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AGENCIES



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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of Part: Predatory Lending Database
- 2) Code Citation: 38 Ill. Adm. Code 346
- 3) Section Number: 346.36 Proposed Action:
New Section
- 4) Statutory Authority: Residential Real Property Disclosure Act [765 ILCS 77/70]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 94-280 amends the Residential Real Property Disclosure Act to establish a four-year predatory lending pilot program in certain Cook County areas. This rule establishes the inception date of this program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
346.17	New Section	30 Ill. Reg. 6226; April 14, 2006

- 11) Statement of Statewide Policy Objective (if applicable): This rulemaking will not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813 Fax #: 217/557-4451

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: HUD-certified counselors, certain licensees of the Department under the Residential Mortgage License Act and the Title Insurance Act conducting business in the pilot areas.
 - B) Reporting, bookkeeping or other procedures required for compliance: Data input into Department's predatory lending database.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: None

The full text of the Proposed Amendment is the same as the text that appears in the Emergency Amendment published in this issue of the *Illinois Register* on page 13524:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Recipient's Property
- 2) Code Citation: 59 Ill. Adm. Code 110
- 3) Section Number: 110.30 Proposed Action: New Section
- 4) Statutory Authority: Implementing Section 20 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/20] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and by Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- 5) A Complete Description of the Subjects and Issues involved: When the facility director finds it necessary to protect the recipient or others, the possession and use of certain classes of property may be restricted. Notice of the restriction shall be given to all recipients upon admission.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 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: July 2006

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 13527:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Comparable Benefits
- 2) Code Citation: 89 Ill. Adm. Code 567
- 3) Section Number: 567.20 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b).
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking requires individuals who request medical or physical restoration services to make formal application for Medicaid benefits and complete the process to determine eligibility for Medicaid benefits. Changes are also being made to language to better define the meaning of merit scholarships and awards.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 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: VR Counselors are required to hold a Master's Degree.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 567
COMPARABLE BENEFITS

Section

567.10	General Applicability
567.20	Definition of Comparable Benefits
567.30	Exceptions to Comparable Benefits
567.100	Refusal of Comparable Benefits

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b).

SOURCE: Adopted at 9 Ill. Reg. 8839, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 12 Ill. Reg. 3019, effective January 15, 1988; amended at 13 Ill. Reg. 9590, effective June 12, 1989; amended at 13 Ill. Reg. 18933, effective November 16, 1989; amended at 15 Ill. Reg. 6617, effective April 18, 1991; amended at 17 Ill. Reg. 149, effective December 18, 1992; emergency amendments at 17 Ill. Reg. 11696, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20375, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1381, effective January 14, 1999; emergency amendment at 24 Ill. Reg. 10358, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17733, effective November 27, 2000; amended at 27 Ill. Reg. 12598, effective July 21, 2003; amended at 30 Ill. Reg. _____, effective _____.

Section 567.20 Definition of Comparable Benefits

- a) A comparable benefit is a service that is available at the time the service is needed by a customer and is used to determine eligibility (89 Ill. Adm. Code 553) or to achieve the vocational goal and objectives specified in the customer's Individualized Plan for Employment (IPE) (89 Ill. Adm. Code 572) that, when provided to DHS-[DRSORS](#) customers by a public or private agency or agencies other than DHS-[DRSORS](#), offset costs which would otherwise be paid by DHS-[DRSORS](#) or the customer.
- b) When a customer is requesting DHS-[DRSORS](#) to cover training related services,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

except for those services that are exempt from financial participation (89 Ill. Adm. Code 562.30) in an institution of higher education, the customer shall make formal application for federal assistance by completing the Free Application for Federal Student Aid (FAFSA) and provide proof (or denial) of financial award and the amount of the award before the customer's IPE can be implemented. An IPE for services to prepare and assist the customer in applying for comparable benefits may be developed at any time. Failure of the customer to apply for comparable benefits shall result in the denial of services (89 Ill. Adm. Code 567.100).

- c) Customers requesting medical services or physical restoration services shall make formal application for Medicaid benefits and complete the process to determine eligibility, ~~or who are requesting long term training (training expected to last in excess of 24 months) shall apply for Medicaid benefits.~~ Eligibility, or ineligibility, for Medicaid benefits shall not, in any way, affect the eligibility for Vocational Rehabilitation services from DHS-~~DRSORS~~.
- d) Monetary~~Private monetary merit~~ awards, contributions and gifts that are specific or restricted as to use shall be used as intended (e.g., scholarships earmarked for use for college tuition costs or general college expenses) and are an available comparable benefit or service that reduces the customer's need for those services from DHS-~~DRSORS~~. Unrestricted scholarships and awards based on merit do not constitute comparable benefits. ~~Scholarships and awards given in recognition of an individual's excellence, outstanding achievement, or superior ability and that are not designated for specific purposes do not constitute comparable benefits.~~
- e) While a customer will not be discouraged from applying for loans (i.e., student loans) to assist in the completion of his/her rehabilitation program, he/she shall not be required to accept such loans. Such loans are not comparable benefits.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
146.110	Amendment
146.125	Amendment
146.130	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This Part is being amended to include dentists as qualified providers to provide service in an Ambulatory Surgical Treatment Center (ASTC) because dental services are being added to the Ambulatory Procedures Listing (APL) by an amendment to 89 Ill. Adm. Code 148.140.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman
Chief of Administration and Rules
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield IL 62763-0002

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

217/557-7157

The Department requests the submission of written comments within 30 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].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: ASTCs providing dental services and dentists will be affected by these changes.
 - 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 2006

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section

146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Termination or Suspension of SLF Provider Agreement
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups
146.295	Emergency Contingency Plan

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

146.300 Waivers

SUBPART C: STATE HEMOPHILIA PROGRAM

Section

146.400 Definitions
146.410 Patient Eligibility
146.420 Hemophilia Treatment Centers
146.430 Comprehensive Care Evaluation
146.440 Home Transfusion Arrangements
146.450 Obligations of the Department

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section

146.500 General Description
146.510 Definitions
146.520 Participation Requirements
146.530 Records and Data Reporting Requirements
146.540 Covered Children's Community-Based Health Care Center Services
146.550 Reimbursement for Services
146.560 Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570 Prior and Post Approval of Services

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section 146.110 Participation Requirements

To participate in the Medicaid Program, an ambulatory surgical treatment center (ASTC) must, in addition to any other Department requirements:

- a) Be licensed by the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 205.
- b) In the case of an out-of-state ASTC, be licensed by their state agency or, where a state does not license ASTCs, be accredited by a national accrediting body.
- c) Meet the requirements in 42 CFR 416.
- d) Maintain a contractual relationship, including a transfer and referral plan with a hospital. Such a plan shall include procedures for effecting transfer of the patient from the ASTC to a hospital.
 - 1) The contracting hospital must be within 15 minutes of the ASTC.
 - 2) Have an effective procedure for the immediate transfer to a hospital of patients requiring emergency medical care beyond the capabilities of the ASTC.
- e) Ensure that a qualified physician shall be present at the facility at all times during the operative and postoperative period for all patients.
- f) Must perform surgical procedures in a safe manner using qualified physicians or dentists who have been granted clinical privileges by the governing body of the ASTC. These providers/physicians must be licensed in the State of Illinois or, for an out-of-state ASTC, licensed by the state in which they practice and have

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

skilled equivalent practice privileges at a licensed hospital.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 146.125 Covered Ambulatory Surgical Treatment Center Services

- a) The Department of ~~Healthcare and Family Services~~~~Public Aid~~ will reimburse ambulatory surgical treatment centers (ASTCs) for facility services in accordance with covered Ambulatory Procedure Listing (APL) Groupings, as defined in 89 Ill. Adm. Code 148.140(b)(1). The Department may exclude from coverage in an ASTC any procedure identified as only appropriate for coverage in a hospital setting. ~~APL groups that may be reimbursed to an ASTC are defined in the Department's Hospital Handbook and notices to providers.~~
- b) Facility services furnished by an ASTC in connection with covered APL codes include, but are not limited to:
- 1) Nursing, technician and related services;
 - 2) Use of the ASTC facilities;
 - 3) Supplies (such as drugs, biologicals (for example, blood)), surgical dressings, splints, casts and appliances, and equipment directly related to the provision of surgical procedures;
 - 4) Diagnostic or therapeutic services or items directly related to the provision of a surgical procedure;
 - 5) Administrative, record keeping, and housekeeping items and services; and
 - 6) Materials for anesthesia.
- c) Facility services do not include items and services for which payment may be made under other provisions of this Section such as physicians' or dentists' services, laboratory, x-ray or diagnostic procedures performed by independent facilities or practitioners on the day of surgery (other than those directly related to performance of the surgical procedure), prosthetic devices, ambulance services, leg, arm, back and neck braces, artificial limbs, and durable medical equipment for use in the patient's home. In addition, they do not include anesthetist services.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 146.130 Reimbursement for Services

- a) With respect to all non-APL procedures, reimbursement levels shall be at the lower of the ASTC's usual and customary charge to the public or the Department's Statewide maximum reimbursement screen.
- b) With respect to APL procedures described in 89 Ill. Adm. Code 148.140(b)(1), reimbursement for such services shall be an all-inclusive rate for facility services, and shall be calculated at 75 percent of the applicable group rate paid for that same procedure in a hospital outpatient setting, as described under 89 Ill. Adm. Code 148.140(b).
- c) Laboratory, x-ray, ~~or prescription services, or professional~~ physicians' or dentists' services, in connection with a covered surgical procedure, must be billed by the providers rendering such services. If the ASTC provides the lab or x-ray service, then:
 - 1) Separate billing is NOT allowed if provided on the day of surgery; or
 - 2) Separate billing IS allowed if provided on other than the day of surgery.
- d) The providers described in subsection (c) of this Section must meet all applicable license, enrollment and reimbursement conditions of the Department of ~~Healthcare and Family Services~~Public Aid, the Department of Public Health and the Department of Financial and Professional Regulation-~~Division of Professional Regulation~~.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.140 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This amendment adds dental services to the Ambulatory Procedures Listing so that specified dental procedures can be billed through the system rather than being paid manually via the vouchering process, as is currently done. In addition, the changes allow a hospital to bill fee-for-service for chemotherapy services in conjunction with radiation therapy (already an APL service).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.126	Amendment	March 10, 2006 (30 Ill. Reg. 2681)
148.126	Amendment	May 26, 2006 (30 Ill. Reg. 9399)
148.295	Amendment	May 26, 2006 (30 Ill. Reg. 9399)

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

Tamara Tanzillo Hoffman

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Chief of Administration and Rules
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/557-7157

The Department requests the submission of written comments within 30 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].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hospitals
 - 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 2006

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

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

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SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997;

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amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27

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Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. _____, effective _____.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.140 Hospital Outpatient and Clinic Services

- a) Fee-For-Service Reimbursement
 - 1) Reimbursement for hospital outpatient services shall be made on a fee-for-

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service basis, except for:

- A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) as described in subsection (b) of this Section.
 - B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.
 - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).
 - D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.
- 2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) ~~that~~^{which} pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.
- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
- A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total

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allowable Medicaid days.

- 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C), and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).
 - 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.
 - 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
 - 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.
- b) Ambulatory Procedure Listing (APL)
Effective January 1, 2006, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.
- 1) APL Groupings
Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:

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A) Surgical Groups

- i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment. The rate for this [surgical procedure group](#) shall be \$1,794.00.
- ii) Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment. The rate for this [surgical procedure group](#) shall be \$1,049.00.
- iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons. The rate for this [surgical procedure group](#) shall be \$752.00.
- iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures. [Certain dental procedures performed by dentists are included in this group. In order for a dental procedure to be eligible for reimbursement in the outpatient setting, the following criteria must be met: patient requires general anesthesia or conscious sedation; patient has a medical condition that places the patient at an increased surgical risk, such as, but not limited to, cardiopulmonary disease, congenital anomalies, history of complications associated with anesthesia, such as hyperthermia or allergic reaction, or bleeding diathesis; or the patient cannot be safely managed in an outpatient setting because of a behavioral,](#)

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developmental, or mental disorder. The rate for this surgical procedure group shall be \$287.00.

B) Diagnostic and Therapeutic Groups

- i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician. The rate for this surgical procedure group shall be \$941.00.
- ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b) procedures typically include radiological consultation or a diagnostic study. The rate for this procedure group shall be \$304.00.
- iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician. The rate for this procedure group shall be \$176.00.
- iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures. The rate for this procedure group shall be \$136.00.

- C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described in this Section. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the

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woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.

- i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense level of physician or nursing intervention. An "intense level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment. The rate for this service shall be \$181.00.
 - ii) Emergency Level II refers to Emergency Services that do not meet the definition in this Section of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity. The rate for this service shall be \$67.00.
 - iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated in this Section. For such care, the Department will reimburse the hospital either applicable current FFS rates for the services provided or a screening fee, but not both. The rate for this service shall be \$26.00.
- D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be

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reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories:

- i) for at least 60 minutes but less than six hours and 31 minutes of services, the rate shall be \$74.00;
 - ii) for at least six hours and 31 minutes but less than 12 hours and 31 minutes of services, the rate shall be \$222.00; or
 - iii) for at least 12 hours and 31 minutes or more of services, the rate shall be \$443.00.
- E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse, at different rates, Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(1). A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- i) The rate for Type A psychiatric clinic services shall be \$68.00.
 - ii) The rate for Type A psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
 - iii) The rate for Type B psychiatric clinic services shall be \$101.00.
 - iv) The rate for Type B psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
- F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide outpatient-physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation services provided by

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a hospital that is not enrolled with the Department to provide physical rehabilitation services. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

- i) The rate for rehabilitation services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
 - ii) The rate for rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation shall be \$115.00.
 - iii) The rate for rehabilitation services provided by Children's Hospitals shall be \$130.00.
- 2) Each of the groups described in subsection (b)(1) of this Section will be reimbursed by the Department considering the following:
- A) The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:
 - i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and
 - ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.
 - B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code

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102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.

- C) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(A) of this Section, will be based on the following methodology:
- i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four;
 - ii) If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.
- D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be equal to the amounts described in subsection (b)(1) of this Section multiplied by a factor of 2.72, except that physical rehabilitation services provided by a general care hospital not enrolled with the Department to provide outpatient physical rehabilitation services shall be reimbursed at a rate of \$230.00 and the reimbursement rate for Type B psychiatric clinic services shall be \$224.00.
- E) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed in this Section.
- F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. No separate reimbursement will be made for ancillary services or the services

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of hospital personnel. Exceptions to this provision are that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional outpatient services of a physician providing direct patient care who is salaried by the hospital; chemotherapy services provided in conjunction with radiation therapy services; and occupational or speech therapy services provided in conjunction with rehabilitation services as described in subsection (b)(1)(F) of this Section. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists and no separate reimbursement will be allowed for such providers.

- 3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1) of this Section are detailed in the Department's Hospital Handbook and in notices to providers.
- 4) A one-time fiscal year 2000 payment will be made to hospitals. Payment will be based upon the services, specified in this Section, provided on or after July 1, 1998, and before July 1, 1999, which were submitted to the Department and determined eligible for payment (adjudicated) by the Department on or prior to April 30, 2000, excluding services for Medicare/Medicaid crossover claims and claims thatwhich resulted in a zero payment by the Department. A one-time amount of:
 - A) \$27.75 will be paid for each service for procedure code W7183 (Psychiatric clinic Type A for adults).
 - B) \$24.00 will be paid for each service for APL Group 5 (Psychiatric clinic Type A only) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
 - C) \$15.00 will be paid for each service for APL Group 6 (Physical rehabilitation services) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

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- 5) County Facility Outpatient Adjustment
- A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:
- i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.
 - ii) The payment calculated under this subsection (b)(5)(A) may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations.
 - iii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.
- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:
- i) "Base Year" means the most recently completed State fiscal year.
 - ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
 - iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of

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service liability, projected for the upcoming rate year.

- iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.
- 6) **No Year-End Reconciliation**
With the exception of the retrospective rate adjustment described in subsection (b)(8) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).
- 7) **Rate Adjustments**
With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(5) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
- A) The reimbursement rates described in subsection (b)(5) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 8) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) ~~that~~^{which} pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- 9) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90

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days after the close of the facility's fiscal year.

- c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:
- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.
 - 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate ~~that~~ which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).
 - 3) Payment for non-routine services. For services ~~that~~ which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
 - 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
 - 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

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- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).
 - 7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- d) Non Hospital-Based Clinic Reimbursement
- 1) County-Operated Outpatient Facility Reimbursement
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:
 - A) Base Rate. The per encounter base rate shall be calculated as follows:
 - i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.
 - ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
 - iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.

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- iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.
- B) Supplemental Rate
- i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.
 - ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.
 - iii) The quotient derived in subsection (d)(1)(B)(i) of this Section shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.
 - iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.
- C) Final Rate
- i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.
 - ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.
 - iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.
- 2) Rate Adjustments
- Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:

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- A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.
- 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).
- 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- e) Critical Clinic Providers
- 1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection

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(e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:

- A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
 - B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
 - C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
 - D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
 - E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.
- 2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate ~~that~~ which shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.
- 3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).
- 4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

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- f) Critical Clinic Provider Pharmacies
Prescribed drugs, dispensed by a pharmacy that is a Critical Clinic Provider, that are not part of an encounter reimbursable under subsection (e) of this Section shall be reimbursed at the rate described in subsection (e)(2) of this Section.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Sound Emission Standards and Limitations for Property Line-Noise-Sources
- 2) Code Citation: 35 Ill. Adm. Code Part 901
- 3) Section Number: 901.121 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: For a more complete description of this proposal see the Board's July 20, 2006, order in Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site-Specific Rule 35 Ill. Adm. Code 901.121 (R06-11). The Board is proposing site specific amendments to an existing site-specific noise rule to allow the Vaughan & Bushnell Manufacturing Company (V&B) to extend the operational levels of its forging facility located at the intersection of Davis and Main Streets, Bushnell in McDonough County. The proposed amendments will allow V&B to operate 24-hours a day.

