at least 30 SCH in accounting as described in subsection (c)(4) at the undergraduate level;
- C) Earned a baccalaureate or higher degree (except as defined (c)(3)(A) or (B)) from an accredited education institution recognized by the Board (see subsection (c)(2)(G)) and:
  - i) completed 30 SCH in accounting, as described in subsection (c)(4), at the undergraduate level, or the equivalent at the graduate level; and
  - ii) completed at least 24 SCH in business other than accounting, as described in subsection (c)(5), at the undergraduate or graduate level.
- 4) Accounting Course Requirements
  - A) Research and Analysis in accounting courses are those courses commonly included in the accounting curriculum. The required 30 SCH in accounting must include:
    - i) Financial accounting;
    - ii) Auditing;
    - iii) Taxation;
    - iv) Management accounting;
    - v) Research and Analysis (at least two SCH).
  - B) Internships and life experience credits included in the 30 SCH in accounting are limited to a maximum of three SCH.
- 5) Business Course Requirements

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- A) Business courses are those courses commonly included in the business curriculum.
  - B) Internships and life experience credits included in the 24 SCH in business are limited to a maximum of three SCH.
  - C) A maximum of three SCH of business internships and/or life experience credit hours may be included in the 24 SCH in business. Additional business internship and/or life experience credit hours may be used to meet a maximum of three SCH in accounting internships or life experience. An additional six SCH of internship and/or life experience credit hours may count toward satisfying the non-accounting or non-business hours required to sit for the CPA examination.
  - D) The 24 SCH in business must include two SCH in business communication and three SCH in business ethics. The subject matter may be discrete courses or integrated throughout the undergraduate or graduate accounting curriculum or business curriculum. For example, if a three SCH course in accounting includes one SCH in business ethics, two SCH may count toward accounting requirements and one SCH may count toward the business ethics requirement.
- 6) Evaluation of International Credentials  
NASBA is the only organization authorized by the Board to conduct international credential evaluations on behalf of the Board. Evaluations of international credentials completed by outside agencies other than IBOE or NASBA are not accepted. Factors that are considered when evaluating foreign educational credentials are:
- A) The official status of the institution that issued the credentials;
  - B) The type of education that the credential represents: secondary, tertiary, academic, technical, vocational, pre-professional, in-service, or part of a certificate, diploma or degree program;
  - C) The authenticity of the credential;

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- D) The role the credential plays in the educational system of the country from which it came;
  - E) The recognition of the credential in the country where the candidate is from; and
  - F) The U.S. equivalent of the quantity and quality of education the credential represents.
- 7) Authorization to Test
- A) Except as otherwise provided in subsection (c)(7)(B), proof of satisfactory completion of all educational requirements must be approved by the Board before the Board will issue an authorization to test.
  - B) First time candidates who apply for the examination will be granted provisional approval of in-progress courses taken at domestic institutions. The Board must receive all final transcripts from provisional candidates, including degree posted (if required), within ~~150~~120 days from the date of taking the first section of the examination. No grades will be released to the candidate until all final official credentials are received and eligibility verified by Board staff. If final transcripts verifying completion of all courses for eligibility to sit are not received by the Board within ~~150~~120 days after taking the first examination section of the computer-based examination, grades for all examination sections authorized with provisional approval will be voided.
  - C) Provisional Candidates
    - i) Provisional candidates completing required courses in the spring term must complete at least one section of the CPA examination by September 1 of the same year or the provisional status will be revoked.
    - ii) Provisional candidates completing required courses in the summer term must complete at least one section of the CPA

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examination by December 1 of the same year or the provisional status will be revoked.

iii) Provisional candidates completing required courses in the fall term must complete at least one section of the CPA examination by March 1 of the following year or the provisional status will be revoked.

iv) Provisional candidates completing required courses in the winter term must complete at least one section of the CPA examination by June 1 of the same year or the provisional status will be revoked.

D) Only one provisional ATT will be issued per candidate and no changes to the courses in progress may be made once received and approved by the Board.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Numbers:                      Proposed Actions:  
     1501.301                                      Amendment  
     1501.310                                      New Section
- 4) Statutory Authority: Implementing and authorized by the Career and Workforce Transition Act [110 ILCS 151].
- 5) A Complete Description of the Subjects and Issues Involved: The Part is being amended in order to carry out the Illinois Community College Board's responsibilities under the Career and Workforce Transition Act. The ICCB is making changes to Program Definitions and adding a new section on the Acceptance of Private Business Vocational School Credits by Community Colleges in Select Disciplines.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1501.701	Repealed	41 Ill. Reg. 5698; May 26, 2017
1501.702	Repealed	41 Ill. Reg. 5698; May 26, 2017
1501.703	Repealed	41 Ill. Reg. 5698; May 26, 2017
1501.704	Repealed	41 Ill. Reg. 5698; May 26, 2017
1501.705	Repealed	41 Ill. Reg. 5698; May 26, 2017
1501.706	Repealed	41 Ill. Reg. 5698; May 26, 2017
1501.707	Repealed	41 Ill. Reg. 5698; May 26, 2017
1501.201	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.303	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.308	Amendment	41 Ill. Reg. 7029; June 23, 2017

## ILLINOIS COMMUNITY COLLEGE BOARD

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1501.406	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.503	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.504	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.506	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.510	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.511	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.516	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.518	Repealed	41 Ill. Reg. 7029; June 23, 2017
1501.519	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.521	Repealed	41 Ill. Reg. 7029; June 23, 2017
1501.523	Repealed	41 Ill. Reg. 7029; June 23, 2017
1501.601	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.602	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.603	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.604	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.605	Repealed	41 Ill. Reg. 7029; June 23, 2017
1501.607	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.608	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.609	Amendment	41 Ill. Reg. 7029; June 23, 2017
1501.610	Amendment	41 Ill. Reg. 7029; June 23, 2017

- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Illinois Community College Board  
 Attn: Matt Berry  
 401 East Capitol Avenue  
 Springfield IL 62701-1711

217/785-7411  
 fax: 217/524-4981  
 email: Matt.berry@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Non-degree granting institutions that are regulated and approved by the Board of Higher Education under the Private Business and Vocational Schools Act of 2012, which elect to apply for approval of credit transfer in select disciplines.
  - 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: December 18, 2015, 39 Ill. Reg. 16273

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

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

## PART 1501

## ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

## SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

## Section

1501.101	Definition of Terms and Incorporations by Reference
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements (Repealed)
1501.112	Certification of Organization (Repealed)
1501.113	Administration of Detachments and Subsequent Annexations
1501.114	Recognition

## SUBPART B: LOCAL DISTRICT ADMINISTRATION

## Section

1501.201	Reporting Requirements
1501.202	Certification of Organization
1501.203	Delineation of Responsibilities
1501.204	Maintenance of Documents or Information
1501.205	Recognition Standards (Repealed)

## SUBPART C: PROGRAMS

## Section

1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability
<u>1501.310</u>	<u>Acceptance of Private Business Vocational School Credits by Community Colleges in Select Disciplines</u>

## SUBPART D: STUDENTS

Section	
1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

## SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Student Tuition
1501.506	Published Financial Statements
1501.507	Credit Hour Claims
1501.508	Special Populations Grants (Repealed)
1501.509	Workforce Preparation Grants (Repealed)
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grant (Repealed)
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants (Repealed)
1501.518	Uncollectible Debts

ILLINOIS COMMUNITY COLLEGE BOARD

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- 1501.519 Special Initiatives Grants
- 1501.520 Lincoln's Challenge Scholarship Grants
- 1501.521 Technology Enhancement Grants
- 1501.522 Deferred Maintenance Grants (Repealed)
- 1501.523 Foundation Matching Grants

SUBPART F: CAPITAL PROJECTS

Section

- 1501.601 Definition of Terms
- 1501.602 Approval of Capital Projects
- 1501.603 State Funded Capital Projects
- 1501.604 Locally Funded Capital Projects
- 1501.605 Project Changes
- 1501.606 Progress Reports (Repealed)
- 1501.607 Reporting Requirements
- 1501.608 Approval of Projects in Section 3-20.3.01 of the Act
- 1501.609 Completion of Projects Under Section 3-20.3.01 of the Act
- 1501.610 Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

Section

- 1501.701 Definition of Terms
- 1501.702 Applicability
- 1501.703 Recognition
- 1501.704 Programs
- 1501.705 Finance
- 1501.706 Personnel
- 1501.707 Facilities

SUBPART H: PERSONNEL

Section

- 1501.801 Definition of Terms
- 1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective December 21, 1999; amended at 24 Ill. Reg. 17522, effective November 20, 2000; amended at 25 Ill. Reg. 7161, effective May 18, 2001; emergency amendment at 25 Ill. Reg. 12863, effective September 28, 2001, for a maximum of 150 days; emergency expired February 24, 2002; amended at 26 Ill. Reg. 646, effective January 7, 2002; amended at 27 Ill. Reg. 17204, effective October 31, 2003; amended at 28 Ill. Reg. 14092, effective October 18, 2004; amended at 29 Ill. Reg. 6239, effective April 25, 2005; amended at 30 Ill. Reg. 2755, effective February 21, 2006; amended at 32 Ill. Reg. 16396, effective September 23, 2008; amended at 40 Ill. Reg. 14054, effective September 29, 2016; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: PROGRAMS

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 1501.301 Definition of Terms**

Associate Degree. An "Associate Degree" is an award for satisfactory completion of a curriculum of 60 semester credit hours or more.

Associate in Applied Science Degree. An "Associate in Applied Science Degree" is an award for the satisfactory completion of a prescribed curriculum intended to prepare individuals for employment in a specific field.

Associate in Arts Degree. An "Associate in Arts Degree" is an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the arts, humanities, or social or behavioral sciences or one of the professional fields with these disciplines as a base.

Associate in Fine Arts Degree. An "Associate in Fine Arts Degree" is an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the fine arts: art, music, or theater.

Associate in Engineering Science Degree. An "Associate in Engineering Science Degree" is an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in engineering.

Associate in General Studies Degree. An "Associate in General Studies Degree" is an award for the satisfactory completion of a curriculum that has been individually designed by mutual agreement between the student and his/her college-appointed advisor to meet the student's educational intent.

Associate in Science Degree. An "Associate in Science Degree" is an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the mathematical, biological, or physical sciences or one of the professional fields with these disciplines as a base.

Branch. A "branch" is an administrative unit of a college that has a continuing

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

educational mission and serves as a secondary instructional site for the college.

**Campus.** A "campus" is an organized administrative unit of a college that has a continuing educational mission and serves as a primary instructional site for the college.

**Certificate.** A "certificate" is an award for satisfactory completion of a series of courses or curriculum of 50 semester credit hours or less.

**General certificate.** A "general certificate" is an award for satisfactory completion of a series of courses of 30 semester credit hours or less in adult basic education, adult secondary education, remedial education, vocational skills, or general studies.

**Occupational certificate.** An "occupational certificate" is an award for satisfactory completion of a prescribed curriculum intended to prepare an individual for employment in a specific field.

**College.** A "college" is a district's administrative unit that is authorized by the Illinois Board of Higher Education to grant postsecondary-level degrees and certificates, is recognized by the ICCB, and provides a comprehensive program of instruction in accordance with Section 101-2(e) of the Act.

**Course.** A "course" is a sequential presentation, through one or more instructional modes, of subject matter in a particular field to meet specific objectives within a designated time period, such as a semester or a quarter.

**Curriculum.** A "curriculum" is an approved unit of instruction consisting of a series of courses designed to lead to an associate degree or a certificate.

**Adult Basic Education.** An "Adult Basic Education" curriculum consists of basic skills courses designed to bring students to a competency of eighth-grade equivalency, including English as a Second Language instruction to a level of eighth-grade equivalency.

**Adult Secondary Education.** An "Adult Secondary Education" curriculum consists of courses designed to bring students to a competency of twelfth-grade equivalency, including English as a Second Language courses through the twelfth-grade equivalency and General Educational

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Development (GED) examination preparation.

District Curriculum. A "district curriculum" is a curriculum approved for offering within a district, on the basis of student interest, employment demand, and available resources within the district.

General Studies. A "General Studies" curriculum consists of courses designed to meet individual student goals, in the promotion of personal improvement and self-understanding.

Regional Curriculum. A "regional curriculum" is a curriculum approved for offering within a particular region of the state, on the basis of student interest and employment demand within the region.

Remedial Education. A "Remedial Education" curriculum consists of courses in computation, communication (i.e., writing and speaking), and reading, designed to improve the competency of high school graduates, or those persons achieving high school equivalency through standardized testing, to the level necessary for placement into communication and mathematics courses required of first-year college students. Remedial courses reiterate basic skills that students were expected to have mastered prior to entry into post-secondary education.

Statewide Curriculum. A "statewide curriculum" is a curriculum approved for offering on the basis of student interest and employment demand statewide.

Educational Agency. An "educational agency" is an agency, corporation, or other defined legal entity which offers instruction.

Extension Center. An "extension center" is an instructional site for the college that is used for offering some of the college's courses and/or programs for a limited duration.

[Higher Learning Commission or HLC. "Higher Learning Commission" or "HLC" means an independent corporation that serves as one of six regional institutional accreditors in the U.S. and accredits degree-granting post-secondary educational institutions in the North Central Region, which includes Illinois.](#)

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**Internship/Practicum.** An "internship/practicum" is a course of planned and supervised training which allows the application of theory to actual practice and prepares a student for working independently in a specific career. The internship/practicum generally occurs after the student has completed 12 credit hours. It takes place at a regular worksite and instruction/supervision is shared by a college instructor/supervisor and a qualified employee at the worksite. Clinical practicums take place in a hospital or other medical/health facility and require close supervision/instruction/monitoring by a qualified college instructor.

**Laboratory.** A "laboratory" is a course of planned and supervised training in which students learn new methods or principles through experimentation, observation, and/or practice. A lab class can occur at the beginning, middle, or end of a particular course of study and may be a specially equipped room designed for experimentation, observation, and/or practice on the college campus or at the worksite.

**PBVS Program of Study.** "PBVS Program of Study" means any of the six programs listed in Section 10 of the Career and Workforce Transition Act [110 ILCS 151].

**Principal Site.** The principal site is the official mailing address of the college.

**Private Business Vocational School or PBVS.** "Private Business Vocational School" or "PBVS" means a non-degree granting institution that is regulated and approved by the Board of Higher Education under the Private Business and Vocational Schools Act of 2012 [105 ILCS 426] and that is nationally accredited by an accreditor approved by the U.S. Department of Education.

**Public Service.** "Public service" consists of noncredit classes and other activities of an educational nature, such as workshops, seminars, forums, exhibits, and the provision of college facilities and expertise to the community, designed to be of service to the public.

**Research.** "Research" consists of investigations or experiments to discover or interpret facts, to revise accepted theories, or to apply such revised theories.

**Residency.** To be classified as a resident of the State of Illinois or of the community college district, a student shall have occupied a dwelling within the State or district for at least 30 days immediately prior to the date established by

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[the district for classes to begin.](#)

Secondary School. A "secondary school" shall be used to mean private or parochial secondary school, public secondary school district, or public unit school district.

Unit of Instruction. A "unit of instruction" is any one of the following:

An organized program of study consisting of a sequence of courses that results in the award to a student of a certificate or an associate degree.

Any existing organized program of study offered at a new geographical location outside of the college district.

Any organized administrative entity that would have a continuing instructional mission, including but not limited to a college, campus, or branch.

Unit of Research or Public Service. A "unit of research or public service" is a college's subdivision such as a division, institute, or center, that administers one (or more) research or public service program.

Vocational Skills. "Vocational Skills" consists of courses designed to provide short-term job entry training, to upgrade the skills of persons already employed, or to review skills for career re-entry.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.310 Acceptance of Private Business Vocational School Credits by Community Colleges in Select Disciplines**

- a) [Approval of Private Business and Vocational School Programs of Study. An application for approval of each proposed program of study eligible for credit transfer and acceptance shall be submitted to the ICCB on forms provided by the ICCB on or before July 1. The criteria for approval of PBVS programs of study eligible for community college credit acceptance are:](#)
- 1) [Program Goals and Objectives](#)

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- A) The proposed PBVS program of study meets the goals for career and technical education or workforce preparation within the district and region.
  - B) The objectives of the PBVS program of study are consistent with what the title of the program of study implies.
- 2) Academic Control
- A) The PBVS has the capacity to develop, deliver and support the PBVS program of study.
  - B) The PBVS has established clear provisions for ensuring a high level of academic performance of faculty and students.
- 3) Curriculum
- A) The content of the curriculum ensures that the objectives of the PBVS program of study will be achieved.
  - B) The PBVS has developed quality curricula that align with federal, State and local requirements, is responsive to the local workforce needs, and will prepare graduates with the appropriate level of skill to meet their educational goals.
  - C) The PBVS program curricula and community college coursework and curricula are aligned to ensure a smooth transition for students.
- 4) Faculty Qualifications. The academic preparation and experience of faculty and staff shall be consistent with Section 1501.303(f).
- 5) Program Needs
- A) A student's completion of the PBVS program of study satisfies employment requirements in the occupational field.
  - B) Labor market data for each PBVS program of study shows that the program is feasible and demonstrates evidence of labor market need.

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- 6) Assessment and Evaluation
  - A) Assessment plans demonstrate clear and appropriate program and student learning goals and have identified appropriate outcomes.
  - B) The PBVS utilizes continuous quality improvement to ensure the curricula remains rigorous and relevant; uses Assessment of Student Learning information and data to improve curricula; and includes educational, business and community partners in the improvement process.
- 7) Accreditation. The PBVS has successfully completed a full term of national accreditation without probation, without being denied accreditation, and without withdrawing an application.
- b) Application. Applications for approval of each PBVS program of study as eligible for credit transfer and acceptance shall have attached to them the following:
  - 1) Evidence verifying that the PBVS is in good standing during the period of its national accreditation from an accreditor approved by the U.S. Department of Education.
  - 2) A Permit of Approval Certificate from the Illinois Board of Higher Education.
  - 3) A catalog description for each PBVS program of study as it appeared in the PBVS's catalog.
  - 4) A curriculum chart for each PBVS program of study indicating the general education, career and technical education, work-based learning and elective requirements and options to complete the program.
  - 5) Individual course syllabi for each course that is part of the PBVS program of study.
- c) Credit Transfers. Credit transfers from the PBVS may be made only during the institution's verified accreditation period. A PBVS under review due to probation,

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that is denied accreditation, or withdraws an application for national accreditation shall not be approved by ICCB.

- d) Faculty Advisory Committee. The State Board may establish a faculty advisory committee, from the appropriate program disciplines, to assist ICCB staff with curriculum review of the PBVS programs of study.
- e) Additional Information Site Visit. In the case of a proposed PBVS program of study for which staff determines it is necessary to verify or supplement the information supplied in the application, the staff may request additional written documentation and/or arrange for a site visit.
- f) Renewal. A PBVS shall submit a renewal application every 5 years following the approval by the State Board. A PBVS shall also submit a renewal application if curriculum changes are made to the approved PBVS programs of study.
- g) Appeal Process
  - 1) All decisions of the State Board that result in non-approval of a PBVS or PBVS program of study shall be provided in writing in the form of a letter delivered by certified mail and shall specify the reason for the non-approval.
  - 2) All decisions of the State Board that result in non-approval may be appealed within 30 days after the written notification by submitting a written request for reconsideration of the decision to the ICCB Chair.
  - 3) The ICCB Chair shall review the request and place it on the agenda no later than 60 days after the conclusion of the 30-day appeal process.
  - 4) The appellant may make both oral and written presentations to ICCB at the time the decision is reconsidered.
- h) Acceptance of Credits
  - 1) A community college district shall accept up to 30 credit hours from a PBVS that has been approved by the Board if a student has completed a PBVS program of study that is listed in Section 10 of the Career and Workforce Transition Act [110 ILCS 151] at that institution.

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- 2) The community college may accept the credits as direct equivalent credits or prior learning credits, as determined by the college and consistent with the accrediting standards and institutional and residency requirements of the Board, the Higher Learning Commission, other State and national accreditors, and State licensing bodies, as appropriate.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS GAMING BOARD

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- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
3000.100	Amendment
3000.273	New Section
3000.405	Amendment
3000.1110	Amendment
- 4) Statutory Authority: Authorized by Sections 5 (c) of the Riverboat Gambling Act [230 ILCS 10/5 (c)].
- 5) A Complete Description of the Subjects and Issues Involved: Critical Program Storage Media: The rulemaking adds a new definition of "Critical Program Storage Media" in Section 3000.100 (Definitions). "Critical Program Storage Media" is defined to include, but not be limited to, game accounting, system, and peripheral firmware devices which are involved in, or significantly influence, the operation and calculation of game play, game display, game result determination, game accounting, revenue, or security. The definition further provides that Critical Program Storage Media shall be verified utilizing an external third-party methodology approved by the Administrator or designee. Additionally, Critical Program Storage Media may be required, as determined by the Administrator or his or her designee, to have security seals attached thereto.

New Section 3000.273 provides that Critical Program Storage Media shall be approved by the Administrator or the Administrator's designee prior to shipment, and shall be shipped separately from Electronic Gaming Devices and all other items. Persons shipping Critical Program Storage Media shall provide the Administrator with advance notice of the shipment.

The approval, verification, shipping and notification requirements which this rulemaking imposes on Critical Program Storage Media are essential to safeguard the integrity of casino gaming play.

Amendments to Subpart D (Hearings on Notice of Denial, Restriction of License, Placement on Board Exclusion List or Removal from Board Exclusion List or Self-Exclusion List): Subpart D of the riverboat gambling rules currently does not address

## ILLINOIS GAMING BOARD

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service of notice by the Board. It also does not explicitly provide that an applicant or other person who is covered by the provisions of the subpart and wishes to contest Board action must submit a request for hearing. To correct these deficiencies, the rulemaking adds language to Section 3000.405 (Requests for Hearing) providing the following:

If the Board finds that the applicant or other person is not suitable for licensure, should have its license restricted, should be placed on the Board Exclusion List, or should not be removed from the Board Exclusion List or Self-Exclusion List, it shall issue the applicant or other person a notice of its finding.

The Board shall serve notice on the applicant or other person by personal service or U.S. certified mail and U.S. mail to its last known address. Unless personal or certified mail service is completed sooner, service is complete four days after mailing.

Should an applicant or other person wish to contest the action the Board has taken, it must submit a request for hearing to the Board.

This new language is similar to that found in Section 1800.615 of the Video Gaming (General) Part (Requests for Hearing) [11 Ill. Admin. Code 1800.615].

Board notification of seizures and disciplinary actions under Subpart K (Seizure and Disciplinary Hearings): Section 3000.1110 currently provides that if the Board orders the seizure of a gaming device or takes disciplinary action against a licensee, it shall provide notification to the holder of the seized gaming device or the licensee by certified mail or personal delivery. The rulemaking adds language stating that unless personal or certified mail service is completed sooner, service is complete four days after mailing. This new language is similar to that found in Section 1800.715 of the Video Gaming (General) Part [11 Ill. Admin. Code 1800.715].

- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule already 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 rulemakings pending on this Part? Yes

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Section Number: 3000.245      Proposed Action: Amendment      Illinois Register Citation: 41 Ill. Reg. 4483; April 28, 2017

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
  
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the *Illinois Register* to:  
  
Agostino Lorenzini  
General Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago IL 60601  
  
fax: 312/814-7253  
email: James.pellum@igb.illinois.gov
  
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses that ship Critical Program Storage Media will be subject to the requirements of this rulemaking.
  - B) Reporting, bookkeeping or other procedures required for compliance: The rulemaking requires persons shipping Critical Program Storage Media to provide the Administrator with advance notice of shipment.
  - C) Types of professional skills necessary for compliance: The proposed rulemaking will impose no additional requirements.
  
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda.

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

## ILLINOIS GAMING BOARD

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TITLE 86: REVENUE  
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000  
RIVERBOAT GAMBLING

## SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

## SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control

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3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
<a href="#">3000.273</a>	<a href="#">Shipping of Critical Program Storage Media</a>
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
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3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31,

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2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010; amended at 36 Ill. Reg. 13199, effective July 31, 2012; amended at 37 Ill. Reg. 12050, effective July 9, 2013; amended at 37 Ill. Reg. 18255, effective November 1, 2013; amended at 38 Ill. Reg. 2808, effective January 8, 2014; amended at 38 Ill. Reg. 21471, effective October 29, 2014; amended at 39 Ill. Reg. 4362, effective March 10, 2015; amended at 39 Ill. Reg. 12312, effective August 18, 2015; amended at 40 Ill. Reg. 12776, effective August 19, 2016; amended at 41 Ill. Reg. 380, effective December 29, 2016; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 3000.100 Definitions**

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

"Act": The Riverboat Gambling Act [230 ILCS 10].

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

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

"Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the

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holdings of the person's relatives or through a third party or parties on behalf of holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency and/or Vouchers, validates the currency and/or Vouchers, stores the currency and/or Vouchers, and issues Electronic Credits equal to the value of currency and/or Vouchers inserted into the device.

"Board": The Illinois Gaming Board.

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

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's license for use in Gaming other than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.

"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Computer Monitoring System": The gaming related system used to provide on-line, real-time monitoring of Electronic Gaming Devices and data acquisition capability in the format and media approved by the Administrator.

"Critical Program Storage Media": Any program storage media containing software;

that may affect the integrity of Gaming, including, but not limited to, Game accounting, system, and peripheral firmware devices involved in, or that significantly influence, the operation and calculation of Game play, Game display, Game result determination, Game accounting, revenue or security;

that shall be verified utilizing an external third-party methodology approved by the Administrator or the Administrator's designee; and

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that may be required, as determined by the Administrator or the Administrator's designee, to have security seals attached.

"Dependent": Any individual who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an Owner's license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single- and Multiple-Position Reel-Type, Single- and Multiple-Position Single-Game Video and Single- and Multiple-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency and/or Vouchers collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid jackpots minus hopper fills minus Vouchers issued.

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

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of this Part.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such

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that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Gaming operation or pose a threat to the interests of the State of Illinois.

"Expiration Date": The one-year period, starting on the day of issuance, during which Vouchers may be redeemed for United States currency at a cashier cage of a Riverboat Gaming Operation.

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

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

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or machines; cards or dice; layouts for Live Gaming Devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; Voucher Systems; Voucher Printers; Voucher Validation Terminals; Computer Monitoring Systems; and hardware and software related to any item described [in this definition](#) ~~herein~~.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933 ([15 USC 77 et seq.](#), as amended).

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"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity that facilitates a patron's participation in gaming at a Riverboat Gaming Operation and is compensated, not as an employee but as an independent contractor, by that Operation based upon how much the patron actually wagers or loses.

"Key Person": A Person identified by the Board under Section 3000.222 as subject to regulatory approval as a Person able to control, or exercise significant influence over, the management, assets, or operating policies of an owner or supplier licensee.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a junketeer or an employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of \$100 per patron per trip for identifying and recruiting patrons.

"Non-Alterable Storage Media": An electronic storage medium that contains the program files that operate the game, which medium cannot be altered through the use of the circuitry or programming of the gaming device.

"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Parent Company": A "parent company" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

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"Payout": Winnings earned on a wager.

"Person": "Person" includes both individuals and Business Entities.

"Petitioner": An applicant, licensee or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each Wager placed into play or the combined amount of several wagers linked to a common jackpot award.

"Redemption Period": The 120-day period during which a Voucher may be used to acquire electronic credits from an Electronic Gaming Device or to obtain United States currency from a Voucher Validation Terminal. After their Redemption dates and prior to their Expiration dates, Vouchers may be redeemed for United States currency only at a cashier cage of a Riverboat Gaming Operation.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Remote Access": Communication with an electronic information system from a remote location or facility through a data link.

"Riverboat": A navigable vessel or a permanently moored vessel comprised of one or more barges that are permanently attached to operate as one barge.

"Riverboat Gaming Operation": The owner licensee, Gaming Operations Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

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"Signature": The definitive identity of an individual specific EPROM chip or other non-alterable storage media, determined by electronic analysis and reflective of the EPROM chip's game behavior capability.

"Substantial Owner": A person who has an ownership interest of 25% or more in a Business Entity.

"Supplier": A provider of Gaming Equipment/Supplies, Gaming Equipment maintenance or repair services, security services or a lessor of a Riverboat or dock facility.

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their Key Persons, including without limitation Riverboats, offices, docking facilities, parking facilities and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's license through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens or Electronic Credits from amounts wagered that will be returned to players by an Electronic Gaming Device.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's license for use in Gaming.

"Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

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"Tournament EPROM": A specially designed EPROM with a mode of play that provides for a mathematically demonstrable payout of more than 100 percent.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Voucher": A printed paper scrip representing the value in United States currency stated on the face of the scrip that is issued by a Voucher Printer connected to an Electronic Gaming Device or at a cashier cage at a Riverboat Gaming Operation and which scrip is redeemable for electronic credits or United States currency and is not a coupon or other promotional item.

"Voucher Float": The difference between the total face value of unexpired Vouchers issued by a Riverboat Gaming Operation and the total face value of Vouchers accounted for by the Riverboat Gaming Operation as redeemed or expired.

"Voucher Printer": A device designed for the purpose of issuing Vouchers at Electronic Gaming Devices or at a cashier cage at a Riverboat Gaming Operation.

"Voucher System": The hardware and software used to issue and validate Vouchers, record redemptions and account for Vouchers.

"Voucher Validation Terminal": A hard-wired and interfaced device that accepts Vouchers and communicates the Voucher information to the Voucher System for the System to validate the information. If the System confirms that the Voucher is valid, the terminal then stores the Voucher and issues United States currency equal to the value of the Voucher.

"Wager": A sum of money or thing of value risked.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: LICENSES

**Section 3000.273 Shipping of Critical Program Storage Media**

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Critical Program Storage Media shall be approved for use by the Administrator or the Administrator's designee prior to shipment, and shall be shipped separately from Electronic Gaming Devices and all other items. Persons shipping critical program storage media shall provide the Board with advance written notice of the shipment.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,  
RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR  
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

**Section 3000.405 Requests for Hearings**

- a) If the Board finds that an applicant or other person or entity subject to the provisions of this Subpart is not suitable for licensure, should have its license restricted, should be placed on the Board Exclusion List, or should not be removed from the Board Exclusion List or Self-Exclusion List, it shall issue the person or entity a notice of its finding.
- b) The Board shall serve notice on the applicant or other person by personal service or U.S. certified mail and U.S. mail to its last known address. Unless personal or certified mail service is completed sooner, service is complete four days after mailing.
- c) Should an applicant or other person wish to contest the action the Board has taken, it must submit a request for hearing to the Board.
- ~~d~~a) All requests for hearings must:
- 1) Be in writing;
  - 2) State the name, current address and current telephone number of the petitioner; ~~and~~
  - 3) State in detail the reasons why and the facts upon which the petitioner will rely to show, in cases involving licensing or transfer of ownership, that the petitioner is suitable for licensure or transfer, including specific responses to any facts enumerated in the Board's Notice of Denial. In matters involving exclusion, the petitioner shall state in detail the reasons why and

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the facts upon which the petitioner will rely to demonstrate why he should not be excluded. In matters involving restriction of licensure the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why the license should not be restricted; ~~and-~~

- 4) All requests for hearings must be verified. ~~That~~~~Such~~ verification shall be notarized and shall include a certification in the following form:

The undersigned certifies that the statements set forth in this request for hearing are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

~~e~~b) A request for hearing must be submitted within five days after the date of delivery of the Notice of Denial or Restriction of license. A request for hearing must be submitted within 30 days after the date of delivery of Notice of Exclusion.

- 1) The petitioner may submit a request for hearing by:
  - A) Personal Delivery;
  - B) Certified Mail, postage prepaid; or
  - C) Overnight express mail, postage prepaid.
- 2) All requests for hearings must be submitted to the Administrator, with a copy sent to the Chief Legal Counsel at the Board's offices in either Springfield or Cook County.
- 3) A request for hearing submitted by certified mail or overnight express mail shall be deemed timely submitted if it is postmarked no later than five days after date of delivery of a Notice of Denial or Restriction in accordance with the Act, or 30 days after service of the Notice of Exclusion.

~~f~~e) A request for hearing should be deemed granted, unless denied. The Board may deny a request for hearing if the statement of reasons and facts which it contains does not establish a prima facie case or fails to comply with any of the other

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requirements of subsection ~~(da)~~ or ~~(eb) of this Section~~. The Board's denial of a request for hearing is a final decision, and the denial or restriction of licensure, denial of ownership transfer, or the order of exclusion becomes a final order on the date the Board denies the request for hearing.

- ~~gd)~~ A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the Gaming industry. If the Board allows a petitioner to withdraw a hearing request, the initial denial or restriction of license or the order of exclusion becomes a final Board order on the date leave to withdraw is granted. If the Petitioner does not prosecute his case after 21 days, the Board may move for entry of default judgment. Failure to prosecute shall result in the entry of a default judgment against Petitioner.
- ~~he)~~ The Chairman of the Board may appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may appoint the Administrative Law Judge to conduct a hearing in accordance with this Subpart. The petitioner will be copied on the letter of appointment and such letter will serve as notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties thereof.
- ~~if)~~ Conflict of Interest
- 1) If the petitioner believes the Administrative Law Judge is biased or has a conflict of interest, the petitioner may file with the Board a motion to disqualify the Administrative Law Judge from conducting the hearing. The motion must be in writing, accompanied by an affidavit signed and dated by the petitioner setting forth the specific grounds for disqualification. The petitioner shall serve a copy of the motion on the Administrative Law Judge. Prior adverse rulings against the petitioner or its attorney in other matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory evidence submitted by the petitioner in support of the motion to disqualify, the Board shall remove the Administrative Law Judge and provide for the reassignment of the case to another Administrative Law Judge to continue the hearing. Any Administrative Law Judge may voluntarily disqualify himself or herself upon determining that bias or conflict of interest exists. Grounds for

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disqualification of an Administrative Law Judge shall include, but not be limited to:

- A1) Financial interest or pecuniary benefit derived from the gaming industry;
- B2) Personal friendship with any of the parties, witnesses or attorneys involved;
- C3) Past representation of any of the parties or witnesses involved; and
- D4) Demonstrable pre-disposition on the issues.

- 2) If the motion to disqualify an Administrative Law Judge is denied, the Board shall set forth in writing the reasons for the denial and the Administrative Law Judge will proceed with the hearing. The motion to disqualify the Administrative Law Judge and the reasons for the denial of the motion will be part of the administrative record in the appeal of a final administrative decision upon conclusion of the hearing.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

**Section 3000.1110 Board Action Against License or Licensee**

When notified of facts sufficient to support the seizure of a gaming device under the Act and Section 3000.282 or disciplinary action against a licensee under the Act or Section 3000.110, the Board may order the seizure of ~~a~~ gaming ~~device(s)~~ or take disciplinary action against a licensee. If the Board orders the seizure of ~~a~~ gaming ~~device(s)~~ or takes disciplinary action, it shall immediately notify the holder of the seized gaming ~~device(s)~~ of the seizure or the licensee of the disciplinary action taken. Notification shall be by certified mail or personal delivery. Unless personal or certified mail service is completed sooner, service is complete four days after mailing. Included with ~~the~~such notification shall be a complaint for either seizure or disciplinary action.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Human Rights Authority
- 2) Code Citation: 59 Ill. Adm. Code 310
- 3) Section Number: 310.50                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking will allow the Human Rights Authority to electronically document all complaints and eliminate the duplicative and wasteful procedure of also recording complaints on written forms.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendment will not affect any other unit of State or local government in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

Kenya A. Jenkins-Wright  
General Counsel  
Guardianship and Advocacy Commission  
160 N. LaSalle, S-500  
Chicago IL 60601

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312/793-5900 or 866/333-3362 (TTY)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The amendment only affects the Human Rights Authority's internal mechanisms for documenting complaints.
  - 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: The proposed amendment was not contained in the Regulatory Agenda for January 2017 because the Human Rights Authority did not anticipate the need for the administrative rulemaking.

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

## ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH  
CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSIONPART 310  
HUMAN RIGHTS AUTHORITY

Section	
310.10	Authority and Purpose
310.20	General Provisions
310.30	Membership and Organization
310.40	Meetings
310.50	Complaints
310.60	Investigations
310.70	Recommendations and Findings
310.80	Confidentiality
310.90	Limitations

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].

SOURCE: Adopted at 5 Ill. Reg. 13223, effective November 13, 1981; codified at 7 Ill. Reg. 12866; amended at 10 Ill. Reg. 7778, effective April 30, 1986; amended at 24 Ill. Reg. 13029, effective August 21, 2000; amended at 25 Ill. Reg. 5628, effective May 1, 2001; amended at 26 Ill. Reg. 8828, effective June 11, 2002; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 310.50 Complaints**

- a) Recording Complaints  
Every complaint received by a regional authority shall be recorded in the Human Rights Authority's database ~~on forms prescribed by the Commission (GAC 400).~~
- b) Disposition of Complaints
  - 1) Acceptance  
Except as provided in subsection (c) ~~below~~, a decision to investigate a complaint shall be made upon the majority vote of the members in attendance and constituting a quorum at a regularly scheduled or special meeting.

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## NOTICE OF PROPOSED AMENDMENT

- 2) Non-Acceptance  
If a regional authority determines that a complaint does not involve the rights of an eligible person or that a complaint is frivolous, the regional authority shall not open the investigation.
- 3) Postponement
  - A) If the regional authority determines that its investigation of a complaint would jeopardize pending employment, disciplinary or criminal proceedings, the regional authority's investigation shall be postponed until the proceeding is concluded.
  - B) If the regional authority determines that a conflict of interest exists for that regional authority under Section 310.90(f) ~~of this Part~~, the regional authority's investigation shall be postponed until the Commission authorizes another regional authority to conduct the investigation pursuant to Section 310.60(b) ~~of this Part~~.
- c) Emergency Complaints  
If it appears necessary for the welfare or protection of the rights of an eligible person, a regional authority may conduct an investigation with the approval of the chairperson and two other members of the regional authority. A proposed investigation shall be presented for ratification by a majority vote of the members present and constituting a quorum at the next regularly scheduled or special meeting.
- d) Notice to Complainant  
A regional authority shall provide a written notice to the complainant that states:
  - 1) a brief summary of the complaint and number assigned to it;
  - 2) whether the regional authority will conduct an investigation; or
  - 3) whether the regional authority will not conduct an investigation, and the reasons for that decision.
- e) Complainants Confidentiality  
The regional authority shall keep each complainant's name confidential from outside sources. If a member of the public or an outside agency requests the name

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of the complainant, the regional authority shall forward that request to the complainant who shall make the decision regarding disclosure.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Children's Behavioral Health
- 2) Code Citation: 89 Ill. Adm. Code 139
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
139.100	New Section
139.105	New Section
139.110	New Section
139.115	New Section
139.120	New Section
139.125	New Section
139.130	New Section
139.135	New Section
139.140	New Section
139.145	New Section
139.150	New Section
139.200	New Section
139.205	New Section
139.210	New Section
139.215	New Section
139.220	New Section
139.225	New Section
139.300	New Section
139.305	New Section
139.310	New Section
139.400	New Section
139.405	New Section
139.500	New Section
139.600	New Section
139.610	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Section 14-11 of the Public Aid Code [305 ILCS 5/14-11(h)], and Section 5-5.23 of the Public Aid Code [305 ILCS 5/5-5.23].
- 5) Complete Description of the Subjects and Issues Involved: This proposed Part, Title 89 IL Admin Part 139, hereinafter referred to as Rule 139, establishes the rules by which HFS will administer the Individual Care Grant (ICG) program and all of its variants.

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PA 99-479 transferred all rights, powers, duties, and responsibilities related to ICG program from the Department of Human Services (DHS) to HFS, effective March 2016. The proposed Rule 139 is a recodification and update of the regulatory framework originally established by DHS and promulgated at Title 59 Ill Adm Code 135. Specifically, Part 139 seeks to: 1) operationally rename the ICG Program to the Family Support Program (FSP); 2) update core components of the ICG program's infrastructure, such as: streamlining the application process, establishing a clear clinical eligibility criteria, establishing prior authorization requirements for residential treatment, and developing appropriate utilization review processes for the program; and 3) introduce a new regulatory framework for the Specialized Family Support Program (SFSP), a variant of the ICG program.

SFSP is designed to identify and respond to the specialized crisis faced by families with youth who are at risk of custody relinquishment. SFSP provides up to ninety (90) days of assessment services and intensive community-based services, followed by a linkage to the most appropriate clinical services, utilizing the infrastructures of multiple child serving systems, including the ICG and the Screening, Assessment and Support Services (SASS) Programs. SFSP was developed in response to the Custody Relinquishment Prevention Act (PA 98-808), and operates as a collaborative effort between HFS, DHS, the Department Children and Family Services (DCFS), the Department of Juvenile Justice (DJJ), the Department of Public Health (DPH), and the Illinois State Board of Education (ISBE).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments

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concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Mollie Zito  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue E., 3rd Floor  
Springfield IL 62763-0002

217/782-1233  
email: HFS.Rules@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. 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 anticipated by the Department when the most recent regulatory agenda was published.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 139

CHILDREN'S BEHAVIORAL HEALTH

SUBPART A: INDIVIDUAL CARE GRANT: FAMILY SUPPORT PROGRAM

Section

- 139.100 Purpose
- 139.105 Incorporation by Reference
- 139.110 Definitions
- 139.115 Family Support Program Requirements
- 139.120 Family Support Program Parent or Guardian Responsibilities
- 139.125 Application Process and Requirements
- 139.130 Application Determination Process
- 139.135 Family Support Program Authorization and Eligibility
- 139.140 Family Support Program Services
- 139.145 Family Support Program Service Planning
- 139.150 Family Support Program Discharge

SUBPART B: INDIVIDUAL CARE GRANT: SPECIALIZED FAMILY SUPPORT PROGRAM

Section

- 139.200 Purpose
- 139.205 Specialized Family Support Program Requirements
- 139.210 Specialized Family Support Program Parent or Guardian Responsibilities
- 139.215 Specialized Family Support Program Referral Requirements
- 139.220 Specialized Family Support Program Components
- 139.225 Specialized Family Support Program Discharge

SUBPART C: COMMUNITY AND RESIDENTIAL SERVICES

Section

- 139.300 Family Support Services
- 139.305 Family Support Program Residential Treatment
- 139.310 Specialized Family Support Program Transition Bed Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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## SUBPART D: PROVIDERS OF FAMILY SUPPORT SERVICES

## Section

139.400

Family Support Program Residential Treatment Providers

139.405

Specialized Family Support Program: Transition Bed Services Providers

## SUBPART E: UTILIZATION CONTROLS

## Section

139.500

Medical Necessity and Utilization Review of Services

## SUBPART F: APPEALS

## Section

139.600

FSP and SFSP Recipient Appeals

139.610

FSP and SFSP Provider Appeals

**AUTHORITY:** Implements Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705] and the Custody Relinquishment Prevention Act [20 ILCS 540].

**SOURCE:** Adopted at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: INDIVIDUAL CARE GRANT – FAMILY SUPPORT PROGRAM

**Section 139.100 Purpose**

The Department shall administer the Individual Care Grant program, hereinafter named the Family Support Program (FSP), transferred to it by Section 5-5.23 of the Public Aid Code [305 ILCS 5]. The purpose of the FSP is to provide family support services designed to strengthen family stability and promote care in the community for qualifying youth with severe emotional disturbance. The FSP provides a coordinated system of community-based services that varies in scope and intensity based upon the particular needs of the youth and families and affords families a pathway to residential treatment when clinically appropriate.

**Section 139.105 Incorporation by Reference**

- a) The following materials are incorporated by reference in this Part:

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American Psychiatric Association  
20 Avenue Apia, 1211 Geneva 27, Switzerland

DSM-5 – Diagnostic and Statistical Manual of Mental Disorders, 5<sup>th</sup>  
Edition (2013)

World Health Organization  
20 Avenue Apia, 1211 Geneva 27, Switzerland

ICD-10-CM – International Classification of Diseases, 10<sup>th</sup> Revision,  
Clinical Modification

- b) Any rules of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

**Section 139.110 Definitions**

For the purposes of this Part, the following terms are defined:

"Bed Hold" – An approved absence from a residential treatment setting that the Department funds to ensure the individual receiving services retains the bed upon return to the facility.

"Community-based Services" – Behavioral health services provided to eligible individuals in the home, school or other natural settings.

"Crisis and Referral Entry Service" or "CARES" – Illinois' single point of entry into mobile crisis response services for children that accepts telephonic crisis referrals for children experiencing a mental health crisis and determines the most appropriate program or resource, State-funded or other, to link the referent and child to services.

"Days" – Refers to calendar days unless otherwise stated.

"DCFS" – The Illinois Department of Children and Family Services.

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"Department" or "HFS" – The Department of Healthcare and Family Services or its agents.

"Diagnostic and Statistical Manual of Mental Disorders" or "DSM" – The manual published by the American Psychiatric Association, and incorporated by reference in Section 139.105, that establishes standard criteria for the classification of mental disorders.

"Domain" – Area of functioning, interaction or other daily life activity assessed to determine the presence and severity of illness or impairment related to a behavioral health condition.

"FSP" – The Family Support Program established by Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7.1] and administered by the Department pursuant to Section 5-5.23 of the Public Aid Code and this Part.

"FSP Youth" – An individual determined eligible for and participating in the FSP.

"Guardian" – The court-appointed guardian of the person and/or estate under the Probate Act of 1975 [755 ILCS 5].

"Hospital or Similar Treatment Facility" – For the purpose of the Specialized Family Support Program established pursuant to the Custody Relinquishment Prevention Act [20 ILCS 540], an entity licensed by the Illinois Department of Public Health as a hospital operating as either:

a free-standing psychiatric facility; or

a community hospital with a psychiatric distinct part unit.

"IDPH" – The Illinois Department of Public Health.

"Interagency Clinical Team" or "ICT" – The interagency clinical team established by intergovernmental agreement between the Department and the Illinois Departments of: Children and Family Services (DCFS), Human Services (DHS), Juvenile Justice (DJJ) and Public Health (DPH), and the Illinois State Board of Education (ISBE), as required by the Custody Relinquishment Prevention Act [20 ILCS 540].

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"International Classification of Diseases" or "ICD" – A standard diagnostic tool for the identification, treatment and management of illness and disease maintained by the World Health Organization and incorporated by reference in Section 139.105.

"Mobile Crisis Response" – Short-term, crisis intervention and stabilization services provided to individuals presenting in a behavioral health crisis, as authorized by the CARES Line.

"Parent or Guardian" – A parent, biological or adoptive, or a short-term guardian, or an individual appointed as legal guardian by the court. A governmental agency, social service agency, or any employee thereof, appointed by a court as guardian or custodian is not considered a parent or guardian for the purposes of this Part.

"Public Aid Code" or "Code" – 305 ILCS 5.

"Quality Improvement Organization" or "QIO" – A group of health quality experts, clinicians and consumers organized to improve the quality of care delivered to people with Medicare.

"Residential Treatment" – A live-in treatment facility providing intensive therapeutic intervention in a congregate setting for individuals with the most severe mental, emotional and behavioral disorders that cannot be treated or stabilized in a community setting.

"SFSP" – The Specialized Family Support Program established by Subpart B of this Part.

"SFSP Youth" – A youth at risk of custody relinquishment, referred to CARES, and determined eligible for the Specialized Family Support Program.

"Transition Bed Services" – Short-term, time-limited, out-of-home transitional services provided only at the time of a youth's admission to the SFSP, upon leaving the hospital or similar treatment facility, in order to provide necessary stabilization services to participating families.

"Youth" – Individuals under the age of 18.

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"Youth at Risk of Custody Relinquishment" – A youth whose parents or guardians refuse to take the youth home from a hospital or similar treatment facility because the parents or guardians have a reasonable belief that the youth will harm himself or herself or other family members upon the youth's return home, and there is no evidence of abuse or neglect.

**Section 139.115 Family Support Program Requirements**

The following criteria must be met in order to be eligible for FSP Services:

- a) The parent or guardian of the individual seeking services must demonstrate and maintain residence in Illinois as defined in Section 2-10 of the Illinois Public Aid Code;
- b) The individual seeking services must be under the age of 18 at the time of application to be considered for enrollment in the FSP. FSP youth between the ages of 18 and 21 years of age may remain eligible for the FSP, so long as the FSP youth:
  - 1) Has not graduated high school or achieved graduation equivalency; and
  - 2) Continues to meet the clinical criteria found in subsection (f), except for subsection (f)(1)(A);
- c) The individual seeking services must not be under the guardianship or in the legal custody of any unit of federal, State or local government;
- d) The individual seeking services must be enrolled in an ISBE approved educational program at the time of application at the elementary or high school level;
- e) The parent or guardian of the individual seeking services must agree to meet the responsibilities detailed in Section 139.120 and comply with Department policies regarding applying for services; and
- f) The individual seeking services must:

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- 1) Demonstrate a severe emotional disturbance (SED) by meeting the following criteria:
  - A) Prior to 18 years of age, have a primary mental health diagnosis from the current DSM or corresponding International Classification of Diseases (ICD). For the purposes of demonstrating an SED, the following diagnoses and diagnostic factors shall be excluded as acceptable qualifying primary mental health diagnoses: Adjustment Disorders, Intellectual/Developmental Disabilities, Learning Disabilities, Other Factors that May be the Focus of Clinical Attention from the DSM, and Supplementary Classification of Factors Influencing Health Status and Contact with Health Services from the ICD;
  - B) In the absence of treatment or other supports, the individual's degree of emotional and mental disturbance consistently prevents him or her from functioning in at least two of the following domains: age appropriate self-care, family life, education, community living, and peer relationships;
  - C) For individuals under age 6, the individual demonstrates pronounced emotional or behavioral symptoms, including, but not limited to: severe social withdrawal, symptoms of attachment disorder, and aggressive behavior in more than one domain;
  - D) The illness, symptoms and functional impairment identified in subsections (f)(1)(B) through (D) have been present for at least six months.
- 2) Demonstrate a severity of need indicating that the individual's clinical needs are not being addressed through actively participating in traditional out-patient mental health services;
- 3) Demonstrate sufficient cognitive capacity to respond to psychological treatment and intervention;
- 4) Demonstrate an illness presentation consistent with that of a chronic condition, including a history of illness and treatment such that the current presentation is not the result of an acute episode; and

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- 5) Demonstrate behavior or symptoms that are likely to respond to the treatment services available in the FSP.

**Section 139.120 Family Support Program Parent or Guardian Responsibilities**

- a) In order for an individual seeking services to participate in the FSP, the parent or guardian of the individual must agree to:
  - 1) Actively participate in the FSP youth's care throughout the course of treatment;
  - 2) Be primarily responsible for financial obligations associated with participation in the program;
  - 3) Assist in identifying and coordinating funding of services from all available sources, including insurance coverage;
  - 4) Assist in the completion of all applications for public assistance programs, including Medical Assistance, supplemental security income (SSI), Social Security benefits (SSA), and other programs as appropriate;
  - 5) Complete and submit such forms and documents as may be required by the Department;
  - 6) In the event the FSP youth requires treatment in a residential setting pursuant to Section 139.305:
    - A) Notify the Department of all assets and sources of public financial support of the FSP youth.
    - B) Make available all sources of public financial support for the FSP youth, including but not limited to SSA and SSI (see 42 USC 1381), to be applied to the costs of residential care, to the extent provided by law;
    - C) Coordinate all educational functions, processes and funding between the FSP youth's home school district and the ISBE approved education program that the FSP youth will be attending

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while in treatment. Parents or guardians electing to educate their son or daughter in a private education setting prior to FSP enrollment shall be responsible for coordinating all matters with their home school district and be responsible for all financial costs related to education, consistent with Illinois statute and ISBE regulations;

- D) Participate in and cooperate with the residential facility's requirements for the FSP youth's care, treatment and discharge to the family and community;
  - E) Supply the usual and customary costs of parenthood or guardianship, including: clothing, medical, dental, personal allowance, incidentals and transportation costs to and from residential treatment; and
  - F) Accept the FSP youth back into the home or be solely responsible for establishing residence for the FSP youth upon discharge from residential treatment.
- b) The parent or guardian must notify the Department of any changes:
- 1) In the financial income or assets of the parent or guardian and FSP youth;
  - 2) In the level of financial support from public sources for the parent or guardian and FSP youth;
  - 3) In any health care coverage for the FSP youth;
  - 4) Of address for the parent or guardian; and
  - 5) Of guardianship or legal custody of the FSP youth.

**Section 139.125 Application Process and Requirements**

- a) A parent or guardian may obtain an application packet electronically from the Department.

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- b) All completed application materials may be submitted by the parent or guardian to the Department. The Department's designated provider of mobile crisis response services for children will be available to assist the parent or guardian in completing and submitting the application, as requested by the parent or guardian.
- c) An application is complete and ready for determination when it minimally contains the following:
  - 1) A complete program application;
  - 2) A copy of the youth's birth certificate and proof of Social Security number; and
  - 3) A copy of the court order or documentation defining custody or non-parental guardianship, if appropriate.

**Section 139.130 Application Determination Process**

- a) The Department will review complete applications consistent with Section 139.115 to determine whether an application is approved or denied within 30 days after the date the Department receives the application.
- b) The Department will identify incomplete applications within 30 days after the date the Department receives the application.
  - 1) Notification of incomplete applications will be made to the parent or guardian. In the event the FSP application was submitted by the Department's designated provider of mobile crisis response services for children, notification of an incomplete application shall be made to the provider to assist families in providing any missing application materials.
  - 2) Incomplete applications must be complete within 30 days after the date of the notice of incomplete application.
  - 3) If an application is not completed within the 30 day period and all missing materials remitted to the Department within that time, the application shall not be reviewed.

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- c) The Department will issue written notice to the parent or guardian stating whether the application was approved, denied or not reviewed due to being incomplete. Notification of applications that are denied or not reviewed due to being incomplete shall include notice of the right to appeal and instructions on how to pursue appeal as provided in Section 139.600.
- d) An application that is denied or determined to be incomplete does not prohibit reapplying for the FSP.