The proposal is based on a request filed by V&B on October 20, 2005. In its proposal for the rulemaking and at the hearing in this rulemaking, V&B stated that it needed an extension on its operational hours to allow it to operate a third shift at its facility. V&B stated that it produces hammers, hatchets, heavy striking tools, and pry bars, and has contracts with distributors that require timely delivery of its products.

In considering the character of the surrounding areas and land uses, the Board found that the V&B facility is appropriately located in an area that is heavily industrial in nature, and that the proposed amendments would not have an adverse environmental impact on the area.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2004)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R06-11 and be addressed to:
- Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
- Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.
- For more information contact John Knittle at 217/278-3111 or email at knittlej@ipcb.state.il.us.
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: While V&B does not qualify as a small business, it is the largest employer in the city of Bushnell and last year paid \$137,000,000 for water, gas and electricity, as well as \$39,000 in property taxes. The mayor of Bushnell, Steve Russell, represented the city of Bushnell at the Board's hearing in this rulemaking. At the hearing he stated that he and the Bushnell city council unanimously were in favor of the request of V&B to increase their hours to meet demand for their products. Additionally, the Board received comments from the president of the Bushnell Economic Development Corporation; the State Representative for the city of Bushnell, Richard P. Myers; the Chairman and Chief Executive Officer for Farmers & Merchants Bank of Bushnell; the president of the Bushnell Chamber of Commerce; employees of V&B; and residents of Bushnell all in support of the proposed site-specific rulemaking.

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- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not propose any additional reporting or bookkeeping requirements.
- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2006

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

POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE H: NOISE
CHAPTER I: POLLUTION CONTROL BOARDPART 901
SOUND EMISSION STANDARDS AND LIMITATIONS
FOR PROPERTY LINE-NOISE-SOURCES

Section

901.101	Classification of Land According to Use
901.102	Sound Emitted to Class A Land
901.103	Sound Emitted to Class B Land
901.104	Highly-Impulsive Sound
901.105	Impact Forging Operations
901.106	Prominent Discrete Tones
901.107	Exceptions
901.108	Compliance Dates for Part 901
901.109	Highly-Impulsive Sound from Explosive Blasting
901.110	Amforge Operational Level
901.111	Modern Drop Forge Operational Level
901.112	Wyman-Gordon Operational Level
901.113	Wagner Casting Site-Specific Operational Level (Repealed)
901.114	Moline Forge Operational Level
901.115	Cornell Forge Hampshire Division Site-Specific Operational Level
901.116	Forgings and Stampings, Inc. Operational Level
901.117	Rockford Drop Forge Company Operational Level
901.118	Scot Forge Company – Franklin Park Division Operational Level
901.119	Clifford-Jacobs Operational Level
901.120	C.S. Norcross Operational Level
901.121	Vaughan & Bushnell Operational Level
<u>901.122</u>	<u>Ameren Elgin Facility Site-Specific Noise Emission Limitations</u>
901.APPENDIX A	Old Rule Numbers Referenced
901.APPENDIX B	Land-Based Classification Standards and Corresponding 35 Ill. Adm. Code 901 Land Classes

AUTHORITY: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

SOURCE: Originally filed as Part 2 of Chapter 8: Noise Pollution, effective August 10, 1973; amended at 2 Ill. Reg. 27, p. 223, effective June 26, 1978; amended at 5 Ill. Reg. 6371, effective

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June 1, 1981; amended at 5 Ill. Reg. 8533, effective August 10, 1981; amended at 6 Ill. Reg. 10960, effective September 1, 1982; codified at 7 Ill. Reg. 13646; amended at 7 Ill. Reg. 14519, effective October 17, 1983; amended in R83-35 at 8 Ill. Reg. 18893, effective September 25, 1984; amended in R83-33, 26, 29, 30 and R83-34 at 9 Ill. Reg. 1405, effective January 17, 1985; Section 901.105(f)(1), (2) and (3) recodified to Sections 901.110, 901.111 and 901.112 at 9 Ill. Reg. 7147; amended in R83-25, 31 and 32 at 9 Ill. Reg. 7149, effective May 7, 1985; amended in R83-7 at 11 Ill. Reg. 3136, effective January 28, 1987; amended in R04-11 at 28 Ill. Reg. 11910, effective July 30, 2004; amended in R03-9 at 30 Ill. Reg. 5533, effective March 10, 2006; amended in R06-11 at 30 Ill. Reg. _____, effective _____.

Section 901.121 Vaughan & Bushnell Operational Level

Vaughan & Bushnell Manufacturing Company and the future owners of the forging facility located at the intersection of Davis and Main Streets, Bushnell, Illinois, must comply with the following site-specific operational level:

- a) Operate no more than ten hammers at any one time; and
- b) Vaughan & Bushnell may operate 24 hours per day, Monday through Sunday~~Operate its forging hammers only between the hours of 6:00 a.m. and 1:30 a.m. Monday through Saturday.~~

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Early Childhood Block Grant
- 2) Code Citation: 23 Ill. Adm. Code 235
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
235.10	Amendment
235.60	Amendment
235.70	Amendment
235.100	New Section
235.200	New Section
235.300	New Section
235.400	New Section
235.500	New Section
- 4) Statutory Authority: 105 ILCS 5/1C-2 and 105 ILCS 5/2-3.71
- 5) A Complete Description of the Subjects and Issues Involved: PA 94-1054/SB 1497, signed by the Governor on July 25, 2006, establishes the Preschool for All Children program and sets forth the prioritization requirements for funding for two years (i.e., school years 2006-07 and 2007-08). The goal of the Preschool for All Children program is to provide educational services to all 3- to 5-year-old children whose families choose to participate. The funding for the Preschool for All Children Program is part of the Early Childhood Block Grant program.

The new law amends Section 2-3.71 of the School Code to encourage participation in the Preschool for All Children program of any family who wishes to enroll its child and to provide authorization to the State Board of Education to make decisions about which programs are to be funded in accordance with the following criteria.

- First priority in awarding grants must be given to applicants that propose to serve primarily children who have been identified as being at risk of academic failure. At-risk children are those who, because of their home and community environment, are subject to such language, cultural, economic and like disadvantages that they have been determined, as a result of screening procedures, to be at risk of academic failure.
- Second priority in awarding grants must be given to applicants proposing to serve primarily children whose family's income is less than four times the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services (HHS) under the authority of 42 USC 9902(2). These limits reflect annual incomes that range from a low of \$52,800 for a family of two to

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a high of \$134,400 for a family of eight (with an additional \$13,600 for each family member exceeding eight).

Since the law does not define the term "primarily" nor set forth other criteria for the agency's making funding determinations, new Subpart B is proposed to address the Preschool for All Children program. This proposed Subpart relies to the greatest extent possible on existing requirements as forth in Subpart A, which establishes requirements for the prekindergarten at-risk program and also serves children ages 3 to 5 years. As per the law, programs funded under Section 2-3.71 of the School Code must meet requirements for the Preschool for All Children program during the period of July 1, 2006, through June 30, 2008; therefore, no funding will be provided during this time for new prekindergarten at-risk programs.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemakings replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? Yes
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777-0001

217/782-5270

Comments may also be submitted electronically, addressed to:

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rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Public and private not-for-profit and for-profit entities with experience in providing educational, social and/or child development services to young children may apply for grants under these rules. These entities would include community organizations and day-care facilities.
 - B) Reporting, bookkeeping or other procedures required for compliance: If an entity receives a grant, then it would be subject to the reporting requirements of Section 235.70.
 - C) Types of professional skills necessary for compliance: It is assumed that a staff member of the program will be responding to the reporting requirements.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear in either of the two most recent Regulatory Agendas because: The legislation was not signed into law until after the July publication of the Regulatory Agenda.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 235

EARLY CHILDHOOD BLOCK GRANT

SUBPART A: PRESCHOOL EDUCATION AND
PREVENTION INITIATIVE PROGRAMS

Section

235.10	Purpose; Eligible Applicants
235.20	Application Procedure and Content for New or Expanding Programs
235.30	Additional Program Components for Preschool Education Proposals
235.40	Additional Program Components for Prevention Initiative Proposals
235.50	Proposal Review and Approval for New or Expanding Programs
235.60	Application Content and Approval for Continuation Programs
235.70	Terms of the Grant

SUBPART B: PRESCHOOL FOR ALL CHILDREN PROGRAMSection

<u>235.100</u>	<u>Purpose; Eligible Applicants</u>
<u>235.200</u>	<u>Application Procedure and Content for New or Expanding Programs</u>
<u>235.300</u>	<u>Proposal Review and Approval for New or Expanding Programs</u>
<u>235.400</u>	<u>Application Content and Approval for Continuation Programs</u>
<u>235.500</u>	<u>Terms of the Grant</u>

235.APPENDIX A Illinois Early Learning Standards

235.APPENDIX B Illinois Birth to Three Program Standards

AUTHORITY: Authorized by Section 1C-2 of the School Code [105 ILCS 5/1C-2] and implementing Sections 2-3.71, 2-3.71a and 2-3.89 of the School Code [105 ILCS 5/2-3.71, 2-3.71a and 2-3.89].

SOURCE: Adopted at 16 Ill. Reg. 10181, effective June 10, 1992; expedited correction at 16 Ill. Reg. 15186, effective June 10, 1992; amended at 26 Ill. Reg. 903, effective January 15, 2002; old Part repealed at 30 Ill. Reg. 4618 and new Part adopted at 30 Ill. Reg. 4620, effective February

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28, 2006; emergency amendment at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: PRESCHOOL EDUCATION AND
PREVENTION INITIATIVE PROGRAMS

Section 235.10 Purpose; Eligible Applicants

- a) This ~~Subpart A Part~~ Subpart A establishes the procedures and criteria for the approval of proposals submitted to the State Board of Education by eligible applicants for grants to assist in establishing early childhood education programs funded through the Early Childhood Block Grant authorized by Section 1C-2 of the School Code [105 ILCS 5/1C-2]. The Early Childhood Block Grant program shall include:
- 1) preschool education for at-risk children ages 3 years old to kindergarten enrollment age as defined in Section 10-20.12 of the School Code [105 ILCS 5/10-20.12], to include those programs and activities that meet the requirements of Section 2-3.71(a) of the School Code [105 ILCS 5/2-3.71(a)] and parental training activities as authorized under Section 2-3.71a of the School Code [105 ILCS 5/2-3.71a]; and
 - 2) prevention initiative for at-risk children from birth to age 3 and their families, to include those programs and activities that meet the requirements of Section 2-3.89 of the School Code [105 ILCS 5/2-3.89] and parental training activities as authorized under Section 2-3.71a of the School Code.
 - 3) For the purposes of this Part, "at risk" is defined as those children *who because of their home and community environment are subject to such language, cultural, economic and like disadvantages that they have been determined, as a result of screening procedures (to be carried out in conformance with Section 235.20(c)(5)) to be at risk of academic failure.* (Section 2-3.71(a)(4) of the School Code)
- b) Eligible applicants for Early Childhood Block Grant programs include any public or private not-for-profit or for-profit entity with experience in providing educational, health, social and/or child development services to young children and their families. If the Early Childhood Block Grant program is operated in or by a child care center subject to the licensure requirements of the Illinois Department of Children and Family Services (DCFS), then that child care center

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must hold the appropriate licensure in accordance with rules promulgated by DCFS (see 89 Ill. Adm. Code 403 (Licensing Standards for Group Homes), 405 (Licensing Standards for Day Care Agencies), 406 (Licensing Standards for Day Care Homes), 407 (Licensing Standards for Day Care Centers) and 408 (Licensing Standards for Group Day Care Homes)).

- c) Joint applications for funds may be submitted by any combination of eligible applicants, as described in subsection (b) of this Section.
 - 1) If a joint application is submitted, then an administrative agent shall be designated.
 - 2) A school district or other eligible applicant shall only participate in one proposal for a specific program.
- d) Eligible applicants may subcontract with a private school, not-for-profit or for-profit corporation, or other governmental agency that would otherwise be eligible under subsection (b) of this Section to conduct an Early Childhood Block Grant program.
- e) Parental training programs funded under Section 2-3.71a of the School Code prior to July 1, 2006, are not subject to the requirements of this Part, but may be awarded continuation funding in accordance with the requirements of Section 235.60 of this Part.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 235.60 Application Content and Approval for Continuation Programs

The requirements of the Section shall apply to those applicants seeking funding to continue preschool education and prevention initiative programs beyond the initial grant period and for programs offering parental training services under Section 2-3.71a of the School Code that were first funded previous to school year 2006-07.

- a) In order to continue to operate an Early Childhood Block Grant Program, a grantee each year shall electronically submit an application for continuation. The application shall include at least the following:
 - 1) an overview of the program, addressing:

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- A) the program components outlined in Section 235.20 of this Part and either Section 235.30 or Section 235.40 of this Part, as applicable for preschool education or prevention initiative programs; or
 - B) the requirements of Section 2-3.71a of the School Code for parental training programs;
- 2) budget information for the year in which the application is being made; and
 - 3) the certifications and assurances referred to in Section 235.20(c)(16) of this Part applicable to the renewal period.
- b) An Early Childhood Education Block Grant Program shall be approved for continuation provided that:
- 1) a need continues to exist for the program, as evidenced by the number or proportion of children and families to be served;
 - 2) the program components proposed will be effective in assisting at-risk children and families;
 - 3) the proposed budget is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided; and
 - 4) in the year previous to the continuation application, the applicant complied with the terms and conditions of any grant it received pursuant to this [Subpart A Part](#).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 235.70 Terms of the Grant

- a) Expenditure reports must be filed electronically with the Division of Funding and Disbursements four times a year.
- b) Each grantee shall submit evaluation information on forms provided by the State Board of Education, specifying:

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- 1) descriptive statistics on the population served, eligibility, screening procedures and staff qualifications and training;
 - 2) descriptive information, including type and quality of the educational program, amount and extent of interagency collaboration, and parent education and involvement;
 - 3) the extent to which program objectives have been accomplished; and
 - 4) any similar program-related information that the State Superintendent of Education may request upon 30 days' written notice.
- c) An annual program review shall be conducted for each new project to ensure program quality, to assist in program improvement and to provide technical assistance.
- d) All equipment purchased by the grantee for the program with Early Childhood Block Grant funds must be documented on a form supplied by the State Board of Education and be maintained in the grantee's files.
- e) A time distribution worksheet shall be kept for any staff member in a part-time position.
- f) Grantees shall use funds provided under the Early Childhood Block Grant *to supplement, not supplant, funds received from any other source.* (Sections 2-3.71 and 2-3.89 of the School Code)
- g) Grant funds may not be used to provide religious instruction, conduct worship services, or engage in any form of proselytization.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART B: PRESCHOOL FOR ALL CHILDREN PROGRAM

Section 235.100 Purpose; Eligible Applicants

- a) This Subpart B establishes the procedures and criteria for the approval of proposals submitted to the State Board of Education by eligible applicants for

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grants to assist in establishing Preschool for All Children programs authorized by Section 2-3.71(a)(4.5) of the School Code [105 ILCS 5/2-3.71(a)(4.5)].

- b) Applicants eligible to apply for the Preschool for All Children program are those listed in Section 235.10(b) and (c) of this Part.
- c) This Subpart is repealed on the date of repeal set forth in Section 2-3.71(a)(4.5) of the School Code.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 235.200 Application Procedure and Content for New or Expanding Programs

In addition to meeting the requirements set forth in Section 235.20 of this Part (with the exception of Section 235.20(c)(6) of this Part) and Section 235.30 of this Part, each application for funding for a Preschool for All Children program shall provide the following.

- a) Each applicant shall describe whether the program qualifies as a program serving primarily at-risk children or a program serving primarily children whose families meet the income guidelines set forth in Section 2-3.71(a)(4.5) of the School Code.
- 1) A program serving "primarily at-risk children" is one that:
- A) has 51 percent or more of the enrolled children identified as being at risk of academic failure (see Sections 235.10(a)(3) and 235.20(c)(5) of this Part),
- B) gives priority for enrollment to academically at-risk students over those students who have not been identified as academically at risk, and
- C) has taken specific proactive measures to ensure that parents of children who may be at risk of academic failure are aware of the opportunity for preschool education through the Preschool for All Children program.
- 2) A program serving "primarily children whose families meet income guidelines" is one that has 51 percent or more of the enrolled children from families meeting the income guidelines and does not qualify under

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subsection (a)(1) of this Section as serving primarily academically at-risk children.

3) Each applicant shall estimate the percentage of children to be enrolled who are considered to be at risk of academic failure or whose families meet income guidelines, as applicable.

b) Programs serving primarily at-risk children shall describe:

1) the process to ensure that, if the program has a waiting list of children to be enrolled, all children identified as being at risk of academic failure are enrolled before other children not identified as being at risk; and

2) the specific proactive measures the program has taken or will take to ensure that parents of children who may be at risk of academic failure are made aware of the opportunity to participate in the Preschool for All Children program.

c) Each applicant shall describe the provisions to be made to allow for:

1) the participation of children with disabilities in the program, and

2) the continued participation of children of homeless families in the program in those instances in which the children move outside the area served by the Preschool for All Children program.

d) Each applicant shall describe the parent education and involvement component, which shall include activities in each of the following areas.

1) Communication between home and the Preschool for All Children program that is regular, two-way and meaningful.

2) Parenting skills are promoted and supported.

3) Recognition that parents play an integral role in assisting student learning.

4) Parents are welcome in the program, and their support and involvement are sought.

5) Parents are full partners in the decisions that affect children and families.

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(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 235.300 Proposal Review and Approval for New or Expanding Programs

In order to meet the funding priorities set forth in Section 2-3.71(a)(4.5) of the School Code, each proposal shall be reviewed using both quantitative and qualitative criteria.

- a) Proposals shall first be screened to identify those proposals that meet the criteria for each funding priority (see Section 235.200(a) of this Part). Proposals shall be separated into the following three categories:
 - 1) proposals serving primarily at-risk children.
 - 2) proposals serving primarily children whose families meet income guidelines, and
 - 3) all other proposals.
- b) Within each of the three categories set forth in subsection (a) of this Section, the proposals shall be reviewed and scored using the qualitative criteria set forth in Section 235.50(a) of this Part to determine which proposals provide evidence of a "qualified program". "Qualified programs" shall be those scoring at least 60 out of 100 total points.
 - 1) All qualified programs within the category set forth in subsection (a)(1) of this Section shall be funded before funding any qualified programs in the categories set forth in subsection (a)(2) or (a)(3) of this Section.
 - 2) All qualified programs within the category set forth in subsection (a)(2) of this Section shall be funded before funding any qualified programs in the category set forth in subsection (a)(3) of this Section.
 - 3) Within each category, priority for funding will be given to substantially similar proposals that:
 - A) serve children from a community with limited preschool programs or few resources promoting preschool education, or

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- B) include a signed partnership agreement with the local Head Start program.
- c) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to school districts and communities with varying demographic characteristics.
- d) The State Superintendent of Education shall determine the amount of individual grant awards. The final award amounts shall be based upon:
 - 1) the total amount of funds available for the Preschool for All Children program; and
 - 2) the resources requested in the top-ranked proposals, as identified pursuant to subsections (b) and (c) of this Section.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 235.400 Application Content and Approval for Continuation Programs

The requirements of this Section shall apply to those applicants seeking funding to continue Preschool for All Children programs beyond the initial grant period.

- a) In order to continue to operate a Preschool for All Children program, a grantee each year shall electronically submit an application for continuation. The application shall include at least the following:
 - 1) an overview of the program, addressing the program components outlined in Sections 235.20 and 235.200 of this Part;
 - 2) budget information for the year in which the application is being made; and
 - 3) the certifications and assurances referred to in Section 235.20(c)(16) of this Part applicable to the renewal period.
- b) A Preschool for All Children program shall be approved for continuation provided that:

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- 1) a need continues to exist for the program, as evidenced by the number or proportion of children and families to be served;
- 2) the program components proposed will be effective in meeting the needs of children and families to be served by the program;
- 3) the proposed budget is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided; and
- 4) in the year previous to the continuation application, the applicant complied with the terms and conditions of any grant it received pursuant to this Subpart B.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 235.500 Terms of the Grant

In addition to meeting each of the requirements set forth in Section 235.70 of this Part, each grantee receiving funding for a Preschool for All Children program shall comply with the following terms and conditions of the grant.

- a) Each grantee is required to collaborate with its local Head Start program. Children currently enrolled or pre-enrolled in Head Start shall not be counted as potential students for the Preschool for All Children program nor recruited to be in the Preschool for All Children program.
- b) Each grantee with a program funded to serve primarily at-risk children shall be required to:
 - 1) enroll 51 percent or more of children who have been identified as being at risk of academic failure,
 - 2) give priority in enrollment to children identified as being at risk of academic failure over those children who are not academically at risk, and
 - 3) take specific proactive measures to ensure that the parents of children who may be academically at risk are made aware of the availability of the opportunity for participation in the Preschool for All Children program.

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- c) Any grantee that fails to enroll the required percentage of children (at least 51 percent) in the particular prioritization category for which the proposal was funded (i.e., at-risk status or income levels) shall have its grant award reduced proportionate to the decrease in percentage of such children enrolled.
- d) School district grantees with programs serving homeless children must comply with all applicable provisions of the McKinney-Vento Homeless Assistance Act. Non-school district grantees should, as much as possible, ensure that homeless children enrolled in their programs receive the support necessary for successful and continued participation, including, without limitation, arranging for appropriate transportation, when necessary in cases where such children move outside of the area served by the program during the grant period.
- e) Staff from the Illinois State Board of Education shall conduct an annual program review for each new project to ensure program quality, to assist in program improvement and to provide technical assistance.

(Source: Added at 30 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Monetary Award Program Plus (MAP Plus)
- 2) Code Citation: 23 Ill. Adm. Code 2734
- 3)

<u>Section Numbers:</u> 2742.10 2742.20 2742.30 2742.40	<u>Proposed Action:</u> New Section New Section New Section New Section
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- 4) Statutory Authority: Implementing Public Act 94-1056, effective July 1, 2006, new Section 39 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/39 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules govern the administration of the new Monetary Award Program Plus (MAP Plus). The rulemaking sets forth the applicant eligibility requirements, program procedures and institutional procedures
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate 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: Interested parties may submit comments in writing within 45 days after publication to:

Lynn Hynes

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

Executive Secretary
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 3117
email: lhynes@isac.org

- 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: None

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

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NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2734
MONETARY AWARD PROGRAM PLUS (MAP PLUS)

Section

2734.10	Summary and Purpose
2734.20	Applicant Eligibility
2734.30	Program Procedures
2734.40	Institutional Procedures

AUTHORITY: Implementing Section 39 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/39 and 20(f)].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 2734.10 Summary and Purpose

- a) The Monetary Award Program Plus (MAP Plus) provides grant assistance when students do not receive a MAP grant and to students whose families' adjusted gross incomes are less than \$200,000 in the applicable tax year. Students must be enrolled at an Illinois institution of higher learning approved to participate in the Monetary Award Program in order to receive the grant (23 Ill. Adm. Code 2735).
- b) This Part governs the Monetary Award Program Plus. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2734.20 Applicant Eligibility

- a) A qualified applicant shall be:
 - 1) a citizen of the United States or eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) enrolled at least half-time in a degree or certificate program (34 CFR 668.8) at the sophomore, junior, or senior class level as determined by the institution;

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- 4) enrolled at a MAP eligible institution;
 - 5) a non-recipient of a MAP grant for any term during the regular school year for which this grant is made available to students;
 - 6) a member of a family with an adjusted gross income of less than \$200,000 as listed on the Free Application for Federal Student Aid (FAFSA) for the applicable tax year; and
 - 7) maintaining satisfactory academic progress as determined by the institution.
- b) Eligibility is restricted to undergraduate students.
- 1) MAP Plus recipients must not have received a baccalaureate degree.
 - 2) Graduate students are not eligible for MAP Plus assistance. For purposes of this Part, an institution of higher learning shall classify as a "graduate student" any student who:
 - A) is enrolled in an academic program or course above the baccalaureate level that leads to any degree above the baccalaureate level; and
 - B) is not eligible to receive federal financial assistance (34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and
 - C) has completed the equivalent of at least three years of full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.

Section 2734.30 Program Procedures

- a) An applicant applies for a MAP Plus grant by using the form that the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)

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- 1) An applicant, spouse and/or parents of the applicant, as applicable, are required to submit financial information on the application regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans' or Social Security benefits). This information shall be kept confidential.
 - 2) A recipient must report to the institution all additional gift assistance, such as tuition waivers and scholarships.
 - 3) An applicant must file his/her application by the MAP Plus deadline date established by ISAC.
- b) The application must be complete at the time the grant is awarded.
 - c) MAP Plus awards are applicable only toward tuition and mandatory fees.
 - d) The maximum MAP Plus grant available to a qualified applicant is \$500 per year.
 - e) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal period, the recipient shall receive MAP Plus funds to pay for tuition and mandatory fee costs incurred.
 - f) MAP Plus grant payment is subject to the availability of funds and by the amounts appropriated to ISAC by the General Assembly. If funds are insufficient to pay all claims, grants will be awarded according to the date the completed applications were received, until funds have been expended.
 - g) It is the responsibility of MAP Plus recipients to gain admission to approved Illinois institutions of higher learning and institutions are not obligated to admit MAP Plus recipients. Illinois institutions of higher learning approved for participation in the Monetary Award Program are eligible to participate in MAP Plus.
 - h) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with subsection (d) and the following provisions:
 - 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the

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student's degree or certificate program at the student's institution of record.

- 2) The ISAC-approved institution of higher learning must record each semester/quarter in which the funds were or are to be used.
 - 3) An institution shall not request MAP Plus assistance for more than one regular school year for any one qualified applicant enrolled on at least a half-time basis.
- i) The MAP Plus grant shall not pay for audit courses, credit-by-examination and/or life experience, or noncredit course offerings (except qualifying remedial courses). Such course work cannot be used to meet the half-time requirement. Remedial courses shall be eligible for MAP Plus payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as a part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses are eligible for MAP Plus payment.

Section 2734.40 Institutional Procedures

- a) The MAP Plus grant must not exceed tuition and mandatory fees minus State and federal gift assistance that is restricted to paying tuition and mandatory fees.
- b) The institution of record shall submit claims for MAP Plus eligible students. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2734.20, Applicant Eligibility.
- c) MAP Plus grants are paid directly to the institution of record in two disbursements consisting of payments in an amount not to exceed \$250 each term.
- d) For any institution of higher learning that has concurrent registration opportunities, the following policy pertains:
 - 1) The recipient must indicate his/her institution of record on the MAP Plus application.
 - 2) The payment of the term award by ISAC will require the institution of record to receive MAP Plus payment on behalf of any other institutions and

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the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution.

- 3) Concurrent registration is limited to ISAC-approved institutions of higher learning.
- e) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP Plus benefits in accordance with Section 2734.30(h).
- f) If a recipient's enrollment changes for the following term, the institution shall only claim payment for the term for which the amount of tuition and mandatory fee expenses were incurred.
- g) MAP Plus grants are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient. ISAC will establish priority claim dates for the submission of payment requests and inform the institution of the required priority dates.
- h) Institutional Processing of Payments
 - 1) Within 30 days after and including the date of receiving payment of any MAP Plus funds claimed, the institution shall credit the MAP Plus funds against the recipients' tuition and mandatory fee charges for the appropriate terms.
 - 2) Institutions are required to reconcile payments received through MAP Plus and, as applicable, submit all necessary corrections to student records on a timely basis. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term unless ISAC has already deducted outstanding refunds from institutional payment requests during the applicable fiscal year. Billing errors, retroactive withdrawals and other miscellaneous reasons may cause refunds. Refunds showing as owed to ISAC must be remitted within 30 days after the end of the institution's regular school year. Should the payment arrive after the end of the regular school year, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.

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- 3) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than July 1.
- 4) Payment requests received after that date for the regular school year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

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- 1) Heading of the Part: Forensic Science Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2742
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2742.10	New Section
2742.20	New Section
2742.30	New Section
2742.40	New Section
- 4) Statutory Authority: Implementing Public Act 94-1020, effective July 11, 2006, in Section 65.80 and 947/65.80 and 20(f)].authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules govern the administration of the new Forensic Science Grant Program. The rulemaking sets forth the applicant eligibility requirements, program procedures and institutional procedures
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate 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: Interested parties may submit comments in writing within 45 days after publication to:

Lynn Hynes

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

Executive Secretary
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 3117
email: lhynes@isac.org

- 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: None

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2742
FORENSIC SCIENCE GRANT PROGRAM

Section

2742.10	Summary and Purpose
2742.20	Applicant Eligibility
2742.30	Program Procedures
2742.40	Institutional Procedures

AUTHORITY: Implementing Section 65.80 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.80 and 20(f)].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 2742.10 Summary and Purpose

- a) The Forensic Science Grant Program encourages graduate students to enter the field of forensic science and continue their careers as forensic scientists with the Illinois State Police (ISP). The career opportunity will take place in one of the specialty areas of forensic science that is considered a shortage specialty area.
- b) This Part governs the Forensic Science Grant Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2742.20 Applicant Eligibility

- a) A qualified applicant shall be:
 - 1) a United States citizen or eligible noncitizen;
 - 2) a resident of Illinois or will be residing in Illinois for other than a temporary or transitory purpose upon completion of the forensic science program;
 - 3) enrolled on a full-time basis at an Illinois institution of higher learning in a minimum one-year program that combines graduate education with

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training in a specific forensic discipline in a manner equivalent to the Illinois State Police's new examiner training program so as to prepare him or her to do casework; and

- 4) in compliance with all of the evaluation criteria required by the ISP for employment.

Section 2742.30 Program Procedures

- a) A completed ISAC application/ISP Employment Agreement and promissory note for the Forensic Science Grant Program must be received preceding the academic year for which the grant is being requested in order to receive priority consideration for an award.
- b) If, in any given year, the number of qualified applicants exceeds the amount of funds available, priority will be given according to the following criteria:
 - 1) students demonstrating exceptional merit according to their cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale; and
 - 2) grant recipients under the Forensic Science Grant Program during the previous academic year shall receive first priority consideration provided the student:
 - A) maintains his or her status as a qualified applicant;
 - B) maintains satisfactory academic progress as determined by the institution; and
 - C) submits all necessary documentation on a timely basis.
- c) If all other criteria are equal, priority consideration will be given to the applicant who submitted his or her completed application on the earliest date.
- d) A recipient may receive the equivalent of two academic years of award assistance under this Part.
- e) Awards are applicable for full-time study during any academic year.

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- f) The total number of grants in a given fiscal year is contingent upon available funding.
- g) To the extent necessary to administer this program within the limits of the State appropriation, ISAC may adjust the priority consideration factors established by this Section.
- h) Each qualified applicant who is selected to receive a Forensic Science Grant shall be notified.
- i) ISAC shall publish guidelines for the awarding of Forensic Science Grants.
- j) Prior to receiving grant assistance for any academic year, the qualified applicant must sign an ISP Employment Agreement/Promissory Note that is submitted to ISAC. The ISP Employment Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to be employed in Illinois by the ISP as a forensic scientist in a designated specialty area under the guidelines of the ISP for a period of not less than four years as required for receiving an award under this Part;
 - 2) the recipient shall begin employment with the ISP within one year following termination of the academic program (unless circumstances prohibit ISP from hiring program participants), and shall maintain employment on a continuous basis for the required period of four years;
 - 3) if the recipient does not fulfill the requirement to work as a forensic scientist in a designated specialty area for the ISP, the grant converts to a loan and the recipient must repay the entire amount of the grant, prorated according to the fraction of the obligation not completed, plus interest at a rate of 5% and, if applicable, reasonable collection fees;
 - 4) the recipient agrees to provide ISAC with evidence of compliance with program requirements; and
 - 5) the recipient promises to use the proceeds awarded for educational expenses related to his or her education and any cost deemed necessary by the ISP and or the institution of higher learning to complete training.

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- k) If deemed necessary by the ISP, the recipient shall sign an affidavit regarding participation and conduct.
- l) A recipient of the grant under this Part shall not be in violation of the agreement entered into pursuant to subsection (j) during periods in which 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 a specific forensic discipline equivalent to the ISP's new examiner training program at an approved institution. This must be for one continuous period of time, not to exceed one year, following graduation;
 - 3) is temporarily totally disabled for not more than three years, as established by the sworn affidavit of a qualified physician; or
 - 4) meets all required qualifications and is actively seeking but unable to be employed as a forensic scientist with the ISP for one continuous period and provides evidence of that fact.
- m) If a recipient is required to repay any portion of the grant, the repayment period shall be completed within ten years after the grant converts to a loan. This ten-year period 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 a graduate or doctoral program at an approved institution for one continuous period of time, not to exceed one year, following graduation;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or
 - 4) is seeking but unable to find full-time employment for one continuous period not to exceed two years and provides evidence of that fact.

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- n) During the time a recipient qualifies for any of the extensions listed in subsection (m), he or she shall not be required to make payments and interest shall not accrue.
- o) 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 certification as a forensic scientist;
 - 2) the date the recipient informs ISAC that she or he does not plan to fulfill the contractual agreement; or
 - 3) the day after the latest date upon which the recipient must have begun service with the ISP as a forensic scientist after termination of the education for which the grant was awarded.
- p) A recipient shall not be required to repay the amount of the proceeds received if she or he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a certified death certificate.

Section 2742.40 Institutional Procedures

- a) The institution shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2742.20, Applicant Eligibility.
- b) Funds shall be remitted by ISAC annually to participating institutions on behalf of the recipients.
- c) The total amount awarded to a qualified applicant in a given academic year shall not exceed \$30,000, to cover those expenses related to the forensic science program in which he or she is enrolled.
- d) Upon receipt of the funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 1) Heading of the Part: Nurse Educator Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2766
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2766.10	New Section
2766.20	New Section
2766.30	New Section
2766.40	New Section
- 4) Statutory Authority: Implementing Public Act 94-1020, effective July 11, 2006, and authorized by Sections 5 and 15 of the Nurse Educator Assistance Act [110 ILCS 967/5 and 15].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules govern the administration of the new Nurse Educator Scholarship Program. The rulemaking sets forth the applicant eligibility requirements, program procedures and institutional procedures
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate 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: Interested parties may submit comments in writing within 45 days after publication to:

Lynn Hynes

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

Executive Secretary
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 3117
email: lhynes@isac.org

- 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: None

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2766
NURSE EDUCATOR SCHOLARSHIP PROGRAM

Section

2766.10	Summary and Purpose
2766.20	Applicant Eligibility
2766.30	Program Procedures
2766.40	Institutional Procedures

AUTHORITY: Implementing and authorized by Sections 5 and 15 of the Nurse Educator Assistance Act [110 ILCS 967/5 and 15].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 2766.10 Summary and Purpose

- a) The Nurse Educator Scholarship Program is designed to attract capable and promising students to the nursing educator profession. Increasing the number of instructors will allow more students to be educated in the field of nursing. This scholarship also provides an opportunity for individuals interested in making a career change to the nurse educator profession.
- b) This Part governs the Nurse Educator Scholarship Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2766.20 Applicant Eligibility

- a) A qualified applicant shall be:
 - 1) a resident of Illinois;
 - 2) a United States citizen or eligible noncitizen;
 - 3) a recipient of at least a bachelor's degree;

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 4) enrolled or accepted for enrollment on at least a half-time basis in an approved program of professional or practical nursing education at the graduate level at an Illinois institution of higher learning; and
- 5) maintaining satisfactory academic progress as determined by the institution.