**Section 139.135 Family Support Program Authorization and Eligibility**

- a) Youth determined eligible for the FSP shall be authorized to receive services as detailed in Section 139.140, for a period of 180 days.
- b) Within the last 30 days of an FSP youth's 180-day authorization to receive FSP services, a Continued Enrollment Authorization Request may be submitted to the Department.
  - 1) The Continued Enrollment Authorization process shall review the FSP youth's:
    - A) Progress in treatment;
    - B) Updated Assessment and Treatment Plan;
    - C) Other updated clinical documentation, as available; and
    - D) The FSP youth's overall clinical presentation to determine whether the FSP youth continues to meet the requirements detailed in Section 139.115.
  - 2) Determinations that the FSP youth continues to meet the eligibility criteria in Section 139.115 shall result in an additional authorization for participation in the FSP for a period of 180 days.
  - 3) Determinations that the FSP youth no longer meets the FSP eligibility criteria in Section 139.115 may be resubmitted for reconsideration. Reconsideration shall be completed by staff unfamiliar with the original review. Notice of determination that the FSP youth no longer meets the

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FSP eligibility criteria in Section 139.115 shall be issued in writing to the parent or guardian, along with notice of the right to appeal and instructions on how to pursue an appeal (see Section 139.600).

**Section 139.140 Family Support Program Services**

- a) An approved application shall result in the FSP youth being eligible to receive FSP services that include, but are not limited to, service planning, case management and service coordination with other providers, as needed, and:
  - 1) Community-based mental health services, such as:
    - A) Medically necessary mental health services eligible for reimbursement under the Illinois Medical Assistance Program; and
    - B) Family support services (see Section 139.300); or
  - 2) Residential treatment subject to prior authorization and continued stay review (see Section 139.500(b), (c) and (d)).
- b) The Department shall not be responsible for funding tuition or any other educational costs for youth participating in the FSP.

**Section 139.145 Family Support Program Service Planning**

- a) When a youth is determined eligible for the FSP, the Department's designated provider of mobile crisis response services for children will assist the FSP youth and family in the completion of an FSP Plan.
- b) The FSP Plan shall include the development of a crisis safety plan, education on the usage of CARES, and development and review of the FSP youth's service recommendations in the assessment and treatment plan.
- c) All necessary stakeholders shall be included in the FSP planning process.
- d) The FSP Plan must include:
  - 1) The presentation, diagnosis, and treatment needs of the FSP youth;

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- 2) Recommended services to address the treatment needs of the FSP youth;  
and
  - 3) A clinical summary in support of recommended services.
- e) The FSP Plan shall be updated and reviewed at least monthly with the family to ensure effectiveness.
- f) In the event the FSP youth is eligible for residential treatment, the Department's designated provider of mobile crisis response services for children shall update the FSP Plan in coordination with the residential facility and the parent or guardian.

**Section 139.150 Family Support Program Discharge**

- a) An FSP youth may be discharged from the FSP in any of the following circumstances:
- 1) The FSP youth is determined, pursuant to Section 139.135(b), to no longer be appropriate for the FSP;
  - 2) The FSP youth is between 18 and 21 years of age and has graduated from an ISBE approved educational program or achieved graduation equivalency pursuant to Section 139.115(b);
  - 3) The FSP youth reaches the age of 21;
  - 4) The parent or guardian is no longer an Illinois resident, consistent with Section 139.115(a);
  - 5) Failure of the parent or guardian to comply with any of the requirements found in Section 139.120;
  - 6) Guardianship or legal custody of the FSP youth is ordered by a court to a State or federal agency, except for the Illinois Office of State Guardian (OSG);
  - 7) The FSP youth does not receive FSP services for any period of 90 consecutive days or more; or

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- 8) The parent or guardian or FSP youth age 18 or older requests the discharge of the FSP youth.
- b) Notice of discharge from the FSP shall be issued to the parent or guardian, and to FSP youth age 18 and older, along with notice of the right to appeal and instructions on how to pursue an appeal (see Section 139.600).

SUBPART B: INDIVIDUAL CARE GRANT: SPECIALIZED  
FAMILY SUPPORT PROGRAM

**Section 139.200 Purpose**

Pursuant to the Custody Relinquishment Prevention Act, the purpose of the Specialized Family Support Program (SFSP), is to identify and respond to youth at risk of custody relinquishment and their families. The SFSP connects those youth and their families with the most appropriate clinical services, while focusing on returning the youth to the home and family by delivering treatment and support services in the least restrictive setting.

**Section 139.205 Specialized Family Support Program Requirements**

- a) The following criteria must be met in order for a youth to be enrolled in the SFSP:
  - 1) The youth's parent or guardian must demonstrate and maintain residence in Illinois as defined in Section 2-10 of the Illinois Public Aid Code.
  - 2) The youth must be under the age of 18 at the time of SFSP enrollment.
  - 3) The youth must not be under the guardianship or in the legal custody of any unit of federal, State or local government.
  - 4) At the time of SFSP enrollment:
    - A) The youth must be admitted to a hospital or similar treatment facility for the primary purpose of psychiatric treatment and be determined clinically appropriate for discharge from that facility;
    - B) The youth's parent or guardian refuses to take the youth home from the hospital or similar treatment facility because the parent or

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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guardian has a reasonable belief that the youth will harm himself or herself or other family members upon returning home.

- 5) The parent or guardian and youth have been referred and accepted for SFSP enrollment pursuant to Section 139.215.

**Section 139.210 Specialized Family Support Program Parent or Guardian Responsibilities**

- a) In order for a youth to participate in the SFSP, the youth's parent or guardian must agree to:
  - 1) Meet the requirements of Section 139.120;
  - 2) Accept and allow the SFSP youth to remain in the home or be solely responsible for establishing a safe alternative residence for the SFSP youth upon enrollment into the program;
  - 3) Assist in the collection of medical, educational and other records and completion of all applications for treatment programs, as appropriate;
  - 4) Initiate and coordinate all necessary educational processes with the youth's home educational district to meet the youth's educational and treatment needs; and
  - 5) Consent to program participation and sign the SFSP Parent Agreement.
- b) The parent or guardian's failure to comply with any component of Section 139.120 or this Section at any time during participation in the SFSP may result in discharge pursuant to Section 139.225.

**Section 139.215 Specialized Family Support Program Referral Requirements**

Referred youth shall be accepted for enrollment into the SFSP upon completion of the following requirements:

- a) The parent or guardian and youth have been reported to the DCFS Child Abuse Hotline as a youth at risk of custody relinquishment;

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- b) Existing crisis systems, such as the DHS Comprehensive, Community Based Youth Services (CCBYS) Program, have been unable to stabilize the family crisis, reunite the family, and eliminate the potential of custody relinquishment;
- c) DCFS has determined that there is no evidence of abuse or neglect with respect to the report to the DCFS Child Abuse Hotline;
- d) A referral to the Crisis and Referral Entry Service (CARES) Line has been made directly from DCFS personnel or individuals designated by DCFS and approved by the Department; and
- e) The CARES Line has determined that the youth and the parent or guardian meet the criteria required in Section 139.205(a).

**Section 139.220 Specialized Family Support Program Components**

- a) SFSP youth will be enrolled in the SFSP for 90 days.
- b) During enrollment in the SFSP, the SFSP youth shall be:
  - 1) Assessed to determine his or her behavioral health needs;
  - 2) Assigned a local SFSP coordinator from one of the Department's designated providers of mobile crisis response services for children to coordinate treatment for the SFSP youth;
  - 3) Eligible to receive services consistent with Section 139.140(a)(1) and (2).
- c) Upon initial enrollment in the SFSP, the SFSP youth may be eligible for transition bed services (Section 139.310).
- d) During the SFSP youth's enrollment, the Department's designated provider of mobile crisis response services for children shall:
  - 1) Work collaboratively with other Illinois crisis systems to stabilize the SFSP youth and family and develop the SFSP youth's crisis safety plan;

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- 2) Work with the SFSP youth and parent or guardian to assess the SFSP youth's behavioral health needs and provide treatment recommendations to the Department;
- 3) Assist the SFSP youth and parent or guardian in applying for all clinically appropriate State-funded behavioral health programs; and
- 4) Provide the Department, prior to the SFSP youth's completion of participation with the SFSP, an SFSP Assessment Report that includes:
  - A) A mental health assessment;
  - B) A psychiatric report;
  - C) An overview of insurance and other public benefits available to fund treatment for the SFSP youth;
  - D) A listing of any additional assessments completed regarding the SFSP youth and their outcomes;
  - E) A copy of the SFSP youth's Individual Education Plan (IEP) or similar documentation outlining services or accommodations provided to the SFSP youth by his or her home school district, as applicable;
  - F) Treatment and service recommendations that are clinically appropriate for the SFSP youth and family; and
  - G) A clinical review and signature by a Licensed Practitioner of the Healing Arts (LPHA).
- e) The SFSP youth's Assessment Report shall be provided to the Interagency Clinical Team (ICT) pursuant to the Custody Relinquishment Prevention Act that will be responsible for connecting the SFSP youth with treatment and services subsequent to participation in the SFSP as recommended in the SFSP Assessment Report. The Department will work collaboratively with the ICT and other State agencies to assist the ICT in connecting SFSP youth with SFSP Assessment Report recommended services.

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**Section 139.225 Specialized Family Support Program Discharge**

At any time during SFSP enrollment that the parent or guardian no longer meets the applicable requirements of Section 139.210, the SFSP youth may:

- a) Be discharged from the SFSP. The Department shall issue written notice of the discharge to the parent or guardian along with notice of the right to appeal and instructions on how to pursue appeal (see Section 139.600).
- b) Be referred to the DCFS Child Abuse Hotline for the purpose of reporting the programmatic discharge.

## SUBPART C: COMMUNITY AND RESIDENTIAL SERVICES

**Section 139.300 Family Support Services**

- a) Family support services include the following:
  - 1) Therapeutic support services that are time-limited, therapeutic interventions, or mental health services not otherwise reimbursed under the Illinois Medical Assistance Program, targeted to support and stabilize individuals receiving the service in their home or home-like setting.
  - 2) Individual support services, i.e., activities, services and goods that are intended to promote community stabilization and family stability, and support the treatment plan of the individual receiving services.
- b) The Department shall establish standards for utilization, prior authorization and funding for these services as follows:
  - 1) Family support services require prior authorization by the Department;
  - 2) Maximum annual financial limits per individual are:
    - A) Therapeutic support services: \$3000; and
    - B) Individual support services: \$1500.

**Section 139.305 Family Support Program Residential Treatment**

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- a) Prior authorization is necessary to access residential treatment consistent with Section 139.500(b) and (c).
- b) Upon approval of prior authorization for residential treatment, the Department's designated provider of mobile crisis response services for children shall:
  - 1) Discuss the potential facilities available for the FSP youth's placement with the parent or guardian;
  - 2) Facilitate preparing and submitting referral packets and necessary consents to potential facilities; and
  - 3) Upon admission of the FSP youth to a residential facility, update the youth's FSP Plan, in coordination with the residential facility (Section 139.145).
- c) Admission and ongoing treatment of an FSP youth in a residential facility is based on the availability of clinically appropriate treatment services and the availability of providers willing to meet the specific needs of FSP youth. The Department shall make every reasonable effort to find and retain an appropriate facility willing to serve the FSP youth.
- d) The Department shall reimburse providers of family support program residential treatment services as follows:
  - 1) For State-funded services, pay the program or facility at the rate established by the Purchased Care Review Board (see 89 Ill. Adm. Code 900);
  - 2) For services that qualify for federal financial participation, the Department shall fund services consistent with the rate methodology established for those services;
  - 3) The Department may negotiate special services and rates, as necessary, to facilitate behavioral health treatment for individuals:
    - A) requiring residential treatment;

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- B) requiring specialized residential services; or
  - C) requiring supportive services upon transition home.
- e) Bed Holds
- 1) The Department may reimburse a residential facility for bed hold days when the residential facility demonstrates that it is at or over 85% occupancy at the time of the bed hold and:
    - A) Planned bed hold requests that exceed 3 consecutive days are included in the FSP youth's treatment plan; or
    - B) Unplanned bed hold requests do not exceed 7 consecutive days.
  - 2) All reimbursement to FSP residential treatment providers for bed holds is subject to prior authorization or concurrent review by the Department (see Section 139.500(e)).
  - 3) An FSP youth's absence from a facility due to acute psychiatric hospitalization, involvement with the criminal justice system, or elopement from the facility for a full treatment day shall not qualify as an acceptable bed hold day and shall not be reimbursed.
- f) Transition from Residential Treatment
- 1) The residential treatment facility shall begin the process of transition planning upon admission of the FSP youth, which includes coordination with the Department's designated provider of mobile crisis response services for children, the parent or guardian, and other providers and stakeholders, to ensure that all planning documents reflect a timely transition to least restrictive treatment settings.
    - A) Within 45 days after admission, the residential treatment facility shall establish and maintain a monthly case staffing meeting to coordinate treatment with the Department's designated provider of mobile crisis response services for children, the parent or guardian, and other providers and stakeholders.

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- B) Notification of monthly case staffing meetings shall be made to all participants 14 days in advance of the meeting date.
- 2) An FSP youth may remain enrolled in the FSP and transition to community-based services from a residential facility, so long as he or she continues to meet the FSP requirements in Section 139.115.
- g) Discharge  
FSP youth shall be discharged from a residential treatment facility in the following cases:
- 1) Successful completion of treatment in a residential facility;
  - 2) Indication from the residential treatment facility that the facility is no longer willing or able to meet the clinical needs of the FSP youth;
  - 3) Request from the parent or guardian to discontinue services at the residential treatment facility;
  - 4) The FSP youth no longer meets the clinical criteria for residential treatment services (see Section 139.500(d)). Upon determination that the FSP youth no longer meets the clinical criteria for residential treatment services, the residential facility shall facilitate discharge to home within 14 days beyond the FSP youth's last approved treatment day; or
  - 5) The FSP youth is discharged from the FSP pursuant to Section 139.150.
- h) Notice of Discharge  
The residential facility shall provide written notice of discharge to the Department, the FSP youth, and the parent or guardian, as appropriate, at least 14 days prior to the date of discharge. The notice shall include the right to appeal and instructions on how to pursue an appeal (see Section 139.600).
- i) Prohibition on Discharge from an Acute Care Setting
- 1) The residential treatment provider shall not discharge any FSP youth while the FSP youth is receiving inpatient acute care services without the expressed written consent of the Department, if the FSP youth was

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receiving services at the residential treatment facility immediately preceding admission to an acute care hospital setting.

- 2) The residential treatment provider shall coordinate the FSP youth's return to the residential treatment setting following acute care hospitalization.

**Section 139.310 Specialized Family Support Program Transition Bed Services**

- a) SFSP transition bed services will be provided to individuals enrolled in the SFSP, at the time of the SFSP youth's admission to the program and upon leaving the hospital or similar treatment facility.
- b) SFSP transition bed services are subject to prior authorization and shall not be authorized for any combination of periods or days to exceed 30 total days.
- c) In order for an SFSP youth to receive an initial 7 days of transition bed services upon admission to the SFSP, the following requirements must be met:
  - 1) The SFSP youth will enter transition bed services upon leaving the hospital or similar treatment facility;
  - 2) A suitable bed is available to accept the SFSP youth within the network of available SFSP transition beds;
  - 3) The Department's designated provider of mobile crisis response services for children determines that the SFSP youth can be stabilized through the application of community supports, but requires short-term use of transition bed services;
  - 4) The SFSP youth's crisis safety plan indicates that the use of a transition bed will stabilize the SFSP youth's immediate behavioral health needs and is signed by an LPHA;
  - 5) The SFSP youth's parent or guardian is willing to accept the SFSP youth home or be solely responsible for establishing an alternative residence for the SFSP youth upon discharge from the transition bed; and
  - 6) The prior authorization has been approved for the SFSP youth to access the SFSP transition bed pursuant to Section 139.500(f)(1).

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- d) Once an SFSP youth has completed the initial 7 days of transition bed services, the SFSP youth may receive additional periods of authorized days, not to exceed 30 total days of transition bed services, if the following requirements are met:
- 1) Ongoing authorization of care is approved pursuant to Section 139.500(f)(2);
  - 2) The SFSP youth and the SFSP youth's parent or guardian continue to meet the ongoing SFSP eligibility requirements in Sections 139.205 and 139.210; and
  - 3) The SFSP youth's parent or guardian has identified a living arrangement for the SFSP youth upon discharge from the SFSP transition bed.
- e) The Department will reimburse providers of SFSP transition bed services as follows:
- 1) For State-funded services, the Department will pay the program or facility at the rate established by the Purchased Care Review Board (see 89 Ill. Adm. Code 900); or
  - 2) For services that qualify for federal financial participation, the Department will fund services consistent with the rate methodology established for those services.

## SUBPART D: PROVIDERS OF FAMILY SUPPORT SERVICES

**Section 139.400 Family Support Program Residential Treatment Providers**

- a) In order to participate in the FSP as a provider of residential treatment services, facilities must meet the following requirements:
- 1) Be licensed or certified by DCFS, IDPH or HFS as:
    - A) A child care institution;
    - B) A group home;

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- C) An independent living program;
  - D) A specialty congregate care program or setting;
  - E) A residential provider participating in the federal Medicaid program; or
  - F) A non-Illinois entity meeting equivalent credentials as detailed in this subsection (a)(1) in the state in which the facility operates, as accepted by the Department;
- 2) Establish and maintain enrollment with the Department as a medical provider pursuant to 89 Ill. Adm. Code 140;
  - 3) Comply with all Department handbooks and policies;
  - 4) Provide or arrange for an educational program approved by ISBE;
  - 5) Provide family support program residential treatment pursuant to Section 139.305;
  - 6) Be willing to negotiate additional services, as required by the Department, to meet the individualized needs of FSP youth and to develop any necessary specialized resources required to treat FSP youth;
  - 7) Provide active treatment to admitted FSP youth;
  - 8) Actively involve parents, guardians and other necessary stakeholders in the FSP youth's treatment, which includes notifying families of key treatment, educational and social events; and
  - 9) Provide follow-up care to FSP youth.
- b) Facilities denied or terminated from participation in the FSP as a provider of residential treatment services for failure to meet the requirements in this Section shall be provided written notice of the denial or termination and of the right to appeal (see Section 139.610).

**Section 139.405 Specialized Family Support Program: Transition Bed Services Providers**

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- a) Providers of SFSP transition bed services must meet the following requirements:
- 1) Comply with Section 139.400, with the exception of Section 139.400(a)(5);
  - 2) Provide SFSP transition bed services pursuant to Section 139.310;
  - 3) Provide short-term crisis and transitional treatment to SFSP youth, not to exceed 30 days; and
  - 4) Comply with the Department's program requirements authorizing the crisis treatment of individuals seeking services.
- b) Facilities denied or terminated from participation in the SFSP as a provider of transition bed services for failure to meet the requirements in this Section shall be provided written notice of the denial or termination and of the right to appeal (see Section 139.610).

## SUBPART E: UTILIZATION CONTROLS

**Section 139.500 Medical Necessity and Utilization Review of Services**

- a) Utilization Review. The Department shall utilize its designated QIO to review clinical services provided in a residential setting. For services requiring prior authorization and ongoing continued stay authorization, payments to providers will only be made upon authorization of services. Utilization review may consist of, but shall not be limited to, certification of need, prior authorization, continued stay, pre-payment, and post-payment reviews to determine the following:
- 1) Whether the services being requested are reasonable and medically necessary for the diagnosis and treatment of illness;
  - 2) The medical necessity, reasonableness and appropriateness of residential treatment requests for the individual seeking services that have demonstrated that community services are unable to meet his or her clinical needs;

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- 3) The completeness, adequacy and quality of residential treatment, when provided;
  - 4) Whether the quality of the services meets professionally recognized standards of health care; or
  - 5) Whether those services furnished or proposed to be furnished are:
    - A) consistent with the provisions of appropriate medical care; and
    - B) being delivered in the most clinically appropriate and cost efficient manner.
- b) Certification of Need. The Department shall require a Certification of Need prior to admission to designated residential treatment facilities. A Certification of Need shall include:
- 1) A screening by the Department's designated provider of mobile crisis response services for children to determine that community supports and treatment cannot meet the individual's needs in the community;
  - 2) A psychiatric evaluation and signed attestation from the individual's treating physician indicating the clinical justification for residential treatment.
    - A) The psychiatric evaluation shall include: mental status examination and diagnosis; overview of illness and presentation, including functional impact; history of treatment, including medications, for at least the most recent 12 months; treatment goals for residential treatment and timespan for achieving those goals; and
    - B) The signed attestation from the physician shall indicate that admission to a residential setting is required to meet the treatment needs of the individual seeking services; and
  - 3) The Department's agent shall have a physician concur, through the issuance of prior authorization, that the residential treatment at the facility being requested shall be sufficient to meet the clinical needs of the individual seeking services.

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- c) Prior Authorization for Residential Treatment. A prior authorization review shall be conducted prior to admission to a residential facility to determine if the request for residential treatment is clinically appropriate for the individual seeking residential care, given the individual's overall clinical presentation.
- 1) Approved requests for residential treatment shall be issued an initial authorization of 60 days of treatment.
  - 2) Determinations resulting from the prior authorization review that residential treatment is not clinically appropriate may be resubmitted for a prior authorization reconsideration review or completed by a physician unfamiliar with the original review.
  - 3) Final determinations that residential treatment is not clinically appropriate for the individual seeking residential services shall be based upon physician review and clinical determination. Written notice of the determination shall be issued in writing to the individual seeking services, and parent or guardian, including notice of the right to appeal and how to pursue an appeal under Section 139.600.
- d) Continued Stay Review. Continued stay review may be conducted during the last 10 days of any authorized treatment period to determine the ongoing clinical appropriateness for residential services.
- 1) Continued stay reviews shall assess the ongoing needs of an individual seeking care, provision of active treatment by the provider, and the individual's active participation in treatment services.
  - 2) If approved pursuant to continued stay review, residential treatment shall be authorized for a continued treatment period of 30 days.
  - 3) Determinations resulting from the review that residential treatment is no longer clinically appropriate may be resubmitted for a continued stay reconsideration review completed by a physician unfamiliar with the original review.
  - 4) Final determinations that residential treatment is no longer clinically appropriate for the individual seeking residential services shall be based

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upon physician review and clinical determination. Written notice of the determination shall be issued in writing to the individual seeking services and the parent or guardian as appropriate, including notice of the right to appeal and how to pursue an appeal under Section 139.600.

- e) FSP Bed Holds
  - 1) Prior approval of planned bed hold requests that exceed 3 days in length shall be performed prior to the FSP youth's departure from the facility.
  - 2) Concurrent review of unplanned bed hold requests shall be performed on the first day of the FSP youth's absence from the facility.
  - 3) Bed hold requests shall be performed consistent with the criteria established in Section 139.305(e).
- f) SFSP Transition Beds
  - 1) Prior approval for SFSP transition beds shall be performed prior to admission. Approved requests for SFSP transition beds shall be issued an initial authorization of 7 days.
  - 2) Continued stay review for SFSP transition beds may be performed within the last 3 days of an SFSP youth's treatment in an SFSP transition bed to seek continued crisis stabilization services. An approved request for continued stay for SFSP transition beds shall be authorized for subsequent periods up to 7 days, not to exceed a total authorization of 30 consecutive days.
- g) Pre-payment Review. The Department may require residential facilities to submit claims to the Department for pre-payment review and approval prior to rendering payment for services provided.
- h) Utilization Control. Residential treatment facilities funded by the Department are subject to the utilization control requirements established in 42 CFR 456. The Department or its designee shall provide 30 days written notice to residential providers of the establishment of all necessary utilization control efforts. Written notice may include the publication of agency handbooks or other policy documents.

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- 1) Denial of Payment as a Result of Utilization Review
  - A) If the Department determines, as a result of utilization review, that a residential treatment facility has misrepresented admissions, length of stay, discharges or billing information, or has taken an action that results in the unnecessary admission or inappropriate discharge of a program participant, unnecessary multiple admissions of a program participant, unnecessary transfer of a program participant, or other inappropriate medical or other practices with respect to program participants or billing for services furnished to program participants, the Department may, as appropriate:
    - i) Deny payment (in whole or in part) with respect to residential services provided; and
    - ii) Require the residential facility to take action necessary to prevent or correct the inappropriate practice.
  - B) When payment is denied by the Department under subsection (h)(1)(A)(i) as a result of prepayment review, an appeal of the review activity may be made to the QIO. The QIO shall provide the final reconsideration within 30 days after the request of the provider, if that request is:
    - i) The result of a medical necessity or appropriateness of care denial determination; and
    - ii) Received within 60 days after receipt of the notice of denial. The date of the notice of denial is counted as day one.
  - C) When payment is denied by the Department under subsection (h)(1)(A)(i) as a result of a certification of need, prior authorization, concurrent or continued stay review, an expedited appeal of the review activity may be requested.

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- i) The QIO shall provide a final expedited review within one business day after the request of the provider, if such a request includes:
- All necessary information to process the appeal of the review;
  - All relevant medical documents; and
  - The basis for seeking the appeal.
- ii) Failure of the provider to submit all needed information shall toll the time in which the final review shall be completed. The results of the final review shall be communicated to the provider by telephone within one business day, and in writing within 3 business days, after the determination.
- D) A determination under subsection (h)(1), if it is related to a pattern of inappropriate admissions, length of stay and billing practices, may result in a referral to the HFS Office of Inspector General.

## SUBPART F: APPEALS

**Section 139.600 FSP and SFSP Recipient Appeals**

For appeals by individuals or their authorized representatives regarding FSP or SFSP participation or services, the following shall apply:

- a) The HFS rules for Assistance Appeals (89 Ill. Adm. Code 104.Subpart A) shall apply to all appeals under this Section except that:
- 1) Informal review of any appealable issue must be completed by the Department's Bureau of Behavioral Health pursuant to this Section before formal appeal of the issue may be requested by the Department's Bureau of Administrative Hearings (BAH); and
  - 2) Sections 89 Ill. Adm. Code 104.10, 104.11, 104.70(b), 104.70(d), 104.74, 104.75 and 104.80 shall not apply.

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- b) The parent or guardian, FSP youth of legal majority, or authorized representative may appeal the following issues:
- 1) Failure to take action on an application for a program or request for services;
  - 2) Denial of admission to a program or request for services;
  - 3) Any action by the Department to reduce, change, suspend or terminate any service; or
  - 4) Termination of participation in a program, except that the expiration of the 90 day period of SFSP enrollment shall not be appealable.
- c) Individuals or their representatives seeking to appeal any of the issues in subsection (b) must first request informal review of the issue by the Department's Bureau of Behavioral Health before the issue may be appealed to the BAH.
- 1) Request for informal review must be submitted in writing to the Bureau of Behavioral Health within 10 days after the date of notice of the contested action and must clearly identify the issue or action for which informal review is sought.
  - 2) If the request for informal review is received by the Bureau of Behavioral Health prior to the Department's intended action taking effect, the action shall be stayed until completion of the informal review and, if applicable, expiration of the subsequent 10 day period to formally appeal the outcome of the informal review to the BAH, except that transition bed services shall not be provided beyond a total of 30 days during any instance of participation in the SFSP.
- d) The Bureau of Behavioral Health shall complete the informal review of the contested action within 30 days after receipt of the request and shall determine whether to maintain, reverse or modify the action, or take other action as necessary.
- 1) The Department may request and review all materials pertaining to the informal review held by the Department's vendors, agents or providers.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 2) The Department shall notify the individual or authorized representative in writing of the result of the informal review. The written notification shall:
  - A) State the result of the informal review, including action to be taken, if any;
  - B) State the reason and policy basis for the action; and
  - C) Provide notice of the right to appeal and instructions on how to proceed with formal appeal through the BAH.
- e) The individual or authorized representative may appeal the result of the informal review by filing a written request for appeal with the BAH within 10 days after the date of the notice of the result of the informal review. If the request for appeal is received by the BAH prior to the Department's intended action taking effect, the action shall be stayed until the appeal is resolved through final administrative decision or withdrawal of the appeal, except that transition bed services shall not be provided beyond a total of 30 days during any instance of participation in the SFSP.
- f) The final administrative decision shall be issued to the interested parties within 90 days after the date the appeal is filed with the BAH unless additional time is required for proper disposition of the appeal.
- g) Appropriate action implementing the final administrative decision shall be taken within 30 days after the date the final administrative decision is issued.

**Section 139.610 FSP and SFSP Provider Appeals**

For appeals regarding participation as a provider in the FSP and the SFSP, the following shall apply:

- a) The HFS rules for Medical Vendor Hearings (89 Ill. Adm. Code 104.Subpart C) shall apply to all appeals under this Section except that Sections 104.204, 104.205, 104.206, 104.207, 104.208, 104.210, 104.211, 104.213, 104.216, 104.217, 104.249, 104.260, 104.272, 104.273 and 104.274 shall not apply.

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- b) A facility participating or seeking to participate as a provider in the FSP or SFSP may appeal the following:
  - 1) Denial or termination of participation in the FSP as a provider of residential treatment services (see Section 139.400); or
  - 2) Denial or termination of participation in the SFSP as a provider of transition bed services (see Section 139.405).
- c) The facility may appeal the Department's action by filing a written request for appeal with the HFS Medical Vendor Hearing Section within 10 days after the date of the notification of the denial or termination of participation as a provider in the program.
- d) The burden of proof in hearings conducted pursuant to this Section shall be on the appealing facility.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.7300                      Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 35/10
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 100.7300 to provide that employers who must file copies of their W-2 information with the Department electronically must file the information by January 31 each year, to match the federal due date and allow the Department to match the employer information with individual income tax returns earlier.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes.

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
100.3380	Amendment	40 Ill. Reg. 15878; December 2, 2016
100.3390	Amendment	40 Ill. Reg. 15878; December 2, 2016
100.3370	Amendment	40 Ill. Reg. 16711, December 30, 2016
100.2050	Amendment	41 Ill. Reg. 6436, June 9, 2017
100.2055	New Section	41 Ill. Reg. 6436, June 9, 2017
100.5270	Amendment	41 Ill. Reg. 6436, June 9, 2017
100.7050	Amendment	41 Ill. Reg. 6436, June 9, 2017
100.7070	Amendment	41 Ill. Reg. 6436, June 9, 2017
100.7100	Amendment	41 Ill. Reg. 6436, June 9, 2017

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

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## NOTICE OF PROPOSED AMENDMENT

- 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:

Brian Stocker  
Staff Attorney  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield IL 62796

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking provides guidance to small businesses on the due date for filing W-2 information.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)
100.2060	Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

## SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Section 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA Section 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2171	Angel Investment Credit (IITA 220)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA Section 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
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- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
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- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
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- 100.5110 Composite Returns: Responsibilities of Authorized Agent
- 100.5120 Composite Returns: Individual Liability
- 100.5130 Composite Returns: Required forms and computation of Income (IITA Section 502(f))
- 100.5140 Composite Returns: Estimated Payments
- 100.5150 Composite Returns: Tax, Penalties and Interest
- 100.5160 Composite Returns: Credits on Separate Returns
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- 100.7325 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
- 100.7330 Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
- 100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
- 100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
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100.9600 Administrative Review Law (IITA Section 1201)

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100.9720 Nexus  
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Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13

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Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at

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30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg. 17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 38 Ill. Reg. 23158, effective November 21, 2014; emergency amendment at 39 Ill. Reg. 483, effective December 23, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 1768, effective January 7, 2015; amended at 39 Ill. Reg. 5057, effective March 17, 2015; amended at 39 Ill. Reg. 6884, effective April 29, 2015; amended at 39 Ill. Reg. 15594, effective November 18, 2015; amended at 40 Ill. Reg. 1848, effective January 5, 2016; amended at 40 Ill. Reg. 10925, effective July 29, 2016; amended at 40 Ill. Reg. 13432, effective September 7, 2016; amended at 40 Ill. Reg. 14762, effective October 12, 2016; amended at 40 Ill. Reg. 15575, effective November 2, 2016; amended at 41 Ill. Reg. 4193, effective March 27, 2017; amended at 41 Ill. Reg. 6379, effective May 22, 2017; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART V: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

**Section 100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)**

- a) Quarterly returns. Except as otherwise provided in Section 100.7310 or 100.7350, every employer required to deduct and withhold tax on compensation paid in Illinois shall make a return for the first calendar quarter in which the tax is deducted and withheld and for each subsequent calendar quarter (whether or not compensation is paid in that quarter) until a final return is filed. (See IITA

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Sections 704(c) and 704A(b.) Each return required under this subsection must be made *in the form and manner required by the Department* [35 ILCS 5/704(b) and 704A(b)].

- 1) For calendar years after 2009, payroll providers who withhold Illinois income tax for employers during the year and who are required to file federal withholding returns on magnetic media under 26 CFR 301.6011-2 shall file returns due under this subsection (a) with the Department using the same magnetic media used for their federal filing.
  - 2) All other returns required under this subsection (a) may be filed with the Department at the address provided on the Form IL-941, Illinois Quarterly Withholding Income Tax Return, or its instructions.
- b) Filing and retention of copies of combined W-2
- 1) For calendar years prior to 2008
    - A) Every employer required under this Section or Section 100.7310 or 100.7350 to make a return of tax withheld from compensation for a period ending December 31, or for any period for which a return is made as a final return, shall retain a copy of each wage and tax statement on the combined W-2 required under Section 100.7200 to be furnished by the employer with respect to compensation paid during the calendar year. For calendar years prior to 2008, every employer shall maintain copies of the combined W-2 forms for three years from the due date of the IL-W-3 for that period. For each calendar year after 2007, every employer shall maintain copies of the combined W-2 forms until January 31 of the fourth year following that calendar year. If the Department makes a written request for copies of the combined W-2 forms, the copies shall be forwarded to the Department within 30 days after the written request.
    - B) If an employer issues a corrected copy of a combined W-2 to an employee for a prior calendar year (see Section 100.7200(d) above), a copy shall be retained for a period of four years from the date fixed for filing the employer's return of tax withheld for the period ending December 31 of the year in which the correction is

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made, or for any period in the year for which the return is made as a final return. A statement explaining the corrections shall also be retained and, if the Department requests, a copy of the corrected W-2 shall be submitted within 30 days after the written request.

- C) Each year, the Department will contact a sample of Illinois employers and require those employers to provide copies of their employee W-2s. Employers chosen by the Department will be required to file W-2s in the same manner they are required to file W-2s federally.
    - i) Employers with more than 250 employees in the State of Illinois will be required to provide the W-2s on magnetic tape, diskette, or cartridge meeting the specifications required by the Social Security Administration (see 26 CFR 301.6011-2).
    - ii) All other employers may provide the W-2s on magnetic media or paper.
  - D) An extension of time for providing statements requested by the Department shall be granted upon a showing of good cause.
- 2) W-2s on magnetic media
- A) The following persons, if they are required to file copies of the W-2s on magnetic media under 26 CFR 301.6011-2, shall file copies of the W-2s with the Department using the same magnetic media used for their federal filing:
    - i) for calendar years after 2007, payroll providers who withhold Illinois income tax for employers during the year; and
    - ii) for calendar years after 2008, all employers.
  - B) For calendar years prior to 2014, the copies of W-2s shall be filed no later than March 31 of the year following the year of the withholding, unless a later due date is prescribed under federal law

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for filing the copies of the W-2s, in which case filing of copies with the Department shall be due on the same date. For calendar years after 2013 and prior to 2017, the copies of W-2s shall be filed no later than February 15 of the year following the year of the withholding. For calendar years after 2016, the copies of W-2s shall be filed no later than January 31 of the year following the year of the withholding., ~~provided that~~

- C) For all calendar years, if the IRS has granted an extension of time to file a federal information return that would otherwise be due from the employer on the due~~that~~ date for filing under this subsection (b)(2) because of natural disaster under IRC section 7508A, an employer who files copies of its W-2s on or before the extended due date of the federal information return is deemed to have reasonable cause for the late filing. (See IITA Sections 704(f) and 704A(f).)
- 3) For calendar years after 2007, with respect to copies of W-2s other than those required to be filed on magnetic media under subsection (b)(2):
- A) Every employer required under this Section or Section 100.7310 or 100.7350 to make a return of tax withheld from compensation for a period ending December 31, or for any period for which a return is made as a final return, shall retain a copy of each wage and tax statement on the combined W-2 required under Section 100.7200 to be furnished by the employer with respect to compensation paid during the calendar year. Every employer shall maintain copies of the combined W-2 forms until January 31 of the fourth year following that calendar year. If the Department makes a written request for copies of the combined W-2 forms, the copies shall be forwarded to the Department within 30 days after the written request.
- B) If an employer issues a corrected copy of a combined W-2 to an employee for a prior calendar year (see Section 100.7200(d)), a copy shall be retained for a period of four years from the date fixed for filing the employer's return of tax withheld for the period ending December 31 of the year in which the correction is made, or for any period in the year for which the return is made as a final

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return. A statement explaining the corrections shall also be retained and, if the Department requests, a copy of the corrected W-2 shall be submitted within 30 days after the written request.

- C) Each year, the Department will contact a sample of Illinois employers and require those employers to provide copies of their employee W-2s.
  - D) An extension of time for providing statements requested by the Department shall be granted upon a showing of good cause.
- c) Payments of amounts withheld prior to January 1, 2008. Except as otherwise provided in Section 100.7310 or 100.7350, with respect to amounts withheld or required to be withheld prior to January 1, 2008:
- 1) Quarter-monthly tax payments. Every employer required to file a quarterly return under subsection (a) shall also file a quarter-monthly tax payment form if the amount of tax deducted and withheld during any quarter-monthly period plus the amount previously withheld and not remitted to the Department exceeds \$1,000. An employer need not file a quarter-monthly form if no quarter-monthly payment is due. Certain taxpayers with tax liabilities exceeding statutory thresholds are required to pay their tax liabilities by electronic funds transfer. 86 Ill. Adm. Code 750 sets forth the rules of the Department concerning payment of taxes by electronic funds transfer, as well as the statutory payment thresholds.
  - 2) Monthly tax payments. Every employer required to file a quarterly return under subsection (a) shall also file a monthly tax payment form if the amount of tax deducted and withheld during any calendar month plus the amount previously withheld and not remitted to this Department exceeds \$500 including amounts previously withheld and not remitted to the Department, but does not exceed \$1,000. An employer need not file a monthly form if no monthly payment is due. No monthly form is required for the third month in any calendar quarter. The information otherwise required to be reported on the monthly form for the third month in a calendar quarter shall be reported on the quarterly return filed for that quarter and no monthly form need be filed for that month.
- d) Payments of amounts withheld on or after January 1, 2008. Except as provided in

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Section 100.7310 or 100.7350, with respect to amounts withheld or required to be withheld on or after January 1, 2008:

- 1) Semi-weekly tax payments
  - A) An employer who withheld or was required to withhold more than \$12,000 during the look-back period for a calendar year must make semi-weekly payments for the entire calendar year.
  - B) An employer who withholds or is required to withhold more than \$12,000 in any quarter of a calendar year is required to make semi-weekly payments of amounts withheld or required to be withheld during each remaining quarter of that calendar year and for the subsequent calendar year. (See IITA Section 704A(c)(1).)
- 2) Monthly tax payments. An employer who is not required to make semi-weekly payments shall make monthly payments of taxes withheld or required to be withheld. (See IITA Section 704A(c)(3).)

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.20                      Proposed Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/11-501(a)(7), 625 ILCS 5/11-601.5
- 5) A Complete Description of the Subjects and Issues Involved: Implements PA 99-681, relating to the traffic offense of failure to change lanes when approaching a disabled vehicle; Implements PA 99-697 by adding a driver's license sanction for operating a motor vehicle or being in actual physical control of a motor vehicle with a tetrahydrocannabinol concentration of 5 nanograms or more in whole blood or 10 nanograms of more in another bodily substance and revising the penalties for possession of cannabis while operating a motor vehicle in accordance with the statutory revisions.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers</u> :	<u>Proposed Actions</u> :	<u>Illinois Register Citations</u> :
1040.1	Amendment	41 Ill. Reg. 47; January 6, 2017
1040.102	Amendment	41 Ill. Reg. 47; January 6, 2017
- 11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the prepared amendments are posted on the Secretary of State's website, [www.sos.il.us/departments/index/home](http://www.sos.il.us/departments/index/home) as part of the *Illinois Register*. Interested

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persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield IL 62723

217/557-4462

- 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 two most recent agendas because the need for this rulemaking was not anticipated at the time the agendas were prepared.

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1040  
CANCELLATION, REVOCATION OR SUSPENSION  
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.44	Suspension or Revocation for Violation of Possession of Medical Cannabis in a Motor Vehicle
1040.46	Suspension or Revocation for Personal Injury Suspensions or Revocations

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- 1040.48 Vehicle Emission Suspensions (Repealed)
- 1040.50 Occupational Driving Permit
- 1040.52 Driver Remedial Education Course
- 1040.55 Suspension or Revocation for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 Problem Driver Pointer System
- 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person  
Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned  
Checks Actions
- 1040.105 Suspension for Five or More Tollway Violations and/or Evasions
- 1040.107 Suspension for Violation of Improperly Approaching a  
Stationary Emergency Vehicle
- 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
- 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations
- 1040.110 Bribery
- 1040.111 Suspension for Failure to Yield upon Entering a Construction or Maintenance  
Zone when Workers Are Present
- 1040.115 Suspension for Theft of Motor Fuel
- 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting  
False/Fraudulent Documents; Notification by Department of Administrative  
Hearings
- 1040.117 Suspension for Concealment or Obstruction of Registration to Hinder Law  
Enforcement

**AUTHORITY:** Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1,

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1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective

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January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011; amended at 36 Ill. Reg. 10055, effective June 29, 2012; amended at 36 Ill. Reg. 11211, effective July 5, 2012; amended at 37 Ill. Reg. 1762, effective January 25, 2013; amended at 37 Ill. Reg. 8832, effective June 17, 2013; amended at 38 Ill. Reg. 9591, effective April 15, 2014; amended at 39 Ill. Reg. 9475, effective June 23, 2015; amended at 39 Ill. Reg. 11648, effective July 28, 2015; amended at 39 Ill. Reg. 14983, effective October 29, 2015; amended at 40 Ill. Reg. 7372, effective May 2, 2016; amended at 40 Ill. Reg. 15417, effective December 1, 2016; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1040.20 Illinois Offense Table**

- a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (Type Action) and used as a source of information. In the absence of statutory amendment, this Section shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out in subsections (c) and (d).
  - 1) Classification for convictions of traffic offenses:
    - Type Action 68: Record history item only
    - Type Action 82: Conviction
    - Type Action 83: Immediate action (no points assigned)
    - Type Action 85: Conviction (no points assigned)
    - Type Action 87: Conviction (points assigned)
    - Type Action 89: Withdrawal (no points assigned)
    - Type Action 93: Immediate action bond forfeiture (no points assigned)
    - Type Action 94: Immediate action conviction (no points assigned)
    - Type Action 95: Bond forfeiture (no points assigned)
    - Type Action 96: Conviction (no points assigned)
    - Type Action 97: Bond forfeiture (points assigned – moving violation)
    - Type Action 99: Conviction (points assigned – moving violation)
  - 2) Description of Offense: The code used to describe the offense is composed of the IVC Chapter and/or Section number, the Municipal Code of the City of Chicago (Municipal Code of Chicago, Title 9), the Criminal Code of 2012 [720 ILCS 5], the Cannabis Control Act [720 ILCS 550],

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the Illinois Controlled Substances Act [720 ILCS 570], the Liquor Control Act of 1934 [235 ILCS 5/Art. VI], or the Illinois Identification Card Act [15 ILCS 335]. Preceding the Section number for these codes, with the exception of those listed in subsection (a)(1), will be a single digit code to identify the specific law that will be as follows:

- 0 – The Criminal Code of 2012, Cannabis Control Act, Illinois Controlled Substances Act, the Liquor Control Act of 1934, or the Illinois Identification Card Act
- 1 – Illinois Vehicle Code
- 2 – Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code Violations with the exception of the first digit that shall be a "2"
- 4 – Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the IVC [625 ILCS 5/Ch. 4, Art. I]
- 6 – The Illinois Driver Licensing Law
- 7 – Municipal Code of Chicago
- 8 – Foreign state and other (all out-of-state convictions to be considered are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit, which shall be an "8")

NOTE: The position for the single digit codes 1, 2, 6 or 8, will be symbolized by a # throughout the point table set out in this Part.

- 3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles per hour (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out in this Part).
- 4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of IVC Section 6-206(a)(2), as well as the number of points that should be assigned to those

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convictions, which in turn determines the length and/or type of such action.

- A) A thorough review of literature relating to the general concept of point systems utilized by other states.
- B) A specific review of point systems and ranges of point assignments utilized by other states.
- C) An exhaustive and detailed review of the current Illinois point system.
- D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.

b) Illinois Vehicle Code, the Criminal Code of 2012, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act. The following violations of the Illinois Vehicle Code, the Criminal Code of 2012, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act will not be assigned points but will be entered on the record as Type Action -93- bond forfeiture immediate action; or Type Action -94- conviction immediate action.

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
3-413(j)	413010	3 413 J	Violation of modification of rear registration plate
3-707(c-1)	707301	3 707 C1	Convicted of driving without liability insurance
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor [625 ILCS 5/4-100]

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4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony [625 ILCS 5/Ch. 4, Art. I]
4-103.1	103100	4 103 01	Motor Vehicle Anti-Theft Law, conspiracy [625 ILCS 5/Ch. 4, Art. I]
6-101	101000	# 101 00	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(a)	104001	# 104 01	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	104003	# 104 03	Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(d)	104004	# 104 04	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)
6-104(e)	104005	# 104 05	Violation of religious bus driver endorsement (a serious traffic violation if committed in a commercial motor vehicle)
6-104(f)	104006	# 104 06	Violation of classification for transportation of the elderly (a

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			serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)
6-107.1(a)	107110	6 107.1A	Violation of instruction permit
6-107.1(b)	107120	6 107.1B	Violation of curfew law (prior to 1-1-08)
6-107.1(b)	107102	6 107.1B	Violation of nighttime driving restrictions – under the age of 18 (effective 1-1-08)
6-110(a)	110000	6 110 00	Violation of curfew law – under age of 17 (Child Curfew Act [720 ILCS 555/1 and 2])
6-110(a-1)	110101	6 110 A-1	Violation of nighttime driving restrictions
6-113(e)	113501	# 113 E1	Violation of driver's license restriction
6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit
6-205(a)3	205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used
6-205(a)5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other

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			law relating to the ownership or the operation of a motor vehicle
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act of 1987 [705 ILCS 405/1-8] that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-206.2(a)	206201	6 206.2 A	Operating a vehicle without interlock device when one is required
6-206.2(a-5)	206215	6 206.2 A-5	Allowing an unauthorized person to blow into an interlock device
6-206.2(c)	206203	# 206 02c	Tamper with or circumvent a BAIID
6-210(1)	210001	# 210 01	Driving during the period of suspension/revocation
6-210(2)	210002	# 210 02	Driving during the period of suspension/revocation
6-301(1)	301001	# 301 01	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit
6-301(2)	301002	# 301 02	To lend his license or permit to any other person or knowingly allow the use thereof by another

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6-301(3)	301003	# 301 03	To display or represent as his own any license or permit issued to another
6-301(4)	301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent or any peace officer, upon his lawful demand, any license or permit that has been suspended, revoked or cancelled
6-301(5)	301005	# 301 05	To allow any unlawful use of a license or permit issued to him
6-301(6)	301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person
6-301.1(b)1	301121	# 301121	Possess fictitious altered driver's license or permit
6-301.1(b)2	301122	# 301122	Possess/display altered fictitious driver's license or permit
6-301.1(b)3	301123	# 301123	Possess fictitious altered driver's license or permit
6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit

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6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b)8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.1(b)10	301120	# 301120	To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for, or to board or attempt to board any common carrier
6-301.1(b)11	011211	# 3011211	To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has, at the time, a different driver's license issued by the Illinois Secretary of State or other driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's license or permit
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit

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6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-301.2(b)11	012211	# 3012211	To knowingly use a fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier as used in this Section
6-301.2(b)12	012212	# 3012212	To knowingly possess any fraudulent driver's license or permit if the person has, at the time, a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b-1)	301201	# 3012b-1	Possess, use, or allow to be used any material to obtain information from the bar code or magnetic strip of an official Illinois Driver's License issued by the Secretary of State

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6-302(a)1	302101	# 302101	Present false information in an application. For driver's license/permit
6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/permit
6-302(a)3	302103	# 302103	Make false affidavit swear or affirm falsely
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(a)3	303103	#303 A3	Second or subsequent conviction of driving during a revocation or suspension involving personal injury or death
6-303(d)	303400	# 303 D0	Second conviction of driving during revocation for a violation of Sections 11-401 and 11-501 and Section 9-3 of the Criminal Code of 2012 or similar provisions of a local ordinance
6-303(d)2	303402	# 303 D2	Third conviction of driving during a revocation or violations of Sections 11-401 and 11-501 and Section 9-3 of the Criminal Code of 2012 or similar provisions of a local ordinance
6-303(d)3	303403	# 303 D3	Fourth or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-

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			501 and Section 9-3 of the Criminal Code of 2012 or similar provisions of a local ordinance
6-303(d)4	303404	6-303(D-4)	Tenth through fourteenth conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 or Section 9-3 of the Criminal Code of 2012 or similar provisions of a local ordinance
6-303(d)5	303405	6-303(D-5)	Fifteenth or subsequent conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 or Section 9-3 of the Criminal Code of 2012 or a similar provision of a local ordinance
6-507(a)2	507102	# 507 A2	Driving a commercial motor vehicle (CMV) without obtaining a commercial driver's license (CDL)
6-507(a)3	507103	# 507 A3	Driving without the proper class of commercial learner's permit (CLP) or commercial driver's license (CDL) or endorsements
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, cancelled, nor while subject to disqualification or while subject to or in violation of an "out-of-service" order
6-507(b)1	507201	# 507 B1	No person may drive a commercial motor vehicle while driving privileges, license, or permit is

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			suspended, revoked, cancelled or disqualified
6-507(b)2	507202	# 507 B2	No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order
6-507(b)3	507203	# 507 B3	No person may drive commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-507(b)5	507250	# 507 B5	Driving commercial motor vehicle in violation of out-of-service order
8-101	008000	8000	Failure to show proof of financial responsibility – persons who operate motor vehicles in transportation of passengers for hire
11-204	020400	# 0204 00	Fleeing or attempting to elude a peace officer
11-204.1	020401	# 0204 01	Aggravated fleeing or eluding a peace officer
11-401	040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	040202	# 0402 02	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000

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11-406(a)	040610	# 0406 A0	Failure to make report of vehicle accident
11-406(b)	040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	050111	# 0501 A1	Driving with a blood alcohol concentration above the legal limit
11-501(a)2	050112	# 0501 A2	Driving while under the influence of alcohol
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs (prior to 1-1-99)
11-501(a)3	050103	# 0501 A3	Driving while under the influence of any intoxicating compound or combination of intoxicating compounds (effective 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving under the combined influence of alcohol and other drug or drugs (prior to 1-1-99)
11-501(a)4	050104	# 0501 A4	Driving while under the influence of any other drug or combination of drugs (effective 1-1-99)
11-501(a)5	050115	# 0501 A5	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act (prior to 1-1-99)

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11-501(a)5	050105	# 0501 A5	Driving while under the combined influence of alcohol and other drug or drugs or intoxicating compound or compounds (effective 1-1-99)
11-501(a)6	050106	# 0501 A6	Driving while there is any amount of a drug, substance or compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis, a controlled substance or an intoxicating compound (effective 1-1-99)
<u>11-501(a)7</u>	<u>050107</u>	<u>#0501 A7</u>	<u>Tetrahydrocannabinol concentration within 2 hours of driving (effective 7-28-16)</u>
11-501(b)	501200	# 11-0501 B	Initial conviction of violating Section 11-501(b)
11-501(b-3)	050123	# 0501 B-3	Second conviction of violating Section 11-501(a) or a similar provision committed within 5 years of a previous violation of Section 11-501(a) or similar provision
11-501(b-4)	050124	# 0501 B-4	Third or subsequent violation committed within 5 years of a previous violation of Section 11-501(a) or a similar provision
11-501(c)	501300	# 11-0501 C	A violation of Section 11-501(c)
11-501(c-1)1	501311	# 0501 C11	Driving under the influence while revoked for driving while under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the

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			Criminal Code of 2012, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-1)2	501312	# 0501 C12	Third violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code of 2012, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-1)3	501313	# 0501 C13	Fourth or subsequent violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code of 2012, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-4)1	501341	# 0501 C41	Convicted of violating Section 11-501(a) for first time when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)2	501342	# 0501 C42	Second conviction within 10 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)3	501343	# 0501 C43	Third conviction within 20 years for violating Section 11-501(a) when

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			blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 4 felony
11-501(c-4)4	501344	# 0501 C44	Fourth or subsequent conviction for violating Section 11-501(a) when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 2 felony
11-501(c-5)1	501351	# 0501 C5(1)	Violation of Section 11-501(a) while transporting a person under the age of 16
11-501(c-5)2	501352	# 0501 C5(2)	Second violation of Section 11-501(a) and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)3	501353	# 0501 C5(3)	Second violation of Section 11-501(a) or a similar provision within 10 years and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)4	501354	# 0501 C5(4)	Second conviction of Section 11-501(a) or a similar provision within 5 years and at the time of the violation the person was transporting a person under the age of 16

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11-501(c-5)5	501355	# 0501 C5(5)	Third conviction for violating Section 11-501(a) or a similar provision and at the time of the violation the person was transporting a person under the age of 16 (felony)
11-501(c-5)6	501356	# 0501 C5(6)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time the person was transporting a person under the age of 16 (felony)
11-501(c-5)7	501357	# 0501 C5(7)	Fourth or subsequent conviction for violating Section 11-501(a) or similar provision and at the time of the fourth or subsequent violation the person was transporting a person under age 16, 3 prior violations of transporting a person under age 16 or while BAC .16 or more (felony)
11-501(c-6)1	501361	# 0501 C6(1)	Conviction of Section 11-501(a) or a similar provision and the alcohol concentration was .16 or more
11-501(c-6)2	501362	# 0501 C6(2)	Second conviction of Section 11-501(a) or a similar provision within 10 years and at the time the BAC was .16 or more
11-501(c-6)3	501363	# 0501 C6(3)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time of the violation the person's BAC was .16 or more (felony)
11-501(c-6)4	501364	# 0501 C6(4)	Fourth or subsequent conviction for violating Section 11-501(a) or a