Section 2766.30 Program Procedures

- a) All applicants must complete and file the form the U.S. Department of Education (ED) designates as an application/promissory note for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC), which is used as a selection criterion for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)
- b) A completed ISAC application for the Nurse Educator Scholarship Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.
 - 1) Applications are available at qualified institutions of higher learning, ISAC's web site, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will make renewal applications available to all qualified students who were awarded assistance under this Part during the preceding year.
 - 3) If the application is incomplete, ISAC will notify the appropriate party. The applicant will then have an opportunity to furnish the missing information. However, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- c) No recipient may receive scholarship assistance under this program for more than the equivalent of 8 semesters/16 quarters of full-time enrollment.
- d) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:

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- 1) Cumulative grade point averages will be prioritized from highest to lowest. All grade point averages will be converted to a four-point scale; and
 - 2) Expected Family Contribution (EFC), from the lowest to the highest.
- e) Recipients of assistance under this Part during the previous academic year shall receive first priority consideration provided the student:
- 1) Maintains his or her status as a qualified applicant, as outlined in Section 2766.20(a) of this Part, Applicant Eligibility.
 - 2) Maintains satisfactory academic progress as determined by the institution.
 - 3) Has submitted an application on a timely basis.
- f) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.
- g) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
- 1) the recipient pledges to work as an educator in an approved program of professional nursing education in Illinois or an approved program of practical nursing education in Illinois, as certified by an authorized individual at the approved Illinois institution, for a period of not less than five years;
 - 2) the recipient shall begin teaching as a nurse educator within one year following the termination of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required five year period of time;
 - 3) the teaching requirement will be fulfilled in an approved program of professional nursing education in Illinois or an approved program of practical nursing education at an approved institution in Illinois that prepares students for careers as practical or professional nurses;

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- 4) if the teaching requirement is not fulfilled, the proceeds received convert to a loan and the recipient must repay the entire amount prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use all proceeds received for educational expenses.
- h) A recipient of funds awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (g) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is actively seeking but unable to find employment as a nurse educator at an approved Illinois institution for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 4) is taking additional courses, on at least a half-time basis, needed to obtain certification in a nursing educator program in Illinois.
- i) If a recipient is required to repay any portion of the proceeds received, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period 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 temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;

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- 3) 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;
 - 4) withdraws from a course of study leading to certification as a nursing educator, but is enrolled full-time in another academic discipline not to exceed three years; or
 - 5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.
- j) During the time a recipient qualifies for any of the extensions listed in subsection (i), he or she shall not be required to make payments and interest shall not accrue.
- k) 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 certification as a nursing educator, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the nurse educator program for which the funds were awarded.
- l) A recipient shall not be required to repay the amount of the proceeds received if he or she becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a certified death certificate.

Section 2766.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified and certified applicants in sufficient time for ISAC to make award announcements.
- b) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term

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must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

- c) ISAC shall disburse funds in two or three installments, depending on the number of terms financed by the award, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the funds are being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of the funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution shall then credit the funds to the recipient's account for tuition and fees due and payable. Upon receipt of the funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the payment to ISAC.
- f) Award Amount:
 - 1) Nurse educator scholarships are applicable toward tuition and fees.
 - 2) A recipient attending a public institution in Illinois shall receive a scholarship that shall not exceed the cost of tuition and fees at that institution.
 - 3) A recipient attending a private institution in Illinois may receive a scholarship sufficient to pay the cost of tuition and fees, provided the award does not exceed the maximum amount payable to a student enrolled in the most expensive comparable program of study at a public institution.
 - 4) A qualified applicant will also receive a stipend of not more than \$10,000 for full-time enrollment. The stipend will be used to cover the cost of attendance, including living expenses. Stipends for recipients enrolled less than full-time will be prorated according to the credit hours taken.
 - 5) The total amount of nurse educator assistance awarded to a qualified applicant in a given academic year, when added to the other financial aid

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available to the qualified applicant for that year, cannot exceed the cost of attendance.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Minimum Safety Standards for Construction of Type I School Buses
- 2) Code Citation: 92 Ill. Adm. Code 440
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
440.160	New Section
440.410	Repeal
440.420	Amend
440.510	Repeal
440.520	Amend
- 4) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Article VIII]
- 5) A complete description of the subjects and issues involved: By this Notice, the Department is proposing to amend this Part pursuant to 625 ILCS 5/12-815.2 that requires school buses manufactured on or after January 1, 2006 to be equipped with a noise suppression switch capable of turning off noise producing accessories. Those accessories include, but are not limited to, heater blowers, defroster fans, auxiliary fans and radios. The requirements for the noise suppression switch are being included in Section 440.420(vv), wiring.

The Department is also proposing to repeal Sections 440.410 and 440.510, Incorporation by Reference of Federal Motor Vehicle Safety Standards, and combine them into one new Section at Section 440.160. The new Section will incorporate by reference the 2005 edition of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.1 through 49 CFR 571.404), the federal standards governing certification of vehicles (49 CFR 567) and the federal standards for vehicles manufactured in two or more stages (49 CFR 568). The new Section will also incorporate by reference the 2005 edition of the Society of Automotive Engineers (SAE) Standards and Recommended Practices.

In addition, the Department is proposing to update, clarify, and correct standards throughout this Part. The following standards are being updated at Sections 440.420 and 440.520:

Color and Paint – Adding an exception at Section 440.420(g)(9) to allow yellow retroreflective tape to be located on a rear bumper or rub rail.

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Emergency Exits – Adding an exception at Section 440.420(j)(2) to allow yellow retroreflective tape to be located on a rear bumper or rub rail.

Heaters – Adding a new subsection at Section 440.420(p)(4) to provide standards for auxiliary fuel-fired heating systems.

Lamps and Signals – Adding a statement at Section 440.420(s) declaring that Light Emitting Diodes (LED) lights that meet either FMVSS or SAE Standards/Recommended Practices are acceptable equipment on school buses manufactured for use in Illinois.

Interior Lighting and Side Turn Signals – Clarifying language at Section 440.420(s)(2) and (s)(4) for consistency with provisions on side turn signals that requires buses that are designed to transport 33 or more passengers to be equipped with two interior lamps and side turn signals.

Lettering – Amending a requirement at Section 440.420(t)(1) that prohibits all signs, numbers or lettering not required by statute or permitted by the this Part from being displayed on both the exterior and interior of the bus. Prior to this amendment, signs, numbers or lettering, not required or permitted, were allowed on the interior of the bus provided they were not visible from the exterior of the bus. Adding an optional provision that allows vehicle identification numbers to be located on the roof top of a school bus.

Seat Belt, Driver – Updating terminology at Section 440.420(dd)(1) by replacing an automatic locking type retractor with an emergency locking type retractor.

Steps, Body Front – Providing an exception at Section 440.420(gg) for Type I-A school buses concerning a front body step that is used for washing the bus' windshield. The Type I-A bus does not have the same front end as a standard Type I school bus. The windshield is more accessible on a Type I-A school bus which makes the step unnecessary.

Stop Signal Arm Panel – Deleting Section 440.420(hh)(2) that requires the panel to be 16-guage metal which conflicts with the incorporated federal standard that does not require 16-guage metal or its equivalent. Deleting language that allowed stop signal arm panels to be operated either manually or mechanically. Newly manufactured buses are always equipped with mechanically-operated stop signal arm panels and manually operated panels are no longer offered by school bus manufacturers. The option is no longer necessary in this Part.

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Warning Devices – Correcting language at Section 440.420(nn) to clarify provisions regarding optional emergency warning devices pursuant to 625 ILCS 5/12-702 (a) and (c).

Wiring – Adding a requirement at Section 440.420(vv) for a noise suppression switch pursuant to 625 ILCS 5/12-815.2. Including electronic circuit protection as an option in the requirement that each circuit be protected by either a separate fuse or a circuit breaker.

Instruments – Replacing "ammeter" at Section 440.520(n) with the correct term "ampere meter" and adding "volt meter" as synonymous with "ampere meter."

Throughout this rulemaking, the Department is correcting statutory citations to the Illinois Vehicle Code. The Department is also updating and correcting references to the SAE Standards and Recommended Practices pursuant to the most recent standard dates provided in the 2005 edition of SAE Standards and Recommended Practices.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed 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 party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

217/785-3031

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764

217/782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking will affect small businesses that manufacture Type I school buses for use in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are necessary for compliance with this rulemaking.
- C) Types of professional skills necessary for compliance: No new or additional skills are necessary for compliance with this rulemaking.

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NOTICE OF PROPOSED AMENDMENTS

14) Regulatory Agenda on which this rulemaking was summarized: July 2006

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 440

MINIMUM SAFETY STANDARDS FOR CONSTRUCTION
OF TYPE I SCHOOL BUSES

SUBPART A: INTRODUCTION

Section	
440.10	Order
440.20	Guidelines
440.30	Responsibilities

SUBPART B: GENERAL

Section	
440.110	Purpose
440.120	Scope
440.130	Applicability
440.140	Effective Date
440.150	Quantified Requirements
<u>440.160</u>	<u>Incorporation by Reference</u>

SUBPART C: DEFINITIONS

Section	
440.205	Dictionary Used
440.210	Federal Definitions
440.220	State Definitions

SUBPART D: CERTIFICATION

Section	
440.305	Certification by Manufacturer
440.310	Federal Standards
440.320	State Standards

SUBPART E: BODY REQUIREMENTS

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Section

- 440.405 Conformance to the Requirements
440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards
(Repealed)
440.420 State Requirements

SUBPART F: CHASSIS REQUIREMENTS

Section

- 440.505 Conformance to the Requirements
440.510 Incorporation by Reference of Federal Motor Vehicle Safety Standards
(Repealed)
440.520 State Requirements

- 440.ILLUSTRATION A Hexagon Shaped Stop Signal Arm (Repealed)
440.ILLUSTRATION B Octagon Shaped Stop Signal Arm Panel
440.ILLUSTRATION C Exhaust Discharge Prohibited Zones
440.APPENDIX A Federal Motor Vehicle Safety Standards (FMVSS) and Related Regulations (Repealed)
440.APPENDIX B First Aid Kit Requirements (Referred to in Section 440.420(l) (Repealed))
440.APPENDIX C Specification Sheet Reflective Material – Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)

AUTHORITY: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII].

SOURCE: Filed June 20, 1977; amended at 6 Ill. Reg. 7147, effective June 2, 1982; codified at 8 Ill. Reg. 15502; amended at 11 Ill. Reg. 15947, effective September 21, 1987; amended at 12 Ill. Reg. 8463, effective May 3, 1988; amended at 16 Ill. Reg. 1655, effective January 14, 1992; amended at 17 Ill. Reg. 3530, effective March 2, 1993; amended at 18 Ill. Reg. 14764, effective September 20, 1994; amended at 22 Ill. Reg. 19354, effective October 15, 1998; expedited correction at 23 Ill. Reg. 5918, effective October 15, 1998; emergency amendment at 24 Ill. Reg. 4993, effective March 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12111, effective July 31, 2000; emergency amendment at 24 Ill. Reg. 16391, effective October 20, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3307, effective February 20, 2001; amended at 26 Ill. Reg. 3219, effective February 19, 2002; amended at 30 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Section 440.160 Incorporation by Reference

- a) Each bus body and chassis must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.1 through 571.404). Those applicable provisions of the FMVSS are incorporated by reference as that part of the FMVSS was in effect on October 1, 2005. No later amendments to or editions of 49 CFR 571 are incorporated.
- b) Each bus body and chassis must conform to the applicable provisions of 49 CFR 567, Certification, and 49 CFR 568, Vehicles Manufactured in Two or More Stages, that were in effect on the first day of the month in which the chassis manufacturer completed the last manufacturing operation on the incomplete bus. Those applicable provisions are incorporated by reference as they were in effect on October 1, 2005. No later amendments to or editions of 49 CFR 567 and 49 CFR 568 are incorporated.
- c) Each school bus must conform to the applicable Standards and Recommended Practices of the Society of Automotive Engineers Handbook. Those applicable provisions of the SAE Standards and Recommended Practices are incorporated by reference as of the 2005 edition date. No later amendments to or editions of the SAE Standards and Recommended Practices are incorporated.
- d) Copies of the above materials incorporated by reference are available for inspection at the Division of Traffic Safety, 3215 Executive Park Drive, 3rd Floor, Springfield, Illinois 62703 or by calling (217)785-1181. The federal standards are available on the National Archives and Records Administration's website at <http://ecfr.gpoaccess.gov>. The Division of Traffic Safety's rules are available on the Department's website at <http://www.dot.il.gov/regulations.html>.

(Source: Added at 30 Ill. Reg. _____, effective _____)

SUBPART E: BODY REQUIREMENTS

Section 440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards (Repealed)

- a) ~~Each bus body must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.101 through 571.304). Those applicable provisions of the FMVSS are incorporated by reference as that Subpart~~

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~~of the FMVSS was in effect on October 1, 2000. No later amendments to or editions of 49 CFR 571.101 through 571.304 are incorporated.~~

- b) ~~Each school bus must conform to the applicable standards of the Society of Automotive Engineers Handbook (SAE) (Volume 2 Section 15-26). Those applicable provisions of the SAE standards are incorporated by reference as of the 1998 edition date. No later amendments to or editions of the SAE standards are incorporated.~~

(Source: Repealed at 30 Ill. Reg. _____, effective _____)

Section 440.420 State Requirements

Except for mirrors, which may project 153 mm (6") beyond each side of the bus, a school bus shall not exceed 2.44 m (8 feet) in width, 4.12 m (13 feet 6 inches) in height, nor 12.81 m (42 feet) in length. (Sections 15-102, 15-103 and 15-107 of the Code)~~[625 ILCS 5/15-102, 15-103 and 15-107]~~ Each bus body shall be constructed so as to preclude road splash, road dust, or the bus engine's fumes or gas entering either the driver, passenger, or service entrance space through any joint, crack, hole, or opening other than an opened door or window. In addition, various portions of the bus body shall conform to the requirements set forth under the following subsections.

- a) **Aisle.** An aisle, easily negotiated ("easily negotiated" means that an aisle meets the dimension requirements set forth in this subsection from front of bus to back of bus) and free of tripping hazards ("tripping hazards" are tears, wrinkles and other imperfections in the floor covering material, or the floor itself causing the walking surface to be uneven), shall extend from the forward edge of the service entrance stairway to the emergency door in the rear of the bus or, when such door is absent, to the forward edge of the rearmost seat. This aisle shall be no less than 305 mm (12") wide at every location between floor covering and the top of each seat cushion and, in a bus manufactured in July 1987 or later, shall be no less than 380 mm (15") wide at and above a level 50 mm (2") below the top of any seat back. At least 1.75m (68.9") floor-to-ceiling height shall be provided above the entire required width of this aisle between the forward edge of the rearmost seat and the forward edge of the service entrance stairway. A dedicated aisle that conforms to 49 CFR 571.217 may be adjacent to any side emergency door.
- b) **Battery.** Either one battery or two or more suitably connected batteries may be installed.

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- 1) When rated in conformance with SAE Standard J537 [\(September 2000\)](#) the battery(s) shall provide a current flow for engine cranking no less than the engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18° C (0° F) or, at the purchaser's option, at -29° C (-20° F).
 - 2) When rated in conformance with SAE Standard J537 [\(September 2000\)](#) the battery(s) shall provide a Reserve Capacity (duration of 25 ampere current flow) at 27° C (80° F) no less than 135 minutes.
- c) Battery Carrier. When the battery is mounted outside the engine compartment it shall be attached securely in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by an adequate manually operated latch(es) or other fastener(s). Each electrical cable connecting the battery(s) in this carrier to the body or chassis shall be one-piece between the battery terminal connector and the first body or chassis terminal connector.
- d) Bumper, Rear. The rear bumper shall be of channel type cross section with the top edge at least 225 mm (8.9") above the bottom edge, shall be formed from rolled steel at least 4.55 mm (.18") thick, and shall wrap around the rear corners of the body to a point at least 300 mm (11.8") forward of the rearmost point of the body at floor line. The rear bumper shall be attached to the chassis frame with provisions for removal by means of commonly available hand tools and the prevention of hitching-to or riding thereon. The rear bumper shall be of sufficient strength to permit the bus being pushed by another vehicle without permanent distortion.
- e) Capacity, Passenger. *The vehicle maximum passenger capacity recommended by the manufacturer of the bus shall be based upon a provision for 13 inches of seating space for each passenger, exclusive of the driver.* [\(Section 12-802 of the Code\)](#)~~[625 ILCS 5/12-802]~~ Examples: A seat 990 mm (39") in width provides 3 passenger spaces; A seat 985 mm (38.8") in width provides 2 passenger spaces; A device resembling a seat but less than 330 mm (13") in width would not provide a passenger space. Neither a space not conforming to FMVSS 222 nor the driver's space shall be counted as a passenger space. However, any space used for transporting an orthopedically challenged passenger shall be counted as a passenger space when computing passenger capacity to be displayed on the exterior of the bus as required in subsection (t)(7).

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- f) Certificate and Registration Card Holder. At least 1 card holder with a transparent face no less than 150 mm by 100 mm (5.9" by 3.9") shall be securely affixed to the interior header panel out of the students' easy reach.
- g) Color and Paint, Exterior. *The exterior of each school bus shall be national school bus glossy yellow except as indicated in subsections (g)(1)-(6):*
- 1) *The rooftop may be white.* Optional white roof shall terminate at any point from top of drip rail to 6" above drip rail. The front and rear roof caps shall remain national school bus glossy yellow.
 - 2) *Body trim, rub rails, lettering other than on a stop signal arm and bumpers shall be glossy black* (Federal Standard No. 595a, glossy black enamel No. 170381).
 - 3) *Lettering on a stop signal arm shall be white on a red background.*
 - 4) *The hood and upper cowl may be lusterless black (595a, 37038) or lusterless school bus yellow.*
 - 5) *Grilles on the front, lamp trim and hubcaps may be a bright finish.* Wheels and rims may be black or gray.
 - 6) *The name or emblem of a manufacturer may be colorless or any color.*
 - 7) *The exterior paint of any school bus shall match the central value, hue and chroma set forth in this Part. [\(Section 12-801 of the Code\)](#)~~[625 ILCS 5/12-801]~~*
 - 8) Each opening for a required emergency exit window or door must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. All retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Emergency roof exits may be outlined in either yellow or white retroreflective tape.
 - 9) Yellow retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape, or, provided rivets are present that prohibit the tape from being applied properly. ~~Yellow~~

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~~retroreflective tape can be located on the rear bumper provided the space between the top of the bumper and the bottom of the rear emergency exit door is not adequate to accommodate the tape.~~

AGENCY NOTE: To be certain of glare reduction, a purchaser should specify a lusterless paint.

- h) Crossing Control Arm:
- 1) Must meet or exceed SAE [Recommended Practice J1133 \(November 2004\)](#).
 - 2) Must be capable of full operation between, and including, the temperatures ~~-40°-degrees~~ F and ~~160°-degrees~~ F.
 - 3) The arm, when activated, must extend a minimum of five feet from the front face of the bumper.
 - 4) The arm must be mounted on the far right side (entry side) of the front bumper.
 - 5) Appropriate brackets shall be used to attach the arm to the front bumper for proper operation and storage.
 - 6) All component parts must meet or exceed any applicable federal motor vehicle safety standards in effect at the time of manufacture.
 - 7) The arm must extend at the same time the stop arm panel extends. An independent "on/off" switch is prohibited.
 - 8) If the driver can stop the arm from extending with the use of an optional override switch, the arm sequence must automatically reset once the service door is closed.
 - 9) Red lights and/or red reflectors are prohibited.
- i) Defrosters. Defrosting equipment shall be installed so as to help keep the window to the left of the driver and the glass in the service door clear of fog or frost. This defrosting equipment shall conform to those FMVSS 103 (49 CFR 571.103) performance requirements that are applicable to school bus windshields.

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- j) Emergency Exits. All emergency exits shall conform to the applicable requirements of FMVSS 217 (49 CFR 571.217).
- 1) Each emergency exit shall be equipped with an interior opening device that may be quickly released but that is designed to offer protection against accidental release. Each exterior release handle must be nonhitchable.

AGENCY NOTE: "Nonhitchable" is defined as the rear of the bus being designed and maintained to prevent or discourage riding or grasping rear of bus so as to "hitch" rides.
 - 2) Each opening for a required emergency exit window or door must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. All retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Yellow retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape, or, provided rivets are present that prohibit the tape from being applied properly. Emergency roof exits may be outlined in either yellow or white retroreflective tape.
 - 3) Both audible and visible alarms shall alert the driver when the engine is running and any emergency exit door either:
 - A) Is not fully latched, or
 - B) Is locked and not readily operated manually.
 - 4) An audible alarm shall alert the driver when the engine is running and any emergency exit window either:
 - A) Is not fully latched, or
 - B) Is locked and not readily operated manually.
 - 5) The engine starting system shall not operate while any emergency exit door or window (optional or required) is locked from either inside or outside the bus. "Locked" means that the release mechanism cannot be

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activated and the exit cannot be opened by a person at the exit without a special device such as a key or special information such as a combination.

6) An alarm cut-off or "squelch" control is prohibited.

7) Exception: No alarm is required for roof hatches.

k) Fire Extinguisher (Optional)~~extinguisher~~.

AGENCY NOTE: At least one fire extinguisher must be carried in each school bus transporting pupils but the purchaser may elect to install an extinguisher that conforms to the requirements below after the bus is purchased.

The fire extinguisher shall be of the dry chemical type, with pressure gauge, mounted in a quick-release bracket of automotive type located in view of and readily accessible to the driver, except when carried in the locked compartment authorized under subsection (u) below. The fire extinguisher shall be of a type approved by the Underwriters' Laboratories, Inc., with a rating not less than 10-BC. The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher. Halon fire extinguishers (10-BC) are approved.

l) First-Aid Kit (Optional).

AGENCY NOTE: A first aid kit must be carried in each school bus transporting pupils but the owner may elect to install a kit that conforms to this subsection after the bus is purchased.

1) The first aid kit must be readily identifiable and readily accessible to the driver. The kit must be dust tight and substantially constructed of durable material. If the kit is not carried in the locked compartment as authorized in subsection (u)(2), it must be in view of the driver.

2) The first aid kit must include, but is not limited to, the following:

A) 4" bandage compress – 2 packages

B) 2" bandage compress – 2 packages

C) 1" bandage or adhesive compress – 1 package

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- D) 40" triangle bandage with two safety pins – 1
- E) Splint, wire or wood – 1
- 3) A tourniquet or any type of ointment, antiseptic or other medicine cannot be included.
- m) Floor Covering.
- 1) All portions of the floor that come in contact with passengers' or driver's footwear shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.
- 2) The floor covering in the aisles and entrance area shall be of non-skid, wear-resistance type material commonly used in commercial passenger transportation vehicles.
- n) Fuel System. The fuel system shall conform to all applicable provisions of FMVSS 301 (49 CFR 301).
- o) Glazing Materials.
- 1) The following applies to glazing on Type I school buses:
- A) Laminated safety glass is optional on Type I school buses. All applicable provisions of FMVSS 205 (49 CFR 205) apply to the optional laminated safety glass and also to any plastic material(s) used in multiple-glazed unit, including meeting the pertinent tests indicated below, that are specified in ANSI Standard Z26.1-1996, Z26.1a-1996, and are grouped in Table No. 1 of that Standard. Glazing shall be identified as shown below.

Glazing installed in:	Shall meet tests grouped in Z26.1 Table No. 1 under:	Shall bear one of the following identification markings:
Windshield	Item 1, either	AS 1 Glass;

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laminated glass or
multiple glazed unit.

Window or door forward of rearmost location of driver's seat back	AS 1 Glass; or AS 2 Glass
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All Other locations	AS 1 Glass, or AS 2 Glass, or AS 3 Glass
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B) In addition, any exposed plastic layer of a multiple glazed unit shall be identified in conformance with FMVSS 205 (49 CFR 571.205).

- 2) All glazing shall be installed so the identification markings are legible.
- 3) All glazing in the rear of the bus, except a rear emergency exit window, shall be the fixed type.

p) Heaters.

- 1) An interior temperature of not less than 10° ~~degrees~~ Celsius (50° ~~degrees~~ F) shall be maintained throughout the bus while the bus is moving at 75 kilometers per hour (46.6 miles per hour) in calm air at the average minimum January temperature, as established by the Weather Bureau, U.S. Department of Commerce, for the area in which the bus is to be operated.
- 2) Each heater shall bear a nameplate that shall identify the heater manufacturer and state the heater capacity rating when tested as recommended in SAE Recommended Practice J638 (November 1998), or when tested in accordance with other nationally recognized standard or code. The recommended practice, standard, or code under which the heater is rated shall be identified on the nameplate. Such nameplate shall constitute certification by the heater manufacturer that the heater performance is as shown on the plate.
- 3) Heater hoses shall be supported so as to prevent wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall

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neither interfere with nor restrict the operation of any engine function (such as an emission or ignition control mechanism). Heater hoses shall be protected or baffled between the point at which they enter the passenger compartment and the point of attachment to the heater so that, in the event of hose rupture or disconnection, passengers and/or driver will not be subject to hot water burns.

- 4) Auxiliary fuel-fired heating systems are permitted, provided they comply with the following:
- A) The auxiliary heating system fuel shall utilize the same type of fuel as specified for the vehicle engine;
 - B) The heater or heaters may be direct hot air or connected to the engine's coolant system;
 - C) An auxiliary heating system, when connected to the engine's coolant system, may be used to preheat the engine coolant or preheat and add supplementary heat to the bus's heating system;
 - D) Auxiliary heating systems must be installed pursuant to the manufacturer's recommendations and shall not direct exhaust in such a manner that will endanger bus passengers. The auxiliary heating system must not direct exhaust into any portion of the prohibited zone as shown in Illustration C of this Part;
 - E) Auxiliary heating systems that operate on diesel fuel shall be capable of operating on:
 - i) a hot water and/or combustion type heater; or
 - ii) if only one heater is used, a fresh-air or combination fresh-air and recirculation type heater; or
 - iii) blended diesel fuel without the need for system adjustment; and
 - F) The auxiliary heating system shall be low voltage.
- q) Heater Hose Connections at Engine. Each heater hose connection to the engine

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shall include a shutoff valve located as close to the engine as practical. Such connection and valve shall not interfere with any engine function whether closed, partially open, or fully open, with heater hoses installed properly.

- r) Interior.
- 1) Thermal and acoustic material(s) shall be installed in the ceiling and the sides of the body to reduce heat transfer and the interior noise level.
 - 2) The passenger compartment of the bus, including the ceiling, shall be free of any visible or concealed projections likely to cause injury. Exposed lapped joints shall be connected and/or treated to reduce likelihood of injury from exposed edges. Materials or components in the passenger compartment located within 59 inches from the floor shall be free of any sharp corner or projections or shall be padded so as to make injury unlikely.
- s) Lamps and Signals. Light Emitting Diode (LED) lamps that meet applicable FMVSS or SAE Standards or SAE Recommended Practices are acceptable.
- 1) Alternately Flashing Signal Lamps. Each bus shall be equipped with an eight lamp alternately flashing signal system that conforms to S45.1.4.(b) of FMVSS 108 (49 CFR 571.108) and Section 12-805 of the Code~~625 ILCS 5/12-805~~. A separate circuit breaker and a master switch shall be provided for this signal system. When in its "off" position, this master switch shall prevent operation of the eight lamp system; shall prevent operation of any lamps mounted on the stop signal arm panel required under subsection (hh); and shall prevent operation of any electrically controlled mechanism that would cause the stop signal arm panel to extend. The controls for the eight lamp flashing signals, the stop signal arm panel, and the service entrance door shall be arranged so as to provide for the following sequence of operations while the engine is running:
 - A) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door. Actuate the alternately flashing signal system hand or foot control. The alternately flashing signal lamps of either yellow (amber) or red color shall not go on.
 - B) With the master switch "off" and the hand or foot control actuated,

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- open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm panel shall not extend.
- C) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Then open the service door. The alternately flashing signal lamps of either color shall not go on and the stop signal arm panel shall not extend.
- D) Close and secure the service door. Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.
- E) Desecure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm panel shall extend.
- F) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- G) Close but do not secure the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- H) Open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- I) Close and secure the service door. The red pilot and red signals shall go off and the stop arm shall retract.
- J) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.
- 2) Interior Lighting. At least the white nosings of the service entrance steps (subsection (ee)(3)), the floor around the stepwell, the entire aisle, and each emergency door and emergency exit shall be illuminated by lamp(s) emitting a white light. For buses designed to transport 33 or more passengers, at least two interior illumination lamps shall be installed in a bus that provides 330 mm (13") of seating width for each of 33 or more

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~~passengers~~. At least the nosings of the service entrance steps and the floor around the stepwell shall be illuminated automatically by opening of the service door. No lamp shall be installed at or near the eye level of a pupil moving through the service entranceway to the aisle unless such lamp does not shine directly into the eye(s) of any such pupil.

- 3) Rear Turn Signals. Yellow turn signal lamps shall be mounted on the rear as far apart as practical and as high as practical but below the rear window. The effective projected illuminated area of these turn signal lamps shall be no less than required for the yellow alternately flashing signal lamps required under subsection (s)(1), ~~above~~; i.e., .0122 m² (19 in²).
- 4) Side Turn Signals. Two yellow side turn signal lamps conforming to SAE ~~Standard Recommended Practice~~ J914 (July 2003)a, January 1995, shall be installed on each bus ~~designed to transport 33 or more passengers, of more than 32 passenger seating capacity.~~ Except as ~~provided~~indicated in this subsection ~~(s)(4)~~, this SAE Standard shall be read as setting forth mandatory requirements. The lamps shall be "armored" and mounted on the body between the rub rails required under subsection (bb). The right lamp shall be within 1 m (39.4") of the rear of the service entrance but, on a forward control bus, not forward of the front axle. The left lamp shall be approximately the same distance from the front bumper as the right lamp.
- 5) Stop Signals. Red stop lamps shall be mounted on the rear as far apart as practical but closer to the vertical centerline of the bus than the rear turn signal lamps required under subsection (s)(3), and at the same height as those turn signal lamps. The effective projected illuminated area of these stop lamps shall be no less than required for the red alternately flashing signal lamps required under subsection (s)(1); i.e., .0122 m² (19 in²).
- 6) Strobe.
 - A) *One per bus;*
 - B) *Shall emit white or bluish-white light;*
 - C) *Shall be visible from any direction;*
 - D) *Shall flash 60 to 120 times per minute;*

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- E) *Shall be visible in normal sunlight;*
- F) *Mounted at or behind center of rooftop and equal distance from each side. Distance from rear will be calculated by measuring height of filament and multiplying same by 30 inches (i.e., filament height measured from the base of the strobe x 30 = distance from rear of bus where lamp is to be located). (Section 12-815 of the Code)*
- G) If a roof exit, air conditioner, or the size of the bus interferes with the placement of a strobe as required by (s)(6)(F), the strobe can be placed to the rear of the roof exit or air conditioner as near as practicable above the rear axle, horizontally centered between the rear tires.
- t) Lettering.
- 1) General. Except where otherwise required or allowed, lettering on the exterior of the body shall be black against a national school bus glossy yellow background. All required letters and numerals shall conform to Series "B", or heavier series, of the Standard Alphabets for Highway Signs issued by the Federal Highway Administration, Washington, D.C. 20591. Decals may be used instead of paint. Signs, numbers, or letterings, other than those either required by [Section 12-802 of the Code](#) or required or permitted by [this Part](#) ~~these standards~~ shall not be affixed permanently on either the exterior or the interior of the bus ~~or the interior glazing so as to be visible to the outside~~. Interior lettering shall contrast with its background.
 - 2) The words "SCHOOL BUS" shall be displayed against a national school bus glossy yellow background as high as practical and approximately centered on the front and rear of the bus body, in letters at least 200 mm (8") high (see Section 12-802 of the Code). These words may be painted on or applied to the bus body or displayed on a sign firmly attached to or built into the body. The background of an illuminated sign shall approximate the national school bus glossy yellow color as closely as feasible.
 - 3) A school bus identification number, supplied by the purchaser, shall be

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displayed as high as practical on the front and rear of the bus in numerals not less than 100 mm (4") high. Such number may be displayed on the sides of the bus as specified by the purchaser. As an option, identification numbers may also be located on the rooftop.

- 4) *Either the owner's name or the school district number or both must be displayed on both sides of the bus at least four inches high, approximately centered and as high as practicable below the window line.* (Section 12-802 of the Code) The lettering must be located on one line.
- 5) The body and/or chassis manufacturer's name, emblem, or other identification may be displayed, colorless or in any color, on any unglazed surface of the bus so as not to be mistaken for the name required in subsection (t)(4) ~~above~~, and so as not to interfere with any required letters or numerals.
- 6) The words "EMPTY WEIGHT", or the abbreviation "EMPTY WT.", or the letters "E.W.", followed by the empty weight of the bus, as defined in Section 440.220, stated in pounds, shall be displayed on the exterior of the body near the rear edge of the service entrance in numerals and letters at least 50 mm (2") high (see Section 12-802 of the Code).

Examples: EMPTY WEIGHT 16,800 lb E.W. 16,800 lb
- 7) The word "CAPACITY", or the abbreviation "CAP.", and the rated passenger capacity (see subsection (e) of this Section) followed by the word "PASSENGERS", or the abbreviation "PASS.", shall be displayed on the exterior of the body near the rear edge of the service entranceway, and on the interior above the right portion of the windshield, in numerals and letters at least 50 mm (2") high (see Section 12-802 of the Code).
- 8) The words "NO STANDEES" shall be displayed only on the interior above the windshield, approximately opposite the aisle but to the right of the mirror and sun visor, in letters at least 50 mm (2") high.
- 9) The words "EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least 5 cm high must be displayed on the interior and exterior of the bus. "EMERGENCY DOOR" must be displayed at the top of, or directly above, any emergency exit door. "EMERGENCY EXIT" must be displayed at the top of, or directly above, or at the bottom of, any

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emergency exit window. They may be displayed on a separate colorless background (such as white, aluminum, or silver) that extends no more than 15 mm (.6") above or below the words and no more than 25 mm (1") to the right or left of the words.

- 10) A black arrow, curved or straight, at least 150 mm (5.9") in length and 15 mm (.6") in width, showing the direction each exterior emergency exit release mechanism is to be moved to open the emergency exit, shall be painted or permanently affixed on the exterior yellow portion of the bus within 150 mm (5.9") of each release mechanism.
- 11) An arrow showing the direction each interior emergency exit release mechanism is to be moved to open the emergency exit shall be painted or permanently affixed on the interior of the bus within 150 mm (5.9") of each emergency exit release mechanism. Each interior arrow shall contrast with its background and, where suitable space is limited, may be smaller than the exterior arrow(s) but must be conspicuous.
- 12) Alternate Fuel
 - A) *If the bus uses alternate fuel (e.g., propane, CNG), the vehicle must be marked with an identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:*

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.
 - B) *The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of the vehicle. (Section 12-704.3 of the Code)*
- 13) The vehicle's length (rounded up to nearest whole foot) must be displayed on or adjacent to the interior bulkhead clearly within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as 40 feet.)

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Each letter or numeral must be at least two inches high and black in color. The measurement must be taken from the front bumper to the rear bumper.