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			similar provision and at the time of the fourth or subsequent violation the person's BAC was .16 or more, three prior convictions of transporting a person under the age of 16 or while BAC was .16 or more (felony)
11-501(d)	501400	# 0501 D	A violation of Section 11-501(d)
11-501(d)1	050141	# 0501 D1	Such person committed a violation of Section 11-501(a) for the third or subsequent time
11-501(d)2	050142	# 0501 D2	Such person committed a violation of Section 11-501(a) while driving a school bus with children on board
11-501(d)3	050143	# 0501 D3	Such person in committing a violation of Section 11-501(a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries
11-501(d)4	050144	# 0501 D4	Committed a violation of Section 11-501(a) for a second time and was previously convicted of violating Section 9-3 of the Criminal Code of 2012 for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense

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11-501(d)1A	501411	# 0501D1A	Convicted of committing a violation of Section 11-501(a) for the third or subsequent time
11-501(d)1B	501412	# 0501D1B	Such person committed a violation of Section 11-501(a) while driving a school bus with children on board
11-501(d)1C	501413	# 0501D1C	Such person, in committing a violation of Section 11-501(a), was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another when such violation was the proximate cause of such injuries
11-501(d)1D	501414	# 0501D1D	Committed a violation of Section 11-501(a) for a second time and was previously convicted of violating Section 9-3 of the Criminal Code of 2012 for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense or Section 11-501(d)(1)(C) or (F)
11-501(d)1E	501415	# 0501D1E	Committed a violation of Section 11-501(a) in a school zone when a 20 MPH speed limit was in effect and was involved in an accident that resulted in bodily harm
11-501(d)1F	501416	# 0501D1F	Committed a violation of Section 11-501(a) and was involved in a motor vehicle, snowmobile, all-terrain vehicle or water craft accident that resulted in the death of

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			another person when the violation of Section 11-501(a) was a proximate cause of death
11-501(d)1G	501417	# 0501D1G	Committed a violation of Section 11-501(a) and the driver did not possess a valid driver's license or permit
11-501(d)1H	501418	# 0501D1H	Committed a violation of Section 11-501(a) and the driver knew that the vehicle being driven was not covered by a liability insurance policy
11-502.1(a)	050211	#05021A	Illegal possession of medical cannabis within the passenger area of any motor vehicle in this State
11-502.1(b)	050212	#05021B	Illegal possession of medical cannabis by an agent in a non-sealed medical cannabis container
11-502.1(c)	050213	#05021C	Illegal possession of medical cannabis by passenger within passenger area of any motor vehicle in this State
11-503(b)1	503201	# 0503B1	Reckless driving, bodily harm to a child or school crossing guard
11-503(c)	050303	# 050303	Aggravated reckless driving
11-503(d)	050304	# 0503 04	Aggravated reckless driving, great bodily harm to a child or school crossing guard
11-504	050400	# 0504 00	Drag racing

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11-506(a)	050601	#050601	Street racing
11-907(c)	090763	# 0907 P3	Failure to yield to a stopped emergency vehicle resulting in property damage
11-907(c)	090773	# 0907 I3	Failure to yield to a stopped emergency vehicle resulting in personal injury
11-907(c)	090783	# 0907 D3	Failure to yield to a stopped emergency vehicle resulting in death
11-908(a)1	090811	1 908 A1	Failure to yield and proceed with due caution upon entering a construction zone when workers are present
11-1301 3a-1	301311	# 13013A1	Unauthorized use of handicap placard or device
11-13-01 3a-2	301312	# 13013A2	Unauthorized use of deceased person's disability placard or device
11-1301.5(b)1	301521	1 13015B1	To knowingly possess any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device
11-1301.5(b)2	301522	1 13015B2	To knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)3	301523	1 13015B3	To knowingly alter any person-with-disabilities license plate or parking decal or device

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11-1301.5(b)4	301524	1 13015B4	To knowingly manufacture, possess, transfer, or provide any documentation used in the application process, whether real or fictitious, for the purpose of obtaining, a fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)5	301525	1 13015B5	To knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device
11-1301.5(b)6	301526	1 13015B6	To knowingly transfer a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to any authorized holder of a person-with-disabilities license plate or parking decal or device under this Code in the absence of the authorized holder
11-1301.5(b)7	301527	1 13015B7	Falsify a certification that a person is disabled
11-1301.6(b)1	301621	1 13016B1	To knowingly possess any fraudulent person-with-disabilities license plate or parking decal or devise
11-1301.6(b)2	301622	1 13016B2	To knowingly possess without authority any implement to duplicate and/or manufacture any person-

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			with-disabilities license plate or parking decal or device
11-1301.6(b)3	301623	1 13016B3	To knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen person-with-disabilities license plate or parking decal or devise
11-1301.6(b)4	301624	1 13016B4	To knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)5	301625	1 13016B5	To advertise or distribute a fraudulent person-with-disabilities license plate or parking decal or device
11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children (7-1-13)
11-1425(b)	142520	# 1425b	Failure to have space to drive through railroad crossing
11-1431	111431	#1431	Violation of solicitation of towing
12-215(g)	221507	# 2215 07	Conviction of Section 12-215 without lawful authority to stop
12-604.1(a-5)	604185	2 604D5	Aggravated use of video device accident involving death
12-610.1(b-5)	610185	2 610D5	Under age 19 aggravated wireless phone accident involving death

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12-610.1(e-5)	610585	2 601D5	Aggravated use wireless phone school/construction zone accident involving death
12-610.2(b-5)	610285	2 602D5	Aggravated electronic communication device accident involving death
<b>CRIMINAL CODE OF 2012 *****</b>	<b>EDPM OFFENSE CODE *****</b>	<b>ABSTRACT DESCRIPTION CODE *****</b>	<b>DESCRIPTION OF OFFENSE *****</b>
9-3	009003	9 03	Reckless homicide resulting from operation of a motor vehicle
11-15.1	011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	011191	11 191	Conviction of juvenile pimping
12-5	012005	12 05	Conviction of reckless conduct
12-13	012013	12 13	Conviction of criminal sexual assault
12-14	012014	12 14	Conviction of aggravated criminal sexual assault
12-15	012015	12 15	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse
16J-15	161015	16J-15	Conviction for violation of theft of motor fuel
16K-15	161115	16K-15	Conviction for violation of theft of motor fuel

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16-25(A)(1)	162511	16-25A1	Theft of motor fuel
18-3	0018003	18 3	Conviction of vehicular hijacking
18-4	0018004	18 4	Conviction of aggravated vehicular hijacking
21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635/2] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm
24-1.5(b)	241520	24 15B	Conviction of reckless discharge of a firearm

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THE LIQUOR CONTROL ACT OF 1934 *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage
6-20	006020	6-20	Violation of Section 6-20
6-20(a)	060201	6-20A	Violation of Section 6-20(a) of the Liquor Control Act
6-20(c)	060203	6-20C	Violation of Section 6-20(c) of the Liquor Control Act
6-20(d)	060204	6-20D	Violation of Section 6-20(d) of the Liquor Control Act
6-20(e)	060205	6-20E	Violation of Section 6-20(e) of the Liquor Control Act
CANNABIS CONTROL ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
<del>704(a)</del>	<del>070401</del>	<del>704-01</del>	<del>Conviction for violation of Section 4(a) concerning the possession of not more than 2.5 grams of any substance containing cannabis</del>
<del>704(b)</del>	<del>070402</del>	<del>704-02</del>	<del>Conviction for violation of Section 4(b) concerning the possession of more than 2.5 grams but more than 10 grams of any substance containing cannabis</del>
<u>550/4(b)</u>	<u>550402</u>	<u>550 4b</u>	<u>Conviction for violation of possessing more than 10 grams but</u>

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<del>704(e)</del>	<del>070403</del>	<del>704-03</del>	<u>not more than 30 grams of any substance containing cannabis (7-28-16)</u> <del>Conviction for violation of Section 4(e) concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis</del>
<u>550/4(c)</u>	<u>550403</u>	<u>550 4c</u>	<u>Conviction for violation of possessing more than 30 grams but not more than 100 grams of any substance containing cannabis (7-28-16)</u>
<del>704(d)</del>	<del>070404</del>	<del>704-04</del>	<del>Conviction for violation of Section 4(d) concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis</del>
<u>550/4(d)</u>	<u>550404</u>	<u>550 4d</u>	<u>Conviction for violation of possessing more than 100 grams but not more than 500 grams of any substance containing cannabis (7-28-16)</u>
<del>704(e)</del>	<del>070405</del>	<del>704-05</del>	<del>Conviction for violation of Section 4(e) concerning the possession of more than 500 grams of any substance containing cannabis</del>
<u>550/4(e)</u>	<u>550405</u>	<u>550 4e</u>	<u>Conviction for violation of possessing more than 500 grams but not more than 2,000 grams of any substance containing cannabis (7-28-16)</u>
<u>550/4(f)</u>	<u>550406</u>	<u>550 4(f)</u>	<u>Conviction for violation of possessing more than 2,000 grams but not more than 5,000 grams of</u>

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any substance containing cannabis (7-28-16)

550/4(g)

550407

550 4(g)

Conviction for violation of possessing more than 5,000 grams of any substance containing cannabis (7-28-16)

705

00705

705 00

Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis

707

00707

707 00

Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult

ILLINOIS  
CONTROLLED  
SUBSTANCES  
ACT  
\*\*\*\*\*

EDPM  
OFFENSE  
CODE  
\*\*\*\*\*

ABSTRACT  
DESCRIPTION  
CODE  
\*\*\*\*\*

DESCRIPTION OF OFFENSE  
\*\*\*\*\*

1401(a)

140101

1401 01

Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

1401(b)

140102

1401 02

Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

1401(c)

140103

1401 03

Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

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1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1402(a)1	014201	1402 01	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing heroin
1402(a)2	014202	1402 02	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing morphine

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1402(a)4	014204	1402 04	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)6	014206	1402 06	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine
1402(a)7	014207	1402 07	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)
1402(a)8	014208	1402 08	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
1402(a)9	014209	1402 09	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone

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1402(a)10	014210	1402 10	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)
1402(a)11	014211	1402 11	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II that is not otherwise included in this subsection
1402(b)	014220	1402 20	Conviction for violation of Section 402(b) concerning the possession of any other amount of a controlled or counterfeit substance
1407	014070	1407 00	Adult delivers controlled or counterfeit substances to minor
1407.1	014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances
2103	021003	21 03	Violation of the Drug Paraphernalia Control Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse

ILLINOIS IDENTIFICATION CARD ACT

EDPM OFFENSE CODE

ABSTRACT DESCRIPTION CODE

DESCRIPTION OF OFFENSE

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335-14a1	014101	14A1	To possess, display, or cause to be displayed any cancelled or revoked identification card
335-14a2	014102	14A2	To display or represent as the person's own any identification card issued to another
335-14a3	014103	14A3	To allow any unlawful use of an identification card issued to another person
335-14a4	014104	14A4	To lend an identification card to another or knowingly allow the use thereof
335-14a5	014105	14A5	To fail or refuse to surrender to the Secretary of State, the Secretary's agent, or any peace officer upon lawful demand, any identification card that has been revoked or cancelled
335-14a6	014106	14A6	To knowingly possess, use or allow to be used any materials, hardware or software specifically designed for or primarily used in the manufacture, assembly, issuance or authentication of an official Illinois identification card or Illinois disabled person identification card by the Secretary of State
335-14a7	014107	14A7	To knowingly possess, use or allow to be used a stolen identification card making implement
335-14(A-1)	014011	14-A-1	Possess or use materials to obtain information from an identification card

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335-14ab1	014121	14AB1	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card
335-14ab2	014122	14AB2	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the purpose of obtaining any account, credit, credit card, or debit card from a bank, financial institution, or retail mercantile establishment
335-14ab3	014123	14AB3	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this state or any law of any other jurisdiction
335-14ab4	014124	14AB4	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14ab5	014125	14AB5	To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another

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335-14ab6	014126	14AB6	To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document
335-14ab7	014127	14AB7	To knowingly issue or assist in the issuance of any fictitious identification card
335-14ab8	014128	14AB8	To knowingly alter or attempt to alter any identification card
335-14ab9	014129	14AB9	To knowingly manufacture, possess transfer, or provide any identification document for the purpose of obtaining a fictitious identification card
335-14ab10	0141210	14AB10	To make application for the purpose of obtaining a fictitious identification card for another person
335-14ab11	0141211	14AB11	To obtain the services of another person to make application for the purpose of obtaining a fictitious identification card
335-14bb1	014221	14BB2	To knowingly possess, display or cause to be displayed any fraudulent identification card
335-14bb2	014222	14BB1	To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of

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			obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment
335-14bb3	014223	14BB3	To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction
335-14bb4	014224	14BB4	To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14bb5	014225	14BB5	To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
335-14bb6	014226	14BB6	To knowingly possess any fraudulent identification card with the intent to use the identification card to acquire any other identification document
335-14bb7	014227	14BB7	To knowingly possess without authority any identification card making implement

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335-14bb8	014228	14BB8	To knowingly possess any stolen implement for duplicating or manufacturing an identification card
335-14bb9	014229	14BB9	To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card
335-14bb10	0142210	14BB10	To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card
335-14cal	014311	14CA1	Present false information in application for identification card
335-14ca2	014312	14CA2	Accept false information in application for identification card
335-14ca3	014313	14CA3	Make false affidavit, swear or affirm falsely

c) Illinois Vehicle Code

The following point assigned violations will be entered on the driving record as Type Action -97- Bond forfeiture or Type Action -99- conviction

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
3-413(g)	413007	3 413 G	Operating a motor vehicle equipped with registration plate covers	10

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6-107(e)	107005	6 107 05	Violation of Graduated Driver's License (GDL) restrictions on passengers	10
6-107(f)	107006	6 107 06	Violation of GDL restrictions on passenger seat belt/child restraints	10
6-107(g)	107007	6 107 07	Violation of GDL restrictions on number of passengers	10
6-501	501000	6 501 00	Violation of more than one driver's license	50
6-507(a)(1)	507101	6 507 A1	Driving without a commercial driver's license (CDL) in possession (a serious traffic violation if committed in a commercial motor vehicle)	50
6-526(a)	526100	6 526 A	Texting while driving a commercial motor vehicle (a serious violation)	20
6-527(a)	527100	6 527 A	Using a hand held mobile telephone while driving a commercial motor vehicle (a serious violation)	20
11-203	020300	# 0203 00	Failure to obey lawful order of authorized officer	10
11-305	030500	# 0305 00	Disregarding official traffic control device	20
11-306	030600	# 0306 00	Disregarding traffic control light	20
11-308	030800	# 0308 00	Disregarding lane control signal	20

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11-309	030900	# 0309 00	Disregarding flashing traffic signal	20
11-402(a)	040201	# 0402 01	Collision involving damage to vehicles only – failure to stop, exchange information and make report	25
11-403	040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25
11-403	040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision – personal injury involved	50
11-403	040380	# 0403 H0	Failure to stop and exchange information or give aid after motor vehicle collision – fatality	50
11-404	040400	# 0404 00	Failure to notify owner after collision with unattended vehicle or other property	15
11-502(a)	050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55
11-505	050500	# 0505 00	Squealing or screeching tires	10

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11-507	050700	# 0507 00	Supervising minor driver while under the influence	20
11-601(a)	060100	# 0601 00	Speeding too fast for conditions or failure to reduce speed to avoid an accident	10
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-601(b)	060108	# 0601 08	26-29 MPH above limit (a serious violation if committed in a commercial motor vehicle) (arrests occurring prior to 1/27/11)	50
11-601(b)	601008	# 6010 08	26-30 MPH above limit (a serious violation if committed in a commercial motor vehicle) (arrests occurring on or after 1/27/11 and prior to 1/1/14)	50
11-601(b)	060109	# 0601 09	Over 29 MPH above limit (a serious violation if committed in a commercial motor vehicle) (arrests occurring prior to 1/27/11)	50

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11-601(b)	601009	#6010 09	Over 30 MPH above limit (a serious violation if committed in a commercial motor vehicle) (arrests occurring on or after 1/27/11 and prior to 1/1/14)	50
11-601.5	060109	# 0601 09	Driving 40 MPH or more in excess of the applicable speed limit (a serious violation if committed in a commercial motor vehicle) (arrests occurring prior to 1/27/11)	50
11-601.5(a)	060151	# 06015A	30-39 MPH above limit (a serious violation if committed in a commercial motor vehicle) (arrests occurring prior to 1/1/14)	50
11-601.5(a)	601051	#60105A	31-39 MPH above limit (a serious violation if committed in a commercial motor vehicle) (arrests occurring prior to 1/1/14)	50
11-601.5(a)	601510	#0601 510	26-34 MPH above limit (a serious violation in a commercial motor vehicle) (arrests occurring on or after 1/1/14)	50
11-601.5(b)	601520	#0601 520	35 MPH or more above limit (a serious violation in a commercial motor vehicle) (arrests occurring on or after 1/1/14)	50
11-601.5(b)	060152	# 06015B	40 or more MPH above limit (a serious violation if committed	50

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			in a commercial motor vehicle) (arrests occurring on or after 12/31/10 and prior to 1/1/14)	
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605(a)	060501	# 0605 01	Exceeding the maximum speed limit in a school zone (a serious violation in a commercial motor vehicle)	20
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605(e-5)1	605551	#605 5 51	Aggravated speeding in a school zone	55
11-605(e-5)2	605552	#605 5 52	Aggravated speeding in a school zone	55
11-605.1	060510	# 0605 1	Exceeding the maximum speed limit in a construction zone when workers are present (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605.1(a-5)	605115	# 605 1 15	Exceeding the maximum speed limit in a construction zone when workers are not present (a serious traffic violation if	10

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			committed in a commercial motor vehicle)	
<a href="#">11-605.1(d-5)1</a>	<a href="#">051451</a>	<a href="#">#051451</a>	<a href="#">Aggravated speeding in a construction zone. Speeding 26-34 mile per hour in excess of special speed limit (1-1-16)</a>	
11-605.1(d-5)2	051452	#05 4 52	Aggravated speeding in a construction zone <a href="#">35 miles per hour or more in excess of special speed limit (1-1-16)</a>	55
11-605.3b	060532	# 0605 3b	Exceeding the maximum speed limit on a park zone street	20
11-605.3c	060533	# 0605 3c	Failure to obey stop sign or red light on a park zone street	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	5
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	070100	# 0701 00	Failure to drive on right side of roadway	20
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle	20
11-703(a)	070301	# 0703 01	Improper passing on left	20
11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left	20

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11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-703(d)	070304	# 0703 04	Improper passing of bicycle or pedestrian	20
11-703(e)	070305	# 0703 05	Driving too close to, toward, or near a bicyclist, pedestrian or person riding a horse or driving an animal drawn vehicle	20
11-704	070400	# 0704 00	Improper passing on the right	20
11-705	070500	# 0705 00	Improper passing on the left	20
11-706	070600	# 0706 00	Driving on left side of roadway where prohibited	20
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone	20
11-707(d)	070704	# 0707 04	No passing in unincorporated area where there exists a school speed zone as defined in Section 11-605	10
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island	5
11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(b)	070902	# 0709 02	Improper center lane usage (a serious traffic violation if	20

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			committed in a commercial motor vehicle)	
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic	20
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25
11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-801	080100	# 0801 00	Improper turn at intersection	10
11-802	080200	# 0802 00	Improper U-turn	20
11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-804	080400	# 0804 00	Failure to give stop or turn signal	15
11-805	080500	# 0805 00	Improper stop or turn signal	15
11-806	080600	# 0806 00	Improper arm signal	15

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11-901	090100	# 0901 00	Failure to yield right-of-way at intersection	15
11-901.1	090101	# 901 01	Failure to yield right-of-way at T intersection	15
11-902	090200	# 0902 00	Improper left turn with oncoming traffic	25
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-905	090500	# 0905 00	Improper merging into traffic	20
11-906	090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20
11-907	090700	# 0907 00	Failure to yield right-of-way to emergency vehicle	15
11-907(c)	090703	# 0907 03	Failure to yield the right-of-way or drive with due caution upon approaching a stationary emergency vehicle	15
<u>11-907.5A</u>	<u>090751</u>	<u># 0907 5A</u>	<u>Failure to reduce speed/change lane for disabled vehicle (1-1-17)</u>	
11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any	15

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			highway construction or maintenance area	
11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15
11-1002(a)	100201	# 1002 01	Failure to stop and/or yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian	20
11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to pedestrian at an intersection	20
11-1002.5	100250	# 1002 50	Failure to stop and/or yield to a pedestrian at crosswalk in school zone	20
11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-1101	110100	# 1101 00	Improper passing of street car on the left	10

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11-1102	110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20
11-1103	110300	# 1103 00	Obstructing street car traffic	5
11-1104	110400	# 1104 00	Driving through safety zone	20
11-1201	120100	# 1201 00	Failure to stop for approaching railroad train, railroad track equipment or signal	20
11-1201(a)	120110	# 1201 A	For drivers who are not always required to stop, failing to stop before reaching the railroad crossing, if tracks are not clear (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(a)2	120112	# 1201 A2	Failing to obey a traffic control device or the directions of an enforcement official at the railroad crossing	20
11-1201(a-5)	120115	# 1201 A5	For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching train or railroad track equipment (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(d-1)	120141	# 1201 D1	For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance (serious traffic	20

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			violation if committed in a commercial motor vehicle)	
11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20
11-1202	120020	# 1202	Failure to stop before driving onto crossing	20
11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	20
11-1205	120500	# 1205 00	Failure to yield right-of-way upon emerging from alley or driveway	20
11-1402(a)	140201	# 1402 01	Limitations on backing	10
11-1402(b)	140202	# 1402 02	Limitations on backing upon controlled access highway	20
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel – reckless driving	55
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5
11-1405	140500	# 1405 00	Motorcycle equipment violation	5

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11-1412.1	141201	# 1412 01	Driving upon sidewalk	20
11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children (Discontinued 6/30/13)	25
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	10
11-1426.2g	142627	# 14262g	Operating a low speed vehicle without a valid license	15
11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadway	10
11-1505.1	150501	# 1505 01	Riding motorized pedalcycle more than two abreast on roadways	10
11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1510(b)	151020	# 1510 B0	Improper left turn on pedalcycle	10
12-201(b)	220102	# 2201 02	Head, tail or side light violation	10
12-208(a)	220801	# 2208 01	No stop lights	5
12-208(b)	220802	# 2208 02	No turn signal lights	5
12-208(c)	220803	# 2208 03	No turn signal lights on trailers or semi-trailers	5
12-301	230100	# 2301 00	Defective brakes	20
12-604.1(a)	260401	# 2604 1A	Abuse of use of a video device	15

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12-604.1(a-5)	604175	# 2604 1A5	Aggravated use of video device accident involving personal injury	30
12-610.1b	261012	# 2610 1B	Driver under age 18 using a wireless phone	10
12-610.1b	261010	# 2610 1b	Driving under age 19 using a wireless phone	
12-610.1(b-5)	610175	# 2610 1B5	Under age 19 aggravated wireless phone accident involving personal injury	30
12-610.1e	261015	# 2610 1e	Using a wireless phone in a school or construction zone or within 500 feet of an emergency scene (a serious violation if committed in a commercial motor vehicle)	15
12-610.1(e-5)	610575	# 2610 1E5	Aggravated use wireless phone school/construction zone accident involving personal injury	30
12-610.2b	261022	# 2610 2b	Using an electronic communications device (a serious violation if committed in a commercial motor vehicle) (Second or subsequent violation)	20
12-610.2(b-5)	610275	#2620 2b5	Aggravated electronic communication device accident involving personal injury	30
12-610.5b	261052	# 2610 5b	Unlawful use of registration plate covers	5

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12-804	280400	# 2804 00	School bus identification and warning light violation	5
15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	15
15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	10
15-114	511400	# 5114 00	Improper pushing of another vehicle	10

d) City of Chicago Traffic Regulations – Title 9 of the Municipal Code of Chicago  
 The following point assigned violations will be entered on the driving record as Type Action -97- bond forfeiture or Type Action -99- conviction

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
9-40-140	940140	9 40 140	Negligent driving	10

e) Illinois Vehicle Code  
 The following violations will be entered on the driving record as Type Action -95- bond forfeiture or Type Action -96- conviction with no point value:

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of accident

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11-506(b)	050602	# 0506 B	Vehicle owner permitting street racing
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Funeral procession violation
12-201(c)	220103	# 2201 03	Registration light violation
12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation
12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-218(b)	221802	#2218 00	Motorcycle auxiliary light violation
12-603.1	260301	# 2603 01	Violation of the seat belt act
12-604.1	260401	# 260401	Driving while using prohibited video devices
12-610.2(b)	261002	# 2610 2B	Using an electronic communication device (a serious violation if committed in a commercial motor vehicle) (First violation)
12-613(a)	261301	# 2613 A	Violation of possession and use of radar or laser jamming devices
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle

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12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
1104	001104	# 01104 00	Violation of the Child Passenger Protection Act [625 ILCS 25] – child under age 4
1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act [625 ILCS 25] – child age 4 but under age 6
25/4	250400	25 04	Violation of the Child Passenger Protection Act [625 ILCS 25] – child under age 4
25/4a	250401	25 04A	Violation of the Child Passenger Protection Act [625 ILCS 25] – child age 4 but under age 16
25/4b	250402	25 04B	Unrestrained – age 8 but under age 19 [625 ILCS 25]

## f) Case Review

- 1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in this Part.
- 2) Driver control action shall be entered upon the driver's record by classification (Type Action).

## A) Classification for driver control actions:

Type Action 01	Mandatory Revocation
Type Action 02	Discretionary Revocation
Type Action 03	Discretionary Suspension
Type Action 04	Safety Responsibility Suspension

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Type Action 05	Financial Responsibility Suspension
Type Action 06	Unsatisfied Judgment Suspension
Type Action 07	Mandatory Suspension
Type Action 08	Cancellation of License
Type Action 09	Mandatory Suspension
Type Action 17	Statutory Summary Suspension
Type Action 45	Cancellation/Suspension/Denial of School Bus Permit
Type Action DN	Denial of License and/or Privileges
Type Action DQ	Discretionary/Mandatory Disqualification
Type Action FR	Family Financial Responsibility Suspension
Type Action IV	Invalidation of License
Type Action MC	Mandatory Conviction Suspension
Type Action OS	Out of Service Law Enforcement History Item
Type Action ZT	Zero Tolerance Suspension

B) Description of driver control action:  
 The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code that provides the Secretary of State with the authority to take such action.

g) Mandatory Revocation – Type Action 01

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(a)1	205101	6 205 A1	Reckless homicide
6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle

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6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic accident involving death of personal injury – violation of Section 11-401
6-205(a)5	205105	6 205 A5	Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)6	205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period
6-205(a)7	205107	6 205 A7	Conviction of motor vehicle theft as defined in Section 4-102
6-205(a)8	205108	6 205 A8	Conviction of drag racing under Section 11-504
6-205(a)9	205109	6 205 A9	Violation of financial responsibility in operation of a motor vehicle for the purpose of hire (Chapter 8) or for rent (Chapter 9)
6-205(a)10	205110	6 205 A10	Reckless conduct, Section 12-5 of the Criminal Code of 2012
6-205(a)11	205111	6 205 A11	Conviction of aggravated fleeing or eluding a peace officer
6-205(a)12	205112	6 205 A12	Violation of Section 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle
6-205(a)13	205113	6 205 A13	A second or subsequent violation of Section 11-502(a) or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.
6-205(a)14	205114	6 205 A14	Conviction of Section 11-506(a) or a similar provision of a local ordinance relating to street racing

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6-205(a)15	205115	6 205 A15	A second or subsequent conviction of driving while the person's driver's license, permit or privilege was revoked for reckless homicide or a similar out-of-state offense
6-205(a)16	205116	6 205 A16	Conviction of any offense regulating the movement of traffic that was the proximate cause of death of any person
6-205(a)17	205117	6 205 A17	Unauthorized use of deceased person's disability placard or device
6-205(a)18	205118	6 205 A18	Second or subsequent conviction of illegal possession of a controlled substance or cannabis
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act of 1987, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in IVC Section 4-103
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-205(b)3	205203	6 205 B3	Committing a gang-related offense involving a motor vehicle or driver's license
6-205(c)	205300	6 205 C0	Revocation of a restricted driving permit
11-501.1	050101	1 0501 01	Statutory Summary Revocation

h) Discretionary Revocations and Suspensions – Type Action 02 or 03

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

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6-113(d)	113400	6 113 D0	Violation of a restriction on a license or permit
6-206(a)1	206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month period
6-206(a)3	206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	206105	6-206 A5	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)6	206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1
6-206(a)7	206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	206108	6 206 A8	Ineligible for license or permit under Section 6-103.
6-206(a)9	206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, ID card or permit
6-206(a)10	206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked

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6-206(a)12	206112	6-206 A12	Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)13	206113	6 206 A13	Violation of Curfew Act (prior to 1-1-08)
6-206(a)13	206113	6 206 A13	Violation of nighttime driving restrictions (effective 1-1-08)
6-206(a)14	206114	6 206 A14	Unlawful use of license or permit under IVC Section 6-301 or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335]
6-206(a)15	206115	6 206 A15	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 2012
6-206(a)16	206116	6 206 A16	Violation of Section 11-204, fleeing from a peace officer
6-206(a)17	206117	6 206 A17	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)18	206118	6 206 A18	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)19	206119	6 206 A19	Has violated Section 6-101 – driving without a valid license
6-206(a)20	206120	6 206 A20	Has violated Section 6-104 – driving without a proper classification on a driver's license

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6-206(a)21	206121	6 206 A21	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)22	206122	6 206 A22	Has used a motor vehicle in violation of Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 2012
6-206(a)23	206123	6 206 A23	Has been convicted of violating Section 11-502(a) for a second or subsequent time within one year
6-206(a)24	206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense that is the same or similar to an offense specified under Section 6-205 or 6-206 or in another state
6-206(a)25	206125	6 206 A25	Has permitted any form of identification to be used by another in the application process in order to obtain a license, identification card or permit
6-206(a)26	206126	6 206 A26	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)27	206127	6 206 A27	Has violated Section 6-16 of the Liquor Control Act of 1934
6-206(a)28	206128	6 206 A28	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle

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6-206(a)29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse while operating a motor vehicle
6-206(a)30	206130	6 206 A30	Conviction of a second or subsequent time of a sex offense and/or an offense against drug laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)
6-206(a)31	206131	6 206 A31	Refused to submit/failed test as required by Section 11-501.6
6-206(a)32	206132	6 206 A32	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 2012
6-206(a)33	206133	6 206 A33	A violation of Section 11-502(a) or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-206(a)34	206134	6 206 A34	Two or more convictions of moving traffic violations committed within a 24-month period (Type Action 02 prior to 8-8-98) (Type Action 03 prior to 8-11-98)
6-206(a)34	206134	6 206 A34	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 (effective 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 (prior to 8-8-98)

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6-206(a)35	206135	6 206 A35	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 (effective 8-8-98)
6-206(a)36	206136	6 206 A36	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 (prior to 8-8-98)
6-206(a)36	206136	6 206 A36	Two or more convictions of moving traffic violations committed within a 24 month period (Type Action 02 effective 8-8-98) (Type Action 03 effective 8-11-98)
6-206(a)37	206137	6 206 A37	Has been convicted of a violation of Section 11-907(c) that resulted in property damage, personal injury, or death
6-206(a)38	206138	6 206 A38	Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934
6-206(a)39	206139	6 206 A39	Has committed a second or subsequent violation of Section 11-1201
6-206(a)40	206140	6 206 A40	Failure to yield and proceed with due caution upon entering a construction zone when workers are present
6-206(a)41	206141	6 206 A41	Committed a second or subsequent violation of Section 11-605.1 of the Illinois Vehicle Code, a similar provision of a local ordinance or a similar violation in any other state, within 2 years of the date of the previous violation
6-206(a)42	206142	6 206 A42	Has committed a violation of Section 11-1301.3(a-1)

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6-206(a)43	206143	6 206 A43	Supervision for violation of Section 6-20 of the Liquor Control Act
6-206(a)44	206144	6 206 A44	Has been convicted of a moving violation after having previously been suspended or revoked pursuant to Section 6-206(a)36
6-206(a)45	206145	6 206 A45	Committed perjury or submitted false documents at a formal hearing
6-206(a)46	206146	6 206 A46	Has committed a violation of subsection (j) of Section 3-413
6-206(a)47	206147	6 206 A47	Has committed a violation of Section 11-502.1
6-206(c)3	206303	6 206 C3	Conviction of an offense while holding a Restricted Driving Permit
6-206.1(J)	206010	6 206.1 J	Violation of the requirements of the monitoring device driving permit (MDDP)
6-206.1(L)	206012	6 206.1 L	Convicted or received court supervision of violation listed in Section 6-206.1(c-1) or de-installed MDDP without authorization

i) Discretionary or Mandatory – Suspension – Type Action 03, 07, 09, 17, or ZT

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(c)	205300	6 205 C0	Suspension of a Restricted Driving Permit
6-205.2	205002	6 205 02	Theft of motor fuel
6-303(b)	303200	6 303 B0	Driving while license or permit has been revoked or suspended

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6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines – parking violations or automated traffic law violations
6-306.7	306007	6 306 07	Failure to pay fines – Illinois State Toll Highway Authority
6-308	308000	6 308 00	Failure to Appear – Traffic Violation
11-406(e)	040650	1 0406 E0	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406
11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-501.8	050108	1 0501 08	Zero Tolerance Suspension
11-501.9	050109	1 0501 09	Medical Cannabis Suspension
11-1414(f)	141460	1 1414 F0	Failure to stop for school bus when loading or discharging passengers
11-1425(d)	142540	1 1425 D	Failure to have space to drive through railroad crossing
11-1431(b)	114312	1 1431 B	Suspension of Towing
<del>13A-112(b)</del>	<del>311122</del>	<del>13A-112-B</del>	<del>Vehicle Emissions Suspension</del>
<del>13B-55(b)</del>	<del>132552</del>	<del>13B-55B</del>	<del>Vehicle Emissions Suspension</del>

j) Safety Responsibility Suspension – Type Action 04

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NOTICE OF PROPOSED AMENDMENT

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-201			Motor vehicle operator and/or owner of a vehicle involved in an accident in excess of \$500 without liability insurance coverage, with a reasonable possibility of a civil judgment being entered in court

k) Financial Responsibility Suspension – Type Action 05

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-305			Failure to maintain proof of financial responsibility (SR-22 insurance) for a designated period of time

UNIFIED CODE OF CORRECTIONS *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
730/5	5-6-3.1(m)		Fail to file proof of financial responsibility after receiving supervision or three convictions for a mandatory insurance violation

l) Unsatisfied Judgment Suspension – Type Action 06

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****

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NOTICE OF PROPOSED AMENDMENT

7-303

Failure to satisfy court judgment relating to property damage or personal injury resulting from the operation of any motor vehicle

m) Cancellation – Type Action 08

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-108(1)	108001	6 108 01	Request for withdrawal of consent
6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
6-108(A)(5)	108105	6 108 A5	Failed to disclose a pending citation at the time of the graduated driver's license application
<a href="#">6-108(b)0</a>	<a href="#">108200</a>	<a href="#">6108 B0</a>	<a href="#">Violation of Cannabis Control Act/Illinois Controlled Substances Act</a>
6-108(4)	108004	6 108 04	Reported to be a chronic or habitual truant as defined in Section 26-2a of the School Code [105 ILCS 5/26-2a]
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or permit
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due

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6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application
6-201(a)5	201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)7	201107	6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle
6-201(a)8	201108	6 201 A8	Failed to notify Secretary of State of a medical condition that is likely to cause loss of consciousness or loss of ability to safely operate a motor vehicle within 10 days after becoming aware of the condition
6-201(a)9	201109	6 201 A9	Convicted of a sex offense as defined in the Sex Offender Registration Act [730 ILCS 150]
6-201(a)11	201111	6 201 A11	Refused or neglected to appear at a driver services facility to have a license corrected or failed to appear to present documentation for verification of identity
6-201(a)12	201112	6 201 A12	Fraudulent document or failed to submit medical card/variance
6-201(a)13	201113	6 201 A13	Medical Certification/variance removed by FMCSA
6-201(a)14	201114	6 201 A14	Failure to self certify
6-201(a)15	201115	6 201 A15	Out of state resident/SR22 not required

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6-205(c)	205300	6 205 C0	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205
6-206(c)3	206303	6 206 C3	Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206
6-206.1(a)4	206014	6 206.1 A4	Failure to install BAIID
6-206.1(c-1)	206013	6 206.1 C-1	De-installed BAIID without prior authorization from Secretary of State

ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
335 13(b)1	013201	335-13 B1	Not entitled to the issuance of an identification card
335 13(b)2	013202	335-13 B2	False statement or knowingly concealed a material fact in your application for an identification card
335 13(b)3	013203	335-13 B3	Displayed or represented as your own an identification card not issued to you
335 13(b)4	013204	335-13 B4	Permitted an unlawful use of your identification card by allowing another person to use your identification card
335 13(b)5	013205	335-13 B5	Signature of the applicant or the signature on the identification card is a forgery
335 13(b)6	013206	335-13 B6	Identification card has been used for an unlawful or fraudulent purpose
335 13(b)7	013207	335-13 B7	Identification card has been altered or defaced

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335 13(b)8	013208	335-13 B8	Identification card has been duplicated for any purpose
335 13(b)9	013209	335-13 B9	Identification card was utilized for counterfeit purposes
335 13(b)10	013210	335-13 B10	Not a disabled person as defined in Section 4A of the Illinois Identification Card Act
335 13(b)11	013211	335-13 B11	The holder failed to appear at a Driver Services Facility for the re-issuance of an identification card or was issued based on invalid, altered, fictitious or fraudulent documents

n) Discretionary/Mandatory Cancellation/Suspension/Denial of School Bus Driver Permit – Type Action 45

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-106.1	106001	6 106 01	Discretionary/mandatory suspension/cancellation/denial of a school bus driver permit pursuant to Section 6-106.1
6-106.1(a)	106011		Zero tolerance cancellation of school bus driver permit

o) Denial – Type Action DN

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-103(18)			Denial of driver's license and/or driving privileges pursuant to Section 6-103(18)

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- 6-107(c) Denial of driver's license and/or driving privileges pursuant to Section 6-107(c)
- 6-107(d) Denial of driver's license pursuant to Section 6-107(d)
- 6-108.1 Denial of driver's license pursuant to Section 6-108.1

p) Discretionary/Mandatory Disqualification – Type Action DQ

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/non-commercial motor vehicle with alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood, breath or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act or Methamphetamine Control and Community Protection Act
6-514(a)3I	514131	6 514 A31	Driving under influence of alcohol/other drugs
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony

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6-514(b)	514200	6 514 B	Second conviction of violation Section 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug offenses using commercial motor vehicle
6-514(e)	514500	6-514 E	Conviction of 2 or more serious traffic violations within 3 years
6-514(i)1	514901	6-514 I1	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)2	514902	6 514 I2	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)3	514903	6 514 I3	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)4	514904	6 514 I4	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)5	514905	6 514 I5	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order

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			order and while transporting passengers or hazardous materials
6-514(i)6	514906	6 515 I6	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(j)2i	514021	6 514 J2i	Convicted for a first violation of railroad-highway grade crossing
6-514(j)2ii	514022	6 514 J2ii	Convicted for a second violation of railroad-highway grade crossing within a three-year period
6-514(j)2iii	514023	6 514 J2iii	Convicted of a third or subsequent violation of railroad-highway grade crossing within a three-year period
6-514(k)	514110	6 514 K	Notification of a disqualification of a driver's CMV privileges imposed by USDOT, Federal Motor Carrier Safety Administration, in accordance with 49 CFR 383.52, the Secretary of State shall immediately record the notice of disqualification and confirm the action to the driver
6-514(a)3iv	514134	6 514 A3iv	Driving a CMV when, as a result of prior violations committed while operating a CMV, the driver's CDL is revoked, suspended, disqualified or cancelled
6-514(a)3v	514135	6 514 3v	Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide

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q) Family Financial Responsibility Suspension – Type Action FR

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-702	702000	7 702 00	Individuals who are 90 days or more delinquent in court ordered child support payments and have been found in contempt by the court
7-703			Individuals who are 90 days or more delinquent in court ordered child support payment
7-704.1			Individual certified by Illinois Department of Healthcare & Family Services of delinquency of child support payments
7-705.2			Receipt of court order indicating the driver has engaged in abuse of a child visitation order

r) Invalidation – Type Action IV

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-301.3			Invalidation of driver's license or permit pursuant to Section 6-301.3

s) Out-Of-Service – Law Enforcement Sanction History Item – Type Action OS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
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6-515 515000 6 515 24 hour out-of-service order

t) The following violations will not be assigned points but will be entered on the driving record as Type Action -68- record history item conviction. In the following Table, ACD means AAMVANet Code Dictionary.

ACD CODE	DESCRIPTION OF OFFENSE
A24	Driving under the influence of medication not intended to intoxicate
A33	Illegal possession of drugs (controlled substances)
A60	Underage conviction of drinking and driving at .02 or higher BAC
A61	Underage Administrative Per Se – drinking and driving at .02 or higher BAC
B63	Failed to file future proof of financial responsibility
B64	Failed to file insurance certification
B65	Failed to file medical/certification disability information
B74	Failed to show insurance certification
B78	Failed to show non-commercial driver's license (includes Instruction Permit)
D02	Misrepresentation of identity or other facts on application, including required self-certifications, for non-commercial permit or license
D16	Present or use improperly driver's license (includes DL, CDL, and Instruction Permit)
D35	Failure to comply with financial responsibility law
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment

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- D38 Failure to post security or obtain release from liability
- D39 Unsatisfied judgment
- D45 Failure to appear for trial or court appearance
- D51 Failure to make required payment of child support
- D53 Failure to make required payment of fines and costs
- D56 Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
- D72 Inability to control vehicle
- D74 Operating a motor vehicle improperly due to drowsiness
- D75 Operating a motor vehicle improperly due to physical or mental disability
- E03 Operating without HAZMAT safety equipment as required by law
- E04 Operating without HAZMAT placards/markings as required by law
- E37 Defective tires (Retired 09-01-13)
- E50 Failure to use equipment as required
- E53 Failure to use HAZMAT safety devices as required
- E54 Failure to use headlight dimmer as required (arrests occurring after 12-31-07)
- E57 Failure to use snow tires or chains as required
- E70 Equipment used improperly or obstructed
- F05 Carrying unsecured passengers in open area of vehicle

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- F06 Improper operation of or riding on a motorcycle
- F34 Stopping, standing or parking: obstructing or impeding traffic with a motor vehicle
- F66 Unsafe condition of vehicle (no specified component) (Retired 09-01-13)
- M02 Failure to obey barrier
- M03 Failure to obey construction or maintenance zone markers
- M04 Failure to obey flagger
- M09 Failure to obey railroad crossing restrictions
- M13 Failure to obey school crossing guard
- M32 Following emergency vehicle unlawfully
- M33 Following fire equipment unlawfully
- M43 Ran off road
- M47 Improper lane or location – in bicycle lane
- M55 Improper lane or location – on rail or streetcar tracks
- M80 Inattentive, careless or negligent driving
- M81 Careless driving
- M82 Inattentive driving
- M83 Negligent driving
- N02 Failure to yield right of way to animal rider or animal-drawn vehicle
- N41 Failure to cancel directional signals

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- N44 Giving wrong signal
- N80 Coasting (operating with gears disengaged)
- N84 Unsafe operation
- S97 Operating at erratic or suddenly changing speeds
- U02 Resisting arrest while operating a motor vehicle
- U04 Using a motor vehicle in connection with a misdemeanor (not a traffic offense)
- U05 Using a motor vehicle to aid and abet a felon
- U06 Vehicular assault
- U21 Illegal operation of emergency vehicle
- W80 Failed employer-directed drug test
- W81 Refusal to submit to an employer-directed drug test

u) The following violations will not be assigned points but will be entered on the driving record as Type Action -82- conviction immediate action:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A04	Driving under the influence of alcohol with BAC of at least .04 but not greater than .079
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at _____
A12	Refuse to submit to test for alcohol – Implied Consent Law

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- A20 Driving under the influence of alcohol or drugs
- A21 Driving under the influence of alcohol
- A22 Driving under the influence of drugs
- A23 Driving under the influence of alcohol and drugs
- A25 Driving while impaired
- A90 Admin Per Se for BAC at or over .10
- A91 Admin Per Se for BAC at \_\_\_\_\_ (detail field required)
- A94 Admin Per Se for BAC of at least .04 but not greater than .079
- A98 DUI at .08 Admin
- B21 Driving while license barred
- B22 Driving while license cancelled
- B23 Driving while license denied
- B27 Violating a driver or vehicle out-of-service order (for violations not covered by B19)
- D06 Misrepresentation of identify or other facts to obtain alcohol
- D07 Possess multiple driver's licenses (including DL, CDL and Instruction Permit) (Serious violation)
- D10 Manufacture or duplicate false driver's license (includes DL, CDL and Instruction Permit)
- D27 Violate limited license conditions (Serious violation)

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NOTICE OF PROPOSED AMENDMENT

D29 Violate restrictions of driver's license (includes DL, CDL and Instruction Permit) (Serious violation)

S95 Speed contest (racing) on road open to traffic

v) The following violations will not be assigned points but will be entered on the driving record as Type Action -83- conviction immediate action:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A41	Driver violation of ignition interlock or immobilization device and/or lease agreement
A50	Motor vehicle used in the commission of a felony involving manufacturing, distribution, or dispensing a controlled substance
B06	Leaving scene of an accident before police arrive – fatal accident
B07	Leaving scene of an accident before police arrive – personal injury accident
B19	Violating a driver or vehicle out-of-service order while transporting hazardous materials that require a placard or operating a vehicle designed to transport 16 or more passengers, including the driver
B20	Driving while license withdrawn
B24	Driving while license disqualified
B25	Driving while license revoked
B26	Driving while license suspended
B41	Possess or provide counterfeit or altered driver's license (includes DL, CDL and Instruction Permit) or ID
B51	Expired or no non-commercial driver's license or permit
B56	Driving a CMV without obtaining a CLP/CDL (Serious violation)

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NOTICE OF PROPOSED AMENDMENT

B91 Driving without the proper class of CLP or CDL or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported (Serious violation)

D30 Misrepresentation of identity or other facts on application, including self-certifications for CLP and CDL; to satisfy the requirement in 49 CFR 383.73(j)

D31 Fraud related to the issuance of a CLP or CDL; to satisfy the provisions in 49 CFR 383.73(k)(1)

D78 Perjury about the operation of a motor vehicle

M23 Failure to have space to drive through railroad crossing

U01 Fleeing or evading police or roadblock

U03 Using a motor vehicle in connection with a felony (not traffic offense)

U07 Vehicular homicide

U08 Vehicular manslaughter (Serious violation)

U09 Negligent homicide while operating a CMV

U10 Causing a fatality through the negligent operation of a CMV

U27 Vehicular feticide (first degree)

U28 Vehicular feticide (second degree)

w) The following violations will not be assigned points but will be entered on the driving record as Type Action -85- conviction:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B61	Failed to file accident report

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NOTICE OF PROPOSED AMENDMENT

- D70 Driver's view obstructed
- E01 Operating without equipment as required by law
- E23 Use of radar or laser detector prohibited by law
- E34 Defective lights (Retired 09-01-13)
- E54 Failure to use headlight dimmer as required (arrests occurring prior to 1-1-08)
- F02 Child or youth restraint not used properly as required
- F04 Seat belt not used properly as required
- M30 Following improperly
- M56 Improper lane or location – on fire hose
- N05 Failure to yield right of way to funeral procession, procession or parade

x) The following point assigned violations will be entered on the driving record as Type Action -87- conviction:

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
A26	Drinking alcohol while operating a vehicle	25
A31	Illegal possession of alcohol	25
A35	Possession of open alcohol container while operating a motor vehicle	25
B01	Hit and run – failure to stop and render aid after accident	25
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50

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B03	Hit and run – failure to stop and render aid after accident – personal injury accident	50
B04	Hit and run – failure to stop and render aid after accident – property damage accident	25
B05	Leaving scene of accident before police arrive	25
B08	Leaving scene of accident before police arrive – property damage accident	25
B14	Failure to reveal identity after fatal or personal injury accident	50
B57	Driving a CMV without a CLP or CDL in the driver's possession	50
E02	Operating without brakes as required by law	20
E05	Operating without lights as required by law	10
E06	Operating without school bus equipment as required by law	5
E31	Defective brakes (Retired 09-01-13)	20
E36	Defective school bus equipment (Retired 09-01-13)	5
E51	Failure to use brakes	20
E55	Failure to use lights as required	10
E56	Failure to use school bus safety equipment as required	5
E71	Brakes used improperly	20
F03	Motorcycle safety equipment not used properly as required	5
M05	Failure to obey land markings or signal	20
M08	Failure to obey police or peace officer	10

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## NOTICE OF PROPOSED AMENDMENT

M10	Failure to obey railroad gates, signs, or signals	20
M11	Failure to obey restricted lane (Serious violation)	20
M12	Failure to obey safety zone	20
M14	Failure to obey sign or traffic control device	20
M15	Failure to obey stop sign	20
M16	Failure to obey traffic signal or light	20
M17	Failure to obey traffic sign	20
M18	Failure to obey warning light or flasher	20
M19	Failure to obey yield sign, or when entering roadway	20
M20	Failure to slow down at a railroad crossing and check tracks are clear	20
M21	Failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear	20
M22	Failure to stop as required before driving onto railroad-highway grade crossing	20
M24	Fail to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance	20
M25	Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.	20
M31	Failure to leave sufficient distance for overtaking by other vehicles	20
M34	Following too closely (Serious violation)	20

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M40	Improper lane or location	20
M41	Failure to keep in proper lane	20
M42	Improper or erratic (unsafe) lane changes (Serious violation)	20
M44	Improper lane or location – crossover	20
M45	Improper lane or location – crosswalk	20
M46	Improper lane or location – entrance/exit ramp or way	10
M48	Improper lane or location – in occupied lane	20
M49	Improper lane or location – in human occupant violator or restricted lane	20
M50	Improper lane or location – limited access highway	10
M51	Improper lane or location – median	20
M57	Improper lane or location – oncoming traffic lane	20
M58	Improper lane or location – road shoulder, ditch, or sidewalk	20
M60	Improper lane or location – slower vehicle lane	20
M61	Improper lane or location – straddling center lines	20
M62	Improper lane or location – traveling in turn (or center) lane	20
M70	Improper passing	10
M71	Passing in violation of posted sign or pavement marking	20
M72	Passing in violation of opposite directions restrictions	10
M73	Passing on wrong side	20

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M74	Passing on hill or curve	20
M75	Passing school bus displaying warning not to pass	25
M76	Passing where prohibited	20
M77	Passing with insufficient distance or visibility	20
M84	Reckless driving (Serious violation)	55
M85	Texting while driving (Serious violation)	10
M86	Violating prohibitions on using a handheld mobile telephone while driving (Serious violation)	10
N01	Failure to yield right of way	20
N03	Failure to yield right of way to cyclist	10
N04	Failure to yield right of way (i.e., ambulance, fire equipment, police, etc.)	15
N06	Failure to yield right of way to other vehicle	20
N07	Failure to yield right of way to overtaking vehicle	20
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)	20
N09	Failure to yield right of way to school bus	20
N20	Failure to yield right of way at crosswalk	20
N21	Failure to yield right of way at rotary/roundabout/circular intersection	20
N22	Failure to yield right of way at stop sign	20
N23	Failure to yield right of way at traffic sign	20

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## NOTICE OF PROPOSED AMENDMENT

N24	Failure to yield right of way at traffic signal	20
N25	Failure to yield right of way at unsigned intersection	15
N26	Failure to yield right of way at yield sign	20
N30	Failure to yield right of way when warning displayed on other vehicle	15
N31	Failure to yield right of way when turning	20
N40	Failure to use or improper signal	15
N42	Failure to signal intent to pass	15
N43	Failure to signal lane change or turn	15
N50	Improper turn	10
N51	Improper method of turning	10
N52	Improper position for turning	10
N53	Making improper left turn	10
N54	Making improper right turn	10
N55	Making improper turn around (not U turn)	10
N56	Making improper U turn	20
N60	Driving wrong way	5
N61	Driving wrong way at rotary/roundabout/circular intersection	5
N62	Driving wrong way on divided highway	5
N63	Driving wrong way on one way street or road	5

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N70	Driving on wrong side	20
N71	Driving on wrong side of divided highway	20
N72	Driving on wrong side of undivided street or road	20
N82	Improper backing	10
N83	Improper start from a parked position	15
S01	01-05 >Regulated or posted speed limit (detail optional)	5
S06	06-10 >Regulated or posted speed limit (detail optional)	5
S14	11-14 >Regulated or posted speed limit	15
S15	Speeding 15 mph or more above the regulated or posted speed limit (detail optional) (Serious violation)	20
S16	16-20 >Regulated or posted speed limit (detail optional) (Serious violation)	20
S21	21-25 >Regulated or posted speed limit (detail optional) (Serious violation)	20
S26	26-30 >Regulated or posted speed limit (detail optional) (Serious violation)	50
S31	31-35 >Regulated or posted speed limit (detail optional) (Serious violation)	50
S36	36-40 >Regulated or posted speed limit (detail optional) (Serious violation)	50
S41	41 >Regulated or posted speed limit (detail optional) (Serious violation)	50
S51	01-10 >Regulated or posted speed limit (detail optional)	5

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S71	21-30 >Regulated or posted speed limit (detail optional) (Serious violation)	20
S81	31-40 >Regulated or posted speed limit (detail optional) (Serious violation)	50
S91	41 >Regulated or posted speed limit (detail optional) (Serious violation)	50
S92	Speeding – Regulated or posted speed limit and actual speed (detail required)	10
S93	Speeding	10
S94	Prima facie speed violation or driving too fast for conditions	10
S96	Speed less than minimum	5
S98	Speeding on freeway (wasting fuel)	10
U31	Violation resulting in fatal accident (Serious violation)	20

y) The following withdrawals will not be assigned points but will be entered on the driving record as Type Action -89- withdrawal:

ACD  
CODE

DESCRIPTION OF OFFENSE

\*\*\*\*\*

A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over _____ (detail field required)
A12	Refused to submit to test for alcohol-Implied Consent Law