- 14) A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of each side window opening. The line shall be located between each window that slides downward.
- u) Locked Compartment (Optional). If specified by the purchaser, a lockable compartment may be installed for storage of fire extinguisher, first-aid kit, warning devices, wheel chocks, or other items.
 - 1) The compartment locking device shall be connected with an automatic audible and visible alarm that will alert the driver when the engine is running and the compartment is locked. No alarm disconnect, "squelch control", or other alarm defeating mechanism shall be installed.
 - 2) A red cross, formed of five equal squares, and the words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.
 - 3) The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.
 - v) Metal Treatment.
 - 1) Unless excluded below, all steel or iron used in construction of the bus body and attached equipment shall be either resistant to atmospheric corrosion, or zinc coated, or treated by equivalent process. Particular attention shall be given to each fastener or attaching device, lapped surface, welded connection or fastening, cut edge, punched or drilled hole, surface subjected to abrasion, closed or box section, and any unvented or undrained area or space. The number of unvented or undrained areas or spaces is to be minimized. Excluded are door handles, grab handles, and interior decorative parts.
 - 2) As evidence that above requirements have been met, a sample of fastener, material, or section of body, coated or finished as installed in the bus, when subjected to a 1,000-hour salt spray test in accordance with American Society for Testing and Materials (ASTM) Standard B-117-

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1997 "Method of Salt Spray (Fog) Testing" shall not exhibit more than 10 percent reduction in weight after all adherent corrosion products are removed.

- w) Mirrors.
- 1) Interior Mirror – A mirror that measures at least 6 inches x 30 inches overall shall be located inside the bus. The mirror shall afford the operator a good view of the bus interior and portions of the roadway to the rear. It shall be firmly supported, constructed of clear-view safety glass and securely backed and framed. It shall have rounded corners. Edges shall be padded to reduce danger of injury upon impact. Exception: For buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the interior mirror may meet manufacturer's specifications.
 - 2) All exterior mirror systems shall conform to the applicable requirements of FMVSS 111 (49 CFR 571.111).
 - 3) More convex mirrors than required above may be installed, if specified by the purchaser.
 - 4) The reflecting surface on the backside of each mirror glass shall be protected from abrasion, scratching, and atmospheric corrosion.
- x) Mounting of Body. This subsection does not apply to an integral type bus.
- 1) After the date of manufacture of the incomplete vehicle, the chassis frame shall not be altered so as to extend the wheelbase. Other extension(s) of the chassis frame may be accomplished only by the incomplete vehicle, intermediate, or final-stage manufacturer or by an agent of such manufacturer properly instructed and authorized by such manufacturer to make such extension(s).
 - 2) Insulating material shall be placed at all mounting points between the body and chassis frame. This material shall be at least 5 mm (.2") thick, may have the quality of the sidewall of an automobile tire, and shall be so secured that it will not move, vibrate, or "crawl" out of place during normal operations.
 - 3) The body front shall be attached and sealed to the chassis cowl so as to

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prevent the entry of water, dust, or fumes through the joint between the chassis cowl and the body.

- y) Radio Noise. Radio/stereo speakers must be located at least four feet behind the rearmost position of the driver's seat.

AGENCY NOTE: Two-way communication radios are allowed.

- z) Rack, Book. Not permissible.

- aa) Reflectors.

- 1) Front

A) *Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable. (Section 12-202 of the Code) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail. The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about three inch diameter if a solid circle).*

B) A sheet type (tape) reflex reflector which conforms to FMVSS 108 (49 CFR 571.108 (S5.7.1.2)) may be used but its forward projected reflecting area shall be at least eight square inches.

- 2) Left Side. *One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. (Section 12-202 of the Code) On buses 20 feet or more in length, one amber reflector as near center as practicable must also be provided. The reflector must measure a minimum of three inches in diameter.*

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- 3) Right Side. *One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road.* (Section 12-202 of the Code) On buses 20 feet or more in length, one amber reflector as near center as practicable must also be provided. The reflector must measure a minimum of three inches in diameter.
- 4) Rear. *Two red reflectors on rear body within 12 inches of lower right and lower left corners.* (Section 12-202 of the Code) The reflectors must measure a minimum of three inches in diameter.
- bb) Rub Rails.
- 1) Each rub rail shall be 4" or more in width in its finished form, shall be constructed of 16-gauge steel or suitable material of equivalent strength and shall be constructed in corrugated or ribbed fashion.
- 2) There shall be one rub rail located approximately at seat level that shall extend from the rear of the service entrance completely around the exterior of the bus body without interruption, except at a rear emergency door or a rear compartment, to a point of curvature near the front of the body on the left side.
- 3) There shall be one rub rail on each side located approximately at floor line that shall extend over the same longitudinal distance as the rub rail required under subsection (bb)(2), except:
- A) This rub rail need not extend across a wheel housing, and
- B) This rub rail may terminate at the radii of the right and left rear corners of the body.
- 4) More than two rub rails may be installed on a side and/or the rear of a bus.
- cc) Seating. Each seat and each barrier are required to conform to FMVSS 222 (49 CFR 571.222).
- 1) Seat, Driver's. The driver's seat shall be rigidly positioned, and shall afford both vertical and fore-and-aft adjustments of not less than 100 mm (3.9"), without the use of a tool or other non-attached device. The shortest

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distance between the steering wheel and the back rest of the operator's seat shall be no less than 280 mm (11").

- 2) Seats, Students'.
 - A) Each seat (except as provided in subsection (cc)(4)) shall be constructed so that the shortest straight-line distance from the top of the seat back to the empty seat cushion is 28" when measured near the transverse center of the seat at the front of the seat back and along the angle of rearward inclination of the seat back. Since the height of a seat back is difficult to measure precisely on a repeated basis, a measurement of 27.5" or more is deemed acceptable.
 - B) Each seat shall be forward facing (except as provided in subsection (cc)(4)).
 - C) A flip-up seat may be located only immediately adjacent to any side emergency door. The flip-up seat must conform to the following:
 - i) The seat must be designed so that, when in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.
 - ii) The seat must be designed to discourage a child from standing on the seat cushion when in the folded position.
 - iii) The working mechanism under the seat must be covered to eliminate any tripping hazard.
 - iv) All sharp metal edges on the seat must be padded to prevent any snagging hazard.
 - v) No portion of the door latch mechanism can be obstructed by a seat.
 - vi) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front.

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- D) Optional seat safety belts must be installed according to specifications provided by the bus body manufacturer. This may include reinforced seats and seat frames.
- 3) Barriers, Students'. The vertical distance from the floor covering to the top of a barrier positioned in front of a student's seat (as required by 49 CFR 571.222) shall measure not less than the vertical distance from the floor covering to the top of the seat back on the seat installed behind that barrier.
- 4) In the case of a seat to be occupied by a student with special needs, the seat back, forward facing, and barrier requirements of subsections (cc)(2) and (3) shall be changed only as necessary to meet the needs of the student with special needs (e.g., seat missing to accommodate wheelchair, hard surfaced stretcher installed to accommodate child who is not capable of sitting in a upright position) (see 92 Ill. Adm. Code 444).
- dd) Seat Belt, Driver's.
- 1) Each driver's seat belt assembly shall be arranged so that all portions of the assembly remain above the floor when not in use. If retractor(s) are installed, they shall be ~~of the emergencyautomatic~~ locking type.
- 2) Buses must be equipped with a lap belt/shoulder harness design for the driver.
- ee) Service Entrance and Door.
- 1) The service entrance shall be located on the right side near the front, in unobstructed and convenient view of the driver. The service entrance shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 610 mm (24").
- 2) A steel grab handle not less than 250 mm (9.8") in length shall be firmly attached in an unobstructed location on the left side of the entranceway as a person enters the bus.
- 3) The bottom step in the entranceway shall not extend beyond the exterior of the body. With all seats empty, the bottom step shall be not less than 300

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mm (11.8") and not more than 400 mm (15.7") from the roadway. At least two steps shall be provided. The steps shall be enclosed. Risers shall be approximately equal. Each step, including the floor at the top riser, shall be surfaced with a nonskid material with a 40 mm (1.6") to 80 mm (3.1") white nosing as an integral piece.

- 4) The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. No exposed parts of a door operating mechanism shall come together so as to shear or crush finger(s). The vertical closing edge(s) of a service door shall be padded to lessen chance of injury.
- 5) A power operated door shall be equipped for emergency manual operation in case of power failure. Instructions for emergency operation of a power operated door shall be affixed permanently on the interior of the door in letters at least 12 mm (.5") high.
- 6) A single-section service door shall be hinged at the front of the service entrance.
- 7) Glazed panels shall be installed in the service door to afford the driver a view of small children outside the door, traffic signs, and intersecting roadways. The bottom of each lower glass panel shall not be more than 10 inches from the top surface of the bottom step. The top of each upper glass panel shall not be more than 3 inches from the top of the door.
- 8) Service Door Lock (Optional). If ordered by the purchaser, a lock may be installed on or at the service door. Any type service door locking system installed in the bus shall conform to at least one of the following requirements.
 - A) Requirement 1: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door; or
 - B) Requirement 2: A locking system that is capable of preventing the driver from easily and quickly opening the service door shall include an audible and visible alarm to alert the driver when the

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engine is running and the service door is locked. No alarm disconnect, "squelch control", or other alarm defeating or attenuating device shall be installed; or

- C) Requirement 3: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door except when, and only when, a person outside the bus uses a key that is not capable of locking more than one of at least 1000 of the door manufacturer's key locking systems.
- ff) Steering Wheel Clearance. The rim grip of the steering wheel shall have at least 50 mm (2") clearance in all directions, except at the spokes.
- gg) Steps, Body Front. On each side at the front of the body at least one grab handle and recessed foothold or folding stirrup step shall be installed so as to provide easy access to the windshield for cleaning purposes. Exception: Type I-A school buses are exempt.
- hh) Stop Signal Arm Panel.
- 1) A stop signal arm panel must be installed on the left side of the bus that conforms to 49 CFR 571.131. ~~The panel may be operated either manually or mechanically.~~ Decals may be used in lieu of painting. Strobe lamps are acceptable on stop signal arm panels.
 - 2) ~~"Operated ... mechanically" shall be interpreted to include power operation. Also, "16-gauge metal" shall be interpreted to include thicker metal and any nonmetallic material equivalent or superior to hot-rolled 16-gauge mild steel in stiffness, corrosion resistance, and durability.~~
 - 23) Section 440.Illustration B depicts the octagon shaped semaphore required in subsection (hh)(1).
 - 34) Additional stop signal arm panels may be added at the purchaser's request. Additional panels must be located on the left side of the bus. Additional panels must operate in conjunction with the required panel and meet all stop arm panel requirements except as follows. The additional panel must not contain any ~~lights~~, marking or reflective material on the front side of the panel. The additional panel must be located in the rear half of the bus adjacent to the rearmost window.

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- ii) Storage Compartment(s) (Optional).
 - 1) If installed, the storage compartment(s) shall be fire-resistant and of adequate strength and capacity for the storage of the items to be carried, such as tire chains, tow chains, tools for roadside or minor repairs, school activity equipment, etc. The compartment(s) shall provide reasonable security for the contents and shall be constructed and installed so as to preclude passenger injury due to the compartment(s) or the contents becoming dislodged when the bus is subjected to the maximum possible braking force and to minimize chances of such injury when the bus is subjected to a collision impact.
 - 2) If a relatively small storage compartment is located inside the passenger compartment, seat cushion(s) alone may not serve as the cover for the compartment.
- jj) Sun Visor. An interior, adjustable, transparent, tinted sun visor not less than 150 mm (5.9") high by 760 mm (29.9") wide shall be so installed that it can be turned up and will remain up when not in use. It may be supported so that it can be moved for use on the driver's left, but when used in front of the driver and in a position approximately parallel to the windshield it shall be supported at or near each of its ends so as to minimize its vibration. Exception: For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the sun visor may meet manufacturer's specifications.
- kk) Tow Hook, Rear (Optional). Any tow hook(s) installed on the rear shall be attached or braced to the chassis frame, or to an equivalent structural member of an integral type bus. A tow hook may not extend beyond the rear face of the rear bumper.
- ll) Undercoating. The underside of the body, including floor members and the side panels below the floor, shall be coated with a fire-resistant undercoating material applied by the spray method so as to seal, insulate, reduce corrosion, and reduce interior noise. Non-metallic components need not be coated.
- mm) Ventilation. The body shall be equipped with a controlled ventilation system of sufficient capacity to maintain a satisfactory ratio of outside to inside air under cool and cold operating conditions without opening of windows. With a powered ventilation system, air outlet openings shall be located, sized, and manufactured

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so that, with doors and windows closed, a positive pressure is maintained in the driver and passenger spaces, to lessen chances of dangerous gas entering such spaces. Fresh air inlet(s) shall be located so as to minimize entrance of either dangerous engine gas or obnoxious engine fumes.

nn) Warning Devices (Optional).

AGENCY NOTE: A school bus must carry warning devices when on the public roads, but the bus purchaser may elect to install warning devices after the bus is purchased.

1) Emergency warning devices are required to be carried on school buses weighing more than 8,000 pounds and operated upon any highway outside an urban district. The warning devices must be securely stored. The warning devices required for use when lighted lamps are required (see Section 12-201(b) of the Code) shall consist of:

A) At least three liquid-burning flares and three red-burning 15-minute fuses; or

B) Three red electric lanterns; or

C) Three portable red emergency reflectors that meet FMVSS No. 125.

2) In addition, the following warning devices are also required for use when lighted lamps are not required (see Section 12-201(b) of the Code):

A) Two red cloth flags (not less than 12 inches square with standards to support flags); or

B) Two portable emergency reflectors that meet FMVSS No. 125. (The reflectors in subsection (nn)(3) qualify for this option.) (See Section 12-702(a) and (c) of the Code.)

1) At least three portable red emergency reflectors that conform to 49 CFR 571.125; and

2) At least two red cloth flags, not less than 12 inches square, with standards to support the flags; or in lieu of the flags, two additional portable

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~~emergency reflective devices that conform to 49 CFR 571.125. (Section 12-702 of the Code)~~

~~AGENCY NOTE: A school bus must carry warning devices when on the public roads, but the bus purchaser may elect to install warning devices after the bus is purchased.~~

- oo) Weight Distribution and Gross Weight. Storage or cargo spaces, if installed, and seats shall be located so that when the bus is fully loaded as specified or advertised by the manufacturer the loads exerted on the roadway will exceed neither a tire load rating, nor a gross axle weight rating, nor the gross vehicle weight rating indicated by the data displayed on the label permanently affixed in compliance with Section 440.310.
- pp) Wheel Housings.
- 1) Each wheel housing opening shall allow for unimpeded wheel and tire service or removal.
 - 2) Each rear wheel housing shall provide the clearance recommended in SAE Information Report J683~~a~~, (August 1985)~~;~~ for installation and use of tire chains on the dual or single tires installed on the rear wheels.
- qq) Windows or Glazed Panels, Rear. Glazed panels, or windows, shall be installed in the rear of the bus so as to afford the seated driver a reflected view through the rear of the bus as wide and as high as practical without unduly weakening or increasing the cost of the body structure. Such view shall be as low as allowed by the back(s) of the rear seat(s) except that, when the aisle required under subsection (a), extends to a rear emergency door, an additional lower glazed panel shall be installed to afford the driver an additional view through such panel at least the width of the required aisle and as low and high as practical.
- rr) Window Openings, Side. This subsection does not apply to a window or glazed panel installed forward of a front passenger seat, and is optional for a window installed either beside a rear passenger seat, special service door, or in a side emergency exit.
- 1) All side windows shall open from the top only and shall operate freely.
 - 2) There shall be one vertical opening side window for each seat.

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- 3) Each side window shall provide an unobstructed emergency egress opening at least 9" high and 22" wide. The opening may extend to 18" above the unoccupied passenger seat cushion but no closer (to the seat cushion).
- 4) A stop line for the window opening shall be applied 6" from the top of the window opening.
- 5) The side windows may be split sash.
- 6) The window latches shall be recessed.

AGENCY NOTE: See Section 440.420(o) for glazing material requirements.

ss) Windshield.

- 1) The windshield shall be large enough to permit the operator to see the highway clearly, and shall be curved or slanted to reduce glare. The front cornerposts and other supports shall be shaped and located so as to cause as little obstruction to the driver's view of the highway as practical.
- 2) The windshield shall have a graduated glazing shade band across the top. The definition and boundary of this shade band shall be as recommended in SAE Recommended Practice J100 ~~(November 1999), June 1995.~~

tt) Windshield Wipers. See the FMVSS for requirements (49 CFR 571.104).

uu) Windshield Washer. See the FMVSS for requirements (49 CFR 571.104).

vv) Wiring. ~~The following applies to wiring in Type I school buses:~~

- 1) All wiring for lamps and other electrical devices shall be as recommended for automobiles, motor coaches, and heavy duty starting motor circuits in SAE Recommended Practices ~~J1292 (October 1981) and J556, J555a, J541a, (October 1996),~~ and in other practices or standards referenced therein, unless preempted by FMVSS.
- 2) Circuits.

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- A) Wiring shall be arranged in at least nine regular circuits as follows:
- i) Head, tail, stop (brake), and instrument panel lamps;
 - ii) Clearance lamps and any lamps in or adjacent to step risers;
 - iii) Interior lamps;
 - iv) Starter motor;
 - v) Ignition, emergency exit alarm signal(s), and other alarm signal(s);
 - vi) Turn signal lamps;
 - vii) Alternately flashing signal lamps and stop signal arm lamps;
 - viii) Horn; and
 - ix) Heater and defroster.
- B) Any of the above combination circuits, except (vii), may be divided into independent circuits. Whenever feasible, all other electrical functions (sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits.
- 3) Each body circuit shall be coded either by numeral(s) and/or letter(s) at approximately 100 mm (3.9") intervals, or by color and numeral(s) and/or letter(s), or by color(s) only. The code(s) shall appear on a diagram of the circuits in a readily accessible location.
- 4) A separate fuse, ~~or~~ circuit breaker, or electronic circuit protection shall be provided for at least each circuit required under subsection (vv)(2)(A), except that components of the engine starter and ignition circuits may be protected by other means.
- 5) Wires not enclosed within the body shall be fastened securely at intervals of not more than 460 mm (18.1").

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- 6) All terminals and splice clips shall be accessible.
- 7) The chassis manufacturer shall install a readily accessible electrical terminal so that the net body and chassis electrical current flow can be indicated through a chassis ammeter without dismantling or disassembling the chassis component. The chassis wiring to this terminal shall have a current carrying capacity at least equal to the maximum generator output.
- 8) All school buses manufactured on or after January 1, 2006 must be manufactured with a noise suppression switch that is capable of turning off noise producing accessories, including, but not limited to, heater blowers, defroster fans, auxiliary fans and radios. (See Section 12-815.2 of the Code.)

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART F: CHASSIS REQUIREMENTS

Section 440.510 Incorporation by Reference of Federal Motor Vehicle Safety Standards
(Repealed)

~~Each bus body must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.101 through 571.304) in effect on the first day of the month in which the chassis manufacturer completed his last manufacturing operation on the incomplete bus. Those applicable provisions of the FMVSS are incorporated by reference as that Subpart of the FMVSS was in effect on October 1, 2000. No later amendments to or editions of 49 CFR 571.101 through 571.304 are incorporated.~~

(Source: Repealed at 30 Ill. Reg. _____, effective _____)

Section 440.520 State Requirements

~~Except for mirrors, which may project 152 mm (6 inches), a school bus shall not exceed 2.625 m (8 feet) in width, 4.429 m (13 feet 6 inches) in height, nor 13.78 m (42 feet) in length (Sections 15-102 and 15-107, of the Code). Illinois Vehicle Code (the Code) [625 ILCS 5/15-102 and 15-107].~~ Exceptions to the above are shown in Section 440.420 of this Part. Various portions of the bus chassis shall conform to the requirements set forth under the following subsections.

- a) Air Cleaner.

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- 1) A dry element type air cleaner shall be provided.
 - 2) All diesel engine air filters shall include a latch-type restriction indicator that retains the maximum restriction developed during operation of the engine. The indicator should include a reset control so the indicator can be returned to zero when desired. Diesel-powered school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, are exempt from the restriction indicator requirement.
- b) Axles. Must meet federal chassis requirements as indicated on the federal certification label as required by 49 CFR 567 and 49 CFR 568.
 - c) Battery. See Section 440.420(b) of this Part.
 - d) Brakes. See the FMVSS for requirements (49 CFR 571.105).
 - e) Bumper, Front. The front bumper shall be of channel type cross section, shall be formed from rolled steel at least 4.5 mm (.177 inches) thick, shall have not less than a 200 mm (7.9 inches) vertical face, and shall extend to protect the outer edges of the fenders, or the body of a forward control bus. The bumper shall be of sufficient strength to permit pushing another vehicle of equal gross weight without permanent distortion. Exception: For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the bumper may meet manufacturer's specifications when the Type I-A school bus is equipped with a driver side air bag.
 - f) Clutch. A bus having a manual shift transmission shall be equipped with the type and size of clutch recommended by the incomplete vehicle manufacturer for heavy duty service between the engine and transmission installed in the bus.
 - g) Color and Paint. See Section 440.420(g) of this Part.
 - h) Drive Shaft. A suitable guard shall be provided for each segment of the drive shaft to prevent accident or injury if the shaft breaks or becomes disconnected.
 - i) Engine. Type and displacement may be specified by the purchaser.
 - j) Exhaust System.

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- 1) The exhaust pipe, muffler and tail pipe shall be outside the bus body and attached to the chassis.
 - 2) The exhaust system shall be insulated from any insulated wire, flammable material, brake hose or line, or fuel system component by a securely attached metal shield at any point where the exhaust system is 11.8 inches (300 mm) or less (four inches (101.6 mm) or less if diesel powered engine) from the components listed in this subsection (j)(2).
 - 3) The tail pipe shall be extended to exit the exhaust gases either to the right or left side, or rear of the bus, except for prohibited zones as shown in Illustration C ~~of this Part—Exhaust Discharge Prohibited Zones.~~
 - 4) The tail pipe shall extend out to but not more than 1 inch (25.4 mm) beyond the perimeter of the body or the bumper.
 - 5) The shielding of engine compartment components shall be governed by the chassis manufacturer's standards.
 - 6) Each gas conducting component that is not of stainless steel shall be of commercial heat and corrosion resistant exhaust system material and shall be nonflexible.
 - 7) For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the tail pipe may meet the chassis manufacturer's standard configuration. However, the tail pipe shall not exit beneath any fuel filler location or beneath any emergency exit door.
- k) Frame. See Section 440.420(x)(1) of this Part.
- l) Generating System. The generating system may utilize either mechanical rectification (commutator type) or diode rectification (alternator type).
- 1) The generator output shall be regulated automatically so as to provide for efficient battery charging without causing damaging potentials or currents in any part of the electrical system. Automatic means shall be provided to prevent battery discharge through the generator while the generator is not delivering current.
 - 2) The generator in a nominal 12 volt system shall be able to deliver a

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continuous current of 60 amperes, or more, while its automatic regulating devices are connected and functioning properly and the engine is running no faster than the speed at which it delivers its maximum net torque at the engine flywheel.

- 3) The generator in a nominal 12 volt system shall be able to deliver a continuous current of 20 amperes, or more, while its automatic regulating devices are connected and functioning properly and the engine is running no faster than the curb idle speed recommended by the engine manufacturer.
- 4) The generator in a nominal voltage system higher or lower than 12 volts shall be able to deliver at least the same continuous power (watts) as indicated under subsections (1)(2) and(3) of this Section, at the engine speeds indicated therein.

AGENCY NOTE: Where a bus must operate under adverse conditions such as low engine speeds, frequent periods of engine idle, and/or with high electrical load (frequent use of signals and interior lamps, high heater/defroster loads, etc.) for prolonged periods of time, the purchaser should specify a larger generator commensurate with operating conditions.

- m) Horn(s).
 - 1) At least one horn shall be installed giving an audible warning at a distance of 200 feet. The horn(s) shall be controlled conveniently by the seated driver and tested in accordance with SAE Standard J377 (March 2001).
 - 2) A siren, whistle, or bell may not be installed to attract attention of pedestrians or drivers outside the bus (Section 12-601(b) of the Code). This prohibition shall not be interpreted to prohibit use of such device(s) inside the bus body to provide warnings to the bus driver.
- n) Instruments. The bus shall be equipped with at least the following nonglare illuminated instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver:
 - 1) Ampere meter or volt meter~~Ammeter~~, with "charge" and "discharge" indications, provisions for 100 ampere, or more, continuous current indication, and arranged so as to remain unharmed by any ammeter current

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flow resulting from the installed generator operating at its maximum output;

- 2) Gauge, Air Pressure or Vacuum (where air pressure or vacuum is utilized either to apply or to assist in applying the service brakes);
 - 3) Gauge, Engine Coolant Temperature;
 - 4) Gauge, Engine Oil Pressure;
 - 5) Gauge, Fuel;
 - 6) Odometer (may be combined with speedometer; may indicate kilometers traveled if such indication is shown, clearly and conspicuously);
 - 7) Speedometer, with both miles per hour and kilometers per hour scales that are easily readable.
- o) Lamps and Signals. See Section 440.420(s) of this Part.
 - p) Oil Filter. A "full flow" type engine oil filter of approximately 1 liter (1 quart) capacity shall be installed. The purchaser may specify additional "full flow" or "by-pass" type filter(s), or oil treatment device(s).
 - q) Shock Absorbers. Two front and two rear double-acting shock absorbers of adequate capacity shall be installed.
 - r) Spare Tire (Optional). The spare tire and rim, if supplied, shall be of the same size designation and load rating as the largest tire and rim installed on the bus. Each spare tire and rim shall be suitably mounted in an accessible location outside the passenger compartment.
 - s) Springs and Suspension. Each spring and other component in any of the suspension systems shall be capable of supporting its share of the rated gross axle weight during normal operations. Where spring failure could result in total loss of control of the bus, suitable means shall be provided to make such total loss most unlikely.
 - t) Steering Mechanism. Power steering is optional. The steering mechanism(s) shall provide safe and accurate performance at maximum load and speed and shall

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be adjustable while installed on the completed bus. After the date of manufacture of the incomplete vehicle, the steering mechanism(s) shall not be modified unless such modification is done with the concurrence of the incomplete vehicle manufacturer and in accordance with the incomplete vehicle manufacturer's instructions.

- u) Tow Hooks, Front (Optional). A front tow hook may not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.
- v) Transmission. Unless otherwise specified by the purchaser, the transmission shall be manual-shift.
 - 1) A manual-shift transmission shall provide not less than 4 forward gear ~~ratios~~ratios and 1 reverse gear ratio. A synchromesh shifting mechanism shall be provided for each forward gear ratio except for the highest ratio; i.e., "first gear" or "low gear". (Synchromesh may be specified for "first" or "reverse" gears at the purchaser's option.)
 - 2) An automatic transmission may be specified by the purchaser. Such transmission shall provide not less than 3 forward gear ratios and 1 reverse gear ratio.
- w) Undercoating. The entire underside of front fenders or wheel wells shall be coated with a fire-resistant undercoating material in order to seal joints and to reduce corrosion and noise. Nonmetallic components need not be coated.
- x) Wiring. See Section 440.420(vv) of this Part.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.2036 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].
- 5) Effective Date of Amendment: July 25, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal was Published in the Illinois Register: 29 Ill. Reg. 20140; December 16, 2005
- 10) Has JCAR issued a Statement of Objection to this Amendment? No
- 11) Differences between proposal and final version: Several non-substantive technical changes were made as well as other changes as recommended by JCAR. Subsection 1.2036(b)(2)(A) language was changed to further specify that the CPO must take action to authorize use of this procedure by the Department. Subsection 1.2036(b)(2)(B) was rewritten. subsection (b)(2)(C) was added. Language was added at the end of Subsection 1.2036(b)(2)(D) to specify that a solicitation contain a provision alerting vendors that the random selection process may be limited to those master contract holders who qualify as small businesses. Subsection 1.2036(b)(2)(E) was rewritten. Subsection 1.2036(b)(2)(F) was modified to better explain how the random selection method will be implemented. Language was added to Subsection 1.2036(b)(2)(H) to specify that a vendor may be reinstated to the qualified list if only three or fewer otherwise eligible vendors are available to meet the using agency's need. subsection 1.2036(b)(2)(I) is new language. Language was added to subsection 1.2036(b)(2)(K) to indicate that the Department will include in the procurement file any research papers, reports, contract rates and internal or industry expert surveys, additional rate information and any other research used in making determinations.

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- 12) Have all of 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1.08	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.15	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.25	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.1040	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.1050	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.1525	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2005	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2010	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2012	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2015	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2020	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2025	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2030	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2037	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2038	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2040	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2045	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2046	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2050	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2060	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2560	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.2575	New Section	29 Ill. Reg. 5678; December 21, 2005
1.2800	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.4535	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.4575	New Section	29 Ill. Reg. 5678; December 21, 2005
1.5520	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.5550	Amendment	29 Ill. Reg. 5678; December 21, 2005
1.4545	Amendment	30 Ill. Reg. 4203; March 17, 2006

- 15) Summary and Purpose of Amendment: This rulemaking provides more definition to the existing rule on the multiple award method of source selection and contracting.

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Specifically, there are circumstances where it is difficult to obtain quality information technology service providers in the time frames normally used at reasonable prices. The rulemaking competitively qualifies vendors that meet requirements and who agree to pricing set by the State. The State will make this determination after receipt and review of bid prices and consideration of price information available from other sources. Those vendors will be awarded master contracts. When an agency has a need, it will accept the vendor selected by a random process or set additional qualifications and conduct an expedited competitive process. Agencies will be able to have services start almost immediately and will not have to wait the several weeks or months necessary to conduct a normal procurement. This rulemaking brings low pricing, expedited processing and more competition, especially for small and Business Enterprise Program (BEP) vendors.

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

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706

217/785-1793

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? The Procurement Policy Board was given the opportunity to preview the rule when proposed.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days, and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency expired on July 15, 1999; emergency amendment at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7075, effective June 7, 1999; amended at 24 Ill. Reg. 1900, effective January 21, 2000; amended at 26 Ill. Reg. 13189, effective August 23, 2002; emergency amendment at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 5673, effective March 7, 2006, for the remainder of the 150 days; amended at 30 Ill. Reg. 138, effective December 22, 2005; amended at 30 Ill. Reg. 13378, effective July 25, 2006.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

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a) Split Award

- 1) An award of a definite quantity requirement may be split between bidders or offerors. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required. A split award may be used only when award to more than one bidder or offeror for different amounts of the same item are necessary to obtain the total quantity or the required delivery.
- 2) The Procurement Officer shall make a written determination setting forth the reasons for the split award, which determination shall be made a part of the procurement file.

b) Multiple Award

1) General Conditions

- A4) A multiple award is an award of an indefinite quantity contract to more than one bidder or offeror when the State is obligated to order all of its actual requirements from those vendors.
- B2) A multiple award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple award shall be made in accordance with the provisions of Section 1.2010 (Competitive Sealed Bidding), Section 1.2015 (Competitive Sealed Proposals), Section 1.2020 (Small Purchases), and Section 1.2030 (Emergency Procurements), as applicable. Awards shall not be made for the purpose of simply dividing the business or to select products or suppliers to allow for user preference unrelated to utility or economy. Any such awards shall be limited to the least number of suppliers necessary to meet the valid requirements of State agencies.
- C3) The State shall reserve the right to take bids separately if a particular quantity requirement arises that exceeds its normal requirement or an amount specified in the contract.
- D4) If a multiple award is anticipated, the solicitation shall state this

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fact as well as the criteria for award.

- E5) In a multiple award situation, one vendor may be designated as the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the Procurement Officer.

2) Multiple Award with Set Rate

- A) Notwithstanding anything to the contrary in this Part, the Chief Procurement Officer, but not a designee, may, on a case-by-case basis, authorize the Department of Central Management Services to issue a competitive solicitation and to enter into contracts with multiple vendors under a process that provides for prequalification, agreement to perform at a set rate, and final selection based on random and equitable distribution of work among qualified vendors.
- B) The Chief Procurement Officer may authorize use of this source selection procedure upon a determination in writing that use of the methods of source selection set forth in Article 20 of the Illinois Procurement Code is either not practicable or advantageous because, for example, the program needs of State agencies cannot reasonably be met within the normal procurement timeframes, or that the type and variety of State agency needs are such that a single award will not assure the needed availability or diversity of vendors.
- C) This authorization shall be limited to contracts for information technology services. No other categories of supplies or services may be acquired using this method of source selection unless this subsection (b)(2) is amended.
- D) Vendors shall be prequalified once per fiscal year, or as often as necessary, through use of a competitive sealed proposal. The minimum qualifications (including performance standards and agreement to provide services at a set rate determined by the State), any desirable additional qualifications, and the method of obtaining and setting rates shall be stated in the solicitation advertised in the Illinois Procurement Bulletin. Those vendors

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meeting minimum qualifications shall be offered non-exclusive indefinite quantity master contracts against which a procuring agency may later place one or more orders on an as needed basis in accordance with the vendor selection procedure set forth in subsection (b)(2)(G). Implementing Article 45 of the Code and subsection (b)(2)(G) of this Section, the solicitation shall contain a provision alerting vendors that the random selection process used to meet a specific using agency's needs may be limited to those master contract holders who qualify as small businesses.

- E) The Department shall establish the set rate by one of the following methods. The lowest rate identified will not necessarily be the set rate, but will be a consideration in determining the set rate.
- i) Set in the solicitation the rate that vendors must agree to bill. In general, this rate shall be the lowest rate at which a sufficient number of vendors are ready, willing and able to meet the State's needs. The solicitation shall show the Department has conducted sufficient research (such as reviewing past State contract rates, reference to GSA or other governmental contract rates, or private sector rates determined by internal or industry expert surveys) that the public can have confidence the rate provides overall advantage to the State.
- ii) Require as part of the solicitation that vendors submit rates (prices), including disclosable rates, and inform them the Department will use this rate information and additional rate information received through use of the best and final process, from other contracts and from research to establish the set rate that vendors must bill.
- F) Vendors not willing to agree to bill at the set rate may be rejected or may have their contracts restricted to use in special circumstances approved by the Chief Procurement Officer.
- G) Using agency needs will be met by the Department selecting a master contract holder on a random basis. If the using agency determines that it has specific programmatic needs that require additional qualifications (e.g., specialized programming knowledge

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or specific educational requirements) or conditions (e.g., geographic limitations) or State policy considerations (e.g., promotion of small business), such that random vendor selection from among all master contract holders would not meet its needs, the using agency may submit an alternate selection request to the Chief Procurement Officer. This request shall set forth all reasons, including the additional qualifications or conditions, why a random vendor selection would not reasonably meet the needs of the agency, or the policy of the State. If at least 3 of the master contract holders meet those additional qualifications or conditions, the Department shall conduct a random selection limited to that subset of the master contract holders. If the using agency's request does not show a need for additional qualifications or if there are not 3 master contract holders with the needed qualifications, the using agency may not utilize the method of source selection set forth in this Section.

- H) In order to ensure the continued availability of the set of master contract holders, all potential orders shall be monitored by the Department to ensure the equitable distribution of work and that no single vendor has an unwarranted disproportionate share of the available work. The Department shall, to avoid a disproportionate distribution of work, remove a vendor from consideration for a period of time sufficient to minimize dollar value discrepancies among vendors. In addition, any vendor so removed may be reinstated for consideration to meet a particular using agency's need if only 3 or fewer otherwise eligible vendors are available to meet the using agency's need.
- I) The Department shall conduct the random selection using a drawing, mechanical device or software driven selection. The specific process used by the Department shall ensure that final selection is influenced only by chance, after taking into consideration, as applicable and as allowed in this Part, the policy of equitable distribution, use of small businesses, and specific requests from agencies to meet special needs.
- J) It shall be the affirmative obligation of each vendor with a master contract to update information provided to the State regarding its continued ability to provide the contracted service. Master

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contracts may provide that vendors who cannot perform the required services when contacted and who have not provided the updated information may be taken out of consideration for orders for a period of time, including until the next prequalification.