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- A20 Driving under the influence of alcohol or drugs
- A21 Driving under the influence of alcohol
- A22 Driving under the influence of drugs
- A23 Driving under the influence of alcohol and drugs
- A24 Driving under the influence of medication not intended to intoxicate
- A25 Driving while impaired
- A26 Drinking alcohol while operating a vehicle
- A31 Illegal possession of alcohol
- A33 Illegal possession of drugs (controlled substances)
- A35 Possession of open alcohol container while operating a motor vehicle
- A41 Driver violation of ignition interlock or immobilization device and/or lease agreement
- A50 Motor vehicle used in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance
- A60 Underage convicted of drinking and driving at .02 or higher BAC
- A61 Underage Administrative Per Se – drinking and driving at .02 or higher BAC
- A90 DUI at .10 Admin
- A91 Administrative Per Se for blood alcohol concentration at \_\_\_\_
- A94 DUI at .04 Admin
- A98 DUI at .08 Admin

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## NOTICE OF PROPOSED AMENDMENT

- B01 Hit and run – failure to stop and render aid after accident
- B02 Hit and run – failure to stop and render aid after accident – fatal accident
- B03 Hit and run – failure to stop and render aid after accident – personal injury accident
- B04 Hit and run – failure to stop and render aid after accident – property damage accident
- B05 Leaving accident scene before police arrive
- B06 Leaving accident scene before police arrive – fatal accident
- B07 Leaving accident scene before police arrive – personal injury accident
- B08 Leaving accident scene before police arrive – property damage accident
- B14 Failure to reveal identity after fatal or personal injury accident
- B19 Violating a driver or vehicle out-of-service order while transporting hazardous materials that require a placard or operating a vehicle designed to transport 16 or more passengers, including the driver
- B20 Driving while license withdrawn
- B21 Driving while license barred
- B22 Driving while license cancelled
- B23 Driving while license denied
- B24 Driving while license disqualified
- B25 Driving while license revoked
- B26 Driving while license suspended

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- B27 Violating a driver or vehicle out-of-service order (for violations not covered by B19)
- B41 Possess or provide counterfeit or altered driver's license (includes DL, CDL and Instruction Permit) or ID
- B51 Expired or no non-commercial driver's license or permit
- B56 Driving a CMV without obtaining a CLP/CDL
- B57 Driving a CMV without a CLP or CDL in the driver's possession
- B61 Failed to file accident report
- B63 Failed to file future proof of financial responsibility
- B64 Failed to file insurance certification
- B65 Failed to file medical certification/disability information
- B74 Failed to show insurance certification
- B78 Failed to show non-commercial driver's license (includes Instruction Permit)
- B91 Driving without the proper class of CLP or CDL or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported (Serious violation)
- D02 Misrepresentation of identity or other facts on application, including required self-certifications, for non-commercial permit or license
- D06 Misrepresentation of identity or other facts to obtain alcohol
- D07 Possess multiple driver's licenses (includes DL, CDL and Instruction Permit)
- D10 Manufacture or duplicate false driver's license (includes DL, CDL and Instruction Permit)

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## NOTICE OF PROPOSED AMENDMENT

- D16 Present or use improperly – driver's license (includes DL, CDL and Instruction Permit)
- D27 Violate limited license conditions
- D29 Violate restrictions of driver's license (includes DL, CDL and Instruction Permit)
- D30 Misrepresentation of identity or other facts on application, including self-certifications for CLP or CDL; to satisfy the requirement in 49 CFR 383.73(j)
- D31 Fraud related to the issuance of a CDP or CDL; to satisfy the provisions in 49 CFR 383.73(k)(1)
- D35 Failure to comply with financial responsibility law
- D36 Failure to maintain required liability insurance
- D37 Failure to pay for damages or make installment payment
- D38 Failure to post security or obtain release from liability
- D39 Unsatisfied judgment
- D45 Failure to appear for trial or court appearance
- D51 Failure to make required payment of child support
- D53 Failure to make required payment of fines and costs
- D56 Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
- D70 Driver's view obstructed
- D72 Inability to control vehicle
- D74 Operating a motor vehicle improperly because of drowsiness

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- D75 Operating a motor vehicle improperly due to physical or mental disability
- D78 Perjury about the operation of a motor vehicle
- E01 Operating without equipment as required by law
- E02 Operating without brakes as required by law
- E03 Operating without HAZMAT safety equipment as required by law
- E04 Operating without HAZMAT placards/markings as required by law
- E05 Operating without lights as required by law
- E06 Operating without school bus equipment as required by law
- E23 Use of radar or laser detector prohibited by law
- E31 Defective brakes (Retired 09-01-13)
- E34 Defective lights (Retired 09-01-13)
- E36 Defective school bus equipment (Retired 09-01-13)
- E37 Defective tires (Retired 09-01-13)
- E50 Failure to use equipment as required
- E51 Failure to use brakes
- E53 Failure to use HAZMAT safety devices as required
- E55 Failure to use lights as required
- E56 Failure to use school bus safety equipment as required
- E57 Failure to use snow tires or chains as required

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## NOTICE OF PROPOSED AMENDMENT

- E70 Equipment used improperly or obstructed
- E71 Brakes used improperly
- F02 Child or youth restraint not used properly as required
- F03 Motorcycle safety equipment not used properly as required
- F04 Seat belt not used properly as required
- F05 Carrying unsecured passengers in open area of vehicle
- F06 Improper operation of or riding on a motorcycle
- F34 Stopping, standing, or parking: obstructing or impeding traffic with a motor vehicle
- F66 Unsafe condition of vehicle (no specified component) (Retired 09-01-13)
- M02 Failure to obey barrier
- M03 Failure to obey construction or maintenance zone markers
- M04 Failure to obey flagger
- M05 Failure to obey lane markings or signal
- M08 Failure to obey police or peace officer
- M09 Failure to obey railroad highway traffic control device
- M10 Failure to obey railroad traffic control device
- M11 Failure to obey restricted lane
- M12 Failure to obey safety zone
- M13 Failure to obey school crossing guard

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## NOTICE OF PROPOSED AMENDMENT

- M14 Failure to obey sign or traffic control device
- M15 Failure to obey stop sign
- M16 Failure to obey traffic signal or light
- M17 Failure to obey traffic signal
- M18 Failure to obey warning light or flasher
- M19 Failure to obey yield sign
- M20 Failure to slow down at a railroad crossing and check tracks are clear
- M21 Failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear
- M22 Failure to stop as required before driving onto railroad-highway grade crossing
- M23 Failure to have sufficient space to drive completely through the highway crossing
- M24 Failure to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance
- M25 Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.
- M30 Following improperly
- M31 Failure to leave sufficient distance for overtaking by other vehicles
- M32 Following emergency vehicle unlawfully
- M33 Following fire equipment unlawfully
- M34 Following too closely

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## NOTICE OF PROPOSED AMENDMENT

M40	Improper lane or location
M41	Failure to keep in proper lane
M42	Improper or erratic (unsafe) lane changes
M43	Ran off road
M44	Improper lane or location – crossover
M45	Improper lane or location – crosswalk
M46	Improper lane or location – entrance/exit ramp or way
M47	Improper lane or location – in bicycle lane
M48	Improper lane or location – in occupied lane
M49	Improper lane or location – in human occupant violator or restricted lane
M50	Improper lane or location – limited access highway
M51	Improper lane or location – median
M55	Improper lane or location – on rail or streetcar tracks
M56	Improper lane or location – on fire hose
M57	Improper lane or location – oncoming traffic lane
M58	Improper lane or location – road shoulder, ditch or sidewalk
M60	Improper lane or location – slower vehicle lane
M61	Improper lane or location – straddling center lines
M62	Improper lane or location – traveling in turn (or center) lane
M70	Improper passing

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## NOTICE OF PROPOSED AMENDMENT

- M71 Passing in violation of posted sign or pavement marking
- M72 Passing in violation of opposite directions restriction
- M73 Passing on wrong side
- M74 Passing on hill or curve
- M75 Passing school bus displaying warning not to pass
- M76 Passing where prohibited
- M77 Passing with insufficient distance or visibility
- M80 Inattentive, careless or negligent driving
- M81 Careless driving
- M82 Inattentive driving
- M83 Negligent driving
- M84 Reckless driving
- M85 Texting while driving
- M86 Violating prohibitions on using a handheld mobile telephone while driving  
(Serious violations)
- N01 Failure to yield right of way
- N02 Failure to yield right of way to animal rider or animal drawn vehicle
- N03 Failure to yield right of way to cyclist
- N04 Failure to yield right of way to emergency vehicle (i.e., ambulance, fire  
equipment, police, etc.)

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## NOTICE OF PROPOSED AMENDMENT

- N05 Failure to yield right of way to funeral procession, procession or parade
- N06 Failure to yield right of way to other vehicle
- N07 Failure to yield right of way to overtaking vehicle
- N08 Failure to yield right of way to pedestrian (includes handicapped or blind)
- N09 Failure to yield right of way to school bus
- N20 Failure to yield right of way at crosswalk
- N21 Failure to yield right of way at rotary/roundabout/circular intersection
- N22 Failure to yield right of way at stop sign
- N23 Failure to yield right of way at traffic sign
- N24 Failure to yield right of way at traffic signal
- N25 Failure to yield right of way at unsigned intersection
- N26 Failure to yield right of way at yield sign
- N30 Failure to yield right of way when warning displayed on other vehicle
- N31 Failure to yield right of way when turning
- N40 Failure to use signal or improper signal
- N41 Failure to cancel directional signals
- N42 Failure to signal intention to pass
- N43 Failure to signal lane change
- N44 Giving wrong signal
- N50 Improper turn

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## NOTICE OF PROPOSED AMENDMENT

- N51 Improper method of turning
- N52 Improper position for turning
- N53 Making improper left turn
- N54 Making improper right turn
- N55 Making improper turn around (not U turn)
- N56 Making improper U turn
- N60 Driving wrong way
- N61 Driving wrong way at rotary/roundabout/circular intersection
- N62 Driving wrong way on divided highway
- N63 Driving wrong way on one way street or road
- N70 Driving on wrong side
- N71 Driving on wrong side of divided highway
- N72 Driving on wrong side of undivided street or road
- N80 Coasting (operating with gears disengaged)
- N82 Improper backing
- N83 Improper start from parked position
- N84 Unsafe operations
- S01 01-05 >Regulated or posted speed limit (detail optional)
- S06 06-10 >Regulated or posted speed limit (detail optional)

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## NOTICE OF PROPOSED AMENDMENT

- S14 11-14 >Regulated or posted speed limit
- S15 Speeding 15 mph or more above the regulated or posted speed limit (detail optional) (Serious violation)
- S16 16-20 >Regulated or posted speed limit (detail optional) (Serious violation)
- S21 21-25 >Regulated or posted speed limit (detail optional) (Serious violation)
- S26 26-30 >Regulated or posted speed limit (detail optional) (Serious violation)
- S31 31-35 >Regulated or posted speed limit (detail optional) (Serious violation)
- S36 36-40 >Regulated or posted speed limit (detail optional) (Serious violation)
- S41 41 >Regulated or posted speed limit (detail optional) (Serious violation)
- S51 01-10 >Regulated or posted speed limit (detail optional)
- S71 21-30 >Regulated or posted speed limit (detail optional)
- S81 31-40 >Regulated or posted speed limit (detail optional) (Serious violation)
- S91 41 >Regulated or posted speed limit (detail optional)
- S92 Speeding – Regulated or posted speed limit and actual speed (detail required)
- S93 Speeding
- S94 Prima facie speed violation or driving too fast for conditions
- S95 Speed contest (racing) on road open to traffic
- S96 Speed less than minimum
- S97 Operating at erratic or suddenly changing speeds
- S98 Speeding or freeway (wasting fuel)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

U01	Fleeing or evading police or roadblock
U02	Resisting arrest while operating a motor vehicle
U03	Using motor vehicle in connection with a felony (not traffic offense)
U04	Using a motor vehicle in connection with a misdemeanor (not traffic offense)
U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U07	Vehicular homicide
U08	Vehicular manslaughter
U09	Negligent homicide while operating a CMV
U10	Causing a fatality through the negligent operation of a CMV
U21	Illegal operation of emergency vehicle
U27	Vehicular feticide (first degree)
U28	Vehicular feticide (second degree)
U31	Violation resulting in fatal accident
W00	Withdrawal, non-ACD violation
W01	Accumulation of convictions (including point systems and/or being judged a habitual offender or violator)
W09	Failure to surrender hazmat endorsement as required by the USA Patriot Act
W13	Parental consent withdrawn

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- W14 Physical or mental disability
- W15 Physician's or specialist's report recommended
- W20 Unable to pass DL test(s) or meet qualifications
- W27 Fail to make appointment to re-test within 30 days
- W28 Failure to re-test or fail test(s)
- W30 2 serious violations within 3 years
- W31 3 serious violations within 3 years
- W40 The accumulation of two or more major offenses
- W41 An additional major offense after reinstatement
- W45 Withdrawn for driving a CMV while disqualified for previous violations in a CMV
- W50 The accumulation, within 10 years, of two out-of-service general violations
- W51 The accumulation of two convictions for out-of-service order violations within 10 years when the second is while operating a vehicle designed to transport 16 or more passengers, including the driver, and/or transporting hazardous materials as defined in 49 CFR 383.5 that require a placard
- W52 The accumulation of three or more out-of-service order violations within 10 years
- W60 Accumulation of two railroad-highway grade crossing violations within a three year period
- W61 Accumulation of three or more railroad-highway grade crossing violations in a three year period
- W70 Imminent hazard

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NOTICE OF PROPOSED AMENDMENT

- W72       Suspended pending final disposition
- W80       Failed employer-directed drug test
- W81       Refusal to submit to an employer-directed drug test
- W82       Failure to surrender license or permit

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Disclosure of Toxicological and Related Testing Results
- 2) Code Citation: 20 Ill. Adm. Code 1287
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1287.10	New Section
1287.20	New Section
1287.30	New Section
- 4) Statutory Authority: Implementing and authorized by Section 2605-40 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-40].
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to allow for the production of uniformly sufficient information to allow a proper, well-informed determination of the admissibility of toxicology evidence and to ensure that the evidence is presented competently and intelligibly. This Part is designed to provide a minimum standard for compliance concerning toxicology evidence and is not intended to limit the production and discovery of material information.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED RULES

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

217/782-7658

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: 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 Part was not included on either of the 2 most recent agendas because: The proposed rules are needed in order to comply with amendments to 20 ILCS 2605/2605-40, which were effective January 1, 2017.

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

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER II: DEPARTMENT OF STATE POLICE

## PART 1287

## DISCLOSURE OF TOXICOLOGICAL AND RELATED TESTING RESULTS

## Section

1287.10	Purpose
1287.20	Definitions
1287.30	Obligation to Produce

**AUTHORITY:** Implementing and authorized by Section 2605-40 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-40].

**SOURCE:** Adopted at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1287.10 Purpose**

The purpose of this Part is to allow for the production of uniformly sufficient information to allow a proper, well-informed determination of the admissibility of toxicology evidence and to ensure that the evidence is presented competently and intelligibly. This Part is designed to provide a minimum standard for compliance concerning toxicology evidence and is not intended to limit the production and discovery of material information.

**Section 1287.20 Definitions**

"Accreditation Certificates" means documentation by an authoritative body that gives formal recognition that a body is competent to carry out specific tasks.

"Individual Testing Certifications" means documentation by an authoritative body that gives formal recognition that a person is competent to carry out specific tasks.

"Instrumental Maintenance Logs" means a record documenting events in relation to the upkeep, preventative maintenance, and operating condition of an instrument.

"Instrumental Sequence Logs" means a record documenting a particular order or sequence in which samples are analyzed on an instrument.

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"Measurement Uncertainty" or "MU" means an estimate of the range values with which a measurand (the quantitative expression of that which is being determined) is likely to be found.

"Proficiency Testing" means tests (administered internally by a third party) taken by the forensic scientist/examiner/technician that demonstrate competency in an area of analysis.

"Quality Issue Documentation" means documentation of potential nonconforming work or a departure from the policies and/or procedures in the quality system of technical operations.

"Standard Operating Procedures" means established or prescribed methods to be followed routinely for the performance of designated analytical operations or in designated situations.

"Testing Laboratory" means the laboratory that is conducting the toxicological analysis.

"Toxicology Confirmatory Testing" means the testing performed to confirm the identity of the substance or compound.

**Section 1287.30 Obligation to Produce**

The purpose of this Section is to establish a minimum standard for supplying toxicological evidence and is not intended to limit the production or discovery of material information. For subpoenas seeking the disclosure of records in addition to case file information, the testing laboratory will provide the following listed items for all prosecutions, post-trial and post-conviction proceedings. The proponent of the toxicology evidence shall provide or otherwise make available to the adverse party all relevant materials, which includes:

- a) Copies of the records contained in the case file, including all reports, notes, phone logs, data and quality issue documentation relating to the testing performed in the case;
- b) Copies of standards and controls utilized in the case that reflect compliance with quality control guidelines or standards employed during the testing process;

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- c) Copies of the toxicology standard operating procedures utilized in the particular case analysis;
- d) Proficiency testing results from the last test prior to the date of the case report and two years prior to that date;
- e) Current curriculum vitae for forensic scientists or others involved in the testing and analysis of toxicology evidence in the case;
- f) Reports explaining any discrepancies in the testing, observed defects or laboratory errors in the particular case, as well as the reasons for and the effects of those defects/errors;
- g) Copies of chain of custody documentation for each item of evidence subjected to toxicology testing in the particular case;
- h) Copies of accreditation certificates and individual testing certifications, relating to the laboratory and/or individuals performing the specific tests in the particular case, that were in effect at the time of testing;
- i) Copies of instrumental sequence logs for each item of evidence subjected to toxicology confirmatory testing in the particular case;
- j) Copies of instrumental maintenance logs for the month each item of evidence was subjected to toxicology testing in the particular case; and
- k) If ethanol testing was conducted and measurement uncertainty calculated, data utilized for MU will be provided.

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

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1325.101	Amendment
1325.415	Amendment
1325.505	Amendment
1325.600	New Section
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will add a definition for sexual assault/sexual abuse, establish training standards for handling calls from victims of sexual assault and sexual abuse, and establish call handling guidelines for those calls.
- 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) Do this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The amendments may require a local government to establish, expand or modify its activities in order to comply with the training standards established for handling calls from victims of sexual assault and sexual abuse.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or arguments regarding the proposed amendment. The submissions must be in writing and directed to:

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

217/782-7658

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: These amendments apply to Emergency Telephone System Boards (ETSBs), Joint Emergency Telephone System Boards (Joint ETSBS), qualified governmental entities authorized to provide 9-1-1 services, and Public Safety Answering Points (PSAPs).
- B) Reporting, bookkeeping or other procedures required for compliance: All entities covered under this rulemaking are subject to the training requirements.
- C) Types of professional skills necessary for compliance: 9-1-1 operational/technical abilities

14) Regulatory Agenda which this rulemaking was summarized: January 2017

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

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NOTICE OF PROPOSED AMENDMENTS

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

PART 1325  
STANDARDS OF SERVICE APPLICABLE TO 9-1-1 EMERGENCY SYSTEMS

SUBPART A: GENERAL PROVISIONS

Section	
1325.100	Application of Part
1325.101	Definitions

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

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

SUBPART C: MANAGEMENT

Section	
1325.300	Department Liaison

SUBPART D: STANDARDS OF SERVICE

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

SUBPART E: OPERATIONS

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

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1325.515	Physical Security
1325.520	9-1-1 Traditional Legacy Service Database
1325.525	Outage Notification
<u>1325.600</u>	<u><a href="#">Minimum Training Standards for Sexual Assault and Sexual Abuse Call Handling</a></u>

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

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1118, effective January 1, 2016, for a maximum of 150 days; adopted at 40 Ill. Reg. 8060, effective May 27, 2016; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 1325.101 Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

"Automatic Number Identification" or "ANI" means the automatic display of the telephone number associated with the access line from which a call originates on the PSAP monitor.

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

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

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

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

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

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

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

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

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

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

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

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"Commission" means the Illinois Commerce Commission.

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

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

"Department" means the Department of State Police.

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

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

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

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

"Emergency Service Number" or "ESN" is sometimes known as emergency service zone (ESZ). An ESN is a three- to five-digit number representing a unique combination of public safety agencies (police, fire and emergency medical service) designated to serve a specific range of addresses within a particular geographic area or ESZ. The term ESZ refers to the geographic area itself and is generally used only during the ESN definition process to label specific areas. The ESN facilitates the selective routing of calls to appropriate PSAPs in a traditional legacy 9-1-1 system.

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

"English Language Translation" or "ELT" means an alphanumeric description of the primary law enforcement, fire and emergency medical service agencies associated with a given emergency services zone number. The ELT (also known as an "agency file" or "tell tale" in some systems) includes the name of the first-responder agency and may include its station number (for dispatch purposes) and telephone number.

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

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

"Exchange" means a defined area, served by one or more telephone central offices, and approved by the Commission, within which a local exchange carrier furnishes service. Exchanges are identified on exchange boundary maps on file with the Commission.

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

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

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

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

enables real-time, two-way voice communications;

requires a broadband connection from the user's location;

requires Internet protocol-compatible customer premises equipment; and

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

"IP" means Internet Protocol.

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

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

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

"Logging Recorder" means a device that records, stores and is capable of playing back all communication media with the domain to which it is assigned. Media can include, but is not limited to, voice, radio, text and network elements involved with routing a 9-1-1 call. Logging recorders should have the capability to simultaneously record from several sources.

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

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

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

"NENA i3 Solution standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3), published by the National Emergency Number Association, 1700 Diagonal Rd., Suite 500, Alexandria VA 22314 (www.NENA.org) (June 14, 2011). These standards are hereby incorporated by reference and do not include any later amendments or additions.

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

"Network costs" means those recurring costs that directly relate to the operation of the 9-1-1 network, including costs for interoffice trunks, selective routing charges, transfer lines and toll charges for 9-1-1 services, Automatic Location Information (ALI) database charges, call box trunk circuit (including central office only and not including extensions to fire stations), independent local

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Sexual Assault" or "Sexual Abuse" means an act of nonconsensual sexual conduct or sexual penetration, as defined in Section 12-12 of the Criminal Code of 1961 or Section 11-0.1 of the Criminal Code of 2012 [720 ILCS 5], including, without limitation, acts prohibited under Sections 12-13 through 12-16 of the Criminal Code of 1961 or Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

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

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

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

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

"Telecommunications Carrier" or "Carrier" shall have the same meaning ascribed in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202], including those carriers acting as resellers of telecommunications services. It includes telephone systems operating as mutual concerns, but does not include a wireless carrier.

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

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

"Terminal Equipment" means telephone station apparatus.

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

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

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

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

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

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

is capable of receiving an emergency call;

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

is capable of completing the call dispatching process.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: STANDARDS OF SERVICE

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

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

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- h) The 9-1-1 Authority is responsible for ensuring that its PSAPs, backup PSAPs and SAPs provide continuous and uninterrupted operation 24 hours per day, 7 days a week.
- i) Backup PSAP
  - 1) Each 9-1-1 system shall have a backup PSAP that must operate independently from the primary PSAP. The backup PSAP must have the capability to dispatch (by either direct, transfer or call relay methods) the appropriate public safety agencies for that 9-1-1 system. A backup PSAP shall meet the same standards as the primary PSAP, except as provided for in subsection (i)(2).
  - 2) In a 9-1-1 system with a population of fewer than 10,000, when the system has demonstrated that the requirements of subsections (g), (h) and (i) would place an undue financial burden on the system, the 9-1-1 Authority can ask the Administrator for an exemption from having a full feature, manned backup PSAP. A 9-1-1 system operating under this exemption should, as funds become available, upgrade its backup PSAP capability to meet those standards specified in subsections (g), (h) and (i)(1). If the system ever exceeds 5,000 billable access lines for a period of one year, it shall upgrade to meet the standards specified in subsections (g), (h) and (i)(1). For those systems operating under this exemption, some alternative form of backup shall be required. The backup PSAP requirement may be met by one of the following:
    - A) An unattended PSAP shall have:
      - i) the capability to provide 9-1-1 service;
      - ii) the communication equipment necessary to dispatch emergency services;
      - iii) a backup power supply;
      - iv) the ability to communicate via TTY; and

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- v) the capability to be immediately activated with authorized and trained personnel; or
- B) Some other method that the 9-1-1 Authority must be able to demonstrate, in its request for an exemption, would meet the public safety needs of its community by being able to take 9-1-1 calls and dispatch them successfully on a temporary basis in an emergency situation.
- j) The use of VAPs may be acceptable; however, this must be included as a part of the 9-1-1 system final or modified plan authorized by the Administrator.
- k) All telecommunicators shall be trained in emergency dispatch procedures and 9-1-1 SOPs as specified by the 9-1-1 Authority to fulfill the responsibilities of their position, with the following requirements:
  - 1) Newly hired telecommunicators must receive, at a minimum, an 80-hour training curriculum approved by the 9-1-1 Authority prior to handling emergency calls. This training shall include two hours of training regarding the handling of sexual assault and sexual abuse calls, for all telecommunicators hired on or after January 1, 2018, consistent with the standards set forth in Section 1325.600.
  - 2) If emergency medical dispatch is being provided that involves the dispatch of any fire department or emergency medical service agency, additional training must be completed in accordance to the Emergency Medical Services (EMS) Systems Act [210 ILCS 50] and 77 Ill. Adm. Code 515 in addition to the 80-hour minimum.
  - 3) Continuing education for existing telecommunicators is required in all aspects of emergency call handling and will be specified by the 9-1-1 Authority. This continuing education shall include three hours of training regarding the handling of sexual assault and sexual abuse calls every three years consistent with the standards set forth in Section 1325.600, and must initially be completed no later than January 1, 2019, for any telecommunicators hired prior to January 1, 2018.

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- l) The 9-1-1 Authority shall provide for the installation of a master logging recorder of adequate capacity to record both sides of a conversation of each incoming emergency call and any radio transmissions relating to the emergency call and its disposition for each answering point. These recordings shall have the time of each event noted. The 9-1-1 Authority may elect to record, on a circuit-by-circuit basis, or by way of the telecommunicator's position.
- m) The 9-1-1 Authority shall ensure that each answering point maintains an archive of the storage media for a minimum of 90 days without recirculation of any media.
- n) When CPE is implemented and is not tolerant of power fluctuations or interruptions, and is vital to the PSAP's, backup PSAP's, SAP's and VAP's operation, an uninterruptible power supply shall be installed at all locations for continuous operation.
- o) All answering point locations must be equipped with an emergency backup power source capable of supplying electrical power to serve the basic power requirements of the answering point, without interruption, for longer outage time frames. It shall provide a minimum of four hours of power. The backup power source shall be tested for reliability on a monthly basis.
- p) Each answering point shall have at least one 24-hour staffed telephone number to be provided to telecommunications carrier operators, adjacent PSAPs, and public safety agencies in order to communicate with that answering point.
- q) Answering point employees shall be instructed to be efficient and courteous in the handling of all emergency calls and to comply with the provisions of all applicable federal and State laws in maintaining secrecy of communications.
- r) Each answering point shall ensure that all emergency calls are answered and handled without preference to the location of the caller.
- s) Each answering point should answer 90% of all emergency calls within 10 seconds.
- t) All calls of an administrative or nonemergency nature shall be referred to the appropriate agency's published telephone number.

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- u) A current copy of the 9-1-1 Authority's SOPs shall be on file in every answering point.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: OPERATIONS

**Section 1325.505 Call Handling Procedures**

- a) The 9-1-1 Authority shall ensure that the disposition of each emergency call is handled according to the agreements it has negotiated with its participating public agencies and public safety agencies and adjacent 9-1-1 Authorities and/or public agencies or public safety agencies listed in the plan (see Section 1325.205).
- b) Certified notification of the continuing agreements shall be made among the involved parties on an annual basis pursuant to ETSA Section 14.
- c) In instances in which a selected agency refuses a 9-1-1 request on the basis that a request is outside its jurisdictional boundaries, the telecommunicator shall make every effort to determine the appropriate responding agency and complete the disposition of the call.
- d) *The agreements shall provide that, once an emergency unit is dispatched in response to a request through the system, that unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries. [50 ILCS 750/14]*
- e) Call Handling Guidelines for Sexual Assault and Sexual Abuse Calls
  - 1) No later than January 1, 2018, the Administrator shall establish comprehensive guidelines for the handling of sexual assault and sexual abuse calls by telecommunicators. These guidelines must meet the following minimum standards:
    - A) Evidence Based – describe techniques and procedures that have been demonstrated to minimize retraumatization associated with the criminal justice process by recognizing the presence of trauma

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symptoms and acknowledging the role that trauma has played in a sexual assault or sexual abuse victim's life;

B) Trauma Informed – describe how specific experiences impact victim trauma, memory, reactions and behavior; how interpretation of victim behavior can impact their cooperation with investigations; and how victim trauma impacts others involved in the investigation; and

C) Victim Centered – focus on the needs and concerns of the victim to ensure compassionate and sensitive delivery of services in a nonjudgmental manner.

2) The 9-1-1 Authority shall ensure that telecommunicators respond to sexual assault and sexual abuse calls consistent with these the guidelines.

3) The Department will post a link to the guidelines on its website as soon as they are available for publication, but no later than January 1, 2018.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1325.600 Minimum Training Standards for Sexual Assault and Sexual Abuse Call Handling**

a) Every 9-1-1 Authority shall develop training for its telecommunicators regarding the handling of sexual assault and sexual abuse calls. This training must meet the following minimum standards:

1) Evidence Based – describe techniques and procedures that have been demonstrated to minimize retraumatization associated with the criminal justice process by recognizing the presence of trauma symptoms and acknowledging the role that trauma has played in a sexual assault or sexual abuse victim's life;

2) Trauma Informed – describe how specific experiences impact victim trauma, memory, reactions and behavior; how interpretation of victim behavior can impact their cooperation with investigations; and how victim trauma impacts others involved in the investigation; and

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- 3) Victim Centered – focus on the needs and concerns of the victim to ensure compassionate and sensitive delivery of services in a nonjudgmental manner.
- b) Instructor Qualifications – Instructors must have a minimum of three years of public safety call taking and dispatch experience.
- c) Training Topics
  - 1) Review of Sexual Abuse and Sexual Assault Laws
  - 2) Societal Perceptions of Sexual Assault/Abuse
  - 3) Neurobiology of Trauma and Understanding Victim Response to Trauma
  - 4) Role of the Telecommunicator
  - 5) Call Taking Techniques
  - 6) Trauma-Informed Response to Sexual Assault Victims
    - A) Calming Hysterical Callers
    - B) Other Possible Behaviors
  - 7) Best Practices for Dispatching Responders and Call Taking
  - 8) Evidence and 9-1-1 Recordings
- d) The Administrator shall establish comprehensive standards for developing curriculum consistent with this Section no later than January 1, 2018.
- e) The Department will post a link to the standards on its website as soon as they are available for publication, but no later than January 1, 2018.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1650.345	Amendment
1650.346	Amendment
1650.481	Amendment
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments have been drafted in response to a recommendation by the Joint Committee on Administrative Rules (JCAR) that TRS evaluate whether the policies in the TRS Employer Guide are reflected in administrative rule. Amendments to 1650.345 and 346 address the maximum lifetime amount of credit for leave of absence and the types allowed. The amendment to 1650.481 clarifies the salary rate used for evaluating employer excess salary costs in the event of part time employment.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Cynthia M. Fain  
Senior Legal Counsel  
Teachers' Retirement System  
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217/753-0375

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 13, 2017, Volume 41, Ill. Reg. 616.

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

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## PART 1650

THE ADMINISTRATION AND OPERATION OF THE  
TEACHERS' RETIREMENT SYSTEM

## SUBPART A: REPORTS BY BOARD OF TRUSTEES

## Section

1650.10 Annual Financial Report (Repealed)

## SUBPART B: BASIC RECORDS AND ACCOUNTS

## Section

1650.110 Membership Records  
1650.120 Claims Records (Repealed)  
1650.130 Individual Accounts (Repealed)  
1650.140 Ledger and Accounts Books (Repealed)  
1650.150 Statistics (Repealed)  
1650.160 Confidentiality of Records  
1650.180 Filing and Payment Requirements  
1650.181 Early Retirement Incentive Payment Requirements (Repealed)  
1650.182 Waiver of Additional Amounts Due  
1650.183 Definition of Employer's Normal Cost

## SUBPART C: FILING OF CLAIMS

## Section

1650.201 Disability Benefits – Application Procedure; Effective Date  
1650.202 Disability Benefits – Definitions  
1650.203 Disability Retirement Annuity – Definitions  
1650.204 Gainful Employment – Consequences  
1650.205 Medical Examinations and Investigation of Disability Claims  
1650.206 Physician Certificates  
1650.207 Disability Due to Pregnancy  
1650.208 Disability Payments  
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

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	Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)

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- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

## Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill
- 1650.486 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

## SUBPART F: ANNUITANTS AND BENEFICIARIES

## Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.511 Separation from Service
- 1650.512 Verification of Compliance with Post-Retirement Employment Limitations

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1650.520	Suspension of Benefits
1650.530	Power of Attorney
1650.540	Conservators/Guardians
1650.550	Presumption of Death
1650.560	Benefits Payable on Death
1650.561	Valid Beneficiary Designations
1650.570	Survivors' Benefits
1650.571	Payment of Monthly Survivor Benefits to a Trust
1650.575	Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580	Evidence of Eligibility
1650.590	Comptroller Offset
1650.595	Overpayments

## SUBPART G: ATTORNEY GENERALS' OPINION

## Section

1650.605	Policy of the Board Concerning Attorney Generals' Opinion (Repealed)
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## SUBPART H: ADMINISTRATIVE REVIEW

## Section

1650.610	Staff Responsibility
1650.620	Right of Appeal
1650.630	Form of Written Request
1650.635	Presiding Hearing Officer – Duties and Responsibilities
1650.640	Prehearing Procedure
1650.641	Claims Hearing Committee Hearing Packet
1650.650	Hearing Procedure
1650.660	Rules of Evidence (Repealed)

## SUBPART I: AMENDMENTS TO BYLAWS AND RULES

## Section

1650.710	Amendments
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## SUBPART J: RULES OF ORDER

## Section

1650.810	Parliamentary Procedure
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## SUBPART K: PUBLIC RECORD REQUESTS

## Section

1650.910	Summary and Purpose (Repealed)
1650.920	Definitions (Repealed)
1650.930	Submission of Requests
1650.940	Form and Content of FOIA Requests (Repealed)
1650.950	Appeal of a Denial (Repealed)
1650.960	Executive Director's Response to Appeal (Repealed)
1650.970	Response to FOIA Requests (Repealed)
1650.980	Inspection of Records at System Office
1650.990	Copies of Public Records
1650.995	Materials Immediately Available

## SUBPART L: BOARD ELECTION PROCEDURES

## Section

1650.1000	Nomination of Candidates
1650.1001	Elections Date/Election Day – Defined
1650.1010	Petitions
1650.1020	Eligible Voters
1650.1030	Election Materials
1650.1040	Marking of Ballots
1650.1050	Return of Ballots
1650.1060	Observation of Ballot Counting
1650.1070	Certification of Ballot Counting
1650.1080	Challenges to Ballot Counting
1650.1090	Special Election to Fill Un-Expired Term of Elected Trustee

## SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

## Section

1650.1110	Definitions
1650.1111	Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112	Requirements for a Valid QILDRO Calculation Order
1650.1113	Required Forms
1650.1114	Filing a QILDRO or a Calculation Order with the System
1650.1115	Benefits Affected by a QILDRO

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- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1650.1118 Alternate Payee's Address
- 1650.1119 Electing Form of Payment
- 1650.1120 Automatic Annual Increases
- 1650.1121 Reciprocal Systems QILDRO Policy Statement (Repealed)
- 1650.1122 Providing Benefit Information for Divorce Purposes
- 1650.1123 Suspension and Expiration of a QILDRO
- 1650.1124 Income Tax Reporting
- 1650.1125 Lump-Sum Death Benefit Allocation to Alternate Payee

## SUBPART N: PAYROLL DEDUCTION PROGRAM

## Section

- 1650.1200 Payroll Deduction Program Guidelines (Repealed)
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program (Repealed)
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations (Repealed)
- 1650.1203 Payroll Deduction Program – Full Time Employment Defined (Repealed)
- 1650.1204 Payroll Deduction Program – Disability Defined (Repealed)
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance (Repealed)

## SUBPART O: RETIREMENT BENEFITS

## Section

- 1650.2900 Excess Benefit Arrangement

SUBPART P: COMPETITIVE SELECTION PROCEDURES  
FOR INVESTMENT SERVICES

## Section

- 1650.3000 Summary and Purpose
- 1650.3005 Definitions
- 1650.3010 Public Markets Manager Database
- 1650.3015 Emerging Investment Managers
- 1650.3017 Candidate Profile for Investment Manager Searches
- 1650.3020 Public Market Searches
- 1650.3025 Small and Mid Cap Equity Searches
- 1650.3030 Private Market and Commingled Fund Searches

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1650.3032	Co-Investment Opportunities
1650.3035	Private Market Real Estate Separate Account Searches
1650.3040	Consultant Searches
1650.3045	Evaluation by Investment Committee

## SUBPART Q: PLAN QUALIFICATION

## Section

1650.3100	Summary and Purpose
1650.3105	Exclusive Benefit Rule
1650.3110	USERRA (Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4335)) Compliance
1650.3115	Required Minimum Distributions
1650.3120	Federal Contribution and Benefit Limitations
1650.3125	Mortality Tables and Interest Rates

**AUTHORITY:** Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

**SOURCE:** Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill.

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Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4, 2013; amended at 38 Ill. Reg. 21239, effective October 21, 2014; amended at 39 Ill. Reg. 5259, effective March 20, 2015; amended at 39 Ill. Reg. 14989, effective October 30, 2015; amended at 40 Ill. Reg. 14099, effective September 28, 2016; amended at 41 Ill. Reg. 718, effective January 11, 2017; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

**Section 1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy**

- a) Service credit of up to three years shall be granted for periods beginning prior to July 1, 1983, during which a teacher ceased covered employment due to pregnancy. The maximum lifetime amount of credit available for any type of leave of absence, including pregnancy related absences, is 3.000 years. Type of leave of absences include pregnancy, leave of absence, involuntary layoff, and adoption.
- b) For purposes of determining eligibility to receive optional service credit under the provisions of 40 ILCS 5/16-127(b)(5)(iii), the following definitions shall apply:
  - 1) "Pregnancy" shall mean the period beginning at the moment of conception and continuing through termination of the pregnancy or delivery of the

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child.

- 2) "Due to pregnancy" shall mean due to the state of being pregnant and recovery therefrom due to the termination of a pregnancy or due to the delivery of a child.
  - 3) "Covered employment" means employment in a position requiring membership contributions to the System as a condition of employment.
  - 4) "Teaching service creditable under this System or the State Universities Retirement System" means employment in a position requiring membership contributions to the System or the State Universities Retirement System as a condition of employment.
- c) The documents necessary to establish service credit under this Section shall include:
- 1) School employment records;
  - 2) Medical records;
  - 3) Birth or death certificates; and/or
  - 4) Other contemporaneous documentation that reliably supports the service credit to be established while eliminating the possibility of mistake or fraud.
- d) For purposes of granting service credit for periods away from teaching due to pregnancy, the statutory return-to-teaching requirement is met when the member returns to teaching service creditable under this System or the State Universities Retirement System for the period the member was away from teaching due to pregnancy or one year, whichever is less.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1650.346 Service Credit for Periods Away From Teaching Due to Adoption**

- a) Service credit of up to three years shall be granted for periods beginning prior to July 1, 1983, during which a teacher ceased covered employment for the purpose

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of adopting an infant under three years of age or caring for a newly adopted infant under three years of age. The maximum lifetime amount of credit available for any type of leave of absence, including pregnancy related absences, is 3.000 years. Type of leave of absences include pregnancy, leave of absence, involuntary layoff, and adoption.

- b) For purposes of determining eligibility to receive optional service credit under the provisions of 40 ILCS 5/16-127(b)(5)(iv), the following definitions shall apply:
- 1) "Ceased covered employment" shall mean the submission of a resignation that terminated employment in a position requiring membership contributions to the System as a condition of employment.
  - 2) "For the purpose of adopting an infant under three years of age" shall mean the termination of covered employment:
    - A) To meet the requirements of an adoption agency or similar entity resulting in the adoption of an infant who is under the age of three at the time the member terminates covered employment;
    - B) To formally commence judicial or administrative proceedings to adopt an infant who is under the age of three at the time the adoption proceedings were initiated; or
    - C) To care for an infant under the age of three while an adoption proceeding is ongoing which results in the adoption of the infant.
  - 3) "Caring for a newly adopted infant under three years of age" shall mean providing care to an adopted infant of less than three years of age when the interruption of service begins within 180 days after the court order declaring the member the adoptive parent of such an infant.
  - 4) "Teaching service creditable under this System or the State Universities Retirement System" means employment in a position requiring membership contributions to the System or the State Universities Retirement System as a condition of employment.
- c) The documents necessary to establish service credit under this Section shall include:

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 1) Employment records;
  - 2) Birth certificates;
  - 3) Court records;
  - 4) Adoption agency records;
  - 5) Governmental records; and/or
  - 6) Other contemporaneous documentation that reliably supports the service credit to be established while eliminating the possibility of mistake or fraud.
- d) For purposes of granting service credit for periods away from teaching due to adoption, the statutory return-to-teaching requirement is met when the member returns to teaching service creditable under this System or the State Universities Retirement System for the period the member was away from teaching due to adoption or one year, whichever is less.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

**Section 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%**

The employer contribution required under 40 ILCS 5/16-158(f) will be determined as follows:

- a) Calculate the member's monthly benefit using salaries as reported, excluding that part of the member's salary that exceeds the member's annual full-time salary rate with the same employer for the preceding year by more than 20%.
- b) Calculate the member's monthly benefit using salaries as reported, excluding that part of the member's salary that exceeds the member's salary with the same employer for the preceding year by more than 6%.
- c) Subtract (b) from (a).

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- d) Multiply (c) by a Monthly Benefit Factor for the member's exact age at the retirement date. The Monthly Benefit Factors are based on the actuarial assumptions of the System for life expectancy and investment return as determined by the System's actuaries at five year intervals pursuant to 40 ILCS 5/16-176.
- e) If a member's monthly benefit is calculated pursuant to 40 ILCS 5/16-133(a), this Section will not apply.
- f) If there is more than one employer during the final average salary period, each employer will pay its respective contribution based on salary increases granted by that employer in excess of 6%.
- g) If the member's benefit is increased as a result of applying the provisions of Section 20 of the Retirement Systems Reciprocal Act [40 ILCS 5/20], no additional employer contribution will be due.
- h) If the member's benefit is reduced as a result of applying proportional reductions required by 40 ILCS 5/20-124, no employer contribution will be assessed for any salaries attributable to any reciprocal employment used in the calculation.
- i) If the average salary is calculated using salary earned through employment covered by another participating system under 40 ILCS 5/20, no employer will be assessed for any salaries attributable to that employment.
- j) The member's salary for any school year used to determine final average salary shall be excluded for purposes of determining the employer contribution required for salary increases in excess of 6% in any year in which the member's creditable earnings are less than 50% of the preceding year's mean salary for downstate teachers as determined by the survey of school district salaries provided in Section 2-3.103 of the School Code.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Public Access to Information
- 2) Code Citation: 2 Ill. Adm. Code 5176
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
5176.110	Repealed
5176.120	Repealed
- 4) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140]
- 5) Effective Date of Repealer: June 21, 2017
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the repealed Sections including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 40 Ill. Reg. 16386; December 30, 2016
- 10) Has JCAR issued a Statement of Objections to these Rulemakings? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: This Part is outdated and must be replaced to allow the Illinois Community College Board to operate in compliance with the Illinois Freedom of Information Act.
- 16) Information and questions regarding this adopted repealer shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED REPEALER

Matt Berry  
Legislative and External Affairs Liaison  
Illinois Community College Board  
401 East Capitol Ave.  
Springfield IL 62701-1711

217/785-7411  
email: [matt.berry@illinois.gov](mailto:matt.berry@illinois.gov)

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Public Access to Information
- 2) Code Citation: 2 Ill. Adm. Code 5176
- 3) 

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
5176.100	New Section
5176.105	New Section
5176.200	New Section
5176.205	New Section
5176.210	New Section
5176.300	New Section
5176.305	New Section
5176.310	New Section
5176.315	New Section
5176.400	New Section
5176.405	New Section
5176.410	New Section
5176.415	New Section
5176.420	New Section
5176.425	New Section
5176.430	New Section
5176.435	New Section
5176.500	New Section
5176.505	New Section
5176.510	New Section
5176.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140].
- 5) Effective Date of Rules: June 21, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments including any material incorporated is on file in the agency's principal office and is available for public inspection.

## ILLINOIS COMMUNITY COLLEGE BOARD

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- 9) Notice of Proposed published in the *Illinois Register*: 40 Ill. Reg. 16391; December 30, 2016
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Differences between Proposal and Final Version: All technical corrections recommended by JCAR were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rules: This new Part is written to allow the Illinois Community College Board to operate in compliance with the Illinois Freedom of Information Act. The new Part replaces rules that are outdated due to legislative changes in the Illinois Freedom of Information Act.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Matt Berry  
Legislative and External Affairs Liaison  
Illinois Community College Board  
401 East Capitol Ave.  
Springfield IL 62701-1711

217/785-7411  
email: matt.berry@illinois.gov

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE F: EDUCATIONAL AGENCIES  
CHAPTER VIII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 5176

ACCESS TO RECORDS OF THE ILLINOIS COMMUNITY COLLEGE BOARD

SUBPART A: INTRODUCTION

Section	
5176.100	Summary and Purpose
5176.105	Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section	
5176.200	Records that Will Be Disclosed
5176.205	Records that Will Be Withheld from Disclosure
5176.210	Statutory Exemptions

SUBPART C: PROCEDURES FOR REQUESTING  
RECORDS FROM THE BOARD

Section	
5176.300	Submittal of Requests for Records
5176.305	Information To Be Provided in Requests for Records
5176.310	Requests for Records for Commercial Purposes
5176.315	Records Maintained Online

SUBPART D: BOARD RESPONSE TO REQUESTS FOR RECORDS

Section	
5176.400	Timeline for Board Response
5176.405	Requests for Records that the Board Considers Unduly Burdensome
5176.410	Recurrent Requesters
5176.415	Requests for Records that Require Electronic Retrieval
5176.420	Denials of Requests for Records
5176.425	Requests for Review of Denials – Public Access Counselor
5176.430	Circuit Court Review

## ILLINOIS COMMUNITY COLLEGE BOARD

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5176.435 Administrative Review

## SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

## Section

- 5176.500 Inspection and Copying of Records
- 5176.505 Fees for Records
- 5176.510 Reduction and Waiver of Fees

5176.APPENDIX A Fee Schedule for Duplication and Certification of Records

**AUTHORITY:** Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

**SOURCE:** Adopted at 8 Ill. Reg. 15572, effective August 15, 1984; amended at 14 Ill. Reg. 14387, effective August 27, 1990; former Part repealed at 41 Ill. Reg. 7956, and new Part adopted at 41 Ill. Reg. 7958, effective June 21, 2017.

## SUBPART A: INTRODUCTION

**Section 5176.100 Summary and Purpose**

- a) This Part states the policy of the Illinois Community College Board (Board) for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.
- b) This Part:
  - 1) Establishes the following classifications for records in the Board's possession:
    - A) Records that shall be disclosed; and
    - B) Records that shall be withheld from disclosure;
  - 2) Contains the procedures by which requesters may obtain records in the Board's possession; and

## ILLINOIS COMMUNITY COLLEGE BOARD

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- 3) Contains the procedures for claiming and determining that records submitted to the Board are exempt from disclosure.

**Section 5176.105 Definitions**

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act [5 ILCS 140]. The following definitions are applicable for purposes of this Part:

"Act" means Public Community College Act [110 ILCS 805].

"Board" means the Illinois Community College Board as established by the Act.

*"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:*

*to access and disseminate information concerning news and current or passing events;*

*for articles or opinion or features of interest to the public; or*

*for the purpose of academic, scientific, or public research or education.*  
(Section 2(c-10) of FOIA)

*"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Board.* (Section 2(d) of FOIA)

"Executive Director" means the executive officer of the Board.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

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*"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station, television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)*

*"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)*

*"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)*

*"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].*

*"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)*

*"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Board. (Section 2(c) of FOIA)*

*"Recurrent requester" means a person that, in the 12 months immediately preceding the request, has submitted to the same public body a minimum of 50 requests for records, a minimum of 15 requests for records within a 30-day*

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*period, or a minimum of 7 requests for records within a 7 day period. For the purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods, in this definition when the principal purpose of the requests is to access and disseminate information concerning news and current or passing events, for articles of opinion or features of interest to the public, or for the purpose of academic, scientific, or public research or education. For the purposes of this definition, "request" means a written document (or oral request, if the public body chooses to honor oral requests) that is submitted to a public body via personal delivery, mail, telefax, electronic mail, or other means available to the public body and that identifies the particular public record the requester seeks. One request may identify multiple records to be inspected or copied. (Section 2(g) of FOIA)*

"Requester" is any person who has submitted to the Board a written request, electronically or on paper, for records.

*"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)*

## SUBPART B: CLASSIFICATION OF RECORDS

**Section 5176.200 Records that Will Be Disclosed**

Upon request meeting the requirements of this Part, the Board shall disclose to the requester all records requested except that it shall not disclose certain records as provided in Section 5176.205 or 5176.210. Records covered under this Section shall include, but are not limited to:

- a) *Records of funds. All records relating to the obligation, receipt and use of public funds of the Board are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Board under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Board prior to disclosure. (Section 2.10 of FOIA)*

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- c) *Criminal history records. The following documents maintained by the Board pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
- 1) *Court records that are public;*
  - 2) *Records that are otherwise available under State or local law; and*
  - 3) *Records in which the requesting party is the individual identified, except as provided under Section 7(1)(d)(vi) of FOIA. (Section 2.15(b) of FOIA)*
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Board are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 5176.205 or 5176.210 may be redacted. (Section 2.20 of FOIA)*

**Section 5176.205 Records that Will Be Withheld from Disclosure**

- a) For exemptions from FOIA that are stated in FOIA, see Section 7(1) of the Act.
- b) *A record that is not in the possession of the Board but is in the possession of a party with whom the Board has contracted to perform a governmental function on behalf of the Board, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Board for purposes of Subpart C. (Section 7(2) of FOIA)*

**Section 5176.210 Statutory Exemptions**

For exemptions from FOIA that are stated in other statutes, see Section 7.5 of the Act.

**SUBPART C: PROCEDURES FOR REQUESTING  
RECORDS FROM THE BOARD****Section 5176.300 Submittal of Requests for Records**

- a) Any request for public records should be submitted in writing to the FOI Officer at the Board.

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- b) The Board has one FOI Officer located in the Springfield office.
- c) Contact information for each FOI Officer can be found online at [www.Illinois.gov/Pages/FOIAContacts](http://www.Illinois.gov/Pages/FOIAContacts).
- d) FOIA requests may be submitted via mail, e-mail, fax, or hand delivery. Requests should be mailed or hand delivered to:

Illinois Community College Board  
401 E. Capitol Avenue  
Springfield IL 62701-1711  
Attn: FOI Officer

- e) E-mailed requests should be sent to [iccbfoia@iccb.state.il.us](mailto:iccbfoia@iccb.state.il.us), contain the request in the body of the e-mail, and indicate in the subject line of the e-mail that it contains a FOIA request. Faxed FOIA requests should be faxed to 217/524-4981, Attn: FOI Officer.

**Section 5176.305 Information To Be Provided in Requests for Records**

A request for records should include:

- a) The complete name, mailing address and telephone number of the requester;
- b) As specific a description as possible of the records sought. Requests that the Board considers unduly burdensome or categorical may be denied. (See Section 3(g) of FOIA and Section 5176.405 of this Part.);
- c) A statement as to the requested medium and format for the Board to use in providing the records sought: for example, paper, specific types of digital or magnetic media, or videotape;
- d) A statement as to the requested manner for the Board to use in providing the records sought: for example, inspection at Board headquarters or providing paper or electronic copies;
- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification; and

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- f) A statement as to whether the request is for a commercial purpose.

**Section 5176.310 Requests for Records for Commercial Purposes**

- a) *It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Board. (Section 3.1(c) of FOIA)*
- b) *The Board shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
- 1) *Provide to the requester an estimate of the time required by the Board to provide the records requested and an estimate of the fees to be charged, which the Board may require the person to pay in full before copying the requested documents;*
  - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 5176.205 or 5176.210;*
  - 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
  - 4) *Provide the records requested. (Section 3.1(a) of FOIA)*
- c) *Unless the records are exempt from disclosure, the Board shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. (Section 3.1(b) of FOIA)*

**Section 5176.315 Records Maintained Online**

- a) *Notwithstanding any provision of FOIA to the contrary, a public body is not required to copy a public record that is published on the public body's website. The public body shall notify the requester that the public record is available online and direct the requester to the website where the record can be reasonably accessed.*

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- b) *If the person requesting the public record is unable to reasonably access the record online after being directed to the website pursuant to subsection (a), the requester may resubmit his or her request for the record stating his or her inability to reasonably access the record online, and the public body shall make the requested record available for inspection or copying as provided in Section 3 of FOIA. (Section 8.5 of FOIA)*

## SUBPART D: BOARD RESPONSE TO REQUESTS FOR RECORDS

**Section 5176.400 Timeline for Board Response**

- a) *Except as stated in subsection (b) or (c), the Board will respond to any written request for records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Board fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested records, it will not impose a fee for those copies. If the Board fails to respond to a request received, it will not treat the request as unduly burdensome as provided under Section 5176.405. (Section 3(d) of FOIA) A written request from the Board to provide additional information shall be considered a response to the FOIA request.*
- b) *The time limits prescribed in subsection (a) may be extended for not more than 5 business days from the original due date for any of the following reasons:*
- 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*
  - 2) *The request requires the collection of a substantial number of specified records;*
  - 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
  - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*

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- 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
  - 6) *The request for records cannot be complied with by the Board within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Board; or*
  - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*
- c) *The person making a request and the Board may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Board agree to extend the period for compliance, a failure by the Board to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
  - d) *When additional time is required for any of the reasons set forth in subsection (b), the Board will, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Board fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Board issues an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 5176.405. (Section 3(f) of FOIA)*

**Section 5176.405 Requests for Records that the Board Considers Unduly Burdensome**

- a) *The Board will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Board, there is no way to narrow the request, and the burden on the Board outweighs the public interest in the information. Before invoking this exemption, the Board will extend to the requester an opportunity to confer with it in an attempt to reduce the*

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*request to manageable proportions.* (Section 3(g) of FOIA) The amended request must be in writing.

- b) If the Board determines that a request is unduly burdensome, *it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Board.* The response shall be treated as a denial of the request for information. (Section 3(g) of FOIA)
- c) *Repeated requests from the same person for records that are unchanged or identical to records previously provided or properly denied under this Part shall be deemed unduly burdensome.* (Section 3(g) of FOIA)

**Section 5176.410 Recurrent Requesters**

- a) *Notwithstanding any provision of this Part to the contrary, the Board will respond to a request from a recurrent requester, as defined in Section 5176.105, within 21 business days after receipt. The response shall:*
  - 1) *provide to the requester an estimate of the time required by the Board to provide the records requested and an estimate of the fees to be charged, which the Board may require the person to pay in full before copying the requested documents;*
  - 2) *deny the request pursuant to one or more of the exemptions set out in this Part;*
  - 3) *notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
  - 4) *provide the records requested.*
- b) *Within 5 business days after receiving a request from a recurrent requester, the Board will notify the requester that the Board is treating the request as a recurrent request, of the reasons why the Board is treating the request as a recurrent request, and that the Board will send an initial response within 21 business days after receipt in accordance with subsection (a). The Board will also notify the requester of the proposed responses that can be asserted pursuant to subsection (a).*

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- c) *Unless the records are exempt from disclosure, the Board will comply with a request within a reasonable period considering the size and complexity of the request.* (Section 3.2 of FOIA)

**Section 5176.415 Requests for Records that Require Electronic Retrieval**

- a) A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.
- b) The Board will retrieve and provide electronic records only in a format and medium that is available to the Board.

**Section 5176.420 Denials of Requests for Records**

- a) The Board will deny requests for records when:
- 1) Compliance with the request would unduly burden the Board, as determined pursuant to Section 5176.405, and the requester has not reduced the request to manageable proportions; or
  - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 5176.205 or 5176.210 of this Part.
- b) The denial of a request for records must be in writing.
- 1) The notification shall include a description of the records denied; *the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial* (Section 9(a) of FOIA);
  - 2) *Each notice of denial shall also inform the person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor* (Section 9(a) of FOIA); and
  - 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for*

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*the denial, including a detailed factual basis and a citation to the supporting legal authority* (Section 9(b) of FOIA).

- c) A requester may treat the Board's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
- d) If the Board has given written notice pursuant to Section 5176.400(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.
- e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Board fails to act within the time periods provided in Section 5176.400.* (Section 9(c) of FOIA)

**Section 5176.425 Requests for Review of Denials – Public Access Counselor**

- a) *A person whose request to inspect or copy a record is denied by the Board may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. The request for review shall be in writing, be signed by the requester, and include a copy of the request for access to records and any response from the Board.* (Section 9.5(a) of FOIA)
- b) *A person whose request to inspect or copy a record is made for a commercial purpose may not file a request for review with the Public Access Counselor. A person whose request to inspect or copy a record was treated by the Board as a request for a commercial purpose may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the Board properly determined that the request was made for a commercial purpose.* (Section 9.5(b) of FOIA)
- c) *Within 7 business days after the Board receives a request for review from the Public Access Counselor, the Board shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor.* (Section 9.5(c) of FOIA)

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- d) *Within 7 business days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Board may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)*
- e) *The requester may, but is not required to, respond in writing to the answer within 7 business days and shall provide a copy of the response to the Board. (Section 9.5(d) of FOIA)*
- f) *In addition to the request for review, and the answer and response to the request, if any, a requester or the Board may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- g) *A binding opinion from the Attorney General shall be binding upon both the requester and the Board, subject to administrative review under Section 5176.435. (Section 9.5(f) of FOIA)*
- h) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)*
- i) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Board will either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 5176.435. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 5176.435. (Section 9.5(f) of FOIA)*
- j) *If the Board discloses records in accordance with an opinion of the Attorney General, the Board is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)*
- k) *If the requester files suit under Section 5176.430 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor. (Section 9.5(g) of FOIA)*

## ILLINOIS COMMUNITY COLLEGE BOARD

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- 1) *The Attorney General may also issue advisory opinions to the Board regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Executive Director of the Board or the Board's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Board in order to assist in the review. If the Board relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Board is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. (Section 9.5(h) of FOIA)*

**Section 5176.430 Circuit Court Review**

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

**Section 5176.435 Administrative Review**

*A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Board shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)*

## SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

**Section 5176.500 Inspection and Copying of Records**

- a) The Board may make available records for personal inspection at the Board's headquarters office located at 401 E. Capitol Avenue, Springfield, or at another location agreed to by both the Board and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record. The Board may provide records in duplicate forms, including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo.

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- b) *When a person requests a copy of a record maintained in an electronic format, the Board shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Board shall furnish it in the format in which it is maintained by the Board, or in paper format at the option of the requester. (Section 6(a) of FOIA)*
- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Board will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Board as soon as possible before the appointment.
- d) In order to maintain routine Board operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. A Board employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

**Section 5176.505 Fees for Records**

- a) In accordance with Section 5176.510, unless a fee is otherwise fixed by statute, the Board will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Board to reproduce records, the Board will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(b) of FOIA)*

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- c) In order to expedite the copying of records that the Board cannot copy, due to the volume of the request or the operational needs of the Board, in the timelines established in Section 5176.400, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the public records at the Board headquarters in Section 5176.500, or at another location agreed to by both the Board and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record.
- d) Copies of records will be provided to the requester only upon payment of any fees due. *The Board may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Board will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records.* (Section 6(a) of FOIA) Payment must be by check or money order sent to the Board, payable to "Treasurer, State of Illinois".
- e) If a contractor is used to inspect or copy records, the following procedures shall apply:
- 1) The requester, rather than the Board, must contract with the contractor;
  - 2) The requester is responsible for all fees charged by the contractor;
  - 3) The requester must notify the Board of the contractor to be used prior to the scheduled on-site inspection or copying;
  - 4) Only Board personnel may provide records to the contractor;
  - 5) The Board must have verification that the requester has paid the Board, if payment is due, for the copying of the records before providing the records to the contractor; and
  - 6) The requester must provide to the Board the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.
- f) *The Board may charge up to \$10 for each hour spent by personnel in searching for and retrieving a requested record. No fees shall be charged for the first 8*

## ILLINOIS COMMUNITY COLLEGE BOARD

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*hours spent by personnel in searching for or retrieving a requested record. The Board may charge the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the Board. If the Board imposes a fee pursuant to this subsection (f), it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records. The provisions of this subsection (f) apply only to commercial requests. (Section 6(f) of FOIA)*

**Section 5176.510 Reduction and Waiver of Fees**

- a) *Fees may be reduced or waived by the Board if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Board will consider the following:*
  - 1) *Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
  - 2) *Whether the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public. (Section 6(c) of FOIA)*
- b) *In setting the amount of the waiver or reduction, the Board will take into consideration the amount of materials requested and the cost of copying them. (Section 6(c) of FOIA)*
- c) *The Board will provide copies of records without charge to federal, State and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.*
- d) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be*

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*applicable to those records when furnished to a requester in an electronic format.*  
(Section 6(a) of FOIA)

## ILLINOIS COMMUNITY COLLEGE BOARD

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**Section 5176.APPENDIX A Fee Schedule for Duplication and Certification of Records**

TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Paper copy from microfilm original	\$.15/page
Microfilm diazo from original	\$.50/diazo
VHS video copy of tape	Actual cost of the reproduction
Audio tape copy of tape	Actual cost of the reproduction
CD ROM disk	Actual cost of the reproduction
Photograph from negative	Actual cost of the reproduction
Blueprints/oversized prints	Actual cost of the reproduction
Paper copies in color or in a size other than letter or legal	Actual cost of the reproduction
Certification fee	\$1.00/record

NOTE: Expense for delivery other than by First Class U.S. Mail must be borne by the requester.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Procedures for Issuing Loans from the Water Pollution Control Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 365
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
365.110	Repealed
365.120	Repealed
365.130	Repealed
365.140	Repealed
365.220	Repealed
365.230	Repealed
365.240	Repealed
365.250	Repealed
365.260	Repealed
365.310	Repealed
365.320	Repealed
365.330	Repealed
365.340	Repealed
365.410	Repealed
365.420	Repealed
365.430	Repealed
365.440	Repealed
365.450	Repealed
365.460	Repealed
365.470	Repealed
365.520	Repealed
365.530	Repealed
365.540	Repealed
365.560	Repealed
365.610	Repealed
365.620	Repealed
365.630	Repealed
365.640	Repealed
365.650	Repealed
365.660	Repealed
365.670	Repealed
365.710	Repealed
365.720	Repealed

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED REPEALER

365.730	Repealed
365.740	Repealed
365.750	Repealed
365.770	Repealed
365.810	Repealed
365.820	Repealed
365.830	Repealed
365.910	Repealed
365.920	Repealed
365.930	Repealed
365.940	Repealed
365.950	Repealed
365.1010	Repealed
365.1020	Repealed
365.1030	Repealed
365.1110	Repealed
365.1120	Repealed
365.APPENDIX A	Repealed
365.EXHIBIT C	Repealed
365.EXHIBIT D	Repealed
365.APPENDIX B	Repealed
365.EXHIBIT A	Repealed
365.EXHIBIT B	Repealed
365.EXHIBIT C	Repealed

- 4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.9].
- 5) Effective Date of Repeal: July 1, 2017
- 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 repeal is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276, Springfield IL, 62794-9276 and is available for public inspection.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED REPEALER

- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 14142; October 21, 2016
- 10) Has JCAR issued a Statement of Objection to this repeal? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this repeal replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rule: The Illinois EPA proposes to repeal Part 365 and replace with new rules in Part 365 pursuant to the Illinois Environmental Protection Act.
- 16) Information and questions regarding this adopted repealed shall be directed to:

Rex L. Gradeless  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276

217/782-5544

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Procedures for Issuing Loans from the Water Pollution Control Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 365
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
365.105	New Section
365.110	New Section
365.120	New Section
365.130	New Section
365.140	New Section
365.150	New Section
365.160	New Section
365.170	New Section
365.210	New Section
365.220	New Section
365.240	New Section
365.250	New Section
365.260	New Section
365.310	New Section
365.320	New Section
365.330	New Section
365.340	New Section
365.350	New Section
365.410	New Section
365.420	New Section
365.430	New Section
365.440	New Section
365.450	New Section
365.460	New Section
365.470	New Section
365.510	New Section
365.520	New Section
365.530	New Section
365.540	New Section
365.610	New Section
365.620	New Section
365.630	New Section
365.640	New Section

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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365.650	New Section
365.660	New Section
365.670	New Section

- 4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.9].
- 5) Effective Date of Rules: July 1, 2017
- 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 is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276, Springfield IL 62794-9276 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 14243; October 21, 2016
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: The First Notice version published in the Illinois Register included changes made by JCAR. The Illinois EPA's adopted rule does not contain all the grammatical, typographical, and stylistic revisions made by JCAR and published in First Notice. The Agency also made nonsubstantive, grammatical, and typographical revisions from the proposed rule. The Agency has made the following substantive changes:  
  
365.110 – Removed the definition of source of revenue and Title VI and added the definition of act.  
  
365.110 – Amended the definition of green project reserve to "the portion of funded projects, as required by the Capitalization Grant, identified by the Agency in its Intended Use Plan and Annual Report that address green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities as directed by federal law".

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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365.120 – Replaced "The Agency shall prepare an Intended Use Plan annually." with "After public review and comment, the Agency must annually prepare an Intended Use Plan and submit that plan to USEPA."

365.170 – Replaced "The following procedures will not be waived:" with "In addition to all federal requirements, these procedures will not be waived:"

365.310 – Replaced "b) The first submittal of the Funding Nomination Form shall be submitted with a Project Plan as described in Section 365.320." with "b) To ensure placement on the annual Project Priority List, loan applicants seeking financial assistance during any fiscal year commencing July 1 must annually submit a Funding Nomination Form required under subsection (a) by the preceding January 31."

365.310 – Replaced "c) To ensure placement on the annual Project Priority List, loan applicants seeking financial assistance during any fiscal year commencing July 1 shall resubmit a Funding Nomination Form required under subsection (a) by the preceding January 31. All resubmitted Funding Nomination Forms shall include all applicable updates." with "c) The first submittal of the Funding Nomination Form must be submitted with a Project Plan as described in Section 365.320."

365.320 – Deleted ", including, at a minimum, comments from the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources" after "agencies".

365.330 – Deleted "f) Agency project planning determinations made in accordance with subsections (b) and (c) shall be subject to the Illinois Administrative Procedure Act [5 ILCS 100]."

365.620 – Deleted ", including, but not limited to, a copy of the advertisement or advertisements and the record of negotiation," after "evidence".

365.630 – Deleted ", such as, but not limited to, a copy of the advertisement or advertisements and the record of negotiation in accordance with 40 CFR 33," after "Evidence" and add "in accordance with 40 CFR 33" after "taken".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace any emergency rule currently in effect? No

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rules: These rules reorganize and update the Illinois EPA's previous rules governing the Water Pollution Control Loan Program. The rules include provisions for project eligibilities, including the financing of stormwater treatment systems, reduced fixed-loan rates for small and hardship communities and projects meeting environmental impact criteria, and allow for the restructuring of existing loan obligations. In addition, these rules update Illinois EPA's affordability criteria for principal forgiveness going forward and authorize 30-year loan terms for public loan applicants that qualify for the small or hardship community fixed-loan rates.
- 16) Information and questions regarding this adopted rules shall be directed to:

Rex L. Gradeless  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276

217/782-5544

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

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 365  
PROCEDURES FOR ISSUING LOANS FROM THE WATER  
POLLUTION CONTROL LOAN PROGRAM

## SUBPART A: INTRODUCTION

Section	
365.105	Purpose
365.110	Definitions
365.120	Administration
365.130	Projects and Activities Available for Assistance
365.140	Types of Assistance
365.150	Other Federal Requirements
365.160	Application Process
365.170	Waiver of Procedures

## SUBPART B: FINANCING TERMS

Section	
365.210	Fixed Loan Rate
365.220	Loan Repayment Period
365.240	Restructuring
365.250	Principal Forgiveness
365.260	Limitations on Loan Assistance

## SUBPART C: LOAN APPLICATION PROCESS

Section	
365.310	Funding Nomination Form
365.320	Project Plan
365.330	State Environmental Review
365.340	Project Priority List
365.350	Securing the Loan Agreement

## SUBPART D: LOAN ISSUANCE, AUDITING, AND RECORDKEEPING

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## Section

- 365.410 Loan Issuance
- 365.420 Post-Loan Issuance Construction Contract Requirements
- 365.430 Loan Eligible Costs
- 365.440 Disbursement of Loan Funds
- 365.450 Initiation of Loan Repayment
- 365.460 Loan Closing and Issuance of Final Loan Amendment
- 365.470 Ongoing Auditing and Monitoring of Financial Capability

## SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

## Section

- 365.510 Delinquent Loan Repayments
- 365.520 Noncompliance with Loan Procedures
- 365.530 Stop-Work Order
- 365.540 Termination

## SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

## Section

- 365.610 Requirements for Subagreements
- 365.620 Construction Contracts
- 365.630 Contracts for Personal and Professional Services
- 365.640 Compliance with Procurement Requirements for Construction Contracts
- 365.650 Disputes
- 365.660 Indemnity
- 365.670 Covenant Against Contingent Fees

**AUTHORITY:** Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].

**SOURCE:** Adopted at 13 Ill. Reg. 7351, effective May 1, 1989; amended at 16 Ill. Reg. 15073, effective September 21, 1992; recodified at 19 Ill. Reg. 11450, effective August 11, 1995; amended at 20 Ill. Reg. 788, effective January 1, 1996; amended at 30 Ill. Reg. 15590, effective September 18, 2006; emergency amendment at 33 Ill. Reg. 8546, effective June 2, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 15450, effective October 28, 2009; emergency amendment at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days; emergency expired November 6, 2010; amended at 34 Ill. Reg. 17582, effective November 8, 2010; former

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Part repealed at 41 Ill. Reg. 7980 and new Part adopted at 41 Ill. Reg. 7983, effective July 1, 2017.

## SUBPART A: INTRODUCTION

**Section 365.105 Purpose**

This Part sets forth procedures to be used by the Agency to operate the Water Pollution Control Loan Program (WPCLP).

**Section 365.110 Definitions**

- a) Unless specified otherwise in subsection (b), all terms shall have the meanings set forth in the Environmental Protection Act (Act) [415 ILCS 5] and the regulations adopted under that Act (35 Ill. Adm. Code: Subtitle C) and the federal Clean Water Act (CWA), as amended (33 USC 1251 et seq.).
- b) For the purposes of this Part, the following definitions apply:

Act – The Environmental Protection Act [415 ILCS 5].

Addenda – Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency – *Illinois Environmental Protection Agency*. [415 ILCS 5/19.2(a)]

Binding Commitment – A legal obligation between the Agency and the loan recipient to provide financial assistance from the WPCLP to the loan recipient, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Capitalization Grant – The actual federal funds received by the Agency for deposit into the WPCLP as a result of the capitalization grant agreement with USEPA.

Capitalization Grant Agreement – The agreement entered into each federal fiscal year between the Agency and USEPA for the purpose of providing a grant to

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capitalize the WPCLP and enable the Agency to provide assistance for WPCLP projects.

Change Order – A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

Compliance Project – A project that consists of construction, expansion, or upgrading of a treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C and the CWA, respectively.

*Construction – Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the treatment works, engineering, architectural, legal, fiscal or economic investigations, or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of treatment works, or the inspection or supervision of any of the foregoing items. [415 ILCS 5/19.2]*

Contract Documents – The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond, agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

CWA – The Clean Water Act, as amended (33 USC 1251 et seq.).

Dedicated Source of Revenue – The type of security and the basis of legal authorization that are dedicated by legislative enactment or other appropriate authority, along with the applicable revenue source pledged for repayment and recorded in an account for the purpose of loan repayment, which is sufficient to repay the principal and interest on the loan.

Design – All administrative, legal, and engineering tasks, subsequent to Project Plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This must include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems and sewer use ordinances.

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Director – Director of the Illinois Environmental Protection Agency.

Energy Efficiency – The use of improved technologies and practices to reduce the energy consumption of water quality projects, including projects to reduce energy consumption or produce clean energy used by a treatment works.

Environmentally Innovative Projects – Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced cost and projects that foster adaptation of water protection programs and practices to climate change.

Facilities – Equipment or operating systems that are constructed, installed or established to serve the particular purpose of mitigating the impacts of sewerage, industrial waste or non-point sources of pollution in a watershed. Facilities may involve stand-alone projects or be involved as component pieces of treatment works. Facilities in the context of the Green Project Reserve will address green infrastructure, water and energy efficiency improvements and other environmentally innovative activities.

Fixed Loan Rate – The simple annual fixed rate on the loan, which includes an interest rate portion and a loan support rate portion. The fixed loan rate shall be determined on an annual basis by the procedures defined in Section 365.210.

Interest Rate – The interest rate is a portion of the Fixed Loan Rate and shall not be less than one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the interest rate portion of the Fixed Loan Rate shall be deposited in the WPCLP receipt account within the Fund.

Loan Support Rate – The loan support rate is a portion of the Fixed Loan Rate and shall not exceed one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the loan support rate portion of the Fixed Loan Rate shall be deposited in the Loan Support Program receipt account within the Fund.

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*Fund – The Water Revolving Fund as authorized by Section 19.3 of the Act, consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program. [415 ILCS 5/19.2(b)]*

Green Infrastructure – Includes a wide array of practices at multiple scales that manage and treat stormwater and that maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies that reduce overall imperviousness in a watershed. On a local scale, green infrastructure consists of site- and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements, and cisterns.

Green Project Reserve – The portion of funded projects, as required by the Capitalization Grant, identified by the Agency in its Intended Use Plan and Annual Report that address green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities as directed by federal law.

Infiltration – Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connection, or manholes.

Inflow – Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash water, or drainage.

Initiation of Loan Repayment Period – The date in a loan agreement or amendment that establishes the beginning point of the loan repayment period.

Initiation of Operation – The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed, and constructed.

*Intended Use Plan – A plan which includes a description of the short and long term goals and objectives of the Water Pollution Control Loan Program, project*

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*categories, discharge requirements, terms of financial assistance and the loan applicants to be served.* [415 ILCS 5/19.2(e)]

Interstate Agency – An agency of two or more states established by or pursuant to an agreement or compact approved by the US Congress, or any other agency of two or more states, having substantial powers or duties pertaining to the control of pollution as determined and approved by USEPA.

Iron and Steel Products – The following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

Loan – *A loan made from the Water Pollution Control Loan Program to an eligible applicant as a result of a contractual agreement between the Agency and such applicant.* [415 ILCS 5/19.2(c)]

Loan Agreement – The contractual agreement document between the Agency and the loan recipient that contains the terms and conditions governing the loan issued from the WPCLP.

Loan Applicant – The person that has applied for a loan from the WPCLP under this Part.

Loan Procedures – The procedures for issuing loans from the WPCLP as set out in this Part.

Loan Recipient – The person that has been provided a loan from the WPCLP under this Part.

Loan Support Rate – The loan support rate is a portion of the fixed loan rate and shall not exceed one-half of the fixed loan rate rounded to the nearest 0.01%. The monies generated by the loan support rate portion of the fixed loan rate shall be deposited in the Loan Support Program receipt account within the Fund.

*Local Government Unit – A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities, including storm*

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*water treatment systems, or public water supply facilities or both.* [415 ILCS 5/19.2(g)]

Market Interest Rate – The mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding year, rounded to the nearest 0.01%.

Median Household Income or MHI – The median household income is the American Community Survey 5-year estimate from the United States Department of Commerce, Bureau of the Census.

Municipality – A municipality as defined in section 502 of the federal Clean Water Act (33 USC 1362(4)).

Operating Agreement – The agreement between the Agency and USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the WPCLP.

*Person – Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.* [415 ILCS 5/3.315]

Principal – The total amount of funds distributed to loan recipients for eligible project costs.

Project – The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List – An ordered listing of projects developed in accordance with the priority system described in 35 Ill. Adm. Code 366 that the Agency has determined are eligible to receive financial assistance from the WPCLP.

Public Loan Applicant – A loan applicant that is a municipality, intermunicipal agency, interstate agency, or local government unit that has applied for a loan under the WPCLP.

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**Public Loan Recipient** – A loan recipient that is a municipality, intermunicipal agency, interstate agency, or local government unit that has been provided a loan under the WPCLP.

**Responsible Bid** – A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents. Information necessary to demonstrate responsibility may be corrected or submitted after bid opening.

**Responsive Bid** – A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for nonresponsiveness. Bid defects resulting in a nonresponsive bid may not be corrected after the bid opening.

**Service Population** – The number of people served by the public loan applicant.

**Subagreement** – A written agreement between the loan recipient and another party, and any tier of agreement under that written agreement, to furnish services, supplies, or equipment necessary to complete the project for which a loan is provided, including construction contracts, contracts for personal and professional services, and purchase orders.

**Treatment Works** – *Treatment works, as defined in section 212 of the federal Water Pollution Control Act (33 USC 1292), including, but not limited to, the following:*

*any devices and systems owned by a local government unit and used in the storage, treatment, recycling, and reclamation of sewerage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and appurtenances;*

*extensions, improvements, remodeling, additions, and alterations thereof;*

*elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities;*

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*any works, including site acquisition of the land that will be an integral part of the treatment process for wastewater facilities; and*

*any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems as those terms are defined in the Federal Water Pollution Control Act. [415 ILCS 5/19.2(f)]*

Unemployment Rate – The annual average unemployment rate calculated by the Illinois Department of Employment Security, Economic Information and Analysis Division.

Useful Life – The estimated period during which a treatment works is intended to be operable, as certified by the project's consulting licensed professional engineer.

USEPA – The United States Environmental Protection Agency.

User Charge – A charge levied on the users of a treatment works to produce adequate revenues for the operation, maintenance and replacement of the treatment works.

WPCLP – The Water Pollution Control Loan Program as authorized by Section 19.2 of the Act.

**Section 365.120 Administration**

- a) The State Water Revolving Fund, an interest-bearing special fund, is administered by the Agency as an instrument of the State of Illinois in accordance with the Capitalization Grant Agreement between the Agency and USEPA in accordance with State and federal laws.
- b) The Capitalization Grant Agreement between the Agency and USEPA contains or incorporates by reference the following:
  - 1) the Operating Agreement between USEPA and the Agency that contains the organization, administrative framework, and procedures of the WPCLP that are not expected to change annually;

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- 2) the Agency's Intended Use Plan;
- 3) an agreed upon payment schedule between USEPA and the Agency;
- 4) the Green Project Reserve requirements;
- 5) the Agency's State environmental review process; and
- 6) the Agency's agreement to the following:
  - A) to accept grant payments in accordance with a negotiated payment schedule;
  - B) to deposit into the State Water Revolving Fund an amount equaling at least 20% of each grant payment;
  - C) to make binding commitments in an amount equal to 120% of each quarterly federal grant payment within one year after the receipt of each quarterly grant payment;
  - D) to expend all funds in an expeditious and timely manner;
  - E) to first use funds equaling the amount of the grant, all repayments of principal and payments of interest on the initial loans from the grant, and the State match to assure maintenance of progress, as determined by the Governor, toward compliance with enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline;
  - F) treatment works that will be constructed in whole or in part with assistance from the State Water Revolving Fund will meet the requirements of 33 USC 1371(c)(1) and 1372;
  - G) to commit or expend each quarterly grant payment in accordance with State laws and procedures regarding the commitment or expenditure of revenue;

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- H) to use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;
  - I) to require recipients under WPCLP to maintain projects and accounts in accordance with generally accepted government accounting standards, including standards relating to the reporting of infrastructure assets;
  - J) to make annual reports to the USEPA on the actual use of funds;
  - K) to establish, maintain, invest and credit the State Water Revolving Fund with repayments so that the fund balance will be available in perpetuity for activities under the CWA;
  - L) to use fees charged by the Agency to the recipients of assistance that are considered as program income for the purpose of financing of the cost of administering the WPCLP or financing projects or activities eligible for assistance under this Part;
  - M) to an annual audit of the WPCLP in accordance with the auditing procedures of the General Accounting Office (31 USC 75);
  - N) to require public loan recipients to study the cost and effectiveness of the process, materials, techniques, and technologies for carrying out the proposed project or activity and to select, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture and conservation, and energy conservation; and
  - O) to require that contracts carried out with funds directly made available under this Part for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services are negotiated in the same manner as a contract for architectural and engineering services are negotiated under 40 USC 1101.
- c) Intended Use Plan

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- 1) After public review and comment, the Agency must annually prepare an Intended Use Plan and submit that plan to USEPA.
- 2) The Intended Use Plan must include:
  - A) the uses of the State Water Revolving Fund under the WPCLP and describe how these uses support the goals of the WPCLP;
  - B) a listing and description of projects on the Project Priority List to be provided financial assistance and the terms of the financial assistance;
  - C) the short and long term goals and objectives of the WPCLP;
  - D) information on the types of activities including eligible categories of costs to receive assistance, types of assistance to be provided, and the WPCLP policies on setting the terms for various types of assistance provided by the State Water Revolving Fund under this Part;
  - E) the criteria and the method for distribution of the State Water Revolving Fund funds under this Part; and
  - F) assurances and specific proposals on the manner by which the Agency intends to comply with 40 CFR 35.3135(c), (d), (e) and (f), and 35.3140.

**Section 365.130 Projects and Activities Available for Assistance**

Funds available under the WPCLP and this Part shall be used only for providing financial assistance for the following projects or activities:

- a) to any public loan applicant for construction of publicly owned treatment works;
- b) for the implementation of a management program established under 33 USC 1329;
- c) for development and implementation of a conservation and management plan under 33 USC 1330;

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- d) for the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;
- e) for measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water;
- f) to any public loan applicant for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse;
- g) for the development and implementation of watershed projects meeting the criteria set forth in 33 USC 1274;
- h) to any public loan applicant for measures to reduce the energy consumption needs for publicly owned treatment works;
- i) for reusing or recycling wastewater, stormwater, or subsurface drainage water;
- j) for measures to increase the security of publicly owned treatment works;
- k) to any qualified nonprofit entity, as determined by USEPA, to provide assistance to owners and operators of small and medium publicly owned treatment works:
  - 1) to plan, develop, and obtain financing for eligible projects under this subsection (k), including planning, design, and associated preconstruction activities; and
  - 2) to assist the treatment works in achieving compliance with the CWA.

**Section 365.140 Types of Assistance**

Funds distributed from the State Water Revolving Fund under the WPCLP and this Part may only be used as follows:

- a) to make loans, on the condition that:
  - 1) the loans are made at or below market interest rates, including interest free loans, at terms not to exceed the lesser of 30 years and the projected useful life of the project to be financed with the proceeds of the loan pursuant to

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Section 365.220;

- 2) annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized upon the expiration of the term of the loan;
  - 3) the recipient of a loan will establish a dedicated source of revenue for repayment of loans;
  - 4) the fund will be credited with all payments of principal and interest on all loans; and
  - 5) for a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under Section 365.130(a):
    - A) the recipient of a loan shall develop and implement a fiscal sustainability plan that includes:
      - i) an inventory of critical assets that are a part of the treatment works;
      - ii) an evaluation of the condition and performance of inventoried assets or asset groupings;
      - iii) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and
      - iv) a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding those activities; or
    - B) the loan recipient shall certify that the recipient has developed and implemented a plan that meets the requirements under subsection (a)(5)(A);
- b) to buy or refinance the debt obligation of municipalities and intermunicipal and interstate agencies within the State at or below market rates, when the debt obligations were incurred after March 7, 1985;

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- c) *to make loans, including, but not limited to, loans through a linked deposit program, at or below market interest rates for the implementation of a management program established under Section 319 of the CWA [415 ILCS 5/19.3(b)(3.5)];*
- d) *to guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates [415 ILCS 5/19.3(b)(4)];*
- e) *as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited in the Water Revolving Fund [415 ILCS 5/19.3(b)(5)];*
- f) to provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies;
- g) to earn interest on fund accounts; and
- h) *for the reasonable costs of administering the Water Revolving Fund [415 ILCS 5/19.3(b)(6)];*
- i) *to transfer funds to the Public Water Supply Loan Program [415 ILCS 5/19.3(b)(7)]; and*
- j) *to provide any other financial assistance that may be provided under Section 603 of the CWA for any other projects or activities eligible for assistance under that Section or federal rules adopted to implement that section [415 ILCS 5/19.3(b)(8)].*

**Section 365.150 Other Federal Requirements**

- a) Loan projects must be consistent with any plans developed under Sections 205(j), 208, 303(e), and 319 of the CWA.
- b) Loan projects must meet disadvantaged business enterprise requirements in accordance with 40 CFR 33.
- c) If a loan recipient receives a loan from the Agency that will finance the cost of

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project planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works, and receives a grant under 33 USC 1281(g) for construction of those treatment works and an allowance under 33 USC 1281(l)(1) for non-federal funds expended for that planning and preparation, the loan recipient must promptly repay the loan to the extent of the allowance.

- d) The Agency may provide assistance (other than under Section 365.140(a)) to a public loan recipient with respect to the non-federal share of the costs of a treatment works project for which the public loan recipient is receiving assistance from USEPA under any other authority only if that assistance is necessary to allow the project to proceed.
- e) Loan projects must meet the applicable requirements of any other federal laws and authorities.

**Section 365.160 Application Process**

- a) In order to receive a loan under the WPCLP, loan applicants must apply with the Agency using the loan application process outlined in Subpart C. The process requires that:
  - 1) the loan applicant submits a Funding Nomination Form pursuant to Section 365.310;
  - 2) the loan applicant submits a Project Plan pursuant to Section 365.320;
  - 3) the project undergoes State environmental review under Section 365.330;
  - 4) the project be placed on the Project Priority List pursuant to Section 365.340; and
  - 5) the loan applicant secures the loan agreement pursuant to Section 365.350.
- b) Loan applicants shall not execute a notice to proceed until the loan agreement has been fully secured and executed.

**Section 365.170 Waiver of Procedures**

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- a) Except as provided in subsection (b) or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, by a written statement to the loan recipient, either as a special condition of the loan or otherwise, provided the Director finds that the procedure or requirement to be waived is not necessary to insure the integrity of the project, will not reduce a recipient's ability to repay the loan to the Agency, or will not, in general, weaken the financial position of the WPCLP. The waiver may be subject to such additional conditions as the Director deems necessary.
- b) In addition to all federal requirements, these procedures will not be waived:
- 1) Section 365.150 (Other Federal Requirements);
  - 2) Section 365.210 (Fixed Loan Rate);
  - 3) Section 365.240 (Restructuring);
  - 4) Section 365.320 (Project Plan);
  - 5) Section 365.330 (State Environmental Review);
  - 6) Section 365.340 (Project Priority List);
  - 7) Section 365.350(a)(10) (Ability to Repay);
  - 8) Section 365.460(a)(3) (Operation and Maintenance of the Project);
  - 9) Section 365.470 (Ongoing Auditing and Monitoring of Financial Capability);
  - 10) Section 365.620(a)(3) (Wage Provisions);
  - 11) Section 365.620(a)(4) (Disadvantaged Business Enterprise Requirements);
  - 12) Section 365.620(a)(5) (Debarment and Suspension Certification);
  - 13) Section 365.630(a)(1) (Disadvantaged Business Enterprise Requirements);  
and

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- 14) Section 365.630(a)(4) (Debarment and Suspension Certification).

## SUBPART B: FINANCING TERMS

**Section 365.210 Fixed Loan Rate**

The interest rate of the loan agreement shall be a fixed loan rate and shall be established as follows:

- a) Base 20 Year Rate – Loan agreements with a repayment period not to exceed 20 years shall have a fixed loan rate equal to 50% of the market interest rate (mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding State fiscal year rounded to the nearest 0.01%).
- b) Small Community Rate – Public loan applicants with a service population less than 25,000 that also meet any one of the following three criteria qualify for a fixed loan rate equal to 75% of the Base 20 Year Rate:
  - 1) The median household income of the public loan applicant's service population is less than the statewide average.
  - 2) The unemployment rate of the public loan applicant's service population is greater than the statewide average.
  - 3) The public loan applicant's annual user charge, based upon the average monthly bill of the public loan applicant's residential customers, is greater than 1.0% of the median household income of the public loan applicant's service population.
- c) Hardship Rate – Public loan applicants with a service population less than 10,000 that also meet any one of the following three criteria qualify for a fixed loan rate of 1.0%:
  - 1) The median household income of the public loan applicant's service population is below 70% of the statewide average.
  - 2) The unemployment rate of the public loan applicant's service population is at least 3.0% greater than the statewide average.

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- 3) The public loan applicant's annual user charge, based upon the average monthly bill of the public loan applicant's residential customers, is greater than 1.5% of the median household income of the public loan applicant's service population.
- d) Environmental Impact Discount – When at least 50% of the eligible project costs fund any of the following components, the loan applicant shall receive a 0.2% discount from the rates established in subsection (a), (b), or (c):
  - 1) new projects for the collection or treatment of unsewered communities;
  - 2) projects involving nutrient removal or nutrient loss reduction;
  - 3) green infrastructure projects;
  - 4) projects lowering water demand; or
  - 5) projects reducing energy demands at a wastewater treatment facility.

**Section 365.220 Loan Repayment Period**

- a) Except as provided in subsections (b) and (c), the loan repayment period cannot exceed the lesser of 20 years beyond the initiation of operation date, 20 years beyond the initiation of the loan repayment period, or the projected useful life of the project to be financed with proceeds of the loan.
- b) For public loan applicants that qualify for the Small Community Rate or Hardship Rate as defined in Section 365.210, the loan repayment period cannot exceed the lesser of 30 years beyond the initiation of operation date, 30 years beyond the initiation of the loan repayment period, or the projected useful life of the project to be financed with proceeds of the loan.
- c) The Agency may require a loan repayment period term of less than the maximum. In evaluating the appropriateness of alternative loan terms, the Agency shall consider such factors as the scope of the proposed project, the impacts of alternative loan terms on user fees, and the overall cost of the project.

**Section 365.240 Restructuring**

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All restructuring shall be consistent with the objectives of the CWA and shall meet the requirements of this Part.

- a) A written request for the restructuring of the loan obligation must be submitted in writing to the Agency. Each written request for restructuring shall contain all of the following:
  - 1) The name of the applicant and the Agency loan number;
  - 2) A statement explaining when it was determined that restructuring was needed;
  - 3) A statement explaining all remedial measures taken prior to the determination that restructuring was needed;
  - 4) A statement explaining why restructuring is in the best interest of the State and the applicant;
  - 5) A description of the financing terms desired and the facts that the applicant believes warrant the Agency's approval of the restructuring; and
  - 6) A description of the applicant's financial capability and dedicated source of revenue for repayment of the restructured loan in accordance with Section 365.350(a)(9) through (a)(13).
- b) The applicant must resubmit all financial and managerial capability documentation required under Section 365.350(a)(9) through (a)(13), and the restructured loan must further meet all other requirements of this Part.
- c) The Agency will approve restructuring based on financial and economic considerations that may include, but are not limited to, the following:
  - 1) good cause;
  - 2) circumstances beyond the control of the applicant; and
  - 3) the financial hardship the existing loan imposes on the loan recipient.
- d) Restructured loan agreements shall have a fixed loan rate equal to the lesser of the

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fixed loan rate in the original loan agreement or the current appropriate fixed loan rate under Section 365.210.

- e) Except as provided in subsection (f), the loan repayment period for a restructured loan cannot exceed the lesser of 20 years beyond the initiation of operation date, 20 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.
- f) For public loan applicants that qualify for the Small Community Rate or Hardship Rate as provided in Section 365.210, the loan repayment period for a restructured loan cannot exceed the lesser of 30 years beyond the initiation of operation date, 30 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.

**Section 365.250 Principal Forgiveness**

- a) When the Agency provides assistance to a public loan recipient, the Agency shall, until the available principal forgiveness funding established in the Capitalization Grant is exhausted, provide additional subsidization in the form of principal forgiveness to a public loan recipient to finance a project or activity eligible for assistance under 33 USC 1383(c)(1) that meets the affordability criteria of subsection (b).
- b) Affordability Criteria
  - 1) In order to qualify for principal forgiveness under subsection (a), a public loan recipient must meet the following requirements:
    - A) A service population of 30,000 or less, unless the loan applicant's median household income (MHI) is 70%, or less, of the statewide average;
    - B) The MHI of the public loan applicant's service population is less than or equal to the statewide MHI; and
    - C) Score at least 21 points based on the following criteria:

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## i) Median Household Income

<b>Points</b>	<b>MHI as % of Statewide MHI</b>
0	Above 100%
5	95-99.99%
10	90-94.99%
15	85-89.99%
20	80-84.99%
25	75-79.99%
30	70-74.99%
35	65-69.99%
40	60-64.99%
45	55-59.99%
50	50-54.99%
55	45-49.99%
60	0-44.99%

## ii) Population

<b>Points</b>	<b>Service Population</b>
5	20,000-30,000
10	15,000-19,999
15	10,000-14,999
20	5,000-9,999
25	2,000-4,999
30	1,000-1,999
35	0-999

## iii) Additional Criteria

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Points	Additional Criteria
1	Unemployment rate is greater than the statewide average unemployment rate by one percentage point or more
4	Decrease in service population greater than 5.0% in the last 5 years from the date of the loan application

- 2) The amount of principal forgiveness under subsection (a) will be capped for qualifying public loan recipients and applied only to eligible projects costs as follows:

Points	Percent
0-20	0%
21-40	up to 15%
41-60	up to 30%
61-80	up to 45%
81-100	up to 60%

- c) Notwithstanding the principal forgiveness caps in subsection (b)(2), the Agency may establish a base cap applicable to each public loan recipient within its Intended Use Plan each year. The base cap shall be the same amount for each public loan recipient receiving principal forgiveness. In determining the base cap, the Agency must consider the following factors:
- 1) the amount of federal appropriation allocated to the Agency for principal forgiveness;
  - 2) the number of qualifying public loan recipients;
  - 3) the availability of equity in the State Water Revolving Fund while ensuring the fund operates in perpetuity; and
  - 4) requirements established by USEPA.

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- d) The Agency shall award principal forgiveness to loan applicants in the order that loan applicants have been issued a loan by the Agency pursuant to Section 365.410.

**Section 365.260 Limitations on Loan Assistance**

The Agency may establish the annual limitations on the amount of loan assistance given to each loan recipient by considering the status of the Fund, capitalization grant amounts, economic conditions, and requirements established by USEPA. The annual limitations on the amount of loan assistance established by the Agency must be included as part of the Agency's Intended Use Plan.

## SUBPART C: LOAN APPLICATION PROCESS

**Section 365.310 Funding Nomination Form**

- a) Every loan applicant must submit to the Agency a signed and dated funding nomination on Agency prescribed forms that include, at a minimum, the following items:
  - 1) Loan applicant information
    - A) name;
    - B) contact information; and
    - C) authorized representative – name and title;
  - 2) Project Information
    - A) project description;
    - B) cost; and
    - C) project implementation schedule.
- b) To ensure placement on the annual Project Priority List, loan applicants seeking financial assistance during any fiscal year commencing July 1 must annually

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submit a Funding Nomination Form required under subsection (a) by the preceding January 31.

- c) The first submittal of the Funding Nomination Form must be submitted with a Project Plan as described in Section 365.320.

**Section 365.320 Project Plan**

- a) Loan applicants shall submit to the Agency a Project Plan, with its initial Funding Nomination Form, that shall consist of plans and studies that are directly related to the construction or implementation of the proposed project. The Project Plan shall provide documentation on the need for the project for which loan assistance is being requested.
- b) Planning previously or collaterally accomplished under local, State or federal programs may be utilized to the extent applicable. If any information required to be furnished as part of a Project Plan has been developed separately, it shall be furnished and incorporated by reference in the Project Plan.
- c) When applicable, the loan applicant shall also submit drafts of any intergovernmental agreements or demonstrations of legal authority necessary for project implementation.
- d) The Project Plan may include more than one construction project.
- e) The Project Plan shall include the following supporting data:
  - 1) A complete description of the selected wastewater treatment system or other systems, identification of any existing violations of federal or State regulations, and identification of the needs to be addressed by the proposed project;
  - 2) A discussion of the technical, financial, managerial, and environmental considerations that form the basis for the loan applicant's selection of the recommended project, including an evaluation regarding the elimination of infiltration and inflow if applicable. When appropriate to the project scope, the following issues shall be addressed:

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- A) The relationship of the capacity of the selected alternative to the needs to be served, including reserve capacity;
  - B) Identification of current and proposed effluent discharge limitations and water quality standards for the proposed treatment works or facilities, as required by Title IV of the CWA and 35 Ill. Adm. Code: Subtitle C;
  - C) A discussion of the operational requirements for the selected alternative and provisions for the ultimate disposal of sludge materials from the wastewater treatment process;
  - D) An inventory of the relative environmental impacts of the selected alternative and a discussion of the measures that would be required during design and construction to mitigate or minimize negative environmental impacts; and
  - E) Adequate basis of design information for the selected alternative to confirm the reasonability of cost estimates;
- 3) A detailed description of the alternative selected for loan assistance, including preliminary engineering data, complete cost estimates for design and construction, one or more 8.5 by 11 inch site map or maps locating areas of construction and indirect impacts, and a projected schedule for completion. The engineering data shall include, to the extent appropriate, flow diagrams, unit process descriptions, detention times, flow rates, unit capacities, etc., sufficient to demonstrate that the project proposed will be designed in accordance with 35 Ill. Adm. Code 370;
  - 4) Any required comments or approvals from relevant federal, State, interstate, regional or local agencies;
  - 5) An implementation plan for the proposed recommendations, including necessary financial arrangements for the operation and maintenance of the project and repayment of the proposed loan amount, as well as the impact of these costs on the system users; and

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- 6) Information sufficient to support a determination as to whether any portion of the project addresses green infrastructure, energy efficient improvements, or other environmentally innovative activities.
- f) Planning for Individual Systems
  - 1) Construction involving privately owned residential wastewater treatment works must be part of the cost-effective solution in the approved Project Plan.
  - 2) Loan applicants must have legal authority to access all such privately owned systems at all reasonable times for such purposes as inspections, monitoring, building, operation, maintenance, rehabilitation, and replacement.
- g) The Project Plan will be reviewed by the Agency under the State environmental review process specified in Section 365.330. If substantial changes are made to the project scope following submittal to the Agency, the Project Plan shall be revised or amended and resubmitted for review and approval.
- h) In the Project Plan, a public loan applicant must certify:
  - 1) it has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought; and
  - 2) it has selected, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy conservation, taking into account:
    - A) the cost of constructing the project or activity;
    - B) the cost of operating and maintaining the project or activity over the life of the project or activity; and
    - C) the cost of replacing the project or activity.

**Section 365.330 State Environmental Review**

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- a) Preliminary Environmental Review
- 1) All loan applicants shall submit an environmental checklist on forms prescribed by the Agency.
  - 2) Prior to making a final determination on the acceptability of any project plan, the Agency shall undertake a preliminary environmental review of the project to determine whether the project qualifies for a categorical exclusion under subsection (b) or a detailed environmental review under subsection (c).
  - 3) The scope of the Agency's environmental review shall include, but not be limited to, an assessment of the impacts of both the loan funded project and the overall project planning on rare and endangered species, historic and cultural resources, prime agricultural land, air and water quality, recreational areas, wetlands, floodplains, and other sensitive environmental areas. The review shall also assess the direct and indirect impacts of construction and ensure that all reasonable measures have been taken in the planning to avoid and mitigate negative environmental impacts.
- b) Categorical Exclusion
- The Agency may categorically exclude certain classes of projects from a detailed environmental review and public hearing requirement when, by virtue of their limited scope, the projects have no potential for negative environmental impacts. For projects categorically excluded from further environmental review process, the Agency shall provide to the applicant a Categorical Exclusion document summarizing the project. The applicant shall publish a notice and provide public access to the planning documents and the Categorical Exclusion document, allowing 10 days for written public comment. If no objection is raised to the Categorical Exclusion, the Agency shall issue an unconditional approval of the Project Plan. Should concerns be raised over potential environmental impacts, the Agency may proceed with a detailed environmental review under subsection (c) or issue a conditional approval under which the applicant shall incorporate mitigating measures that would resolve the environmental concerns.
- c) Detailed Environmental Review
- For all projects for which the Agency determines there is a potential for negative environmental impacts, the Agency will prepare a written Preliminary

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Environmental Impacts Determination (PEID) document summarizing the project and potential environmental impacts. The public will be given an opportunity to comment on the project plan and the PEID.

- 1) The Agency must send the PEID to the loan applicant and other interested parties, inviting public comment. The loan applicant shall hold a public hearing on the project plan and the Agency's PEID for the purpose of obtaining public comment. The public hearing shall be held after the Agency sends the PEID. The loan applicant shall allow an additional 10 days from the date of the public hearing for the submission of written comments from the public.
- 2) The time and place of the public hearing shall be announced at least 10 days before the hearing. In addition, the Agency's PEID document shall be displayed at a convenient local site prior to the hearing to obtain a level of public participation appropriate to the scope and impacts of the proposed project.
- 3) The loan applicant shall provide the Agency with an accurate summary of all public comments received, together with any proposed amendments to the project plan made in response to comments.
- 4) Upon receipt of the public hearing summary and after the expiration of the 10 day written comment period, the Agency shall issue:
  - A) An unconditional approval of the plan (original or as amended);
  - B) A conditional approval of the plan with special conditions;
  - C) A disapproval of the plan based on evidence of significant negative environmental impacts for which appropriate mitigation measures have not been identified; or
  - D) A determination of the need for an Environmental Impact Statement (EIS) under the National Environmental Policy Act (42 USC 4331). The Agency may change its disapproval to approval or conditional approval based on the recommendations of the EIS.

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- d) Agency approval of a project plan shall be valid for purposes of loan funding for a period of 5 years, after which time the plan shall be updated and resubmitted to the Agency for review and approval. The Agency must prepare a revised environmental review and provide an opportunity for public comment.
- e) At any time within 5 years from the date of project plan approval, the Agency may rescind its approval and require the plan to be amended, if there are changes to the scope of proposed construction or significant alterations to planning area conditions or underlying assumptions that might alter previous conclusions regarding environmental impacts or cost analyses. For projects in which the amended planning would result in substantial changes in environmental or economic impacts, the Agency may require the applicant to provide an opportunity for public comment prior to granting approval of the amended plan.

**Section 365.340 Project Priority List**

- a) The Agency shall not provide financial assistance from the State Water Revolving Fund under this Part to projects that are not on the Agency's Project Priority List.
- b) The Agency shall develop a Project Priority List for each fiscal year beginning on July 1 as follows:
  - 1) Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 365.310 and 365.320, and obtained Project Plan approval pursuant to Section 365.330 by January 31 of the previous fiscal year, will be scored, ranked, and placed on the Project Priority List according to 35 Ill. Adm. Code 366.
  - 2) Projects that submit a Funding Nomination Form and Project Plan pursuant to Sections 365.310 and 365.320 by January 31 of the previous fiscal year, but that have not obtained Project Plan approval, will be placed on the Project Priority List below those scored and ranked pursuant to subsection (b)(1).
  - 3) Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 365.310 and 365.320 after January 31 of the previous fiscal year will be placed on the Project Priority List after obtaining Project Plan approval pursuant to Section 365.330, but will not be placed on the Intended Funding List.

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- c) The Agency shall publish the Project Priority List in the Intended Use Plan.
- d) Intended Funding List
  - 1) The Agency shall identify the Intended Funding List in the Intended Use Plan. The Intended Funding List is comprised of the highest ranking projects on the Project Priority List, with the total costs of all projects equaling the total amount of funds available.
  - 2) Projects on the Intended Funding List are afforded priority of resources, including, but not limited to, preference in securing a loan as soon as the necessary programmatic and financial steps are completed.
  - 3) Projects on the Intended Funding List are not guaranteed funding.
  - 4) Projects not on the Intended Funding List may receive funding in advance of those projects identified in the Intended Funding List when the bypass process criteria are met (see subsection (e)).
  - 5) From July 1 through December 31, only projects on the Intended Funding List will be given a loan.
- e) Bypass Process
  - 1) From January 1 through June 30 of each year, a project on the Intended Funding List may be bypassed when the loan applicant has not:
    - A) submitted a loan application as required by Section 365.350(a);
    - B) submitted all financial capability and dedicated source of revenue information for repayment of the loan required by Section 365.350(a)(9) through (a)(13);
    - C) obtained all necessary construction permits; and
    - D) established a bid opening date prior to March 1.
  - 2) When a project is bypassed, the Agency will make the bypassed funds

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available for projects on the Project Priority List in the order in which the requirements of Section 365.410(a) are satisfied by the loan applicant.

**Section 365.350 Securing the Loan Agreement**

After the Agency has approved the loan applicant's Project Plan, the loan applicant shall submit the following documents:

- a) An application, on forms prescribed by the Agency, which must include the following documents:
  - 1) Loan Program Certifications;
  - 2) Certification Regarding Debarment, Suspension and Other Responsibility Matters;
  - 3) Certification of Intent Regarding National Flood Insurance;
  - 4) Certification Regarding Project Site, Rights-of-Way, Easements and Permits;
  - 5) Authorization of a Representative to Sign Loan Documents;
  - 6) An Engineering Service Procurement Report that certifies whether the contracts for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services were negotiated in the same manner as a contract for architectural and engineering services under 40 USC 1101 et seq.;
  - 7) For a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under Section 365.130(a), the public loan recipient shall certify in writing that the public loan recipient will develop and implement a fiscal sustainability plan that includes:
    - A) an inventory of critical assets that are a part of the treatment works;
    - B) an evaluation of the condition and performance of inventoried assets or asset groupings;

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- C) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and
  - D) a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding the activities;
- 8) Any other executed legal agreements, including, but not limited to, intergovernmental agreements necessary for project implementation;
- 9) Proof of authority to incur debt for:
- A) Public loan applicants: a certified copy of the enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency, and proof the ordinance was adopted in accordance with State law, including publication and notice requirements when applicable; or
  - B) Loan applicants that are not public loan applicants: documents such as, but not limited to, a copy of board resolutions to incur the debt, Articles of Incorporation, By-laws, Partnership Agreements, or a legal opinion stating that the loan applicant has the authority to incur debt;
- 10) Documentation to support the loan applicant's ability to repay all principal and interest of the loan:
- A) A financial capability demonstration shall be submitted to the Agency for approval and shall contain:
    - i) detailed project costs;
    - ii) 5 year projected estimates of revenues;
    - iii) 5 year projected estimates of operation and maintenance costs;
    - iv) 5 year projected estimates of local capital costs; and

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- v) the most recent completed annual audited financial statements of the loan applicant;
- B) A user charge system, when a user charge system is the dedicated source of revenue, shall be submitted to the Agency and shall:
- i) be enacted and enforceable before the first loan disbursement (when applicable, approval of the rate increase by the Illinois Commerce Commission will be required);
  - ii) generate sufficient revenue to offset the cost for operation, maintenance and replacement required to be provided by the loan recipient for all projects authorized under this Part;
  - iii) be incorporated in one or more municipal legislative enactments or other appropriate authorizations. If the project is for a regional treatment works accepting wastewaters from treatment works owned by others, then the subscribers receiving wastewater treatment services from the loan recipient shall have adopted user charge systems. The user charge systems shall also be incorporated in the appropriate municipal legislative enactments, intergovernmental or service agreements or other appropriate authorizations; and
  - iv) provide the average monthly cost of service for a residential customer based upon the average monthly water usage for a residential customer, or the appropriate average monthly residential cost of service based upon the methodology established within the loan applicant's system of user charges. If the loan applicant has substantial industrial and/or commercial customers, the loan applicant must provide similar monthly user charge information for the customers within those rate classes. In addition, provide the number of billed residential and industrial or commercial accounts;

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- C) A dedicated source of revenue adequate to make loan repayments for the term of the loan. If the dedicated source of revenue is pledged in a subordinate position, the loan applicant must establish a reserve account that provides the Agency with the equivalent coverage and reserves as the senior lien holders. At a minimum, the reserve account shall be equal to the annual principal and interest payment funded within 2 years after the loan award;
  - D) For nonpublic loan applicants, appropriate legal documents will be provided to enable the Agency to perfect its security interest in the revenues of the loan applicant and other personal properties offered as security by filing the necessary information under the Uniform Commercial Code [810 ILCS 5];
  - E) For nonpublic loan applicants, approval from the Illinois Commerce Commission to incur debt, if applicable;
  - F) Upon request by the Agency, any other documentation necessary to demonstrate the loan applicant's ability to repay all principal and interest of the loan including, but not limited to, a credit report;
- 11) A legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absence of conflicts with other agreements, bonds or ordinances;
  - 12) A Tax Exemption Certificate and Agreement; and
  - 13) A project completion schedule.
- b) An executed contract for design and construction related work in accordance with Section 365.630 if financing is being requested for these specific costs.
  - c) Design documents, including plans and specifications, for purposes of obtaining a construction permit, or "authorization to construct", from the Agency, pursuant to 35 Ill. Adm. Code 309.154 and 309.202, whichever is applicable.
  - d) A certification of plans and specifications on a form prescribed by the Agency. The certification must be submitted prior to advertising for bids and must be accompanied by all bidding documents and specifications that shall include:

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- 1) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule (drawings and specifications may be made available for inspection instead of being furnished);
- 2) The terms and conditions of the contract to be awarded;
- 3) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;
- 4) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the WPCLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;
- 5) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;
- 6) A proposal form, to be used by all bidders, that includes the following language:
  - A) By submission of the bid, each bidder and, in the case of a joint bid, each party to the joint bid certifies as to his or her own organization, that in connection with the bid:
    - i) the prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;
    - ii) unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and
    - iii) no attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid

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for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33E-11 of the Illinois Criminal Code of 2012 [720 ILCS 5/33E-11];

- B) Each person signing the bid shall certify that:
  - i) he or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A); or
  - ii) he or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that the persons determining the prices have not participated, and will not participate, in any action contrary to subsection (d)(6)(A), and as the bidder's agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A); and
  
- 7) A requirement that the project will be awarded to the lowest, responsive, responsible bidder in accordance with the following:
  - A) after bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents. Items that shall be submitted to the Agency include a bid tabulation, the loan applicant's or its agent's analysis of bids and recommendation for the award, and the loan applicant's letter of intent to award or the official minutes of board approval;
  - B) the loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency; and
  - C) if the award is intended to be made to a firm that did not submit the lowest bid, prior to any award the loan applicant shall submit to the

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Agency a written statement explaining why each lower bidder was deemed not responsive or not responsible.

- e) After the bids are opened and evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents, a bidding certification, on forms prescribed by the Agency, and all supporting information from the selected bidder, including, but not limited to, the following:
- 1) A copy of the published bid advertisement that notifies the bidders that the procurement will be subject to regulations contained in the following:
    - A) procedures in this Part;
    - B) the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor;
    - C) the Employment of Illinois Workers on Public Works Act [30 ILCS 570];
    - D) the use of American Iron and Steel, if required by USEPA for that fiscal year;
    - E) the Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs (40 CFR 33); and
    - F) all controlling federal and State executive orders;
  - 2) The bid tabulations and selected bidder's proposal, along with any addenda issued by the loan applicant, if applicable;
  - 3) An analysis of the bids and recommendations for the award of the bids;
  - 4) A copy of the applicant's notice of intent to award;
  - 5) A summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33;

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- 6) A copy of the selected bidder's certification that no funds made available by the WPCLP will be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States. This requirement shall not apply in any case or category of cases in which the Administrator of the USEPA finds that:
  - A) applying subsection (e)(6) would be inconsistent with the public interest;
  - B) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
  - C) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent; and
- 7) Certification from the loan applicant that all other bid requirements have been satisfied, including bid bond requirements, certifications and other legal documents required by State and federal law.

## SUBPART D: LOAN ISSUANCE, AUDITING, AND RECORDKEEPING

**Section 365.410 Loan Issuance**

- a) The Agency may, subject to the availability of funds, issue a loan agreement authorizing the initiation of construction of a project or activity listed in Section 365.130 when:
  - 1) the loan applicant has demonstrated it will comply with the conditions listed in Section 365.140(a);
  - 2) the loan applicant submitted a Funding Nomination Form and the project is on the Project Priority List;
  - 3) the Agency has approved the loan applicant's Project Plan pursuant to Section 365.320; and

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- 4) the documents required by Section 365.350 have been submitted and approved by the Agency.
- b) Any ordinance authorizing the loan recipient entry into a loan agreement or dedicating a source of revenue shall not be amended or superseded substantively or materially without the prior written consent of the Agency.
- c) Annual principal and interest payments will commence not later than one year after completion of any project, and all loans will be fully amortized upon the expiration of the term of the loan. For purposes of this subsection (c), the completion date is the same as the initiation of operation date.
- d) The Agency and its designated representatives shall have access, during normal business hours and at any other time during which work is being performed, to the premises where any portion of the work for which the WPCLP loan was provided is being performed.

**Section 365.420 Post-Loan Issuance Construction Contract Requirements**

- a) The loan recipient shall provide construction engineering and project monitoring to assure that the construction substantially conforms to the approved plans and specifications.
- b) The following procedures shall apply to construction contracts awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.
  - 1) Executed Contract Certification. For each construction contract awarded, the loan recipient shall submit an executed contract certification on forms provided by the Agency.
  - 2) Change Orders
    - A) When the loan recipient authorizes the contractor to add, delete, or revise the work within the general scope of the contract documents, or authorizes an adjustment in the contract price or contract time, the loan recipient shall submit a change order to the Agency.

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- B) For each change order, the loan recipient shall submit to the Agency for approval the following documentation:
  - i) one copy of the fully executed change order signed by the loan recipient, construction engineer, and the contractor; and
  - ii) a description of any changes, with justification for the changes.
- C) Prior approval by the Agency of a change order is required when a change order results in:
  - i) alterations in design scope that require a modification to a construction permit; or
  - ii) an increase in the amount of loan funds needed to complete the project.
- D) Failure to give timely notice of proposed project changes or action by the loan recipient that is not consistent with the Agency's determination on those changes may result in disallowance of loan participation for costs incurred that are attributable to the change.

**Section 365.430 Loan Eligible Costs**

The loan recipient shall be paid, upon request, in accordance with Section 365.440, for all costs within the scope of the approved project, not to exceed the total amount of the loan, and that are determined to be eligible in accordance with the following criteria:

- a) Eligible project costs include all reasonable and necessary costs directly attributable to the project's planning, design, or construction that are not otherwise excluded by this Part. Categories of necessary costs include, but are not limited to, the following:
  - 1) The direct purchase of materials, equipment, and personal services not under the approved construction contract necessary for the completion of a loan funded project;

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- 2) Professional and consultant services contracts necessary for planning, design, bidding, and construction of a loan funded project, except as elsewhere limited by this Part;
  - 3) Costs under approved construction contracts;
  - 4) Costs for premiums for required flood insurance during the project construction period; and
  - 5) Costs under a construction contract executed prior to the award of the loan agreement only when the following conditions apply:
    - A) The loan applicant has received written approval from the Agency prior to the award of the construction contract;
    - B) The project meets the definition of a compliance project in accordance with Section 365.110; and
    - C) The project costs in subsection (a)(5)(B) were incurred and construction was initiated after March 7, 1985.
- b) Ineligible project costs include, but are not limited to, the following:
- 1) Cost for basin or areawide planning other than facilities planning; and
  - 2) Costs outside the scope of the approved Project Plan.

**Section 365.440 Disbursement of Loan Funds**

- a) Before the Agency will disburse loan funds, the loan recipient shall submit the following:
  - 1) A complete payment request based on costs incurred that are due and payable, as evidenced by invoices;
  - 2) A certification that the contractor is paying prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148), as defined by the US Department of Labor; and

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- 3) Enacted and enforceable system of user charges if not previously provided.
- b) Disbursements are subject to the appropriation of funds by the General Assembly.
- c) Disbursements shall be processed in accordance with the loan agreement.
- d) The Agency may withhold any disbursement for a violation of the loan agreement conditions.
- e) The loan recipient shall make prompt payment to the contractor.
- f) The State share of any refunds, rebates, credits, or other amounts (including any interest) accruing to or received by the loan recipient with respect to the project that are properly allocable to costs for which loan funds have been disbursed must be paid, minus any reasonable expenses incurred in securing these funds, to the State of Illinois for deposit in the WPCLP.
- g) Any use of loan funds inconsistent with this Part shall result in repayment of those loan funds to the State of Illinois for deposit into the WPCLP receipt account within the Fund.
- h) The loan recipient shall agree to pay the ineligible costs associated with the project, as well as all eligible costs that exceed the amount of the loan, and shall construct the project or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the Agency.

**Section 365.450 Initiation of Loan Repayment**

Loan repayment to the Agency shall be in accordance with the loan repayment provisions contained in the loan agreement.

- a) Loan repayments shall commence not later than 6 months after the initiation of the loan repayment period and shall be due semiannually unless the Agency determines that the dedicated source of revenue justifies an alternative repayment plan.
- b) After the initiation of the loan repayment period date in the loan agreement, the

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Agency shall set a principal amount and give the loan recipient an interim repayment schedule.

- c) The final repayment schedule shall be established as set forth in Section 365.460(b).

**Section 365.460 Loan Closing and Issuance of Final Loan Amendment**

- a) The Agency shall conduct a project review to insure that all applicable loan conditions have been satisfied. After the final loan disbursement has been made and the project is complete, the loan recipient shall initiate the loan closing process by submitting the following to the Agency:
  - 1) A release discharging the State of Illinois, its officers, agents, and employees from all liabilities, obligations, and claims arising out of the project work or under the loan, subject only to exceptions specified in the release.
  - 2) A final waiver from the contractor and a Certification of Payment that all bills have been paid.
  - 3) The Certificate Regarding O & M, on forms prescribed by the Agency that certifies the following:
    - A) Training pertaining to the proper operation and maintenance of the equipment and process units included in the project has been provided.
    - B) An operation and maintenance reference library is available and includes, but is not limited to, the following:
      - i) Manufacturer's literature, shop drawings, and warranties;
      - ii) The plans of record with valve indices for the equipment and process units included in the project. For mechanical wastewater treatment plants, the valve index shall include a listing of valve positions for each possible alternate flow configuration including by-passing of individual treatment processes and units and recommended configurations for

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emergency conditions that could reasonably be expected to occur; and

- C) That the loan applicant employs or contracts the services of a certified operator pursuant to 35 Ill. Adm. Code 380.
- 4) If the loan project includes insurable structures that will be located within a designated floodplain area as defined in the National Flood Insurance Act of 1968 (42 USC 4001-4127), written evidence that the loan recipient is participating in the National Flood Insurance Program or that construction areas have received official exclusion from the flood insurance requirements by the Federal Emergency Management Agency.
- A) The loan recipient (or the construction contractor, as appropriate) shall acquire any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, and maintain the insurance for the entire useful life of the insurable structures.
  - B) The amount of insurance required shall be the lesser of the total project cost, excluding facilities that are uninsurable under the National Flood Insurance Program, or the maximum limit of coverage made available to the loan recipient under the National Flood Insurance Act of 1968.
  - C) The required insurance premium for the period of construction under this subsection (a)(4) shall be for an eligible project cost under Section 365.430 (Loan Eligible Costs).
- 5) For a treatment works proposed for repair, replacement, or expansion that is eligible for assistance under Section 365.130(a), the public loan recipient shall certify in writing that the public loan recipient has developed and implemented a fiscal sustainability plan that includes:
- A) an inventory of critical assets that are a part of the treatment works;
  - B) an evaluation of the condition and performance of inventoried assets or asset groupings;

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- C) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and
  - D) a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding those activities.
- 6) Within 30 days after completion of project construction, the loan recipient shall submit, in writing to the Agency, the final change order, along with the contractor's final costs, and the plans of record. After receipt, the Agency may schedule a final onsite inspection provided that all necessary change orders have been submitted and approved.
- b) After the loan recipient has submitted all the loan closing documents in subsection (a), the Agency shall:
- 1) review and determine the final total and eligible costs;
  - 2) establish a final amortization schedule; and
  - 3) issue the loan recipient a final loan amendment.
- c) After final loan closing, Agency personnel or any authorized Agency representative shall have access to the project records as defined in Sections 365.410(d), 365.470, and 365.820 to the project site during normal business hours, to the full extent of the loan recipient's right to access.

**Section 365.470 Ongoing Auditing and Monitoring of Financial Capability**

- a) The loan recipient shall maintain books, records, documents, reports, and other evidentiary material in accordance with generally accepted accounting principles and shall be subject to inspection and audit by the Agency or its authorized representative.
- b) For purposes of this Section, records shall include, but not be limited to, the following:
  - 1) Documentation of the receipt and disposition by the loan recipient of all financial assistance received for the project, including both State financial

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assistance and any matching share or cost sharing; and

- 2) Documentation of the costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided.
- c) The loan recipient shall preserve and make its records available to the Agency or its authorized representative for the following periods:
  - 1) for all costs associated with design and construction, for 3 years after final loan closing;
  - 2) for all other accounting records concerning the loan, for 3 years from the date of the transaction; and
  - 3) for any longer period required by law or by subsections (d) and (e).
- d) If the loan is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 3 years after any resulting final termination settlement.
- e) Records that relate to appeals in Section 365.650, litigation or the settlement of claims arising out of the performance of the WPCLP loan project, or to project costs and expenses to which exception has been taken by the Agency or its authorized representatives, shall be retained until the appeals, litigation, claims, or exceptions have been completed.
- f) The loan recipient shall maintain a separate account in its books to record the dedicated revenues for loan repayment.
- g) The Agency or its authorized representative shall have access to all books, documents, papers, and records of the loan recipient for the purpose of making audit, examination, excerpts, and transcriptions in order to ensure compliance with Section 365.350(a)(9) through (a)(13) and Section 365.470(k).
- h) The Agency will monitor all outstanding loans and the financial capability of the loan recipient on an ongoing basis. Upon request of the Agency, loan recipients shall submit additional documentation to support the loan applicant's ongoing ability to repay the loan pursuant to Section 365.350(a)(9) through (a)(13).

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- i) The loan recipient shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary to provide adequate funds for the repayment of the loan. The loan recipient shall timely notify the Agency of all proposed changes to the dedicated source of revenue.
- j) Upon request, the loan recipient shall submit to the Agency a statement on the status of the account required by subsection (f) that contains the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations, and other requirements of the loan agreement. The Agency's review shall be based on, but is not limited to, ensuring that the dedicated source of revenue is legally authorized, generates sufficient revenue, and is otherwise in accordance with this Part.
- k) The loan recipient shall review user charges annually and revise the rates periodically to reflect actual treatment works operation, maintenance, and replacement costs. The Agency may request a report on the status of the user charge system including projected costs, actual costs, revenue generated, and fund balances at any time.
- l) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency shall require the loan recipient to reexamine the dedicated revenue source and restructure it as necessary.
- m) The loan recipient shall comply with the audit requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rules (2 CFR 200.Subpart F).

## SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

**Section 365.510 Delinquent Loan Repayments**

- a) *In the event that a timely payment is not made by a loan recipient according to the loan schedule of repayment, the loan recipient shall notify the Agency in writing within 15 days after the payment due date. The notification shall include a statement of the reasons the payment was not timely tendered, the circumstances under which the late payments will be satisfied, and binding commitments to assure future payments. After receipt of this notification, the Agency shall*

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*confirm in writing the acceptability of the plan or take action in accordance with subsection (b) of this Section.*

- b) *In the event that a loan recipient fails to comply with subsection (a) of this Section, the Agency shall promptly issue a notice of delinquency to the loan recipient which shall require a written response within 15 days. The notice of delinquency shall require that the loan recipient revise its rates, fees and charges to meet its obligations or take other specified actions as may be appropriate to remedy the delinquency and to assure future payments.*
- c) *In the event that the loan recipient fails to timely or adequately respond to a notice of delinquency, or fails to meet its obligations made pursuant to subsections (a) and (b) of this Section, the Agency shall pursue the collection of the amounts past due, the outstanding loan balance and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210] or by any other reasonable means as may be provided by law, including the taking of title by foreclosure or otherwise to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral. [415 ILCS 5/19.6]*

**Section 365.520 Noncompliance with Loan Procedures**

- a) In the event of noncompliance with any condition or obligation arising out of the loan, the Director may take any necessary action as provided by law or by the loan agreement against the loan recipient including, but not limited to, one or more of the following actions:
- 1) Commence legal action in a court of competent jurisdiction;
  - 2) Declare all amounts under the loan immediately due and payable, enforce any security, and recover all loan funds;
  - 3) Terminate the loan pursuant to Section 365.540;
  - 4) Suspend all or part of the project work pursuant to Section 365.530;
  - 5) Reduce the amount of the loan by the amount of misused funds; or

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- 6) Unilaterally adjust the fixed loan rate of the loan agreement to the current market interest rate.
- b) No action shall be taken under this Section without notice to the loan recipient.
- c) In determining whether to take action, the Agency shall, at a minimum, consider mitigating or aggravating factors, including, but not limited to, the severity and number of the violations; whether the violation is a continuing one; whether the loan recipient can remedy the violation; and whether the loan recipient remains capable of complying with the approved project work.

**Section 365.530 Stop-Work Order**

- a) In the event of any violation of this Part or noncompliance with the terms of the loan agreement, the Agency may, by written order, require the loan recipient to stop all or any part of the project work for a period of not more than 30 days after the date of the order, and for any further period to which the parties may agree. Any such order shall include a list of the project activities to which it applies. Upon receipt of a stop-work order, the loan recipient shall immediately comply with its terms and shall minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within 30 days after the date of the stop-work order, or within the period of any extension to which the parties have agreed, the Agency shall:
  - 1) cancel the stop-work order upon resolution of the violation or cause leading to that stop-work order; or
  - 2) terminate the work covered by the stop-work order as provided in Section 365.540(a).
- b) If a stop-work order is canceled or the period of the order or any extension expires, the loan recipient shall resume work. An adjustment may be made in the loan period, the project period, the loan amount, or any combination of these, and the loan amended accordingly, if the loan recipient asserts a written claim for an adjustment within 30 days after the end of the work stoppage.
- c) All costs that are incurred by the loan recipient after the receipt of a stop-work order, or during any extension of the stop-work order period to which the Agency and the loan recipient have agreed, shall be deemed ineligible costs unless

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otherwise authorized by the Agency in writing or authorized under the loan procedures.

**Section 365.540 Termination**

- a) Loan Termination by the Agency
  - 1) The Agency, by written notice to the loan recipient, may terminate the loan in whole or in part. Cause for termination shall include, but not be limited to, the following:
    - A) failure by the loan recipient to comply with the terms and conditions of the loan;
    - B) after 10 days written notice from the Agency, failure by the loan recipient or any of its contractors or subcontractors to provide access as required by Section 365.620(d);
    - C) after 10 days written notice from the Agency, failure of the loan recipient or its contractors or subcontractors to make records available to the Agency as required by Section 365.410(d).
  - 2) Upon loan termination, the loan recipient shall refund any unexpended loan funds to the State of Illinois to be deposited in the WPCLP, except for any portion that may be required to pay the eligible cost of materials and equipment furnished or services rendered under an enforceable contract prior to the effective date of the termination. In addition, any loan recipient, contractor or subcontractor found in noncompliance with Section 365.620(d) or Section 365.410(d) shall repay any loan funds previously spent.
- b) Project Termination by the Loan Recipient

A loan recipient who wishes to terminate a project for which the loan has been provided must submit a written request to the Agency that documents good cause for the proposed termination. If the Agency agrees that there is good cause for termination of all or any portion of the project, it shall enter into a termination agreement with the loan recipient or unilaterally terminate the loan. If the Agency finds that the loan recipient has terminated the project without good cause, it shall declare the loan in default, and all loan funds previously paid to the loan recipient,

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together with interest on the loan, shall be returned to the State of Illinois, in accordance with a schedule established by the Agency, for deposit into the WPCLP. Good cause to terminate a loan project includes, but is not limited to:

- 1) changes in economic circumstances within the loan recipient's service area; and
- 2) information that the approved treatment technology will not perform as originally anticipated.

## SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

**Section 365.610 Requirements for Subagreements**

The intent of this Subpart is to provide for maximum open and free competition in the procurement of materials, goods and services for the construction of projects funded from the WPCLP. Any procurement method, except as allowed under this Part, that significantly minimizes open and free competition will be prohibited. The following procedures shall apply to subagreements:

- a) **Local Preference**  
Local laws, ordinances, regulations or procedures that are designed to or operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be used in evaluating bids or proposals for subagreements under WPCLP loans.
- b) **Loan Recipient Responsibility**  
The loan recipient shall be responsible for the administration and successful accomplishment of the project for which WPCLP loan assistance is provided. The loan recipient shall be responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements, including, but not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained for that purpose. The individual or firm shall be deemed the loan recipient's agent and shall be subject to all the provisions of the loan agreement and all the provisions of this Part that apply to the loan recipient.

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- c) **Privity of Contract**  
Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts) or to any solicitation or request for proposals under those subagreements.
- d) **Subagreements shall:**
- 1) be directly related to the accomplishment of the loan recipient's approved work program;
  - 2) be in the form of an executed written agreement (except for small purchases of \$150,000 or less);
  - 3) be for monetary or in-kind consideration; and
  - 4) not be in the nature of a grant or gift.
- e) **Documentation**
- 1) Procurement records and files for purchases in excess of \$150,000 shall include the following:
    - A) the basis for contractor selection;
    - B) the justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and
    - C) the basis for award cost or price.
  - 2) Procurement documentation as described in subsection (e)(1) shall be retained by the loan recipient or contractors for the period required by Section 365.470 (Ongoing Auditing and Monitoring Financial Capability).
- f) **Subagreements shall only be awarded to persons or organizations that:**
- 1) Have adequate financial resources for performance;

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- 2) Have the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain these requirements;
  - 3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;
  - 4) Have a satisfactory record of integrity, judgment, and performance;
  - 5) Have an adequate financial management system and audit procedure that is consistent with auditing standards generally accepted in the United States;
  - 6) Maintain a standard of procurement in accordance with this Part;
  - 7) Maintain a property management system that provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and
  - 8) Conform to the civil rights, equal employment opportunity, and labor law requirements of this Part.
- g) Fraud and Other Unlawful or Corrupt Practices
- 1) The obtaining and administration of loans from the WPCLP, and of subagreements awarded by loan recipients, shall be free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient shall bear the primary responsibility for prevention and detection of that conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.
  - 2) The loan recipient shall effectively pursue available State or local legal and administrative remedies and take appropriate remedial action with respect to any allegations or evidence of illegality or corrupt practices brought to its attention. The loan recipient shall advise the Agency immediately when any allegation or evidence comes to its attention and shall periodically advise the Agency of the status and ultimate disposition of any matter.

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- h) Negotiation of Subagreements  
All subagreements shall be awarded by formal advertising unless the loan recipient determines, and the Agency concurs, that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent and not be in conflict with other State statutes. Procurements may be negotiated by the loan recipient, if approved by the Agency, for the following reasons:
- 1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency procurement);
  - 2) The aggregate amount of the contract to be competitively negotiated is allowed by State law;
  - 3) The materials or services to be procured are available from only one person or firm;
  - 4) The procurement is for personal or professional services, or for any services to be rendered by an educational institution;
  - 5) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or
  - 6) The procurement is for materials or services for which the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for highly perishable materials; for resale; or for technical or specialized supplies requiring substantial initial investment for manufacture.

**Section 365.620 Construction Contracts**

The following procedures shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

- a) Each construction contract shall include the following provisions:
- 1) Audit; Access to Records

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- A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work in accordance with generally accepted accounting principles. The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under Section 365.420(b)(2) and a copy of the cost summary submitted to the owner. The Illinois Auditor General, the owner, the Agency, or any of their authorized representatives shall have access to the books, records, papers, documents, and other evidence for purposes of inspection, audit, examination, excerpts, transcriptions, and copying. The contractor shall provide facilities for access and inspection.
- B) For a formally advertised, competitively awarded, fixed price contract, the contractor shall include access to records as required by subsection (a)(1)(A) for all negotiated change orders and contract amendments in excess of \$150,000 that affect the contract price. In the case of all other prime contracts, the contractor shall agree to include access to records required by subsection (a)(1)(A) in all contracts and all tier subcontracts or change orders in excess of \$150,000 that are directly related to project performance.
- C) Audits shall be in accordance with auditing standards generally accepted in the United States.
- D) The contractor shall agree to the disclosure of all information and reports resulting from access to records required by subsection (a)(1)(A). When the audit concerns the contractor, the auditing agency shall afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
- E) The records required by subsection (a)(1)(A) shall be maintained and made available during performance of the work under the loan agreement and for 3 years after the date of final loan audit. In addition, records that relate to any dispute or litigation or the settlement of claims arising out of any performance, costs or items

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to which an audit exception has been taken shall be maintained and made available for 3 years after resolution of the dispute, appeal, litigation, claim, or exception.

- F) The right of access will generally be exercised with respect to financial records under:
- i) negotiated prime contracts;
  - ii) negotiated change orders or contract amendments in excess of \$150,000 affecting the price of any formally advertised, competitively awarded, fixed price contract; and
  - iii) subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.
- G) The right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after effective price competition. In any event, the right of access shall be exercised under any type of contract or subcontract:
- i) with respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and
  - ii) if there is any indication that fraud, gross abuse, or corrupt practices may be involved in the award or performance of the contract or subcontract.
- 2) **Covenant Against Contingent Fees**  
The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee.

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- 3) Wage Provisions  
The contractor shall pay prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148), as defined by the US Department of Labor.
  - 4) Disadvantaged Business Enterprise Requirements  
The contractor shall provide evidence that the contractor has taken affirmative steps in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services, consistent with the provisions of the Agency's Operating Agreement with USEPA.
  - 5) Debarment and Suspension Provisions  
The contract shall require the successful bidders to submit a Certification Regarding Debarment, Suspension and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.
  - 6) Nonsegregated Facilities Provisions  
The successful bidder shall be required to submit a certification of nonsegregated facilities on forms provided by the agency.
  - 7) American Iron and Steel  
The successful bidder shall be required to use American Iron and Steel, if required by USEPA for that fiscal year.
  - 8) A clause that provides:  

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR 33 in the award and administration of contracts awarded under the WPCLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."
- b) Subcontracts Under Construction Contracts

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The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by the prime contractor shall comply with:

- 1) all applicable provisions of federal, State, and local law;
  - 2) all provisions of this Part regarding fraud and other unlawful or corrupt practices;
  - 3) all provisions of this Part with respect to access to facilities, records and audit of records; and
  - 4) all provisions of subsection (a)(5) that require a Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form 5700-49) showing compliance with any controlling federal Executive Orders.
- c) **Contractor Bankruptcy**  
In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company, including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.
- d) Every contract entered into by the loan recipient for construction work, and every subagreement, shall provide Agency representatives with access to the work. The contractor or subcontractor shall provide facilities for the access and inspection.

**Section 365.630 Contracts for Personal and Professional Services**

All subagreements for personal and professional services for design or construction expected to exceed \$150,000 in the aggregate shall include the following subagreement provisions.

- a) Subagreements for personal and professional construction services shall include:
  - 1) Evidence that affirmative steps have been taken in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when

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possible as sources of supplies, equipment, construction, and services consistent with the provisions of the Agency's Operating Agreement with USEPA.

- 2) An audit and access to records clause that provides as follows:
  - A) Subsections (a)(2)(B) through (E) shall be included in all contracts and all subcontracts directly related to project services that are in excess of \$150,000.
  - B) Books, records, documents, and other evidence directly pertinent to performance of WPCLP loan work under this agreement shall be maintained in accordance with generally accepted accounting principles. The Agency or any of its authorized representatives shall have access to the books, records, documents, and other evidence for the purpose of inspection, audit, and copying. Facilities shall be provided for access and inspection.
  - C) Audits conducted pursuant to this provision shall be in accordance with auditing standards generally accepted in the United States.
  - D) All information and reports resulting from access to records pursuant to subsection (a)(2)(B) shall be disclosed to the Agency. The auditing agency shall afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
  - E) Records under subsection (a)(2)(B) shall be maintained and made available during performance of project services under this agreement and for 3 years after the final loan closing. In addition, those records that relate to any dispute pursuant to Section 365.650 (Disputes), litigation, the settlement of claims arising out of project performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after the resolution of the appeal, litigation, claim or exception.
- 3) A covenant against contingent fees clause as follows:

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"The professional services contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee."

- 4) A Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.
- 5) A description of the scope and extent of the project work.
- 6) The schedule for performance and completion of the contract work including, when appropriate, dates for completion of significant project tasks.
- 7) A method of compensation.
- 8) A clause as follows:

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under the WPCLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

- b) Subagreements for personal and professional design services shall include the subagreement provisions contained in subsections (a)(2) through (a)(4). In addition, the subagreements shall be accompanied by a statement regarding the use of disadvantaged business enterprises during the design service phase.
- c) If, at the time of contract execution, any of the elements required in this Section

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365.630 cannot be defined adequately for later tasks, those tasks shall not be included in the contract at that time.

**Section 365.640 Compliance with Procurement Requirements for Construction Contracts**

- a) **Loan Applicant Responsibility**

The loan applicant shall be responsible for selecting the low, responsive, and responsible bidder or other contractor in accordance with applicable requirements of State, federal, and local laws and ordinances, as well as for the specific requirements of the loan agreement directly affecting procurement. The loan applicant shall also be responsible for the initial resolution of complaints based upon alleged violations. Any complaints made to the Agency concerning any alleged violation of law in the procurement of construction services or materials for a project involving construction work will be referred to the loan applicant for resolution. The loan applicant shall promptly determine each complaint on its merits and shall allow the complainant and any other party who may be adversely affected to state in writing or at a conference the basis for their views concerning the proposed procurement. The loan applicant shall promptly furnish to the complainant and to other affected parties, by certified mail, a written summary of its determination, substantiated by an engineering or legal opinion, providing a justification for its determination.
- b) **Time Limitations**

Complaints should be made as early as possible during the procurement process, preferably prior to the bid opening, to avoid disruption of the procurement process. The complaint shall be mailed (certified mail, return receipt requested), or otherwise delivered, no later than 5 working days after the complainant becomes aware of an alleged violation. If there is no agreement between the parties within 7 days following the loan applicant's response, unless all bids are rejected, the matter shall be resolved in accordance with subsection (c).
- c) **Remedies**

All claims, counter-claims, disputes, and other matters in question between the recipient and the contractor arising out of, or relating to, a subagreement or its breach shall be decided by arbitration if the parties agree, or in a court of competent jurisdiction within the State.
- d) **Deferral of Procurement Action**

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If the determination of a complaint by the loan applicant is adverse to the complainant, the loan applicant shall defer issuance of its solicitation or award or notice to proceed under the contract (as appropriate) for 7 days after mailing or delivery of the determination. If the determination (whether made by the loan applicant, the arbitrator or the court) is favorable to the complainant, the terms of the solicitation shall be revised or the contract shall be awarded, as appropriate, in accordance with the determination.

**Section 365.650 Disputes**

- a) Only the loan recipient may appeal to the Agency in its own name and for its own benefit, under the disputes provision of a loan, with respect to its subagreements. Neither a contractor nor a subcontractor may prosecute an appeal under the disputes provisions of a loan in its own name or interest.
- b) Any dispute arising under the loan that is not disposed of by agreement shall be decided by the Director, or his or her authorized representative, who shall render a decision in writing and mail or otherwise furnish it to the loan recipient. The decision of the Director shall be in accordance with this Part and shall be final and conclusive.
- c) The disputes provision shall not preclude the Director from considering questions of law in any decision.

**Section 365.660 Indemnity**

The loan recipient shall assume the entire risk, responsibility and liability for all loss or damage to property owned by the loan recipient, by the Agency or by third persons, and for any injury to or death of any persons (including employees of the loan recipient) caused by, arising out of, or occurring in connection with the execution of any work, contract or subcontract arising out of the WPCLP loan. The loan recipient shall indemnify, save harmless, and defend the State of Illinois and the Agency from all claims for loss, damage, injury or death, whether caused by the negligence of the State of Illinois, the Agency, their agents or employees or otherwise, consistent with the provisions of Section 1 of the Construction Contract Indemnification for Negligence Act [740 ILCS 35/1]. The loan recipient shall require that all its contractors and subcontractors agree in writing that they will look solely to the loan recipient for performance of the contract or satisfaction of all claims arising under the contract.

**Section 365.670 Covenant Against Contingent Fees**

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The loan recipient shall warrant that no person or agency has been employed or retained to solicit or secure a WPCLP loan upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the Agency shall have the right to annul the loan in accordance with Section 365.520 or to deduct from the loan, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee.

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- 1) Heading of the Part: Procedures for Issuing Loans from the Public Water Supply Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 662
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
662.110	Repealed
662.120	Repealed
662.130	Repealed
662.140	Repealed
662.210	Repealed
662.220	Repealed
662.230	Repealed
662.240	Repealed
662.310	Repealed
662.320	Repealed
662.330	Repealed
662.340	Repealed
662.410	Repealed
662.420	Repealed
662.430	Repealed
662.440	Repealed
662.450	Repealed
662.460	Repealed
662.470	Repealed
662.480	Repealed
662.510	Repealed
662.520	Repealed
662.610	Repealed
662.620	Repealed
662.630	Repealed
662.640	Repealed
662.650	Repealed
662.660	Repealed
662.670	Repealed
662.710	Repealed
662.720	Repealed
662.730	Repealed
662.740	Repealed

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662.750	Repealed
662.810	Repealed
662.820	Repealed
662.830	Repealed
662.910	Repealed
662.920	Repealed
662.930	Repealed
662.935	Repealed
662.940	Repealed
662.1010	Repealed
662.1020	Repealed
662.1030	Repealed
662.1110	Repealed
662.1120	Repealed
662.APPENDIX A	Repealed
662.EXHIBIT C	Repealed
662.EXHIBIT D	Repealed
662.APPENDIX B	Repealed
662.EXHIBIT A	Repealed
662.EXHIBIT B	Repealed
662.EXHIBIT C	Repealed

- 4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.9].
- 5) Effective Date of Repeal: July 1, 2017
- 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 repeal is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276, Springfield IL 62794-9276 and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: 41 Ill. Reg. 2145; February 24, 2017
- 10) Has JCAR issued a Statement of Objection to this repeal? No

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this repeal replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repeal: The Illinois EPA proposes to repeal Part 662 and replace with new rules in Part 662 pursuant to the Illinois Environmental Protection Act.
- 16) Information and questions regarding these adopted rules shall be directed to:

Rex L. Gradeless  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276

217/782-5544

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- 1) Heading of the Part: Procedures for Issuing Loans from the Public Water Supply Loan Program
  
- 2) Code Citation: 35 Ill. Adm. Code 662
  
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
662.105	New Section
662.110	New Section
662.120	New Section
662.130	New Section
662.140	New Section
662.150	New Section
662.160	New Section
662.170	New Section
662.210	New Section
662.220	New Section
662.240	New Section
662.250	New Section
662.260	New Section
662.310	New Section
662.320	New Section
662.330	New Section
662.340	New Section
662.350	New Section
662.410	New Section
662.420	New Section
662.430	New Section
662.440	New Section
662.450	New Section
662.460	New Section
662.470	New Section
662.510	New Section
662.520	New Section
662.530	New Section
662.540	New Section
662.610	New Section
662.620	New Section
662.630	New Section
662.640	New Section

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662.650                      New Section  
662.660                      New Section  
662.670                      New Section

- 4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.9].
- 5) Effective Date of Rules: July 1, 2017
- 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 is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276, Springfield IL 62794-9276 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 2239; February 24, 2017
- 10) Has JCAR issued a Statement of Objections to this Rulemaking? No
- 11) Differences between Proposal and Final Version: The First Notice version published in the Illinois Register included changes made by JCAR. The Illinois EPA's adopted rule does not contain all the grammatical, typographical, and stylistic revisions made by JCAR and published in First Notice. The Agency also made nonsubstantive, grammatical, and typographical revisions from the proposed rule. The Agency has made the following substantive changes:  
  
662.110 - Added the definition of a compliance project as "a project that consists of construction, expansion, or upgrading of a treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle F and the SDWA, respectively".  
  
662.110 - Amended the definition of green project reserve to "the portion of funded projects, as required by the Capitalization Grant, identified by the Agency in its Intended Use Plan and Annual Report that address green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities as directed by federal law".

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662.130 - Deleted "Projects that have received assistance from the national set-aside for Indian Tribes and Alaska Native Villages under Section 1452(i) of the SDWA."

662.350 - Added "In addition, provide the number of billed residential and industrial or commercial accounts" after "classes".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rules: These rules reorganize and update the Illinois EPA's previous rules governing the Public Water Supply Loan Program. These rules include provisions for reducing fixed loans rates for small and hardship communities, projects meeting environmental impact criteria – including projects involving the removal or replacement of lead in water mains or in service lines, and the restructuring of existing loan obligations. Further, these rules authorize 30-year loan terms for disadvantaged communities.
- 16) Information and questions regarding these adopted rules shall be directed to:

Rex L. Gradeless  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276

217/782-5544

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 662  
PROCEDURES FOR ISSUING LOANS FROM THE  
PUBLIC WATER SUPPLY LOAN PROGRAM

SUBPART A: INTRODUCTION

Section	
662.105	Purpose
662.110	Definitions
662.120	Administration
662.130	Projects and Activities Available for Assistance
662.140	Types of Assistance
662.150	Other Federal Requirements
662.160	Application Process
662.170	Waiver of Procedures

SUBPART B: FINANCING TERMS

Section	
662.210	Fixed Loan Rate
662.220	Loan Repayment Period
662.240	Restructuring
662.250	Principal Forgiveness
662.260	Limitations on Loan Assistance

SUBPART C: LOAN APPLICATION PROCESS

Section	
662.310	Funding Nomination Form
662.320	Project Plan
662.330	State Environmental Review
662.340	Project Priority List
662.350	Securing the Loan Agreement

SUBPART D: LOAN ISSUANCE, AUDITING AND RECORDKEEPING

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## Section

662.410	Loan Issuance
662.420	Post-Loan Issuance Construction Contract Requirements
662.430	Loan Eligible Costs
662.440	Disbursement of Loan Funds
662.450	Initiation of Loan Repayment
662.460	Loan Closing and Issuance of Final Loan Amendment
662.470	Ongoing Auditing and Monitoring of Financial Capability

## SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

## Section

662.510	Delinquent Loan Repayments
662.520	Noncompliance with Loan Procedures
662.530	Stop-Work Order
662.540	Termination

## SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

## Section

662.610	Requirements for Subagreements
662.620	Construction Contracts
662.630	Contracts for Personal and Professional Services
662.640	Compliance with Procurement Requirements for Construction Contracts
662.650	Disputes
662.660	Indemnity
662.670	Covenant Against Contingent Fees

**AUTHORITY:** Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].

**SOURCE:** Emergency rule adopted at 21 Ill. Reg. 10091, effective July 17, 1997, for a maximum of 150 days; emergency expired on December 13, 1997; adopted at 22 Ill. Reg. 3782, effective February 10, 1998; amended at 24 Ill. Reg. 16245, effective November 1, 2000; emergency amendment at 33 Ill. Reg. 8674, effective June 2, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 15575, effective October 28, 2009; emergency amendment at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days; emergency expired November 6,

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2010; amended at 34 Ill. Reg. 17661, effective November 8, 2010; former Part repealed at 41 Ill. Reg. 8052 and new Part adopted at 41 Ill. Reg. 8055, effective July 1, 2017.

## SUBPART A: INTRODUCTION

**Section 662.105 Purpose**

This Part sets forth procedures to be used by the Agency to operate the Public Water Supply Loan Program (PWSLP).

**Section 662.110 Definitions**

- a) Unless specified otherwise in subsection (b), all terms shall have the meanings set forth in the Environmental Protection Act (Act) [415 ILCS 5] and the regulations adopted under that Act (35 Ill. Adm. Code: Subtitle F) and the federal Safe Drinking Water Act (SDWA), as amended (42 USC 300j-12 et seq.).
- b) For the purposes of this Part, the following definitions apply:

Act – The Environmental Protection Act [415 ILCS 5].

Addenda – Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency – *Illinois Environmental Protection Agency*. [415 ILCS 5/19.2(a)]

Billed Customers – The customers receiving a bill who are responsible for paying for water services.

Binding Commitment – A legal obligation between the Agency and the loan recipient to provide financial assistance from the PWSLP to the loan recipient, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Capitalization Grant – The actual federal funds received by the Agency for deposit into the PWSLP as a result of the capitalization grant agreement with USEPA.

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Capitalization Grant Agreement – The agreement entered into each federal fiscal year between the Agency and USEPA for the purpose of providing a grant to capitalize the PWSLP and enable the Agency to provide assistance for PWSLP projects.

Change Order – A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

*Construction – Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the public water supply, engineering, architectural, legal, fiscal or economic investigations, or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of public water supplies, or the inspection or supervision of any of the foregoing items. [415 ILCS 5/19.2]*

Contract Documents – The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond, agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

Compliance Project – A project that consists of construction, expansion, or upgrading of a treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle F and the SDWA, respectively.

Dedicated Source of Revenue – The type of security and the basis of legal authorization that are dedicated by legislative enactment or other appropriate authority, along with the applicable revenue source pledged for repayment and recorded in an account for the purpose of loan repayment, which is sufficient to repay the principal and interest on the loan.

Design – All administrative, legal, and engineering tasks, subsequent to Project Plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This must include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems and sewer use ordinances.

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Director – Director of the Illinois Environmental Protection Agency.

Disadvantaged Community – A local government unit that qualifies for either the Small Community Rate or Hardship Rate as defined in Section 662.210.

Energy Efficiency – The use of improved technologies and practices to reduce the energy consumption of water quality projects, including projects to reduce energy consumption or produce clean energy used by a treatment works.

Environmentally Innovative Projects – Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced cost and projects that foster adaptation of water protection programs and practices to climate change.

Facilities – Equipment or operating systems that are constructed, installed or established to serve the particular purpose of improving or augmenting sustainability for public water supplies and public water supply facilities in a watershed. Facilities may involve stand-alone projects or be involved as component pieces of public water supplies and public water supply projects. Facilities in the context of the Green Project Reserve will address green infrastructure, water and energy efficiency improvements and other environmentally innovative activities.

Fixed Loan Rate – The simple annual fixed rate on the loan, which includes an interest rate portion and a loan support rate portion. The fixed loan rate shall be determined on an annual basis by the procedures defined in Section 662.210.

Interest Rate – The interest rate is a portion of the Fixed Loan Rate and shall not be less than one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the interest rate portion of the Fixed Loan Rate shall be deposited in the PWSLP receipt account within the Fund.

Loan Support Rate – The loan support rate is a portion of the Fixed Loan Rate and shall not exceed one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the loan support rate portion of

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the Fixed Loan Rate shall be deposited in the Loan Support Program receipt account within the Fund.

Fund – *The Water Revolving Fund* as authorized by Section 19.3 of the Act, consisting of the *Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program*. [415 ILCS 5/19.2(b)]

Green Infrastructure – Includes a wide array of practices at multiple scales that manage and treat stormwater and that maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies that reduce overall imperviousness in a watershed. On a local scale, green infrastructure consists of site- and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements, and cisterns.

Green Project Reserve – The portion of funded projects, as required by the Capitalization Grant, identified by the Agency in its Intended Use Plan and Annual Report that address green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities as directed by federal law.

Health Hazard Determination – A health hazard determination exists when concentrations of regulated contaminants, in a water supply, or concentrations of contaminants not otherwise regulated, exceed health effects standards published in USEPA Health Advisories, or by the Illinois Department of Public Health or by the Centers for Disease Control and Prevention or that otherwise pose an immediate threat to public health.

Initiation of Loan Repayment Period – The date in a loan agreement or amendment that establishes the beginning point of the loan repayment period.

Initiation of Operation – The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed, and constructed.

*Intended Use Plan* – A plan which includes a description of the short and long term goals and objectives of the *Public Water Supply Loan Program, project*

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*categories, discharge requirements, terms of financial assistance and the loan applicants to be served.* [415 ILCS 5/19.2(e)]

Interstate Agency – An agency of two or more states established by or pursuant to an agreement or compact approved by the US Congress, or any other agency of two or more states, having substantial powers or duties pertaining to the control of pollution as determined and approved by USEPA.

Iron and Steel Products – The following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

Loan – *A loan made from the Public Water Supply Loan Program to an eligible applicant as a result of a contractual agreement between the Agency and such applicant.* [415 ILCS 5/19.2(c)]

Loan Agreement – The contractual agreement document between the Agency and the loan recipient that contains the terms and conditions governing the loan issued from the PWSLP.

Loan Applicant – The person that has applied for a loan from the PWSLP under this Part.

Loan Procedures – The procedures for issuing loans from the PWSLP as set out in this Part.

Loan Recipient – The person that has been provided a loan from the PWSLP under this Part.

*Local Government Unit – A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities, including storm water treatment systems, or public water supply facilities or both.* [415 ILCS 5/19.2(g)]

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Market Interest Rate – The mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding year, rounded to the nearest 0.01%.

Maximum Contaminant Level or MCL – The maximum permissible level of a contaminant in water that is delivered to any user of a public water supply.

Median Household Income or MHI – The median household income is the American Community Survey 5-year estimate from the US Department of Commerce, Bureau of the Census.

Operating Agreement – The agreement between the Agency and USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the PWSLP.

*Person – Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.315]*

*Public Water Supply – All mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". [415 ILCS 5/3.365] For purposes of this Part, a Public Water Supply is limited to public water supplies owned by a local government unit or a privately owned community water supply.*

Principal – The total amount of funds distributed to loan recipients for eligible project costs.

*Privately Owned Community Water Supply – An investor-owned water utility, if under Illinois Commerce Commission regulation and operating as a separate and distinct water utility; a not-for-profit water corporation, if operating specifically as a water utility; and a mutually owned or cooperatively owned community water system, if operating as a separate water utility. [415 ILCS 5/19.2(h)]*

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**Project** – The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

**Project Priority List** – An ordered listing of projects developed in accordance with the priority system described in 35 Ill. Adm. Code 663 that the Agency has determined are eligible to receive financial assistance from the PWSLP.

**PWSLP** – The Public Water Supply Loan Program as authorized by Section 19.2 of the Act.

**Responsible Bid** – A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents. Information necessary to demonstrate responsibility may be corrected or submitted after bid opening.

**Responsive Bid** – A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for nonresponsiveness. Bid defects resulting in a nonresponsive bid may not be corrected after the bid opening.

**SDWA** – The Safe Drinking Water Act, as amended (42 USC 300f et seq.).

**Service Population** – The number of people served by the loan applicant.

**Source of Revenue** – All revenues of the loan applicant that are sufficient to repay the principal and interest (as calculated by the fixed loan rate) on the loan.

**Subagreement** – A written agreement between the loan recipient and another party, and any tier of agreement under that written agreement, to furnish services, supplies, or equipment necessary to complete the project for which a loan is provided, including construction contracts, contracts for personal and professional services, and purchase orders.

**Treatment Technique Requirement** – An enforceable procedure developed by USEPA when it is not economically or technologically feasible to ascertain the

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level of a contaminant. Public water supplies must follow this procedure and treat their drinking water supplies according to USEPA specifications to ensure the contaminant is controlled.

Unemployment Rate – The annual average unemployment rate calculated by the Illinois Department of Employment Security, Economic Information and Analysis Division.

Useful Life – The estimated period during which a public water supply facility is intended to be operable, as certified by the project's consulting licensed professional engineer.

USEPA – The United States Environmental Protection Agency.

User Charge – A charge levied on the users of a public water supply to produce adequate revenues for the operation, maintenance and replacement of the public water supply.

**Section 662.120 Administration**

- a) The State Water Revolving Fund, an interest-bearing special fund, is administered by the Agency as an instrument of the State of Illinois in accordance with the Capitalization Grant Agreement between the Agency and USEPA in accordance with State and federal laws.
- b) The Capitalization Grant Agreement between the Agency and USEPA contains or incorporates by reference the following:
  - 1) the Operating Agreement between USEPA and the Agency that contains the organization, administrative framework, and procedures of the PWSLP that are not expected to change annually;
  - 2) the Agency's Intended Use Plan;
  - 3) agreed upon payment schedule between USEPA and the Agency;
  - 4) the Green Project Reserve requirements;
  - 5) the Agency's State environmental review process; and

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- 6) the Agency's agreement to the following:
- A) to accept grant payments in accordance with a negotiated payment schedule;
  - B) to deposit into the State Water Revolving Fund an amount equaling at least 20% of each grant payment;
  - C) to make binding commitments in an amount equal to the amount of each capitalization grant payment and accompanying State match that is deposited into the Fund within one year after the receipt of each grant payment;
  - D) to expend all funds in an expeditious and timely manner;
  - E) to first use funds equaling the amount of the grant, all repayments of principal and payments of interest on the initial loans from the grant, and the State match to assure maintenance of progress, as determined by the Governor, toward compliance with national primary drinking water regulations applicable under SDWA section 1412 (42 USC 300g-1) or otherwise significantly further the public health protection objectives of the SDWA;
  - F) to comply with the USEPA general assistance regulations in 2 CFR 1500 and the specific conditions of the capitalization grant;
  - G) to commit or expend each quarterly grant payment in accordance with State laws and procedures regarding the commitment or expenditure of revenue;
  - H) to use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;
  - I) to require recipients under PWSLP to maintain projects and accounts in accordance with generally accepted government accounting standards, including standards relating to the reporting of infrastructure assets;

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- J) to complete and submit a biennial report that describes how it has met the goals and objectives of the previous two fiscal years as stated in the Intended Use Plans and capitalization grant agreements;
- K) to establish, maintain, invest and credit the State Water Revolving Fund with repayments so that the fund balance will be available in perpetuity for activities under the SDWA;
- L) to use fees charged by the Agency to the recipients of assistance that are considered as program income for the purpose of financing of the cost of administering the PWSLP or financing projects or activities eligible for assistance under this Part;
- M) to an annual audit of the PWSLP in accordance with the auditing procedures of the General Accounting Office (31 USC 75);
- N) to provide USEPA with documentation demonstrating that the Agency has adequate personnel and resources to establish and manage the PWSLP;
- O) to promptly deposit PWSLP funds into appropriate accounts as follows:
  - i) deposit the portion of the capitalization grant to be used for projects into the fund;
  - ii) maintain separate and identifiable accounts for the portion of the capitalization grant to be used for set-aside activities;
  - iii) deposit net bond proceeds, interest earnings, and repayments into the fund; and
  - iv) deposit any fees, which include interest earned on fees, into the fund or into separate and identifiable accounts;
- P) to adopt policies and procedures to assure that loan recipients have a dedicated source of revenue for repayment of loans, or in the case of privately-owned systems, assure that recipients

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demonstrate that there is adequate security to assure repayment of loans;

- Q) to use all funds in accordance with an Intended Use Plan that was prepared after providing for public review and comment;
  - R) to comply with all applicable federal cross-cutting authorities; and
  - S) to demonstrate how the Agency is complying with the requirements of capacity development authority, capacity development strategy, and operator certification program provisions in order to avoid withholdings of funds under 40 CFR 35.3515(b)(1)(i) through (b)(1)(iii).
- c) Intended Use Plan
- 1) After public review and comment, the Agency must annually prepare an Intended Use Plan and submit that plan to USEPA.
  - 2) The Intended Use Plan must include:
    - A) a priority system for ranking individual projects for funding that provides sufficient detail for the public and USEPA to readily understand the criteria used for ranking;
    - B) a listing and description of projects on the Project Priority List to be provided financial assistance and the terms of the financial assistance;
    - C) a description of the criteria and methods that the Agency will use to distribute all funds including:
      - i) the process and rationale for distribution of funds between the Fund and set-aside accounts;
      - ii) the process for selection of projects to receive assistance;

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- iii) the rationale for providing different types of assistance and terms, including the method used to determine the market rate and the interest rate;
  - iv) the types, rates, and uses of fees assessed on assistance recipients; and
  - v) a description of the financial planning process undertaken for the Fund and the impact of funding decisions on the long-term financial health of the fund;
- D) a description of the sources and uses of PWSLP funds including: the total dollar amount in the fund; the total dollar amount available for loans, including loans to small systems; the amount of loan subsidies that may be made available to disadvantaged communities from the 30% allowance in 40 CFR 35.3525(b)(2); the total dollar amount in set-aside accounts, including the amount of funds or authority reserved; and the total dollar amount in fee accounts;
- E) the short and long term goals and objectives of the PWSLP;
- F) identification of the amount of funds the Agency is electing to use for set-aside activities. The Agency must also describe how it intends to use these funds, provide a general schedule for their use, and describe the expected accomplishments that will result from their use;
- G) for loans made in accordance with the local assistance and other State programs set-aside under 40 CFR 35.3535(e)(1)(i) and (e)(1)(ii), the Intended Use Plan must, at a minimum, describe the process by which recipients will be selected and how funds will be distributed among them;
- H) describe how the Agency's disadvantaged community program will operate including:
- i) the Agency's definition in Section 662.110(b) of what constitutes a disadvantaged community;

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- ii) a description of affordability criteria used to determine the amount of disadvantaged assistance;
  - iii) the amount and type of loan subsidies that may be made available to disadvantaged communities from the 30% allowance in 40 CFR 35.3525(b)(2); and
  - iv) to the maximum extent practicable, an identification of projects that will receive disadvantaged assistance and the respective amounts;
- I) If the Agency decides to transfer funds between the PWSLP and the WPCLP, the Intended Use Plans for each program must describe the process, including:
- i) the total amount and type of funds being transferred during the period covered by the Intended Use Plan;
  - ii) the total amount of authority being reserved for future transfer, including the authority reserved from previous years; and
  - iii) the impact of the transfer on the amount of funds available to finance projects and set-asides and the long-term impact on the fund;
- J) If the Agency decides to cross-collateralize fund assets of the PWSLP and WPCLP, the Intended Use Plans for the PWSLP and the WPCLP must describe the process, including:
- i) the type of monies that will be used as security;
  - ii) how monies will be used in the event of a default; and
  - iii) whether or not monies used for a default in the other program will be repaid, and, if they will not be repaid, what will be the cumulative impact on the funds.

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- 3) The priority list of projects, and use of funds, may be amended during the year under provisions established in the Intended Use Plan as long as additions or other substantive changes to the list, except projects funded on an emergency basis, go through public review and comment.

**Section 662.130 Projects and Activities Available for Assistance**

- a) Eligible public water supplies. Funds available under the PWSLP and this Part shall only be used for providing financial assistance to the following:
  - 1) a local government unit; and
  - 2) a privately owned community water supply, for public water supplies, with at least 100 billed customers.
- b) Ineligible public water supplies. Funds available under the PWSLP and this Part may not be used for providing financial assistance to the following:
  - 1) Federally-owned public water supply and for-profit non-community water supply;
  - 2) Systems that lack the technical, financial, and managerial capability to ensure compliance with the requirements of the SDWA, unless the assistance will ensure compliance and the owners or operators of the systems agree to undertake feasible and appropriate changes in operations to ensure compliance over the long-term; and
  - 3) Systems that are in significant noncompliance with any national primary drinking water regulation or variance, unless:
    - A) The purpose of the assistance is to address the cause of the significant noncompliance and will ensure that the systems return to compliance; or
    - B) The purpose of the assistance is unrelated to the cause of the significant noncompliance and the systems are on enforcement schedules (for maximum contaminant level and treatment technique violations) or have compliance plans (for monitoring and reporting violations) to return to compliance.

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- c) Eligible project categories. Funds available under the PWSLP and this Part shall only be used for the following types of projects and activities:
- 1) General. Projects that address present or prevent future violations of health-based drinking water standards are eligible for assistance. These include, but are not limited to, projects needed to maintain compliance with existing national primary drinking water regulations for contaminants with acute and chronic health effects. Projects to replace aging infrastructure are eligible for assistance if they are needed to maintain compliance or further the public health protection objectives of the SDWA.
  - 2) Treatment. Examples of projects include, but are not limited to, installation or upgrade of facilities to improve the quality of drinking water to comply with primary or secondary standards and point of entry or central treatment under section 1401(4)(B)(i)(III) of the SDWA.
  - 3) Transmission and Distribution. Examples of projects include, but are not limited to, installation or replacement of transmission and distribution pipes to improve water pressure to safe levels or to prevent contamination caused by leaks or breaks in the pipes.
  - 4) Source. Examples of projects include, but are not limited to, rehabilitation of wells or development of eligible sources to replace contaminated sources.
  - 5) Storage. Examples of projects include, but are not limited to, installation or upgrade of eligible storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering a public water supply.
  - 6) Consolidation. Eligible projects are those needed to consolidate water supplies where, for example, a supply has become contaminated or a system is unable to maintain compliance for technical, financial, or managerial reasons.
  - 7) Creation of New Systems. Eligible projects are those that, upon completion, will create a community water supply to address existing

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public health problems with serious risks caused by unsafe drinking water provided by individual wells or surface water sources. Eligible projects are also those that create a new regional community water supply by consolidating existing systems that have technical, financial, or managerial difficulties. Projects to address existing public health problems associated with individual wells or surface water sources must be limited in scope to the specific geographic area affected by contamination. Projects that create new regional community water supply by consolidating existing systems must be limited in scope to the service area of the systems being consolidated. A project must be a cost-effective solution to addressing the problem. The applicant must give sufficient public notice to potentially affected parties and must have considered alternative solutions to addressing the problem. Capacity to serve future population growth cannot be a substantial portion of a project.

- d) **Ineligible Project Categories.** The following project categories are not eligible for assistance under the PWSLP:
- 1) Dams or rehabilitations of dams;
  - 2) Water rights, except if the water rights are owned by a system that is being purchased through consolidation as part of a capacity development strategy;
  - 3) Reservoirs or rehabilitation of reservoirs, except for finished water reservoirs and those reservoirs that are part of the treatment process and are on the property where the treatment facility is located;
  - 4) Projects needed primarily for fire protection; and
  - 5) Projects needed primarily to serve future population growth. Projects must be sized only to accommodate a reasonable amount of population growth expected to occur over the useful life of the facility.

**Section 662.140 Types of Assistance**

Funds distributed from the State Water Revolving Fund under the PWSLP and this Part may only be used as follows:

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- a) *to accept and retain funds from grant awards, appropriations, transfers, and payments of interest and principal [415 ILCS 5/19.3(d)(1)];*
- b) *to make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit or to any eligible privately owned community water supply to finance the construction of public water supplies and projects that fulfill federal State Revolving fund grant requirements for a green project reserve [415 ILCS 5/19.3(d)(2)];*
- c) *to make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit or to any eligible privately owned community water supply to buy or refinance debt obligations for costs incurred on or after July 17, 1997, for the construction of water supplies and projects that fulfill federal State Revolving Fund requirements for a green project reserve [415 ILCS 5/19.3(d)(3)];*
- d) *to guarantee local obligations where such action would improve credit market access or reduce interest rates[415 ILCS 5/19.3(d)(4)];*
- e) *as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited into the fund [415 ILCS 5/19.3(d)(5)];*
- f) *to transfer funds to the Water Pollution Control Loan Program (WPCLP) [415 ILCS 5/19.3(d)(6)]; and*
- g) notwithstanding any other provision of this Section, to provide, to local government units and privately owned community water supplies, any other financial assistance that may be provided under section 1452 of the SDWA (42 USC 300j-12) for any expenditures eligible for assistance under that section or federal rules adopted to implement that section.

**Section 662.150 Other Federal Requirements**

- a) Loan projects must meet disadvantaged business enterprise requirements in accordance with 40 CFR 33.

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- b) The failure or inability of any loan applicant to receive funds under the PWSLP or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of the SDWA, the Act, and 35 Ill. Adm. Code Subtitle F.
- c) Loan projects must meet the applicable requirements of any other federal laws and authorities.

**Section 662.160 Application Process**

- a) In order to receive a loan under the PWSLP, loan applicants must apply with the Agency using the loan application process outlined in Subpart C. The process requires that:
  - 1) the loan applicant submits a Funding Nomination Form pursuant to Section 662.310;
  - 2) the loan applicant submits a Project Plan pursuant to Section 662.320;
  - 3) the project undergoes State environmental review under Section 662.330;
  - 4) the project be placed on the Project Priority List pursuant to Section 662.340; and
  - 5) the loan applicant secures the loan agreement pursuant to Section 662.350.
- b) Loan applicants shall not execute a notice to proceed until the loan agreement has been fully secured and executed.

**Section 662.170 Waiver of Procedures**

- a) Except as provided in subsection (b) or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, by a written statement to the loan recipient, either as a special condition of the loan or otherwise, provided the Director finds that the procedure or requirement to be waived is not necessary to insure the integrity of the project, will not reduce a recipient's ability to repay the loan to the Agency, or will not, in general, weaken

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the financial position of the PWSLP. The waiver may be subject to such additional conditions as the Director deems necessary.

- b) In addition to all federal requirements, these procedures will not be waived:
- 1) Section 662.150 (Other Federal Requirements);
  - 2) Section 662.210 (Fixed Loan Rate);
  - 3) Section 662.240 (Restructuring);
  - 4) Section 662.320 (Project Plan);
  - 5) Section 662.330 (State Environmental Review);
  - 6) Section 662.340 (Project Priority List);
  - 7) Section 662.350(a)(9) (Ability to Repay);
  - 8) Section 662.460(a)(3) (Operation and Maintenance of the Project);
  - 9) Section 662.470 (Ongoing Auditing and Monitoring of Financial Capability);
  - 10) Section 662.620(a)(3) (Wage Provisions);
  - 11) Section 662.620(a)(4) (Disadvantaged Business Enterprise Requirements);
  - 12) Section 662.620(a)(5) (Debarment and Suspension Certification);
  - 13) Section 662.630(a)(1) (Disadvantaged Business Enterprise Requirements);  
and
  - 14) Section 662.630(a)(4) (Debarment and Suspension Certification).

## SUBPART B: FINANCING TERMS

**Section 662.210 Fixed Loan Rate**

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The interest rate of the loan agreement shall be a fixed loan rate and shall be established as follows:

- a) Base 20 Year Rate – Loan agreements with a repayment period not to exceed 20 years shall have a fixed loan rate equal to 50% of the market interest rate (mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding State fiscal year rounded to the nearest 0.01%).
- b) Small Community Rate – A public water supply with a service population less than 25,000 that also meets any one of the following three criteria qualify for a fixed loan rate equal to 75% of the Base 20 Year Rate:
  - 1) The median household income of the public water supply's service population is less than the statewide average.
  - 2) The unemployment rate of the public water supply's service population is greater than the statewide average.
  - 3) The public water supply's annual user charge, based upon the average monthly bill of the public water supply's residential customers, is greater than 1.0% of the median household income of the public water supply's service population.
- c) Hardship Rate – A public water supply with a service population less than 10,000 that also meets any one of the following three criteria qualify for a fixed loan rate of 1.0%:
  - 1) The median household income of the public water supply's service population is below 70% of the statewide average.
  - 2) The unemployment rate of the public water supply's service population is at least 3.0% greater than the statewide average.
  - 3) The public water supply's annual user charge, based upon the average monthly bill of the public water supply's residential customers, is greater than 1.5% of the median household income of the public water supply's service population.

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- d) Environmental Impact Discount – When at least 50% of the eligible project costs fund any of the following components, the loan applicant shall receive a 0.2% discount from the rates established in subsection (a), (b), or (c):
- 1) green infrastructure projects;
  - 2) projects lowering water demand;
  - 3) projects reducing energy demands at a public water supply; or
  - 4) projects involving the removal or replacement of lead in water mains or service lines.

**Section 662.220 Loan Repayment Period**

- a) Except as provided in subsections (b) and (c), the loan repayment period cannot exceed the lesser of 20 years beyond the initiation of operation date, 20 years beyond the initiation of the loan repayment period, or the projected useful life of the project to be financed with proceeds of the loan.
- b) For loan applicants that are a disadvantaged community, the loan repayment period cannot exceed the lesser of 30 years beyond the initiation of operation date, 30 years beyond the initiation of the loan repayment period, or the projected useful life of the project to be financed with proceeds of the loan.
- c) The Agency may require a loan repayment period term of less than the maximum. In evaluating the appropriateness of alternative loan terms, the Agency shall consider such factors as the scope of the proposed project, the impacts of alternative loan terms on user fees, and the overall cost of the project.

**Section 662.240 Restructuring**

All restructuring shall be consistent with the objectives of the SDWA and shall meet the requirements of this Part.

- a) A written request for the restructuring of the loan obligation must be submitted in writing to the Agency. Each written request for restructuring shall contain all of the following:

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- 1) The name of the applicant and the Agency loan number;
  - 2) A statement explaining when it was determined that restructuring was needed;
  - 3) A statement explaining all remedial measures taken prior to the determination that restructuring was needed;
  - 4) A statement explaining why restructuring is in the best interest of the State and the applicant;
  - 5) A description of the financing terms desired and the facts that the applicant believes warrant the Agency's approval of the restructuring; and
  - 6) A description of the applicant's financial capability and dedicated source of revenue for repayment of the restructured loan in accordance with Section 662.350(a)(8) through (a)(12).
- b) The applicant must resubmit all financial and managerial capability documentation required under Section 662.350(a)(8) through (a)(12). The restructured loan must further meet all other requirements of this Part.
- c) The Agency will approve restructuring based on financial and economic considerations that may include, but are not limited to, the following:
- 1) good cause;
  - 2) circumstances beyond the control of the applicant; and
  - 3) the financial hardship the existing loan imposes on the loan recipient.
- d) Restructured loan agreements shall have a fixed loan rate equal to the lesser of the fixed loan rate in the original loan agreement or the current appropriate fixed loan rate under Section 662.210.
- e) Except as provided in subsection (f), the loan repayment period for a restructured loan cannot exceed the lesser of 20 years beyond the initiation of operation date, 20 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed

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with proceeds of the original loan.

- f) For a loan applicant that is a disadvantaged community, the loan repayment period for a restructured loan cannot exceed the lesser of 30 years beyond the initiation of operation date, 30 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.

**Section 662.250 Principal Forgiveness**

All financial assistance from the PWSLP shall be in the form of low interest loans, with principal forgiveness terms used and applied as necessary to meet specific requirements of the federal Capitalization Grant Agreement. The availability, amounts, limitations, and method of distribution for any principal forgiveness of the loan amount shall be determined by the Director of the Agency based upon USEPA requirements and the terms of the Capitalization Grant Agreement, the SDWA, economic conditions, status of the Fund, and other relevant criteria.

**Section 662.260 Limitations on Loan Assistance**

The Agency may establish the annual limitations on the amount of loan assistance given to each loan recipient by considering the status of the Fund, capitalization grant amounts, economic conditions, and requirements established by USEPA. The annual limitations on the amount of loan assistance established by the Agency must be included as part of the Agency's Intended Use Plan.

## SUBPART C: LOAN APPLICATION PROCESS

**Section 662.310 Funding Nomination Form**

- a) Every loan applicant shall submit to the Agency a signed and dated funding nomination on Agency prescribed forms that include, at a minimum, the following items:
  - 1) Loan applicant information
    - A) name;
    - B) contact information; and

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- C) authorized representative – name and title;
- 2) Project Information
- A) project description;
  - B) cost; and
  - C) project implementation schedule.
- b) To ensure placement on the annual Project Priority List, loan applicants seeking financial assistance during any fiscal year commencing July 1 must annually submit a Funding Nomination Form required under subsection (a) by the preceding January 31.
- c) The first submittal of the Funding Nomination Form must be submitted with a Project Plan as described in Section 662.320.

**Section 662.320 Project Plan**

- a) Loan applicants shall submit to the Agency a Project Plan, with its initial Funding Nomination Form, that shall consist of plans and studies that are directly related to the construction or implementation of the proposed project. The Project Plan shall provide documentation on the need for the project for which loan assistance is being requested.
- b) Planning previously or collaterally accomplished under local, State or federal programs may be utilized to the extent applicable. If any information required to be furnished as part of a Project Plan has been developed separately, it shall be furnished and incorporated by reference in the Project Plan.
- c) When applicable, the loan applicant shall also submit drafts of any intergovernmental agreements or demonstrations of legal authority necessary for project implementation.
- d) The Project Plan may include more than one construction project.
- e) The Project Plan shall include the following supporting data:

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- 1) A complete description of the selected public water supply or other systems, identification of any existing violations of federal or State regulations, and identification of the needs to be addressed by the proposed project;
- 2) A discussion of the technical, financial, managerial, and environmental considerations that form the basis for the loan applicant's selection of the recommended project. When appropriate to the project scope, the following issues shall be addressed:
  - A) The relationship of the capacity of the selected alternative to the needs to be served, including reserve capacity;
  - B) A discussion of the operational requirements for the selected alternative and provisions for the ultimate disposal of waste by-products in accordance with State requirements;
  - C) An inventory of the relative environmental impacts of the selected alternative and a discussion of the measures that would be required during design and construction to mitigate or minimize negative environmental impacts; and
  - D) Adequate basis of design information for the selected alternative to confirm the reasonability of cost estimates;
- 3) A detailed description of the alternative selected for loan assistance, including preliminary engineering data, complete cost estimates for design and construction, one or more 8.5 by 11 inch site map or maps locating areas of construction and indirect impacts, and a projected schedule for completion. The engineering data shall include, to the extent appropriate, flow diagrams, unit process descriptions, detention times, flow rates, unit capacities, etc., sufficient to demonstrate that the project proposed will be designed in accordance with 35 Ill. Adm. Code 370;
- 4) Any required comments or approvals from relevant federal, State, interstate, regional or local agencies;
- 5) An implementation plan for the proposed recommendations, including necessary financial arrangements for the operation and maintenance of the

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project and repayment of the proposed loan amount, as well as the impact of these costs on the system users; and

- 6) Information sufficient to support a determination as to whether any portion of the project addresses green infrastructure, energy efficient improvements, or other environmentally innovative activities.
- f) The Project Plan will be reviewed by the Agency under the State environmental review process specified in Section 662.330. If substantial changes are made to the project scope following submittal to the Agency, the Project Plan shall be revised or amended and resubmitted for review and approval.

**Section 662.330 State Environmental Review**

- a) Preliminary Environmental Review
  - 1) All loan applicants shall submit an environmental checklist on forms prescribed by the Agency.
  - 2) Prior to making a final determination on the acceptability of any Project Plan, the Agency shall undertake a preliminary environmental review of the project to determine whether the project qualifies for a categorical exclusion under subsection (b) or a detailed environmental review under subsection (c).
  - 3) The scope of the Agency's environmental review shall include, but not be limited to, an assessment of the impacts of both the loan funded project and the overall project planning on rare and endangered species, historic and cultural resources, prime agricultural land, air and water quality, recreational areas, wetlands, floodplains, and other sensitive environmental areas. The review shall also assess the direct and indirect impacts of construction and ensure that all reasonable measures have been taken in the planning to avoid and mitigate negative environmental impacts.
- b) Categorical Exclusion

The Agency may categorically exclude certain classes of projects from a detailed environmental review and public hearing requirement when, by virtue of their limited scope, the projects have no potential for negative environmental impacts.

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For projects categorically excluded from further environmental review process, the Agency shall provide to the applicant a Categorical Exclusion document summarizing the project. The applicant shall publish a notice and provide public access to the planning documents and the Categorical Exclusion document, allowing 10 days for written public comment. If no objection is raised to the Categorical Exclusion, the Agency shall issue an unconditional approval of the Project Plan. Should concerns be raised over potential environmental impacts, the Agency may proceed with a detailed environmental review under subsection (c) or issue a conditional approval under which the applicant shall incorporate mitigating measures that would resolve the environmental concerns.

- c) Detailed Environmental Review
- For all projects for which the Agency determines there is a potential for negative environmental impacts, the Agency will prepare a written Preliminary Environmental Impacts Determination (PEID) document summarizing the project and potential environmental impacts. The public will be given an opportunity to comment on the project plan and the PEID.
- 1) The Agency must send the PEID to the loan applicant and other interested parties, inviting public comment. The loan applicant shall hold a public hearing on the project plan and the Agency's PEID for the purpose of obtaining public comment. The public hearing shall be held after the Agency sends the PEID. The loan applicant shall allow an additional 10 days from the date of the public hearing for the submission of written comments from the public.
  - 2) The time and place of the public hearing shall be announced at least 10 days before the hearing. In addition, the Agency's PEID document shall be displayed at a convenient local site prior to the hearing to obtain a level of public participation appropriate to the scope and impacts of the proposed project.
  - 3) The loan applicant shall provide the Agency with an accurate summary of all public comments received, together with any proposed amendments to the project plan made in response to comments.
  - 4) Upon receipt of the public hearing summary and after the expiration of the 10 day written comment period, the Agency shall issue:

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- A) An unconditional approval of the plan (original or as amended);
  - B) A conditional approval of the plan with special conditions;
  - C) A disapproval of the plan based on evidence of significant negative environmental impacts for which appropriate mitigation measures have not been identified; or
  - D) A determination of the need for an Environmental Impact Statement (EIS) under the National Environmental Policy Act (42 USC 4331). The Agency may change its disapproval to approval or conditional approval based on the recommendations of the EIS.
- d) Agency approval of a project plan shall be valid for purposes of loan funding for a period of 5 years, after which time the plan must be updated and resubmitted to the Agency for review and approval. The Agency must prepare a revised environmental review and provide an opportunity for public comment.
- e) At any time within 5 years from the date of project plan approval, the Agency may rescind its approval and require the plan to be amended, if there are changes to the scope of proposed construction or significant alterations to planning area conditions or underlying assumptions that might alter previous conclusions regarding environmental impacts or cost analyses. For projects in which the amended planning would result in substantial changes in environmental or economic impacts, the Agency may require the applicant to provide an opportunity for public comment prior to granting approval of the amended plan.

**Section 662.340 Project Priority List**

- a) The Agency shall not provide financial assistance from the State Water Revolving Fund under this Part to projects that are not on the Agency's Project Priority List.
- b) The Agency shall develop a Project Priority List for each fiscal year beginning on July 1 as follows:
  - 1) Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 662.310 and 662.320, and obtained Project Plan approval pursuant to Section 662.330 by January 31 of the previous fiscal year, will be scored, ranked, and placed on the Project Priority List

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according to 35 Ill. Adm. Code 663.

- 2) Projects that submit a Funding Nomination Form and Project Plan pursuant to Sections 662.310 and 662.320 by January 31 of the previous fiscal year, but that have not obtained Project Plan approval, will be placed on the Project Priority List below those scored and ranked pursuant to subsection (b)(1).
  - 3) Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 662.310 and 662.320 after January 31 of the previous fiscal year will be placed on the Project Priority List after obtaining Project Plan approval pursuant to Section 662.330, but will not be placed on the Intended Funding List.
- c) The Agency shall publish the Project Priority List in the Intended Use Plan.
- d) Intended Funding List
- 1) The Agency shall identify the Intended Funding List in the Intended Use Plan. The Intended Funding List is comprised of the highest ranking projects on the Project Priority List, with the total costs of all projects equaling the total amount of funds available.
  - 2) Projects on the Intended Funding List are afforded priority of resources, including, but not limited to, preference in securing a loan as soon as the necessary programmatic and financial steps are completed.
  - 3) Projects on the Intended Funding List are not guaranteed funding.
  - 4) Projects not on the Intended Funding List may receive funding in advance of those projects identified in the Intended Funding List when the bypass process criteria are met (see subsection (e)).
  - 5) From July 1 through December 31, only projects on the Intended Funding List will be given a loan.
- e) Bypass Process
- 1) From January 1 through June 30 of each year, a project on the Intended

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Funding List may be bypassed when the loan applicant has not:

- A) submitted a loan application as required by Section 662.350(a);
  - B) submitted all financial capability and dedicated source of revenue information for repayment of the loan required by Section 662.350(a)(8) through (a)(12);
  - C) obtained all necessary construction permits; and
  - D) established a bid opening date prior to March 1.
- 2) When a project is bypassed, the Agency will make the bypassed funds available for projects on the Project Priority List in the order in which the requirements of Section 662.410(a) are satisfied by the loan applicant.

**Section 662.350 Securing the Loan Agreement**

After the Agency has approved the loan applicant's Project Plan, the loan applicant shall submit the following documents:

- a) An application, on forms prescribed by the Agency, which must include the following documents:
  - 1) Loan Program Certifications;
  - 2) Certification Regarding Debarment, Suspension and Other Responsibility Matters;
  - 3) Certification of Intent Regarding National Flood Insurance;
  - 4) Certification Regarding Project Site, Rights-of-Way, Easements and Permits;
  - 5) Authorization of a Representative to Sign Loan Documents;
  - 6) An Engineering Service Procurement Report that certifies whether the contracts for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping,

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or architectural related services were negotiated in the same manner as a contract for architectural and engineering services under 40 USC 1101 et seq.;

- 7) Any other executed legal agreements, including but not limited to, intergovernmental agreements necessary for project implementation;
- 8) Proof of authority to incur debt for:
  - A) Public water supplies: documents such as, but not limited to, a certified copy of the enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency, and proof the ordinance was adopted in accordance with State law, including publication and notice requirements when applicable; or
  - B) Privately owned community water supplies: documents such as, but not limited to, a copy of board resolutions to incur the debt, Articles of Incorporation, By-laws, Partnership Agreements, or a legal opinion stating that the loan applicant has the authority to incur debt;
- 9) Documentation to support the loan applicant's ability to repay all principal and interest of the loan:
  - A) A financial capability demonstration shall be submitted to the Agency for approval and shall contain:
    - i) detailed project costs;
    - ii) 5 year projected estimates of revenues;
    - iii) 5 year projected estimates of operation and maintenance costs;
    - iv) 5 year projected estimates of local capital costs; and
    - v) the most recent completed annual audited financial statements of the loan applicant;

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- B) A user charge system, when a user charge system is the dedicated source of revenue, shall be submitted to the Agency and shall:
- i) be enacted and enforceable before the first loan disbursement (when applicable, approval of the rate increase by the Illinois Commerce Commission will be required);
  - ii) generate sufficient revenue to offset the cost for operation, maintenance and replacement required to be provided by the loan recipient for all projects authorized under this Part;
  - iii) be incorporated in one or more municipal legislative enactments or other appropriate authorizations;
  - iv) provide the average monthly cost of service for a residential customer based upon the average monthly water usage for a residential customer or the appropriate average monthly residential cost of service based upon the methodology established within the loan applicant's system of user charges. If the loan applicant has substantial industrial and/or commercial customers, the loan applicant must provide similar monthly user charge information for the customers within those rate classes. In addition, the loan applicant must provide the number of billed residential and industrial or commercial accounts;
- C) A dedicated source of revenue adequate to make loan repayments for the term of the loan. If the dedicated source of revenue is pledged in a subordinate position, the loan applicant must establish a reserve account that provides the Agency with the equivalent coverage and reserves as the senior lien holders. At a minimum, the reserve account shall be equal to the annual principal and interest payment funded within 2 years after the loan award;
- D) For a privately owned community water supply, appropriate legal documents will be provided to enable the Agency to perfect its security interest in the revenues of the loan applicant and other

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personal properties offered as security by filing the necessary information under the Uniform Commercial Code [810 ILCS 5];

- E) For a privately owned community water supply, approval from the Illinois Commerce Commission to incur debt, if applicable; and
  - F) Upon request by the Agency, any other documentation necessary to demonstrate the loan applicant's ability to repay all principal and interest of the loan, including, but not limited to, a credit report.
- 10) A legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absence of conflicts with other agreements, bonds or ordinances;
  - 11) A Tax Exemption Certificate and Agreement; and
  - 12) A project completion schedule.
- b) An executed contract for design and construction related work in accordance with Section 662.630 if financing is being requested for these specific costs.
  - c) Design documents, including plans and specifications, for purposes of obtaining a construction permit, or "authorization to construct", from the Agency, pursuant to 35 Ill. Adm. Code 309.154 and 309.202, whichever is applicable.
  - d) A certification of plans and specifications on a form prescribed by the Agency. The certification must be submitted prior to advertising for bids and must be accompanied by all bidding documents and specifications that shall include:
    - 1) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule (drawings and specifications may be made available for inspection instead of being furnished);
    - 2) The terms and conditions of the contract to be awarded;
    - 3) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;

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- 4) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the PWSLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;
- 5) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;
- 6) A proposal form, to be used by all bidders, that includes the following language:
  - A) By submission of the bid, each bidder and, in the case of a joint bid, each party to the joint bid certifies as to his or her own organization, that in connection with the bid:
    - i) the prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;
    - ii) unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and
    - iii) no attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33E-11 of the Illinois Criminal Code of 2012 [720 ILCS 5/33E-11];
  - B) Each person signing the bid shall certify that:
    - i) he or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated and will not participate, in any action contrary to subsection (d)(6)(A); or

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- ii) he or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that the persons determining the prices have not participated, and will not participate, in any action contrary to subsection (d)(6)(A), and, as the bidder's agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A); and
- 7) A requirement that the project will be awarded to the lowest, responsive, responsible bidder in accordance with the following:
- A) after bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents. Items that shall be submitted to the Agency include a bid tabulation, the loan applicant's or its agent's analysis of bids and recommendation for the award, and the loan applicant's letter of intent to award or the official minutes of board approval;
  - B) the loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency; and
  - C) if the award is intended to be made to a firm that did not submit the lowest bid, prior to any award the loan applicant shall submit to the Agency a written statement explaining why each lower bidder was deemed not responsive or not responsible.
- e) After the bids are opened and evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents, a bidding certification, on forms prescribed by the Agency, and all supporting information from the selected bidder, including, but not limited to, the following:
- 1) A copy of the published bid advertisement that notifies the bidders that the procurement will be subject to regulations contained in the following:

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- A) this Part;
  - B) the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor;
  - C) the Employment of Illinois Workers on Public Works Act [30 ILCS 570];
  - D) the use of American Iron and Steel, if required by USEPA for that fiscal year;
  - E) the Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs (40 CFR 33); and
  - F) all controlling federal and State executive orders;
- 2) The bid tabulations and selected bidder's proposal, along with any addenda issued by the loan applicant, if applicable;
  - 3) An analysis of the bids and recommendations for the award of the bids;
  - 4) A copy of the applicant's notice of intent to award;
  - 5) A summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33;
  - 6) A copy of the selected bidder's certification that no funds made available by the PWSLP will be used for a project for the construction, alteration, maintenance, or repair of a public water supply unless all of the iron and steel products used in the project are produced in the United States. This requirement shall not apply in any case or category of cases in which the Administrator of the USEPA finds that:
    - A) applying this subsection (e)(6) would be inconsistent with the public interest;

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- B) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
  - C) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25%; and
- 7) Certification from the loan applicant that all other bid requirements have been satisfied, including bid bond requirements, certifications and other legal documents required by State and federal law.

## SUBPART D: LOAN ISSUANCE, AUDITING AND RECORDKEEPING

**Section 662.410 Loan Issuance**

- a) The Agency may, subject to the availability of funds, issue a loan agreement authorizing the initiation of construction of a project or activity listed in Section 662.130 when:
  - 1) the loan applicant has demonstrated it will comply with the conditions listed in Section 662.150(a);
  - 2) the loan applicant submitted a Funding Nomination Form and the project is on the Project Priority List;
  - 3) the Agency has approved the loan applicant's Project Plan pursuant to Section 662.320; and
  - 4) the documents required by Section 662.350 have been submitted and approved by the Agency.
- b) Any ordinance authorizing the loan recipient entry into a loan agreement or dedicating a source of revenue shall not be amended or superseded substantively or materially without the prior written consent of the Agency.
- c) Annual principal and interest payments will commence not later than one year after completion of any project, and all loans will be fully amortized upon the expiration of the term of the loan. For purposes of this subsection (c), the completion date is the same as the initiation of operation date.

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- d) The Agency and its designated representatives shall have access, during normal business hours and at any other time during which work is being performed, to the premises where any portion of the work for which the PWSLP loan was provided is being performed.

**Section 662.420 Post-Loan Issuance Construction Contract Requirements**

- a) The loan recipient shall provide construction engineering and project monitoring to assure that the construction substantially conforms to the approved plans and specifications.
- b) The following procedures shall apply to construction contracts awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.
  - 1) Executed Contract Certification. For each construction contract awarded, the loan recipient shall submit an executed contract certification on forms provided by the Agency.
  - 2) Change Orders
    - A) When the loan recipient authorizes the contractor to add, delete, or revise the work within the general scope of the contract documents, or authorizes an adjustment in the contract price or contract time, the loan recipient shall submit a change order to the Agency.
    - B) For each change order, the loan recipient shall submit to the Agency for approval the following documentation:
      - i) one copy of the fully executed change order signed by the loan recipient, construction engineer, and the contractor; and
      - ii) a description of any changes, with justification for the changes.
    - C) Prior approval by the Agency of a change order is required when a

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change order results in:

- i) alterations in design scope that require a modification to a construction permit; or
  - ii) an increase in the amount of loan funds needed to complete the project.
- D) Failure to give timely notice of proposed project changes or action by the loan recipient that is not consistent with the Agency's determination on those changes may result in disallowance of loan participation for costs incurred that are attributable to the change.

**Section 662.430 Loan Eligible Costs**

The loan recipient shall be paid, upon request, in accordance with Section 662.440, for all costs within the scope of the approved project, not to exceed the total amount of the loan, and that are determined to be eligible in accordance with the following criteria:

- a) Eligible project costs include all reasonable and necessary costs directly attributable to the project's planning, design, or construction that are not otherwise excluded by this Part. Categories of necessary costs include, but are not limited to, the following:
  - 1) The direct purchase of materials, equipment, and personal services not under the approved construction contract necessary for the completion of a loan funded project;
  - 2) Professional and consultant services contracts necessary for planning, design, bidding, and construction of a loan funded project, except as elsewhere limited by this Part;
  - 3) Costs under approved construction contracts;
  - 4) Costs for premiums for required flood insurance during the project construction period;

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- 5) Costs for the acquisition of land only if needed for the purposes of locating eligible project components. The land must be acquired from a willing seller;
  - 6) Costs for restructuring loan recipients that are in significant noncompliance with any national primary drinking water regulation or variance or that lack the technical, financial, and managerial capability to ensure compliance with the requirements of the SDWA, unless the loan recipient is ineligible under Section 662.130(b)(2) or (b)(3); and
  - 7) Costs under a construction contract executed prior to the award of the loan agreement only when the following conditions apply:
    - A) The loan applicant has received written approval from the Agency prior to the award of the construction contract;
    - B) The project meets the definition of a compliance project in accordance with Section 662.110; and
    - C) The project costs in subsection (a)(7)(B) were incurred and construction was initiated after July 1, 1993.
- b) Ineligible project costs include, but are not limited to, the following:
- 1) Laboratory fees for routine compliance monitoring;
  - 2) Operation and maintenance expenses;
  - 3) Costs outside the scope of the approved Project Plan;
  - 4) Construction of any facilities that do not fall within the definition of a community water supply facility as contained in the SDWA or do not qualify in meeting the federal green project reserve requirements;
  - 5) Costs of projects whose main purpose is fire protection or servicing future growth.

**Section 662.440 Disbursement of Loan Funds**

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- a) Before the Agency will disburse loan funds, the loan recipient shall submit the following:
  - 1) A complete payment request based on costs incurred that are due and payable, as evidenced by invoices;
  - 2) A certification that the contractor is paying prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148), as defined by the US Department of Labor; and
  - 3) Enacted and enforceable system of user charges if not previously provided.
- b) Disbursements are subject to the appropriation of funds by the General Assembly.
- c) Disbursements shall be processed in accordance with the loan agreement.
- d) The Agency may withhold any disbursement for a violation of the loan agreement conditions.
- e) The loan recipient shall make prompt payment to the contractor.
- f) The State share of any refunds, rebates, credits, or other amounts (including any interest) accruing to or received by the loan recipient with respect to the project that are properly allocable to costs for which loan funds have been disbursed must be paid, minus any reasonable expenses incurred in securing these funds, to the State of Illinois for deposit in the PWSLP.
- g) Any use of loan funds inconsistent with this Part shall result in repayment of those loan funds to the State of Illinois for deposit into the PWSLP receipt account within the Fund.
- h) The loan recipient shall agree to pay the ineligible costs associated with the project, as well as all eligible costs that exceed the amount of the loan, and shall construct the project or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the Agency.

**Section 662.450 Initiation of Loan Repayment**

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Loan repayment to the Agency shall be in accordance with the loan repayment provisions contained in the loan agreement.

- a) Loan repayments shall commence not later than 6 months after the initiation of the loan repayment period and shall be due semiannually unless the Agency determines that the dedicated source of revenue justifies an alternative repayment plan.
- b) After the initiation of the loan repayment period date in the loan agreement, the Agency shall set a principal amount and give the loan recipient an interim repayment schedule.
- c) The final repayment schedule shall be established as set forth in Section 662.460(b).

**Section 662.460 Loan Closing and Issuance of Final Loan Amendment**

- a) The Agency shall conduct a project review to insure that all applicable loan conditions have been satisfied. After the final loan disbursement has been made and the project is complete, the loan recipient shall initiate the loan closing process by submitting the following to the Agency:
  - 1) A release discharging the State of Illinois, its officers, agents, and employees from all liabilities, obligations, and claims arising out of the project work or under the loan, subject only to exceptions specified in the release.
  - 2) A final waiver from the contractor and a Certification of Payment that all bills have been paid.
  - 3) The Certificate Regarding O & M, on forms prescribed by the Agency that certifies the following:
    - A) Training pertaining to the proper operation and maintenance of the equipment and process units included in the project has been provided;
    - B) An operation and maintenance reference library is available and

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includes, but is not limited to, the following:

- i) Manufacturer's literature, shop drawings, and warranties;
  - ii) The plans of record with valve indices for the equipment and process units included in the project; and
- C) That the loan applicant employs or contracts the services of a certified operator pursuant to the Public Water Supply Operations Act [415 ILCS 45].
- 4) If the loan project includes insurable structures that will be located within a designated floodplain area as defined in the National Flood Insurance Act of 1968 (42 USC 4001-4127), written evidence that the loan recipient is participating in the National Flood Insurance Program or that construction areas have received official exclusion from the flood insurance requirements by the Federal Emergency Management Agency.
- A) The loan recipient (or the construction contractor, as appropriate) shall acquire any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, and maintain the insurance for the entire useful life of the insurable structures.
  - B) The amount of insurance required shall be the lesser of the total project cost, excluding facilities that are uninsurable under the National Flood Insurance Program, or the maximum limit of coverage made available to the loan recipient under the National Flood Insurance Act of 1968.
  - C) The required insurance premium for the period of construction under this subsection (a)(4) shall be for an eligible project cost under Section 662.430 (Loan Eligible Costs).
- 5) Within 30 days after completion of project construction, the loan recipient shall submit, in writing to the Agency, the final change order, along with the contractor's final costs, and the plans of record. After receipt, the Agency may schedule a final onsite inspection provided that all necessary change orders have been submitted and approved.

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- b) After the loan recipient has submitted all the loan closing documents in subsection (a), the Agency shall:
  - 1) review and determine the final total and eligible costs;
  - 2) establish a final amortization schedule; and
  - 3) issue the loan recipient a final loan amendment.
- c) After final loan closing, Agency personnel or any authorized Agency representative shall have access to the project records as defined in Section 662.470 and to the project site during normal business hours as required by Section 662.410(d), to the full extent of the loan recipient's right to access.

**Section 662.470 Ongoing Auditing and Monitoring of Financial Capability**

- a) The loan recipient shall maintain books, records, documents, reports, and other evidentiary material in accordance with generally accepted accounting principles and shall be subject to inspection and audit by the Agency or its authorized representative.
- b) For purposes of this Section, records shall include, but not be limited to, the following:
  - 1) Documentation of the receipt and disposition by the loan recipient of all financial assistance received for the project, including both State financial assistance and any matching share or cost sharing; and
  - 2) Documentation of the costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided.
- c) The loan recipient shall preserve and make its records available to the Agency or its authorized representative for the following periods:
  - 1) for all costs associated with design and construction, for 3 years after final loan closing;
  - 2) for all other accounting records concerning the loan, for 3 years from the

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date of the transaction; and

- 3) for any longer period required by law or by subsections (d) and (e).
- d) If the loan is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 3 years after any resulting final termination settlement.
- e) Records that relate to appeals in Section 662.650, litigation or the settlement of claims arising out of the performance of the PWSLP loan project, or to project costs and expenses to which exception has been taken by the Agency or its authorized representatives, shall be retained until the appeals, litigation, claims, or exceptions have been completed.
- f) The loan recipient shall maintain a separate account in its books to record the dedicated revenues for loan repayment.
- g) The Agency or its authorized representative shall have access to all books, documents, papers, and records of the loan recipient for the purpose of making audit, examination, excerpts, and transcriptions in order to ensure compliance with subsection (k) and Section 662.350(a)(8) through (a)(12).
- h) The Agency will monitor all outstanding loans and the financial capability of the loan recipient on an ongoing basis. Upon request of the Agency, loan recipients shall submit additional documentation to support the loan applicant's ongoing ability to repay the loan pursuant to Section 662.350(a)(8) through (a)(12).
- i) The loan recipient shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary to provide adequate funds for the repayment of the loan. The loan recipient shall timely notify the Agency of all proposed changes to the dedicated source of revenue.
- j) Upon request, the loan recipient shall submit to the Agency a statement on the status of the account required by subsection (f) that contains the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations, and other requirements of the loan agreement. The Agency's review shall be based on, but is not limited to, ensuring that the dedicated source of revenue is legally authorized, generates sufficient revenue, and is otherwise in accordance with this Part.

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- k) The loan recipient shall review the dedicated source of revenue annually and revise user rates periodically to reflect actual public water supply operation, maintenance, and replacement costs. The Agency may request a report on the status of the user charge system, or dedicated source of revenue, including projected costs, actual costs, revenue generated, and fund balances at any time.
- l) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency shall require the loan recipient to reexamine the dedicated revenue source and restructure it as necessary.
- m) The loan recipient shall comply with the audit requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rules (2 CFR 200.Subpart F).

## SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

**Section 662.510 Delinquent Loan Repayments**

- a) *In the event that a timely payment is not made by a loan recipient according to the loan schedule of repayment, the loan recipient shall notify the Agency in writing within 15 days after the payment due date. The notification shall include a statement of the reasons the payment was not timely tendered, the circumstances under which the late payments will be satisfied, and binding commitments to assure future payments. After receipt of this notification, the Agency shall confirm in writing the acceptability of the plan or take action in accordance with subsection (b) of this Section.*
- b) *In the event that a loan recipient fails to comply with subsection (a) of this Section, the Agency shall promptly issue a notice of delinquency to the loan recipient which shall require a written response within 15 days. The notice of delinquency shall require that the loan recipient revise its rates, fees and charges to meet its obligations or take other specified actions as may be appropriate to remedy the delinquency and to assure future payments.*
- c) *In the event that the loan recipient fails to timely or adequately respond to a notice of delinquency, or fails to meet its obligations made pursuant to subsections (a) and (b) of this Section, the Agency shall pursue the collection of the amounts past due, the outstanding loan balance and the costs thereby*

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*incurred, either pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210] or by any other reasonable means as may be provided by law, including the taking of title by foreclosure or otherwise to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral. [415 ILCS 5/19.6]*

**Section 662.520 Noncompliance with Loan Procedures**

- a) In the event of noncompliance with any condition or obligation arising out of the loan, the Director may take any necessary action as provided by law or by the loan agreement against the loan recipient including, but not limited to, one or more of the following actions:
  - 1) Commence legal action in a court of competent jurisdiction;
  - 2) Declare all amounts under the loan immediately due and payable, enforce any security, and recover all loan funds;
  - 3) Terminate the loan pursuant to Section 662.540;
  - 4) Suspend all or part of the project work pursuant to Section 662.530;
  - 5) Reduce the amount of the loan by the amount of misused funds; or
  - 6) Unilaterally adjust the fixed loan rate of the loan agreement to the current market interest rate.
- b) No action shall be taken under this Section without notice to the loan recipient.
- c) In determining whether to take action, the Agency shall, at a minimum, consider mitigating or aggravating factors, including, but not limited to, the severity and number of the violations; whether the violation is a continuing one; whether the loan recipient can remedy the violation; and whether the loan recipient remains capable of complying with the approved project work.

**Section 662.530 Stop-Work Order**

- a) In the event of any violation of this Part or noncompliance with the terms of the loan agreement, the Agency may, by written order, require the loan recipient to

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stop all or any part of the project work for a period of not more than 30 days after the date of the order, and for any further period to which the parties may agree. Any such order shall include a list of the project activities to which it applies. Upon receipt of a stop-work order, the loan recipient shall immediately comply with its terms and shall minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within 30 days after the date of the stop-work order, or within the period of any extension to which the parties have agreed, the Agency shall:

- 1) cancel the stop-work order upon resolution of the violation or cause leading to that stop-work order; or
  - 2) terminate the work covered by the stop-work order as provided in Section 662.540(a).
- b) If a stop-work order is canceled or the period of the order or any extension expires, the loan recipient shall resume work. An adjustment may be made in the loan period, the project period, the loan amount, or any combination of these, and the loan amended accordingly, if the loan recipient asserts a written claim for an adjustment within 30 days after the end of the work stoppage.
- c) All costs that are incurred by the loan recipient after the receipt of a stop-work order, or during any extension of the stop-work order period to which the Agency and the loan recipient have agreed, shall be deemed ineligible costs unless otherwise authorized by the Agency in writing or authorized under the loan procedures.

**Section 662.540 Termination**

- a) Loan Termination by the Agency
  - 1) The Agency, by written notice to the loan recipient, may terminate the loan in whole or in part. Cause for termination shall include, but not be limited to, the following:
    - A) failure by the loan recipient to comply with the terms and conditions of the loan;

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- B) after 10 days written notice from the Agency, failure by the loan recipient or any of its contractors or subcontractors to provide access as required by Section 662.620(d);
  - C) after 10 days written notice from the Agency, failure of the loan recipient or its contractors or subcontractors to make records available to the Agency as required by Section 662.410(d).
- 2) Upon loan termination, the loan recipient shall refund any unexpended loan funds to the State of Illinois to be deposited in the PWSLP, except for any portion that may be required to pay the eligible cost of materials and equipment furnished or services rendered under an enforceable contract prior to the effective date of the termination. In addition, any loan recipient, contractor or subcontractor found in noncompliance with Section 662.620(d) or Section 662.410(d) shall repay any loan funds previously spent.
- b) **Project Termination by the Loan Recipient**  
A loan recipient who wishes to terminate a project for which the loan has been provided must submit a written request to the Agency that documents good cause for the proposed termination. If the Agency agrees that there is good cause for termination of all or any portion of the project, it shall enter into a termination agreement with the loan recipient or unilaterally terminate the loan. If the Agency finds that the loan recipient has terminated the project without good cause, it shall declare the loan in default, and all loan funds previously paid to the loan recipient, together with interest on the loan, shall be returned to the State of Illinois, in accordance with a schedule established by the Agency, for deposit into the PWSLP. Good cause to terminate a loan project includes, but is not limited to:
- 1) changes in economic circumstances within the loan recipient's service area; and
  - 2) information that the approved treatment technology will not perform as originally anticipated.

## SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

**Section 662.610 Requirements for Subagreements**

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The intent of this Subpart is to provide for maximum open and free competition in the procurement of materials, goods and services for the construction of projects funded from the PWSLP. Any procurement method, except as allowed under this Part, that significantly minimizes open and free competition will be prohibited. The following procedures shall apply to subagreements:

- a) **Local Preference**  
Local laws, ordinances, regulations or procedures that are designed to or operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be used in evaluating bids or proposals for subagreements under PWSLP loans.
- b) **Loan Recipient Responsibility**  
The loan recipient shall be responsible for the administration and successful accomplishment of the project for which PWSLP loan assistance is provided. The loan recipient shall be responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements, including, but not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained for that purpose. The individual or firm shall be deemed the loan recipient's agent and shall be subject to all the provisions of the loan agreement and all the provisions of this Part that apply to the loan recipient.
- c) **Privity of Contract**  
Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts) or to any solicitation or request for proposals under those subagreements.
- d) **Subagreements shall:**
  - 1) be directly related to the accomplishment of the loan recipient's approved work program;
  - 2) be in the form of an executed written agreement (except for small purchases of \$150,000 or less);
  - 3) be for monetary or in-kind consideration; and

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- 4) not be in the nature of a grant or gift.
- e) Documentation
- 1) Procurement records and files for purchases in excess of \$150,000 shall include the following:
    - A) the basis for contractor selection;
    - B) the justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and
    - C) the basis for award cost or price.
  - 2) Procurement documentation as described in subsection (e)(1) shall be retained by the loan recipient or contractors for the period required by Section 662.470 (Ongoing Auditing and Monitoring Financial Capability).
- f) Subagreements shall only be awarded to persons or organizations that:
- 1) Have adequate financial resources for performance;
  - 2) Have the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain these requirements;
  - 3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;
  - 4) Have a satisfactory record of integrity, judgment, and performance;
  - 5) Have an adequate financial management system and audit procedure that is consistent with U.S. generally accepted auditing standards;
  - 6) Maintain a standard of procurement in accordance with this Part;

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- 7) Maintain a property management system that provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and
  - 8) Conform to the civil rights, equal employment opportunity, and labor law requirements of this Part.
- g) Fraud and Other Unlawful or Corrupt Practices
- 1) The obtaining and administration of loans from the PWSLP, and of subagreements awarded by loan recipients, shall be free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient shall bear the primary responsibility for prevention and detection of that conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.
  - 2) The loan recipient shall effectively pursue available State or local legal and administrative remedies and take appropriate remedial action with respect to any allegations or evidence of illegality or corrupt practices brought to its attention. The loan recipient shall advise the Agency immediately when any allegation or evidence comes to its attention and shall periodically advise the Agency of the status and ultimate disposition of any matter.
- h) Negotiation of Subagreements
- All subagreements shall be awarded by formal advertising unless the loan recipient determines, and the Agency concurs, that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent and not be in conflict with other State statutes. Procurements may be negotiated by the loan recipient, if approved by the Agency, for the following reasons:
- 1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency procurement);
  - 2) The aggregate amount of the contract to be competitively negotiated is allowed by State law;

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- 3) The materials or services to be procured are available from only one person or firm;
- 4) The procurement is for personal or professional services, or for any services to be rendered by an educational institution;
- 5) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or
- 6) The procurement is for material or services for which the prices are established by law; for technical items or equipment requiring standardization and interchange ability of parts with existing equipment; for experimental, developmental or research work; for highly perishable materials; for resale; or for technical or specialized supplies requiring substantial initial investment for manufacture.

**Section 662.620 Construction Contracts**

The following procedures shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

- a) Each construction contract shall include the following provisions:
  - 1) Audit; Access to Records
    - A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work in accordance with generally accepted accounting principles. The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under Section 662.420(b)(2) and a copy of the cost summary submitted to the owner. The Illinois Auditor General, the owner, the Agency, or any of their authorized representatives shall have access to the books, records, papers, documents, and other evidence for purposes of inspection, audit, examination, excerpts, transcriptions, and copying. The contractor shall provide facilities for access and inspection.

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- B) For a formally advertised, competitively awarded, fixed price contract, the contractor shall include access to records as required by subsection (a)(1)(A) for all negotiated change orders and contract amendments in excess of \$150,000 that affect the contract price. In the case of all other prime contracts, the contractor shall agree to include access to records required by subsection (a)(1)(A) in all contracts and all tier subcontracts or change orders in excess of \$150,000 that are directly related to project performance.
- C) Audits shall be in accordance with U.S. generally accepted auditing standards.
- D) The contractor shall agree to the disclosure of all information and reports resulting from access to records required by subsection (a)(1)(A). When the audit concerns the contractor, the auditing agency shall afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
- E) The records required by subsection (a)(1)(A) shall be maintained and made available during performance of the work under the loan agreement and for 3 years after the date of final loan audit. In addition, records that relate to any dispute or litigation or the settlement of claims arising out of any performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after resolution of the dispute, appeal, litigation, claim, or exception.
- F) The right of access will generally be exercised with respect to financial records under:
  - i) negotiated prime contracts;
  - ii) negotiated change orders or contract amendments in excess of \$150,000 affecting the price of any formally advertised, competitively awarded, fixed price contract; and

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- iii) subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.
- G) The right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after effective price competition. In any event, the right of access shall be exercised under any type of contract or subcontract:
- i) with respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and
  - ii) if there is any indication that fraud, gross abuse, or corrupt practices may be involved in the award or performance of the contract or subcontract.
- 2) **Covenant Against Contingent Fees**  
The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee.
- 3) **Wage Provisions**  
The contractor shall pay prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor.
- 4) **Disadvantaged Business Enterprise Requirements**  
The contractor shall provide evidence that the contractor has taken affirmative steps in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services, consistent with the provisions of the Agency's Operating Agreement with USEPA.
- 5) **Debarment and Suspension Provisions**

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The contract shall require the successful bidders to submit a Certification Regarding Debarment, Suspension and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.

- 6) Nonsegregated Facilities Provisions  
The successful bidder shall be required to submit a certification of nonsegregated facilities as prescribed by 18 USC 1001.
  - 7) American Iron and Steel  
The successful bidder shall be required to use American Iron and Steel, if required by USEPA for that fiscal year.
  - 8) A clause that provides:  

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR 33 in the award and administration of contracts awarded under the PWSLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."
- b) Subcontracts Under Construction Contracts  
The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by the prime contractor shall comply with:
- 1) all applicable provisions of federal, State, and local law;
  - 2) all provisions of this Part regarding fraud and other unlawful or corrupt practices;
  - 3) all provisions of this Part with respect to access to facilities, records and audit of records; and
  - 4) all provisions of subsection (a)(5) that require a Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form

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5700-49) showing compliance with any controlling federal Executive Orders.

- c) **Contractor Bankruptcy**  
In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company, including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.
- d) Every contract entered into by the loan recipient for construction work, and every subagreement, shall provide Agency representatives with access to the work. The contractor or subcontractor shall provide facilities for the access and inspection.

**Section 662.630 Contracts for Personal and Professional Services**

All subagreements for personal and professional services for design or construction expected to exceed \$150,000 in the aggregate shall include the following subagreement provisions.

- a) Subagreements for personal and professional construction services shall include:
  - 1) Evidence that affirmative steps have been taken in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services consistent with the provisions of the Agency's Operating Agreement with USEPA.
  - 2) An audit and access to records clause that provides as follows:
    - A) Subsections (a)(2)(B) through (E) shall be included in all contracts and all subcontracts directly related to project services that are in excess of \$150,000.
    - B) Books, records, documents, and other evidence directly pertinent to performance of PWSLP loan work under this agreement shall be maintained in accordance with generally accepted accounting principles. The Agency or any of its authorized representatives

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shall have access to the books, records, documents, and other evidence for the purpose of inspection, audit, and copying. Facilities shall be provided for access and inspection.

- C) Audits conducted pursuant to this provision shall be in accordance with auditing standards generally accepted in the United States.
  - D) All information and reports resulting from access to records pursuant to subsection (a)(2)(B) shall be disclosed to the Agency. The auditing agency shall afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
  - E) Records under subsection (a)(2)(B) shall be maintained and made available during performance of project services under this agreement and for 3 years after the final loan closing. In addition, those records that relate to any dispute pursuant to Section 662.650 (Disputes), litigation, the settlement of claims arising out of project performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after the resolution of the appeal, litigation, claim or exception.
- 3) A covenant against contingent fees clause as follows:
- "The professional services contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee."
- 4) A Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.
- 5) A description of the scope and extent of the project work.

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- 6) The schedule for performance and completion of the contract work including, when appropriate, dates for completion of significant project tasks.
- 7) A method of compensation.
- 8) A clause as follows:

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under the PWSLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

- b) Subagreements for personal and professional design services shall include the subagreement provisions contained in subsections (a)(2) through (a)(4). In addition, the subagreements shall be accompanied by a statement regarding the use of disadvantaged business enterprises during the design service phase.
- c) If, at the time of contract execution, any of the elements required in this Section 662.630 cannot be defined adequately for later tasks, those tasks shall not be included in the contract and are not eligible for funding until a subsequent amendment to the contract is executed containing any necessary elements required by this Section.

**Section 662.640 Compliance with Procurement Requirements for Construction Contracts**

- a) **Loan Applicant Responsibility**  
The loan applicant shall be responsible for selecting the low, responsive, and responsible bidder or other contractor in accordance with applicable requirements of State, federal, and local laws and ordinances, as well as for the specific requirements of the loan agreement directly affecting procurement. The loan applicant shall also be responsible for the initial resolution of complaints based upon alleged violations. Any complaints made to the Agency concerning any alleged violation of law in the procurement of construction services or materials

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for a project involving construction work will be referred to the loan applicant for resolution. The loan applicant shall promptly determine each complaint on its merits and shall allow the complainant and any other party who may be adversely affected to state in writing or at a conference the basis for their views concerning the proposed procurement. The loan applicant shall promptly furnish to the complainant and to other affected parties, by certified mail, a written summary of its determination, substantiated by an engineering or legal opinion providing a justification for its determination.

b) Time Limitations

Complaints should be made as early as possible during the procurement process, preferably prior to the bid opening, to avoid disruption of the procurement process. The complaint shall be mailed (certified mail, return receipt requested), or otherwise delivered, no later than 5 working days after the complainant becomes aware of an alleged violation. If there is no agreement between the parties within 7 days following the loan applicant's response, unless all bids are rejected, the matter shall be resolved in accordance with subsection (c).

c) Remedies

All claims, counter-claims, disputes, and other matters in question between the recipient and the contractor arising out of, or relating to, a subagreement or its breach shall be decided by arbitration if the parties agree, or in a court of competent jurisdiction within the State.

d) Deferral of Procurement Action

If the determination of a complaint by the loan applicant is adverse to the complainant, the loan applicant shall defer issuance of its solicitation or award or notice to proceed under the contract (as appropriate) for 7 days after mailing or delivery of the determination. If the determination (whether made by the loan applicant, the arbitrator or the court) is favorable to the complainant, the terms of the solicitation shall be revised or the contract shall be awarded, as appropriate, in accordance with the determination.

**Section 662.650 Disputes**

- a) Only the loan recipient may appeal to the Agency in its own name and for its own benefit, under the disputes provision of a loan, with respect to its subagreements. Neither a contractor nor a subcontractor may prosecute an appeal under the disputes provision in its own name or interest.

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- b) Any dispute arising under the loan that is not disposed of by agreement shall be decided by the Director, or his or her authorized representative, who shall render a decision in writing and mail or otherwise furnish it to the loan recipient. The decision of the Director shall be in accordance with this Part and shall be final and conclusive.
- c) The disputes provision shall not preclude the Director from considering questions of law in any decision.

**Section 662.660 Indemnity**

The loan recipient shall assume the entire risk, responsibility and liability for all loss or damage to property owned by the loan recipient, the Agency or by third persons, and for any injury to or death of any persons (including employees of the loan recipient) caused by, arising out of, or occurring in connection with the execution of any work, contract or subcontract arising out of the PWSLP loan. The loan recipient shall indemnify, save harmless, and defend the State of Illinois and the Agency from all claims for loss, damage, injury or death, whether caused by the negligence of the State of Illinois, the Agency, their agents or employees or otherwise, consistent with the provisions of Section 1 of the Construction Contract Indemnification for Negligence Act [740 ILCS 35/1]. The loan recipient shall require that all its contractors and subcontractors agree in writing that they will look solely to the loan recipient for performance of the contract or satisfaction of all claims arising under the contract.

**Section 662.670 Covenant Against Contingent Fees**

The loan recipient shall warrant that no person or agency has been employed or retained to solicit or secure a PWSLP loan upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the Agency shall have the right to annul the loan in accordance with Section 662.520 or to deduct from the loan, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section Number: 2730.40                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].
- 5) Effective Date of Rule: July 1, 2017
- 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*: 41 Ill. Reg. 825; February 3, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:  
  
In Section 40(d)(1), text was added to provide more specific timeframes for the ING priority claim dates.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC seeks to allow the audits to be scheduled using a risk based approach and considering available resources.
- 16) Information and questions regarding this adopted rule shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015

847/948-8500 ext. 18032  
email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2730  
ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

## Section

2730.10	Summary and Purpose
2730.20	Applicant Eligibility
2730.30	Program Procedures
2730.40	Institutional Procedures

**AUTHORITY:** Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

**SOURCE:** Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. 9148, effective July 1, 2000; amended at 25 Ill. Reg. 8406, effective July 1, 2001; amended at 26 Ill. Reg. 10013, effective July 1, 2002; amended at 27 Ill. Reg. 10338, effective July 1, 2003; amended at 29 Ill. Reg. 9904, effective July 1, 2005; amended at 30 Ill. Reg. 11623, effective July 1, 2006; amended at 32 Ill. Reg. 10305, effective July 1, 2008; amended at 36 Ill. Reg. 9408, effective July 1, 2012; amended at 37 Ill. Reg. 9504, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 15439, effective September 3, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 2891, effective January 15, 2014; amended at 39 Ill. Reg. 8415, effective July 1, 2015; amended at 41 Ill. Reg. 8121, effective July 1, 2017.

**Section 2730.40 Institutional Procedures**

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- a) The institution must establish a qualified applicant's initial eligibility before requesting payment from ISAC. A valid Illinois National Guard Grant eligibility letter may be used for this purpose.
- b) If a student is eligible for, and has indicated to the institution that he/she has elected to receive, educational assistance through the Post-9/11 GI Bill, and that assistance is an amount described at 38 USC 3313(c)(2), (c)(3), (c)(4), (c)(5), (c)(6) or (c)(7) (net cost of tuition and fees), the institution must first apply Post-9/11 GI Bill benefits to the student's financial aid award. ING Grant benefits can then be used to cover the remaining ING Grant eligible tuition and fees.
- c) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.
- d) ING Grants are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.
  - 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform institutions of the required priority dates. For the fall term, the priority claim date will be during the month of December; for the spring term, the priority claim date will be during the last two weeks of March or the first two weeks of April; for the summer term, the priority claim date will be during the month of July.
  - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
  - 3) Institutions may submit payment requests beginning 10 days prior to the start of classes for the term for which payment is being requested.

~~Payment information will be sent each term to the institution no earlier than the application deadline date for that term. Payment claims must be submitted no later than 30 calendar days after payment information has been sent to the institution by ISAC. Supplemental payment claims must be submitted to ISAC no later than 45 calendar days after the original payment information was sent to the institution with the exception of summer term supplements which must be submitted by the same deadline~~

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~~as the original payment claim for summer term. All payment claims received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through August 31) following the conclusion of the fiscal year. To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.~~

- e) Claims will be paid as follows:
- 1) first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;
  - 2) if funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;
  - 3) if funds still remain after the preceding claims are paid, summer term claims received by the designated deadline date will be paid, or prorated if remaining funds are insufficient to pay all summer claims in full;
  - 4) in the event that funds are not exhausted by summer term payments, claims received after the designated deadline dates will be paid or prorated; and
  - 5) timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection (e).
- f) Payments on behalf of a recipient will be made to only one institution per term. For any institution that has a concurrent registration opportunity, the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 Ill. Adm. Code 2735.40(h).)

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- g) Institutions are required to reconcile payments, both payment data and actual funds, received through ING and, as applicable, submit all necessary corrections to student records on a timely basis.
- 1) Within 30 days after and including the date of receiving payment of any ING funds claimed pursuant to this Section, the institution shall credit the ING funds against the recipients' tuition and eligible fee charges for the appropriate term.
  - 2) Within 30 days after the end of an academic term during which ING funds are credited to recipients' tuition and eligible fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:
    - A) The amount of the claim applied to a student's tuition and eligible fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
    - B) The amount of the claim applied to a student's tuition and eligible fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
    - C) The amount of the claim applied to a student's tuition and eligible fee charges equaled the amount that the student was eligible to receive.
  - 3) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.
  - 4) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the applicable term

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unless the payment is received after the end of the regular school year. If the payment of claims is made after the end of the regular school year, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.

- 5) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

(Source: Amended at 41 Ill. Reg. 8121, effective July 1, 2017)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Veterans' Home Medical Providers' Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2757
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2757.10	Amendment
2757.20	Amendment
2757.30	Amendment
- 4) Statutory Authority: Implementing the Veterans' Home Nurse Loan Repayment Act [110 ILCS 972] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Rules: July 1, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 832; February 3, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: Only minor formatting changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? 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: ISAC seeks to allow the audits to be scheduled using a risk based approach and considering available resources.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted rules shall be directed to:

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015

847/948-8500 ext. 18032  
email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2757

VETERANS' HOME MEDICAL PROVIDERS'  
~~NURSE~~ LOAN REPAYMENT PROGRAM

## Section

2757.10	Summary and Purpose
2757.20	Applicant Eligibility
2757.30	Program Procedures

**AUTHORITY:** Implementing the Veterans' Home Medical Providers' Loan Repayment Act [110 ILCS 972] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

**SOURCE:** Emergency rules adopted at 31 Ill. Reg. 13449, effective September 24, 2007, for a maximum of 150 days; adopted at 32 Ill. Reg. 2394, effective February 1, 2008; amended at 41 Ill. Reg. 8128, effective July 1, 2017.

**Section 2757.10 Summary and Purpose**

- a) The Veterans' Home Medical Providers'~~Nurse~~ Loan Repayment Program is intended to pay eligible educational loans as an incentive for medical providers~~nurses~~ to pursue and continue their careers at State of Illinois Veterans' Homes.
- b) This Part governs the Veterans' Home Medical Providers'~~Nurse~~ Loan Repayment Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

(Source: Amended at 41 Ill. Reg. 8128, effective July 1, 2017)

**Section 2757.20 Applicant Eligibility**

~~a)~~ A qualified applicant shall be:

- ~~a)~~ a resident of Illinois;

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- b2) a United States citizen or eligible noncitizen;
- c3) a medical provider~~an individual~~ who, for each year during which a grant is received, fulfills a separate 12 month period as a physician, certified nurse practitioner, registered professional nurse, certified nursing assistant or licensed practical nurse in a State of Illinois Veterans' Home;
- d4) a borrower with an outstanding balance due on an eligible educational loan;
- e5) an individual who is not in default on a federally guaranteed educational loan and does not owe a refund on a grant or scholarship program administered by ISAC;
- f6) a medical provider~~nurse~~ who meets licensing requirements of the Department of Financial and Professional Regulation or a certified nursing assistant who passed the State-specified examinations to be fully certified; and~~;~~ ~~and~~
- g7) a medical provider~~nurse~~ who has completed the prescribed employment probationary period and whose employment is in good standing as determined by the Department of Veterans' Affairs.

(Source: Amended at 41 Ill. Reg. 8128, effective July 1, 2017)

**Section 2757.30 Program Procedures**

- a) Eligible educational loans include:
- 1) Stafford Loans;
  - 2) Graduate PLUS Loans;
  - 3) consolidation loans;
  - ~~4) nursing student loans;~~
  - 45) Supplemental Loans for Students;
  - 56) alternative loans; and

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- ~~67~~) other types of government and institutional loans used for medical~~nursing~~ education expenses.
- b) Non-eligible loans include:
- 1) credit card payments;
  - 2) Parent PLUS Loans;
  - 3) loans that have been paid in full;
  - 4) loans not governed by State or federal regulations obtained for the purpose of lending from private institutions or family members;
  - 5) any portion of a consolidated loan that cannot be directly attributed to the applicant; and
  - 6) any student loans that can be forgiven by a state or federal agency or a lending institution through a comparable educational debt repayment or forgiveness program.
- c) All applicants annually must complete an ISAC application for the loan repayment program.
- 1) Applications are available at all State of Illinois Veterans' Homes, ISAC's web site, and ISAC's Springfield, Deerfield and Chicago offices.
  - 2) If the application is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing information. The application will only be considered for processing as of the date the application is complete and received at ISAC's Deerfield office.
  - 3) Renewal applicants may be required to submit a history of prior awards in order to show program proceeds were used for eligible educational loans.
- d) Grant assistance under this program may be received for up to 4 years.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- e) ISAC shall select the recipients from among those who have submitted complete applications, including qualified new applicants and those who filed timely renewal applications and have supplied information required in subsection (c).
- f) The total number of grants awarded in a given fiscal year is contingent upon available funding. If funding is insufficient to pay all eligible applicants, awarding will be based on the date the completed application is received in ISAC's Deerfield office. Preference may be given to renewal applicants provided that the recipient continues to meet the eligibility requirements.
- g) The amount repaid by ISAC to the loan holder shall be no more than the borrower's remaining balance on eligible educational loans and shall not exceed \$5,000 per year.
- h) Proceeds will be remitted directly to the holder of the loans to be repaid.
- i) The recipient and loan holder shall submit information for eligible educational loans in sufficient time for ISAC to make payments for each year in which the funds are awarded.
- j) If the loan holder receives an overpayment, the loan holder shall return the amount of the overage to ISAC. A supplemental request must be made by the recipient and processed by ISAC for any funds to be paid to another holder.
- k) When multiple loans are held by a single lending institution, the loan holder shall distribute the payment to one loan until paid in full.
- l) When possible, all loans held at a single lending institution shall be paid in full before monies are distributed to another loan holder.

(Source: Amended at 41 Ill. Reg. 8128, effective July 1, 2017)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver (SETTW) Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3) Section Number: 2765.30                      Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15 (a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].
- 5) Effective Date of Rule: July 1, 2017
- 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*: 41 Ill. Reg. 838; February 3, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:  
  
Headings and additional details were added in Section 30(e) to more clearly define the sequence of the SETTW awarding process.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC seeks to allow the audits to be scheduled using a risk based approach and considering available resources.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

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

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015

847/948-8500 ext. 18032  
email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2765

## ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

## Section

2765.10	Summary and Purpose
2765.20	Applicant Eligibility
2765.30	Program Procedures
2765.40	Institutional Procedures

**AUTHORITY:** Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].

**SOURCE:** Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11129, effective July 18, 1997; amended at 22 Ill. Reg. 11107, effective July 1, 1998; amended at 24 Ill. Reg. 9159, effective July 1, 2000; amended at 26 Ill. Reg. 10037, effective July 1, 2002; amended at 27 Ill. Reg. 10405, effective July 1, 2003; amended at 28 Ill. Reg. 9170, effective July 1, 2004; amended at 29 Ill. Reg. 9941, effective July 1, 2005; amended at 30 Ill. Reg. 11697, effective July 1, 2006; amended at 35 Ill. Reg. 12388, effective July 15, 2011; amended at 37 Ill. Reg. 9550, effective July 1, 2013; amended at 38 Ill. Reg. 13402, effective July 1, 2014; amended at 41 Ill. Reg. 8134, effective July 1, 2017.

**Section 2765.30 Program Procedures**

- a) A completed ISAC application for the Illinois SETTW Program must be postmarked on or before March 1 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.
- b) ISAC applications for the Illinois SETTW Program are available from eligible institutions, ISAC's website and ISAC's Springfield, Deerfield and Chicago offices.
- c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.

- d) Before March 1 of each year, principals of public, private and parochial high schools in Illinois will provide the names of all students in their high school who are anticipated to be qualified applicants.
- e) ISAC shall annually award 250 Illinois Special Education Teacher Tuition Waivers ~~annually~~ as provided in this subsection (e) follows:
- 1) Currently Licensed Teachers
    - A) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold a valid teaching license certificates that is ~~are~~ not in the discipline of Special Education.
    - B) If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients.~~;~~
  - 2) Applicants Graduating from High School in the Current Award Year
    - A) Except as otherwise provided in subsection (e)(4), a~~A~~ minimum of 105 tuition waivers shall be awarded annually to students scheduled to graduate from an approved high school in the academic year in which the award is made and who rank in the upper half of their class at the end of the sixth semester.
    - B) ISAC shall select recipients under this subsection (e)(2) from among qualified applicants based on the highest ACT or SAT scores from the time periods set forth in the State Scholar Program (23 Ill. Adm. Code 2760.20(b), (c) and (d), as converted according to the Illinois Standard Test Score table (Section 2760.30(c)).
    - C) If the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded, a lottery shall be used to select the awardees. ~~Any of the 145 tuition waivers not awarded pursuant to subsections (e)(1) and (3) shall be awarded to this group;~~

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- 3) Applicants Not Graduating from High School in the Current Award Year
  - A) Except as otherwise provided in subsection (e)(4), a minimum ~~A maximum~~ of 105 tuition waivers shall ~~may~~ be awarded annually to qualified applicants who have graduated from an approved high school prior to the academic year in which the award is made.
  - B) If the number of qualified applicants exceeds the number of tuition waivers to be awarded, a lottery shall be used to select the awardees.~~If more than 105 applicants qualify under this subsection (e)(3), a lottery shall be used to select the 105 recipients;~~
- 4) Rollover of Unused Tuition Waivers
  - A) Any of the available tuition waivers not awarded under subsection (e)(1) shall be added to the pool of available waivers under subsection (e)(2).
  - B) If the number of qualified applicants under subsection (e)(2) or (e)(3) is insufficient to utilize all of the waivers available under those subsections, the remainder shall be transferred to the pool of waivers under the other subsection if the other subsection has qualified applicants who have not yet been awarded a waiver. ~~ISAC shall select recipients, pursuant to subsection (e)(2), from among qualified applicants based on the highest ACT or SAT I test scores from the time periods set forth in 23 Ill. Adm. Code 2760.20(b), (c) and (d), as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2));~~
  - 5) ~~A lottery will be used to determine recipients pursuant to subsection (e)(2) if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.~~
- f) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other qualified applicants will be notified that they were not selected.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- g) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.
- h) A recipient shall be exempt from paying tuition and mandatory fees for up to four calendar years.
- i) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
  - 1) the recipient pledges to begin teaching on a full-time basis, in the field of Special Education, within one year following graduation from or termination of enrollment in a teacher education program, at a nonprofit, public, private or parochial preschool, elementary or secondary school in Illinois and to continue teaching for at least 2 of the 5 years immediately following;
  - 2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and
  - 3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).
- j) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
  - 1) serves, for not more than three years, as a member of the United States Armed Forces;
  - 2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;
  - 3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;
  - 4) is actively seeking but unable to find full-time employment as a teacher at

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact;
- 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or
  - 6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.
- k) A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:
- 1) earning funds to defray the recipient's educational expenses;
  - 2) illness of the recipient or a member of the recipient's immediate family, as established by the sworn statement of a licensed physician; or
  - 3) military service.
- l) A recipient must complete his or her course of study within six years including leaves of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.
- m) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study. A recipient who has transferred and is waiting to be accepted into the Special Education program at the new university shall not be subject to this provision provided he or she is enrolled and is pursuing course work that meets the new university's requirements to gain admission to the Special Education program;
  - 2) the date the recipient informs ISAC that he or she does not plan to fulfill

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

the teaching obligation; or

- 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.
- n) If a recipient is required to repay any portion of a tuition waiver awarded prior to July 1, 2014, the repayment period shall be completed within five years after the tuition waiver converts to a loan. If a recipient is required to repay any portion of a tuition waiver awarded after July 1, 2014, the repayment period shall be completed within 10 years after the tuition waiver converts to a loan. Repayment periods may be extended if a recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
  - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
  - 3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;
  - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
  - 5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on at least a half-time basis in another academic discipline.
- o) During the time a recipient qualifies for any of the extensions listed in subsection (n) of this Section, he or she shall not be required to make payments and interest shall not continue to accrue.
- p) A recipient shall not be required to pay the amount of the tuition and fees waived if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 682.402(c))<sup>2,5</sup> or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- q) A holder of a tuition waiver must register for enrollment in a special education program of teacher education within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, he or she will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

(Source: Amended at 41 Ill. Reg. 8134, effective July 1, 2017)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 20, 2017 through June 26, 2017. The following rulemakings are scheduled for review at the Committee's July 18, 2017 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
8/2/17	<u>Department of Natural Resources</u> , Surface Mined Land Conservation and Reclamation Act (62 Ill. Adm. Code 300)	4/21/17 41 Ill. Reg. 4416	7/18/17
8/2/17	<u>Illinois Gaming Board</u> , Video Gaming (General) (11 Ill. Adm. Code 1800)	3/3/17 41 Ill. Reg. 2751	7/18/17
8/5/17	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	4/28/17 41 Ill. Reg. 4483	7/18/17
8/6/17	<u>Community College Board</u> , Americans with Disabilities Act Grievance Procedure (4 Ill. Adm. Code 1050)	5/5/17 41 Ill. Reg. 4585	7/18/17
8/6/17	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	12/30/16 40 Ill. Reg. 16711	7/18/17
8/9/17	<u>Department of Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	3/17/17 41 Ill. Reg. 3168	7/18/17

## CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

## 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: Dr. Erin Stone
3. Date of Violation: March 7, 2014
4. Description of Violation: Dr. Stone, an affiliated person of the business entity Springfield Partners, LLC, made a contribution of \$25,000.00 to Citizens for Rauner, Inc., a campaign committee established to support the election of Bruce Rauner to public office. At the time of the contribution, Bruce Rauner was a declared candidate for the Office of Governor, and Springfield Partners, LLC had in place active contracts with General Services, the total annual combined value of which was in excess of \$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 General Services has notified Springfield Partners, LLC of the apparent violation, reviewed responsive material provided by Springfield Partners, LLC, and have considered the value, status, and necessity of the contracts. In addition, the Officer has taken into consideration the recognition by Springfield Partners, LLC of the violation and his understanding of the necessity to avoid such situations in the future. We find 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, Inc., 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.

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CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER  
EDUCATION

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: Alpha Baking Company
3. Date of Violation: May 29, 2014
4. Description of Violation: Alpha Baking Company made a contribution of \$2,500.00 to the Citizens for Rauner, Inc., a campaign committee established to support the election of Bruce Rauner to public office. Bruce Rauner was a declared candidate for Governor on November 25, 2013. At the time that Alpha Baking Company made the contribution it was prohibited from doing so on the basis of its contracts, bids and/or offers exceeding the \$50,000 annual total.
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 Public Institutions of Higher Education has notified Alpha Baking Company of the apparent violation, reviewed responsive material provided by Alpha Baking Company, and has considered the value, status, and necessity of the contracts. In addition, the Officer has taken into consideration the recognition by Alpha Baking Company of the violation and their understanding of the necessity to avoid such situations in the future. We find 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, Inc., 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.

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CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER  
EDUCATION

## 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: Lauren Johnson
3. Date of Violation: July 22, 2014.
4. Description of Violation: Lauren Johnson, an affiliated person of the business entity Ringland-Johnson, made a contribution of \$1,000 to the Citizens for Rauner, Inc., a campaign committee established to support the election of Bruce Rauner to public office. At the time of the contribution, Bruce Rauner was a declared candidate for the office of governor and Ringland-Johnson had in place active contracts with Northern Illinois University the total annual combined value of which was in excess of \$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 Public Institutions of Higher Education has notified Lauren Johnson of the apparent violation, reviewed responsive material provided by Lauren Johnson, and has considered the value, status, and necessity of the contracts. In addition, the Officer has taken into consideration the recognition by Lauren Johnson of the violation and her understanding of the necessity to avoid such situations in the future. We find 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, Inc., 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.

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CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER  
EDUCATION

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: Brent Johnson
3. Date of Violation: June 5, 2014
4. Description of Violation: Brent Johnson, an affiliated person of the business entity Ringland-Johnson, made a contribution of \$5,000.00 to the Citizens for Rauner, Inc., a campaign committee established to support the election of Bruce Rauner to public office. At the time of the contribution, Bruce Rauner was a declared candidate for the office of governor and Ringland-Johnson had in place active contracts with Northern Illinois University, the total annual combined value of which was in excess of \$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 Public Institutions of Higher Education has notified Brent Johnson of the apparent violation, reviewed responsive material provided by Brent Johnson, and has considered the value, status, and necessity of the contracts. In addition, the Officer has taken into consideration the recognition by Brent Johnson of the violation and his understanding of the necessity to avoid such situations in the future. We find 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, Inc., 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.

## CHIEF PROCUREMENT OFFICER FOR HIGHER EDUCATION

## JULY 2017 REGULATORY AGENDA

a) Part (Heading and Code Citations): Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement, 44 Ill. Adm. Code 4

1) Rulemaking:

A) Description: The Chief Procurement Officer for Higher Education anticipates amendments to the standard procurement rules to implement changes to address legislative changes made by the General Assembly.

B) Statutory Authority: 30 ILCS 500

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

D) Date Agency anticipates First Notice: September 2017

E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals may affect small businesses that contract with the State of Illinois.

F) Agency contact person for information:

Shirley Webb  
Deputy Chief Procurement Officer  
Chief Procurement Office for Public Institutions of Higher  
Education  
513 Stratton Office Building  
401 S. Spring St.  
Springfield IL 62706

Telephone: 217/836-2376

G) Related Rulemakings and other pertinent information: None

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JULY 2017 REGULATORY AGENDA

a) Part (Heading and Code Citation): Rental Housing Support Program (47 Ill. Adm. Code 380)

1) Rulemaking:

A) Description: Amend various sections to conform with recently passed legislation and other administrative changes.

B) Statutory Authority: Rental Housing Support Act [310 ILCS 105] and Illinois Housing Development Act [20 ILCS 3805/12]

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: September, 2017

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

F) Agency contact person for information:

Kathryn Finn  
Illinois Housing Development Authority  
111 E. Wacker Drive, Suite 1000  
Chicago IL 60601

312/836-7416

G) Related Rulemakings and other pertinent information: Rental Housing Support Program 47 Ill. Adm. Code 380

b) Part (Heading and Code Citation): Multifamily Rental Housing Mortgage Loan Program (47 Ill. Adm. Code 310)

1) Rulemaking:

A) Description: Amend various sections to conform with recently passed legislation and other administrative changes.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JULY 2017 REGULATORY AGENDA

- B) Statutory Authority: Illinois Housing Development Act [20 ILCS 3805]
  - C) Scheduled meeting/hearing dates: None
  - D) Date Agency anticipates First Notice: September, 2017
  - E) Effect on small businesses, small municipalities or not-or-profit corporations: None
  - F) Agency contact person for information:  
  
Kathryn Finn  
Illinois Housing Development Authority  
111 E. Wacker Drive, Suite 1000  
Chicago IL 60601  
  
312/836-7416
  - G) Related Rulemakings and other pertinent information: Multifamily Rental Housing Mortgage Loan Program 47 Ill. Adm. Code 310
- c) Part (Heading and Code Citation): National Affordable Housing Act (HOME) Program (47 Ill. Adm. Code 371)
- 1) Rulemaking:
    - A) Description: Amend various sections to conform with administrative changes.
    - B) Statutory Authority: Illinois Housing Development Act [20 ILCS 3805]
    - C) Scheduled meeting/hearing dates: None
    - D) Date Agency anticipates First Notice: September, 2017
    - E) Effect on small businesses, small municipalities or not-for-profit corporations: None

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JULY 2017 REGULATORY AGENDA

F) Agency contact person for information:

Kathryn Finn  
Illinois Housing Development Authority  
111 E. Wacker Drive, Suite 1000  
Chicago IL 60601

312/836-7416

G) Related Rulemakings and other pertinent information: National Affordable Housing Act (HOME) Program 47 Ill. Adm. Code 371d) Part (Heading and Code Citation): Homeowner Mortgage Revenue Bond Program (47 Ill. Adm. Code 260)1) Rulemaking:

A) Description: Amend various sections to conform with other administrative changes.

B) Statutory Authority: Illinois Housing Development Act [20 ILCS 3805]

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: September, 2017

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

F) Agency contact person for information:

Kathryn Finn  
Illinois Housing Development Authority  
111 E. Wacker Drive, Suite 1000  
Chicago IL 60601

312/836-7416

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JULY 2017 REGULATORY AGENDA

- G) Related Rulemakings and other pertinent information: Homeowner Mortgage Revenue Bond Program (47 Ill. Adm. Code 260)
- e) Part (Heading and Code Citation): Public Information, Rulemaking and Organization (2 Ill. Adm. Code 1975)
- 1) Rulemaking:
- A) Description: Amend various sections to conform with administrative changes.
- B) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25]
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: September, 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Kathryn Finn  
Illinois Housing Development Authority  
111 E. Wacker Drive, Suite 1000  
Chicago IL 60601
- 312/836-7416
- G) Related Rulemakings and other pertinent information: Public Information, Rulemaking and Organization (2 Ill. Adm. Code 1975)
- f) Part (Heading and Code Citation): State Housing Appeals Board (47 Ill. Adm. Code 395)
- 1) Rulemaking:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JULY 2017 REGULATORY AGENDA

- A) Description: Amend various sections to conform with administrative changes.
- B) Statutory Authority: Sections 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 60 of the Affordable Housing Planning and Appeal Act [310 ILCS 67/60]
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: September, 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Kathryn Finn  
Illinois Housing Development Authority  
111 E. Wacker Drive, Suite 1000  
Chicago IL 60601

312/836-7416

- G) Related Rulemakings and other pertinent information: State Housing Appeals Board (47 Ill. Adm. Code 395)

g) Part (Heading and Code Citation): Predatory Lending Database Program (47 Ill. Adm. Code 390)

- 1) Rulemaking:
  - A) Description: Repeal due to program sunset.
  - B) Statutory Authority: Illinois Housing Development Act [20 ILCS 3805] and Residential Real Property Disclosure Act [765 ILCS 77/80]
  - C) Scheduled meeting/hearing dates: None

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JULY 2017 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: September, 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:  
  
Kathryn Finn  
Illinois Housing Development Authority  
111 E. Wacker Drive, Suite 1000  
Chicago IL 60601  
  
312/836-7416
- G) Related Rulemakings and other pertinent information: Predatory Lending Database Program (47 Ill. Adm. Code 390)

## DEPARTMENT OF HUMAN RIGHTS

## JULY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Access to Records of the Department of Human Rights (2 Ill. Adm. Code 926).
- 1) Rulemaking:
- A) Description: The Department's proposed amendment would charge all governmental entities, regardless of size, \$300 for a 3-hour on-site training session for up to 35 attendees, plus reimbursement for travel expenses. The Training Institute will charge \$5 for each person over 35 attendees. Currently, the Training Institute does not charge governmental entities for on-site trainings.
- B) Statutory Authority: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140], implementing Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date Agency anticipates First Notice: October 2, 2017
- E) Effect on small business, small municipalities or not-for-profit corporations: Small municipalities will incur a cost for on-site training which currently is complimentary.
- F) Agency contact person for information:
- Ngozi C. Okorafor  
Chief Legal Counsel/Ethics Officer  
Illinois Department of Human Rights – Legal Division  
100 W. Randolph St., Suite 10-100  
Chicago IL 60601
- 312/814-6262 or 866/740-3953 (TTY)
- G) Related Rulemaking and other pertinent information: None

## DEPARTMENT OF HUMAN RIGHTS

## JULY 2017 REGULATORY AGENDA

- b) Part (Heading and Code Citation): Procedures of the Department of Human Rights (Ill. Adm. Code 2520)
- 1) Rulemaking:
- A) Description: The proposed amendment would affect charges filed after the effective date of statute arising out of House Bill 3092 by removing the requirement for each Respondent to file a verified response to a charge of discrimination, and allowing the Department to require Respondents to file a non-verified response to a charge of discrimination.
- B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date Agency anticipates First Notice: October 2, 2017
- E) Effect on small business, small municipalities or not-for-profit corporations: No anticipated effect.
- F) Agency contact person for information:
- Ngozi C. Okorafor  
Chief Legal Counsel/Ethics Officer  
Illinois Department of Human Rights – Legal Division  
100 W. Randolph St., Suite 10-100  
Chicago IL 60601
- 312/814-6262 or 866/740-3953 (TTY)
- G) Related Rulemaking and other pertinent information: None
- 2) Rulemaking:

## DEPARTMENT OF HUMAN RIGHTS

## JULY 2017 REGULATORY AGENDA

- A) Description: The proposed rulemaking would repeal Section 2520.575 pursuant to Executive Order 2016-13.
- B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date Agency anticipates First Notice: October 2, 2017
- E) Effect on small business, small municipalities or not-for-profit corporations: No anticipated effect.
- F) Agency contact person for information:

Ngozi C. Okorafor  
Chief Legal Counsel/Ethics Officer  
Illinois Department of Human Rights – Legal Division  
100 W. Randolph St., Suite 10-100  
Chicago IL 60601

312/814-6262 or 866/740-3953 (TTY)

- G) Related Rulemaking and other pertinent information: None

3) Rulemaking:

- A) Description: The proposed rulemaking would repeal Section 2520.577 pursuant to Executive Order 2016-13.
- B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

## DEPARTMENT OF HUMAN RIGHTS

## JULY 2017 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date Agency anticipates First Notice: October 2, 2017
- E) Effect on small business, small municipalities or not-for-profit corporations: No anticipated effect.
- F) Agency contact person for information:

Ngozi C. Okorafor  
Chief Legal Counsel/Ethics Officer  
Illinois Department of Human Rights – Legal Division  
100 W. Randolph St., Suite 10-100  
Chicago IL 60601

312/814-6262 or 866/740-3953 (TTY)

- G) Related Rulemaking and other pertinent information: None

4) Rulemaking:

- A) Description: The proposed rulemaking would repeal Section 2520.580 pursuant to Executive Order 2016-13.
- B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date Agency anticipates First Notice: October 2, 2017
- E) Effect on small business, small municipalities or not-for-profit corporations: No anticipated effect.
- F) Agency contact person for information:

## DEPARTMENT OF HUMAN RIGHTS

## JULY 2017 REGULATORY AGENDA

Ngozi C. Okorafor  
Chief Legal Counsel/Ethics Officer  
Illinois Department of Human Rights – Legal Division  
100 W. Randolph St., Suite 10-100  
Chicago IL 60601

312/814-6262 or 866/740-3953 (TTY)

G) Related Rulemaking and other pertinent information: None

5) Rulemaking:

A) Description: The proposed rulemaking would repeal Section 2520.583 pursuant to Executive Order 2016-13.

B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date Agency anticipates First Notice: October 2, 2017

E) Effect on small business, small municipalities or not-for-profit corporations: No anticipated effect.

F) Agency contact person for information:

Ngozi C. Okorafor  
Chief Legal Counsel/Ethics Officer  
Illinois Department of Human Rights – Legal Division  
100 W. Randolph St., Suite 10-100  
Chicago IL 60601

312/814-6262 or 866/740-3953 (TTY)

DEPARTMENT OF HUMAN RIGHTS

JULY 2017 REGULATORY AGENDA

- G) Related Rulemaking and other pertinent information: None

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Community-Based Residential Rehabilitation Center Code (77 Ill. Adm. Code 220)

1) Rulemaking:

- A) Description: This rulemaking will amend provisions related to admission practices, personnel, and food service to current practice.
- B) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]
- C) Scheduled meeting/hearing dates: December 2017
- D) Date Agency anticipates First Notice: Winter 2018
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will bring community-based rehabilitation centers into conformity with current practices.
- F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761

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

- G) Related Rulemakings and other pertinent information: None

- b) Part (Heading and Code Citations): Home Health, Home Services, and Home Nursing Agency Code (77 Ill. Adm. Code 245)

1) Rulemaking:

- A) Description: This rulemaking will implement Medicare changes in federal regulations effective July, 1017. Compliance to the federal regulations

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

will require changes to infection control, quality improvement program, staffing, and staff responsibilities.

- B) Statutory Authority: Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
- C) Scheduled meeting/hearing dates: October 2017
- D) Date Agency anticipates First Notice: Fall 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Minimal affect is anticipated.
- F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761

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

- G) Related Rulemakings and other pertinent information: None

c) Part (Heading and Code Citations): Hospital Licensing Requirements (77 Ill. Adm. Code 250)

1) Rulemaking:

- A) Description: This rulemaking will implement PA 99-834 regarding birth center follow-up program and postpartum evaluation written policies and procedures regarding, but not limited to, new hearing screening.
- B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- C) Scheduled meeting/hearing dates: Fall 2017

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: Winter 2018
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Hospitals licensed under the Hospital Licensing Act will likely be affected by more paperwork and record-keeping.
- F) Agency contact person for information:
- Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761
- 217/782-2043  
email: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)
- G) Related Rulemakings and other pertinent information: Birth Center Demonstration Program Code (77 Ill. Adm. Code 265)
- d) Part (Heading and Code Citations): Birth Center Demonstration Program Code (77 Ill. Adm. Code 265)
- 1) Rulemaking:
- A) Description: This rulemaking will implement PA 99-834 regarding birth center follow-up program care and postpartum evaluation written policies and procedures regarding, but not limited to new hearing screening.
- B) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]
- C) Scheduled meeting/hearing dates: Winter 2017
- D) Date Agency anticipates First Notice: Winter 2018

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not-for-profit corporations: Birth centers will be likely experience more paperwork and recordkeeping.
- F) Agency contact person for information:
- Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761
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email: dph.rules@illinois.gov
- G) Related Rulemakings and other pertinent information: Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- e) Parts (Headings and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
- 1) Rulemaking:
- A) Description: The Department of Public Health will introduce several rulemakings to implement the following: PA 99-376 concerning medical homes; PA 99-104 regarding deadline for finding violations; PA 834 regarding notice for voluntary closures of facility, and general cleanup to reflect current statutory language.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: Fall 2017
- D) Date Agency anticipates First Notice: Winter 2018

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not-for-profit corporations: These rulemakings will affect long-term care facilities licensed under the Nursing Home Care Act.
- F) Agency contact person for information:
- Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761
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email: dph.rules@illinois.gov
- G) Related Rulemakings and other pertinent information: In conjunction with the rulemaking to implement PA 99-430, a new Part, Authorized Electronic Monitoring in Long-Term Care Facilities (77 Ill. Adm. Code 389) will be proposed.
- f) Part (Heading and Code Citations): Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- 1) Rulemaking:
- A) Description: The Department of Public Health will introduce several rulemakings to implement PA 96-339 and PA 97-38
- B) Statutory Authority: ID/DD Community Care Act [210 ILCS 47]
- C) Scheduled meeting/hearing dates: Fall 2017
- D) Date Agency anticipates First Notice: Winter 2018
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect long-term care facilities licensed under the ID/DD Community Care Act.

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
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Springfield IL 62761

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

G) Related Rulemakings and other pertinent information: Noneg) Part (Heading and Code Citation): Central Complaint Registry (77 Ill. Adm. Code 400)1) Rulemaking:

A) Description: This rulemaking will implement statutory changes to the Abused and Neglected Long Term Care Facility Residents Reported Act [210 ILCS 30], and other changes to bring the Part into compliance with complaint procedures in the Department.

B) Statutory Authority: Abused and Neglected Long Term Care Reporting Act [210 ILCS 30]

C) Scheduled meeting/hearing dates: Winter 2017

D) Date Agency anticipates First Notice: Winter 2018

E) Effect on small businesses, small municipalities or not-for-profit corporations: No affect is anticipated.

F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

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- G) Related Rulemakings and other pertinent information: None
- h) Part (Heading and Code Citations): Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 Ill. Adm. Code 515)
- 1) Rulemaking:
- A) Description: This rulemaking will update various provisions of the rule, including, but not limited to ambulance requirements, advisory board composition, pediatric credentials and qualifications, and equipment and medicine requirements for emergency departments.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: Fall 2017
- D) Date Agency anticipates First Notice: Winter 2018
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Ambulance providers will need to adhere to amendments regarding ambulance compliance.
- F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

217/782-2043

email: dph.rules@illinois.gov

G) Related Rulemakings and other pertinent information: Nonei) Part (Heading and Code Citations): Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)1) Rulemaking:A) Description: This rulemaking will introduce rulemakings to implement PA 99-801 and PA 99-173.B) Statutory Authority: Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]C) Scheduled meeting/hearing dates: Fall 2017D) Date Agency anticipates First Notice: Fall 2017E) Effect on small businesses, small municipalities or not-for-profit corporations: Hospitals will not be obligated to store sexual assault evidence kits indefinitely, but may need to increase cooperation with law enforcement regarding the submission of the evidence kits.F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761

217/782-2043

email: dph.rules@illinois.gov

G) Related Rulemakings and other pertinent information: None

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

j) Part (Heading and Code Citations): Family Practice Residency Code (77 Ill. Adm. Code 590)

1) Rulemaking:

- A) Description: This rulemaking will update various provisions and clarify scholarship provisions, including, but not limited to repayment terms, scholarship renewals, deferment and waiver options, and designated shortage areas. Additionally, provisions regarding reporting and recovery provisions will be updated.
- B) Statutory Authority: Family Practice Residency Act [110 ILCS 935]
- C) Scheduled meeting/hearing dates: Winter 2017
- D) Date Agency anticipates First Notice: Winter 2018
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No affect in anticipated.
- F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761

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- G) Related Rulemakings and other pertinent information: None

k) Part (Heading and Code Citations): Food Service Sanitation Code (77 Ill. Adm. Code 750)

1) Rulemaking:

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

- A) Description: The Department of Public Health intends to introduce several rulemaking for the following purposes: implement HB3684 from the 100th General Assembly regarding the Food Service Sanitation Manager Certificate, and implement HB3063 from the 100th General Assembly regarding the list of allowable food that are considered cottage food.
- B) Statutory Authority: Food Handling Regulation Enforcement Act [410 ILCS 625]
- C) Scheduled meeting/hearing dates: Winter 2017
- D) Date Agency anticipates First Notice: Winter 2018
- E) Effect on small businesses, small municipalities or not-for-profit corporations: There will be a positive impact on retail food establishments concerning food service sanitation manager certificates; however, small businesses that offer state-specific training may see a decline in business. Cottage food and farmers' market vendors will have an expanded list of products they would be allowed to sell.
- F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761

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

- G) Related Rulemakings and other pertinent information: None
- 1) Part (Heading and Code Citations): Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)
- 1) Rulemaking:

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

- A) Description: This rulemaking will implement HB2531 from the 100th General Assembly regarding notification to the Department by drug manufacturers prior to generic drug substitution.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled meeting/hearing dates: Winter 2017
- D) Date Agency anticipates First Notice: Winter 2018
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No affect is anticipated.
- F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761

217/782-2043  
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- G) Related Rulemakings and other pertinent information: None
- m) Part (Heading and Code Citations): Drinking Water Systems Code (77 Ill. Adm. Code 900)
- 1) Rulemaking:
- A) Description: This rulemaking will update the Part for compliance with federal changes.
- B) Statutory Authority: Illinois Groundwater Protection Act [415 ILCS 55]

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2017 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: Winter 2017
- D) Date Agency anticipates First Notice: Winter 2018
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No affect is anticipated.
- F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761

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- G) Related Rulemakings and other pertinent information: None

n) Part (Heading and Code Citations): Water Well Construction Code (77 Ill. Adm. Code 920)

1) Rulemaking:

- A) Description: This rulemaking will implement PA 98-951 related to the definition, construction and modification of closed loop wells.
- B) Statutory Authority: Illinois Water Well Construction Code [415 ILCS 30]
- C) Scheduled meeting/hearing dates: Winter 2017
- D) Date Agency anticipates First Notice: Winter 2018
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Closed loop and water well contractors will be affected.

DEPARTMENT OF PUBLIC HEALTH

JULY 2017 REGULATORY AGENDA

F) Agency contact person for information:

Elizabeth Paton  
Assistant General Counsel/Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761

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G) Related Rulemakings and other pertinent information: None

## STATE UNIVERSITIES RETIREMENT SYSTEM

## JULY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Universities Retirement (80 Ill. Adm. Code 1600)
- 1) Rulemaking:
- A) Description: The System anticipates rulemaking affecting the following:
- Amend Section 1600.130 Procurement to modify existing procedures.
- Add Section 1600.200 Definition of Employee to implement Public Act 99-0897, effective January 1, 2017, regarding the definition of "employee" under Section 15-107 of the Illinois Pension Code.
- Amend Section 1600.205 Earnings Subject to Withholding and Crediting to (1) address compensation paid under the Public Employee Disability Act (5 ILCS 345/), (2) unused sick leave paid at the time of termination of employment, and (3) exclusions from "basic compensation" and "earnings" of bonuses, housing allowances, vehicle allowances, social club dues, and athletic club dues for employees who first participate in SURS on or after January 1, 2017, pursuant to PA 99-897.
- Amend Section 1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6% to include certain earnings that would have been paid to the employee but for voluntary or involuntary furloughs occurring on or after July 1, 2015, and on or before June 30, 2017; or voluntary pay reductions in lieu of a furlough occurring on or after July 1, 2015, and on or after June 30, 2017, for purposes of calculating earnings increases in excess of 6%.
- Amend Section 1600.300 Effective Beneficiary Designations to address electronic execution and submission of beneficiary designation forms.
- Amend Section 1600.420 Making Preliminary Estimated Payments to include procedures for holding payments when the member has not responded to informational requests, and to terminate the benefit after a period of non-compliance with the request.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## JULY 2017 REGULATORY AGENDA

Amend Section 1600.450 Overpayment Recovery to address de minimis revisions to benefit calculations and deductions for overpayments of less than \$100.

Amend Section 1600.720 Election Materials to permit the electronic distribution of board election materials and the use of electronic balloting measures.

Promulgate rules to establish acceptable documentary evidence for demographic information such as birth dates and marital status.

Promulgate rules to provide specific definitions and procedures to implement 40 ILCS 5/15-168 (concerning information requests necessary for the proper administration of the System and suspensions/penalties for non-compliance).

- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearings are anticipated.
- D) Date Agency anticipates First Notice: Summer and Fall 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Bianca T. Green, General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign IL 61820

217/378-8825  
email: bgreen@surs.org  
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STATE UNIVERSITIES RETIREMENT SYSTEM

JULY 2017 REGULATORY AGENDA

- G) Related Rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

## DEPARTMENT OF TRANSPORTATION

## JULY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Selection of Architectural, Engineering and Land Surveying Services (44 Ill. Adm. Code 625)
- 1) Rulemaking:
- A) Description: The Department will amend this Part to make changes to the prequalification, evaluation, selection, and ranking criteria for firms who wish to bid on architectural, engineering, and land surveying service contracts with the State. These amendments will be made in order to conform to the requirements of 23 C.F.R. 172.
- B) Statutory Authority: Implementing Sections 5, 10, 20, 25, 30, 35, 40, 45, 50, and 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/5, 10, 20, 25, 30, 35, 40, 45, 50, and 55]; Section 35 of the Illinois Aeronautics Act [620 ILCS 5/35]; Section 4-201.4 of the Illinois Highway Code [605 ILCS 5/4-201.4]; and Section 2705-240 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-240] and authorized by Section 10 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/10]; Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].
- C) Scheduled meeting/hearing date: None scheduled
- D) Date Agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments will affect small businesses that bid on state contracts for architectural, engineering, and land surveying services. The amendments are being made to conform to federal regulations.
- F) Agency contact person for information:

Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 317  
Springfield IL 62764

## DEPARTMENT OF TRANSPORTATION

## JULY 2017 REGULATORY AGENDA

- G) Related Rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Minimum Safety Standards for Construction of Multifunction School Activity Buses (92 Ill. Adm. Code 435)
- 1) Rulemaking:
- A) Description: The Department is amending this Part to be consistent with the school bus construction standards and to provide clarity to the rules. Proposed amendments to this Part will include but not be limited to: changes to definitions, updates to incorporated materials, removal of crossing control arm requirements, and the removal of guidelines that are adequately addressed by incorporated materials.
- B) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].
- C) Scheduled meeting/hearing date: None scheduled
- D) Date Agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking affects small businesses that manufacture Multifunction School Activity Buses (MFSAB) for the transportation of Illinois school children. These amendments may also affect small businesses, small municipalities, and not-for-profit corporations that own or operate MFSABs used to transport school children for school related activities.
- F) Agency contact person for information:

Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 317  
Springfield IL 62764

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- G) Related Rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Inspection Procedures for Special Vehicles (92 Ill. Adm. Code 438)
- 1) Rulemaking:
- A) Description: This Part will be amended to clarify vehicle acceptance and rejection criteria; update definitions, Department addresses, and incorporated materials; and to address non-substantive issues such as formatting, punctuation, and grammar.
- B) Statutory Authority: Implementing and authorized by Section 3-303 of the Illinois Vehicle Title and Registration Law [625 ILCS 5/3-303], Section 6-410 of the Illinois Driver Licensing Law [625 ILCS 5/6-410], Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII], and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].
- C) Scheduled meeting/hearing date: None scheduled
- D) Date Agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The proposed amendments will affect small businesses that own or operate official testing stations in Illinois.
- F) Agency contact person for information:
- Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 317  
Springfield IL 62764
- G) Related Rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Minimum Safety Standards for Construction of Type I School Buses (92 Ill. Adm. Code 440)
- 1) Rulemaking:

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- A) Description: This proposed rulemaking seeks to combine school bus construction standards for type I and type II school buses. Accordingly, the Part will be relabeled to remove Type I from the title. The Department will incorporate the latest editions of the Federal Motor Vehicle Safety Standards and the Society of Automotive Engineers Standards and Practices. Further amendments will seek to address supplemental warning lights, pedal extensions, distance requirements for radio speakers, first aid kits, the addition of a second stop arm panel, and the removal of armored casing requirements for turn signal lamps.
- B) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].
- C) Scheduled meeting/hearing date: None scheduled
- D) Date Agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These proposed amendments affect small businesses that manufacture school buses registered for use in Illinois. These proposed amendments will also affect small businesses, small municipalities, and not-for-profit corporations that own or operate school buses.
- F) Agency contact person for information:  
  
Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 317  
Springfield IL 62764
- G) Related Rulemakings and other pertinent information: Part 442 will be repealed in connection with these amendments.
- e) Part (Heading and Code Citation): Inspection Procedures for Type I School Buses (92 Ill. Adm. Code 441)

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- 1) Rulemaking:
  - A) Description: The Department will update references to incorporated materials to reflect the latest editions of the Code of Federal Regulations and of the Society of Automotive Engineering Standards and Practices. In addition, the Department will update current inspection procedures to promote clarity and to address any changes in regulations or statutes that may have been enacted subsequent to the last amendment of this Part.
  - B) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].
  - C) Scheduled meeting/hearing date: None scheduled
  - D) Date Agency anticipates First Notice: Within six months
  - E) Effect on small businesses, small municipalities, or not-for-profit corporations: The proposed amendments will affect small businesses that own or operate official testing stations in Illinois.
  - F) Agency contact person for information:

Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 317  
Springfield IL 62764
  - G) Related Rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Minimum Safety Standards for Construction of Type II School Buses (92 Ill. Adm. Code 442)
  - 1) Rulemaking:
    - A) Description: The Department will propose a repeal of this Part in connection with an amendment to Part 440. The amendments to Part 440

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will seek to consolidate the Parts by combining constructions standards for type I and type II school buses into a single Part.

- B) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].
- C) Scheduled meeting/hearing date: None scheduled
- D) Date Agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These proposed amendments affect small businesses that manufacture school buses registered for use in Illinois. These proposed amendments will also affect small businesses, small municipalities, and not-for-profit corporations that own or operate school buses.
- F) Agency contact person for information:
- Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 317  
Springfield IL 62764
- G) Related rulemakings and other pertinent information: Repeal will coincide with amendments to Part 440.

g) Part (Heading and Code Citation): Inspection Procedures for Type II School Buses (92 Ill. Adm. Code 443)

1) Rulemaking:

- A) Description: The Department will be updating incorporation by reference edition dates to the most recent Code of Federal Regulations and Society of Automotive Engineering Standards and Practices. In addition, the Department will update the inspection procedures in order to implement Public Acts that have become effective since the last amendment and to clarify current inspection procedures.

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- B) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].
- C) Scheduled meeting/hearing date: None scheduled
- D) Date Agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The proposed amendments will affect small businesses that own or operate official testing stations in Illinois.
- F) Agency contact person for information:
- Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 317  
Springfield IL 62764
- G) Related Rulemakings and other pertinent information: None
- h) Part (Heading and Code Citation): Minimum Safety Standards for Construction of School Buses Used in Special Education Transportation (92 Ill. Adm. Code 444)
- 1) Rulemaking:
- A) Description: This rulemaking will update the Department's construction standards that govern special education school buses. Specifically, the Department will seek to clarify requirements for special service doors, update definitions and statutory language, and change the editions of incorporated federal regulations.
- B) Statutory Authority: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch.12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13]

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- C) Scheduled meeting/hearing date: None scheduled
- D) Date Agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will impact small businesses that manufacture school buses for special transportation.
- F) Agency contact person for information:

Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 317  
Springfield IL 62764

- G) Related Rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Inspection Procedures for Special Education School Buses (92 Ill. Adm. Code 445)
- 1) Rulemaking:
    - A) Description: The Department will be updating incorporation by reference edition dates to the most recent Code of Federal Regulations and Society of Automotive Engineering Standards and Practices. In addition, the Department will update the inspection procedures in order to implement Public Acts that have become effective since the last amendment and to clarify current inspection procedures.
    - B) Statutory Authority: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13]
    - C) Scheduled meeting/hearing date: None scheduled
    - D) Date Agency anticipates First Notice: Within six months

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E) Effect on small businesses, small municipalities, or not-for-profit corporations: The proposed amendments will affect small businesses that own or operate official testing stations in Illinois.

F) Agency contact person for information:

Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 317  
Springfield IL 62764

G) Related Rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Illinois Cycle Rider Safety Training Program (92 Ill. Adm. Code 455)

1) Rulemaking:

A) Description: Amendments to this Part will include, but not be limited to, the removal and addition of Regional Centers, updates to Department addresses, updates to editions of incorporated materials, and various non-substantive changes.

B) Statutory Authority: 625 ILCS 35/5

C) Scheduled meeting/hearing date: None scheduled

D) Date Agency anticipates First Notice: Within six months

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

F) Agency contact person for information:

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Illinois Department of Transportation  
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DEPARTMENT OF TRANSPORTATION

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- G) Related Rulemakings and other pertinent information: None

**ILLINOIS ADMINISTRATIVE CODE**  
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