- K) The procurement file shall contain justification for the selection of the master contract vendors and each selection to meet the particular need of a using agency including the determination in subsection (b)(2)(B) of this Section; the research papers, reports, contract rates and internal or industry expert surveys, "additional rate information" and identification of "other contracts and research" in subsections (b)(2)(E)(i) and (ii); the alternate selection documents required by subsection (b)(2)(G), the 3 or more master contract holders for the alternate random selection in subsection (b)(2)(G) and updated information required of contractors pursuant to subsection (b)(2)(J). The Department shall publish the names of the vendors selected to receive master contracts and the name of each vendor selected to receive an order to meet the using agency's particular need.

c) Term and Condition Contracts

- 1) A term and condition contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A term and condition contract is not a procurement. It creates no obligation on the part of the State to procure from the vendor nor does it create an authorization for a State agency to order based on that term and condition contract, except as provided in subsection (c)(2).
- 2) Orders may be placed against term and condition contracts without use of any prescribed method of source selection for convenience of processing sole source, emergency or small procurements. Agencies with reasonably defined repetitive small needs that, over the course of a fiscal year, are likely to exceed the small purchase amount set in Section 20-20 of the Code and this Part should consider a competitive method of source selection to contract for those repetitive needs.

d) Auction

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Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.

- e) Non-governmental Joint Purchase
 - 1) The CPO may enter into (or authorize one or more SPOs to enter into) an agreement with a person not eligible for the Governmental Joint Purchasing Act for the joint procurement of anything covered by the Code. Any method of source selection may be used and may be modified or adapted to meet the needs of the non-State entity.
 - 2) The primary use of this provision shall be to accommodate mutual relationships between the State and not-for-profit groups whose purpose is to conduct programs adjunct to those of the State agency that is party to the contract.
- f) Federal Requirements

The Procurement Officer for any State agency receiving federal aid funds, grants or loans or otherwise subject to federal entity requirements may conduct procurements in accordance with federal requirements that are necessary to receive or maintain those federal aid funds, grants or loans or to remain in compliance with federal requirements.
- g) Foreign Country Procurement

Procurements to meet the needs of State agency offices located in foreign countries shall comply with the Code and this Part whenever practicable. The SPO shall maintain a record of such action.
- h) Donations
 - 1) When a procurement will have the majority of funding from a donation, the terms of which donation require use of particular procurement or contracting procedures, the Procurement Officer may follow those procedures, but shall follow the Code and this Part whenever practicable.
 - 2) Donations may be acknowledged by the donee agency in a manner appropriate to the type of donation and the program activity associated with the donation. Acknowledgment may include, but need not be limited

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to, public announcement at the event or in donee agency publications, and inviting the donor to attend the program activity associated with the donation.

(Source: Amended at 30 Ill. Reg. 13378, effective July 25, 2006)

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
160.5	Amendment
160.89	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: July 28, 2006
- 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 17, 2006; 30 Ill. Reg. 4579
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version: No substantive changes have been made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Does this rulemaking replace any emergency amendments currently in effect? Yes effective 3/1/06, at 30 Ill. Reg. 5426.
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These adopted amendments are necessary to add new provisions under Public Act 94-0089 and 94-0090 regarding the assessment of interest on child support judgments. In Section 160.5, the definition on "Date of Collection" is being revised to accommodate situations in which child support is collected in the month when due, but is not received in the State Disbursement Unit until the following month. Since the date of collection affects the accrual of interest, this

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change will prevent the charging of improper interest. New Section 160.89 is being added to specifically detail when the Department shall assess interest on child support judgments.

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

Tamara Tanzillo Hoffman
Chief of Administration and Rules
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

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- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 Application Fee for IV-D Non-TANF Cases
- 160.20 Assignment of Rights to Support
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- 160.30 Cooperation With Support Enforcement Program
- 160.35 Good Cause for Failure to Cooperate with Support Enforcement
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SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

- 160.60 Establishment of Support Obligations
- 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
- 160.62 Cooperation with Paternity Establishment and Continued Eligibility
Demonstration Program (Repealed)
- 160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

- 160.70 Enforcement of Support Orders

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160.71	Credit for Payments Made Directly to the Title IV-D Client
160.75	Withholding of Income to Secure Payment of Support
160.77	Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
160.80	Amnesty – 20% Charge (Repealed)
160.85	Diligent Efforts to Serve Process
160.88	State Case Registry
160.89	<u>Interest</u>

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160.110	Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120	Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130	Distribution of Intercepted Federal Income Tax Refunds
160.132	Distribution of Child Support for Non-TANF Clients
160.134	Distribution of Child Support For Interstate Cases
160.136	Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138	Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section	
160.140	Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section	
160.150	Department Review of Distribution of Child Support for TANF Recipients
160.160	Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

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AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency

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amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006.

SUBPART A: GENERAL PROVISIONS

Section 160.5 Definitions

"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of Medicaid benefits under 42 USC 1396k and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1].

"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of TANF benefits, pursuant to 42 USC 608(a)(3) and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1] or the Department of Children and Family Services ("DCFS"), in the case of IV-E foster care, pursuant to 42 USC 671(a)(17) and Section 9.1 of the Children and Family Services Act [20 ILCS 505/9.1].

"Assistance Standard" shall have the meaning ascribed to it in 89 Ill. Adm. Code 111.

"Cancellation" refers to the discontinuance of TANF financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

"Child" refers to any child under the age of 18 years and any child under the age of 19 years who is still attending high school (see Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]).

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 USC 654).

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"Date of Collection" for distribution purposes in all cases refers to the date on which: ~~(a) a payor of income withholds an amount from a responsible relative's wages or other income to meet a support obligation when there is a served income withholding notice, (b) the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits ("UIB") to meet a support obligation when there is withholding of UIB, (c) a collection as a result of intercept of a federal income tax refund is received by the Department, or (d) in all other instances, a support payment is received by the State Disbursement Unit (SDU) except that, if current support is withheld by an employer in the month when due and received by the SDU in the month following the month when due, the date of withholding may be deemed to be the date of collection.~~

"IV-D account receivable" or "support account" refers to a part of the accounting system in KIDS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 USC 651 et seq. and this Part.

"IV-E foster care" or "IV-E" refers to the foster care program set forth in 42 USC 670 et seq.

"Initial receipt in the State" for disbursement purposes in all cases refers to the date on which the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits ("UIB") to meet a support obligation, when there is a withholding of UIB, a collection as a result of intercept of a federal income tax refund is received by the Department, or in all other instances, a support payment is received by the State Disbursement Unit.

"Key Information Delivery System" or "KIDS" refers to the data processing system used to process all IV-D cases in Illinois.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 USC 1396k), that is medical assistance to

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families and individuals wherein no cash payment is made.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

"Support case" refers to a case established in the KIDS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 USC 654).

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"TANF" refers to Temporary Assistance for Needy Families, Title IV-A of the Social Security Act (42 USC 601 et seq.) that is financial and medical assistance available to families with one or more children or on behalf of children in foster care under the guardianship of the Department of Children and Family Services.

"TANF MANG" refers to Medical Assistance No Grant cases in which medical assistance only is available to families with one or more children.

"TANF MANG recipient" refers to a member of a family with one or more children receiving medical assistance only in the current month.

"TANF recipient" refers to a person who is receiving financial and medical assistance under the TANF program in the current month.

"Two business days", for purposes of disbursement of support payments under Subpart F of this Part, shall have the meaning and be qualified in the same manner as in Section 454B of the Social Security Act (42 USC 654b).

"Unreimbursed former AFDC or TANF" refers to the total amount of financial assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 USC 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed former AFDC or TANF", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The "amount of unreimbursed assistance accrued prior to the former AFDC or TANF cancellation", reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see

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Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Amended at 30 Ill. Reg. 13393, effective July 28, 2006)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.89 Interest

- a) The Department shall calculate interest on child support judgments, including judgments arising by operation of law from child support orders, by applying one-twelfth of the current statutory interest rate as provided in Section 2-1303 of the Code of Civil Procedure to the unpaid child support balance as of the end of each calendar month. The unpaid child support balance at the end of the month is the total amount of child support ordered, excluding the child support that was due for that month to the extent that it was not paid in that month and including judgments for retroactive child support, less all payments received and applied as set forth in this Section.
- b) The accrued interest shall not be included in the unpaid child support balance when calculating interest at the end of the month.
- c) The unpaid child support balance as of the end of each month shall be determined by calculating the current monthly child support obligation and applying all payments received for that month, except federal income tax refund intercepts, first to the current monthly child support obligation and then applying any payments in excess of the current monthly child support obligation to the unpaid child support balance owed from previous months. The current monthly child support obligation shall be determined from the document that established the support obligation.
- d) Federal income tax refund intercepts and any payments in excess of the current monthly child support obligation shall be applied to the unpaid child support balance. Any payments in excess of the current monthly child support obligation and the unpaid child support balance shall be applied to the accrued interest on the unpaid child support balance. Interest on child support obligations may be collected by any means available under federal and State laws, rules, and regulations providing for the collection of child support.

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- e) The provisions of this Section shall also apply to calculation of interest on maintenance and unallocated maintenance and child support judgments arising by operation of law from maintenance and unallocated maintenance and child support orders.

(Source: Added at 30 Ill. Reg. 13393, effective July 28, 2006)

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- 1) Heading of the Part: Procedures of the Department of Human Rights
- 2) Code Citation: 56 Ill. Adm. Code 2520
- 3) Section Number: 2520.770 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], 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)].
- 5) Effective Date of Amendment: July 31, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 21, 2006; 30 Ill. Reg. 6653
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Grammatical, punctuation or other nonsubstantive changes were made as agreed upon with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Pursuant to Section 2-105(B)(1) of the Illinois Human Rights Act [775 ILCS 5/2-105(B)(1)], every State executive department, State agency, board, commission, and instrumentality must comply with the Department's Rules and Regulations concerning equal employment opportunities and affirmative action. This amendment clarifies the information and documentation required to prepare

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a hiring or promotion monitor, and identifies the procedures that state executive agencies must follow when submitting the monitor to Central Management Services.

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

Brent A. Harzman
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

(312) 814-1906 or (312) 263-1579 (TTY)

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

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER II: DEPARTMENT OF HUMAN RIGHTSPART 2520
PROCEDURES OF THE DEPARTMENT OF HUMAN RIGHTS

SUBPART A: INTERPRETATIONS

Section	
2520.10	Definition of Terms
2520.20	Computation of Time
2520.30	Service of Documents
2520.40	Filing with the Department
2520.50	Separability
2520.110	Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents

SUBPART B: CHARGE

Section	
2520.310	Time of Filing (Repealed)
2520.320	Form (Repealed)
2520.330	Contents
2520.340	Requirements for Charge (Repealed)
2520.350	Unperfected Charge
2520.360	Amendment
2520.370	Substitution and Addition of Parties (Repealed)
2520.380	Withdrawal of Charge

SUBPART C: PROCEDURE UPON CHARGE

Section	
2520.405	Verified Response to Charge
2520.410	Docketing and Service of Charge (Repealed)
2520.420	Maintenance of Records (Repealed)
2520.430	Investigation
2520.440	Fact-Finding Conference
2520.450	Administrative Closure (Repealed)
2520.460	Determination After Investigation (Repealed)
2520.470	Conciliation (Repealed)

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2520.480 Complaint (Repealed)

SUBPART D: SETTLEMENTS

Section

2520.510 Settlement
2520.520 Non-Disclosure (Repealed)
2520.530 Dismissal for Refusal to Accept Settlement Offer (Repealed)
2520.540 Non-Compliance with Settlement Terms (Repealed)

SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section

2520.550 Administrative Closure
2520.560 Dismissal
2520.570 Default

SUBPART F: REQUESTS FOR REVIEW

Section

2520.573 Filing with Chief Legal Counsel
2520.575 Contents of Request for Review
2520.577 Notice by the Chief Legal Counsel
2520.580 Extensions of Time
2520.583 Reply to Request for Review and Surreply
2520.585 Additional Investigation
2520.587 Decision

SUBPART G: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section

2520.610 Scope and Purpose (Repealed)
2520.620 Definitions (Repealed)
2520.630 Cooperative Agreements
2520.640 Nature of Cooperative Agreements
2520.650 Training and Technical Assistance
2520.660 Promotion of Communication and Goodwill

SUBPART H: EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION BY STATE EXECUTIVE AGENCIES

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Section

2520.700	Definitions
2520.710	Scope and Purpose
2520.720	Affirmative Action Groups
2520.730	Consideration of Additional Groups
2520.740	Definitions (Renumbered)
2520.750	Nondiscrimination (Repealed)
2520.760	Plans
2520.770	Reporting and Record-Keeping
2520.780	Equal Employment Opportunity Officers
2520.790	Complaint Process
2520.795	Compliance Reviews
2520.797	Sanctions for Noncompliance

2520.APPENDIX A	Contents of Affirmative Action Plans
2520.APPENDIX B	Value Weight Assignment Chart
2520.APPENDIX C	Contents of Layoff Reports
2520.APPENDIX D	Illinois Counties by Region

AUTHORITY: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], 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)].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17 Ill. Reg. 15556, effective September 13, 1993; amended at 18 Ill. Reg. 16829, effective November 4, 1994; emergency amendment at 20 Ill. Reg. 445, effective January 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 5084, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6291, effective April 18, 1996; amended at 20 Ill. Reg. 10631, effective July 24, 1996; amended at 21 Ill. Reg. 14081, effective October 10, 1997; amended at 26 Ill. Reg. 17217, effective November 18, 2002; amended at 29 Ill. Reg. 804, effective December 28, 2004; amended at 30 Ill. Reg. 1343, effective January 13, 2006; amended at 30 Ill. Reg. 13403, effective July 31, 2006.

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SUBPART H: EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION BY STATE EXECUTIVE AGENCIES**Section 2520.770 Reporting and Record-Keeping**

- a) Employment Profiles – As required by Section 2-105(B) of the Act, each agency shall maintain data reflecting the composition of its workforce in each region, by race, national origin as specified by the Department, sex and disability, EEO job categories, and any other category ~~that~~^{which} the Department may require by rule. This information shall be collected from the agency's employees through the use of a form, developed by Central Management Services and approved by the Director, which shall be completed by each employee and applicant for employment at his/her option. Central Management Services shall compile this data and furnish quarterly reports to each agency and the Department depicting the employment profile of each agency under the Personnel Code [20 ILCS 415]. Other agencies, and agencies under the Code having non-Code employees, shall compile this data themselves and provide it to the Department.
- b) Position Vacancies – Each agency shall maintain a centralized record detailing all its current and anticipated job openings, and indicating for each ~~such~~ opening the job title, EEO job category, pay grade or merit compensation level, and region. This information shall be supplied to the agency's EEO Officer, and to the Department upon request. Every agency shall also post conspicuously in its offices all vacancies in nonexempt positions that the agency intends to fill, if the vacant position is one where the proportion of incumbents in one or more affirmative action groups is significantly less than the proportion of those groups in the available local labor force. The posting shall also state that the agency is an Equal Opportunity Employer.
- c) Quarterly Reports – No later than 15 working days after receipt of the CMS-DHR9 and CMS-DHR10 data information at the end of each fiscal quarter, every agency shall file with the Department a report. If an agency submits a written request for an extension within 15 working days after receipt of the CMS-DHR10 data information, the Director may grant an extension of up to 15 days. The report, signed by the EEO Officer and Chief Executive Officer, shall contain:
- 1) A current employment profile of each of the agency's departments or divisions by EEO job category and affirmative action groups of the incumbents.

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- 2) A breakdown of all employment transactions for the previous quarter by EEO job category and the affirmative action groups of the employees affected.
 - 3) A statement on the agency's progress in meeting its numerical and/or program goals. If a numerical or program goal is not attained, the agency should provide an explanation for the failure to meet the goal.
 - 4) A list of vacancies, by EEO job category, classification, and pay grade or merit compensation level, that the agency intends to fill during the next quarter. Underutilized categories should be indicated.
 - 5) A narrative describing all charges and complaints of employment discrimination filed or pending against the agency during the previous quarter. The narrative should identify the region out of which the charge or complaint was filed; the organization with whom it was filed; and the current status of the matter, including whether pending, withdrawn, settled or dismissed.
- d) Annual Reports – By August 15 of each year, every agency shall submit to the Department a report, signed by its EEO Officer and Chief Executive Officer. If an agency submits a written request for an extension before August 15, the Director may grant an extension of up to 30 days. The report shall include cumulative data for the full year of the same sort as required under subsection (c)(1), as well as a narrative by the agency's Chief Executive Officer describing the extent to which the agency's yearly numerical and program goals were achieved and the reasons for any unmet goals.
 - e) Federal Compliance Reports – Any agency that is the subject of an EEO compliance review by the federal government shall forward to the Department a copy of any and all reports within 5 working days after the agency's receipt of the report.
 - f) Orders and Settlements – Any agency that is a party to any proceedings, whether judicial or administrative, and whether federal or State, involving allegations of employment discrimination shall forward to the Department a copy of any order, decree, settlement agreement or award that decides or disposes of the proceedings within 15 days after the entry of the order, decree, settlement agreement or award.
 - g) Layoff Reports – Each agency shall prepare a layoff report outlining any intended

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layoff of incumbent employees, in accordance with the procedures established in Appendix C. The report shall be submitted to the agency's EEO Officer and the Department not less than 30 days prior to the expected date of the layoff, unless emergency conditions necessitate a delay of the report; however, the emergency conditions must be documented in the report. The report shall identify, by region, job title and affirmative action group, the employees to be affected by the layoff. The agency's EEO Officer shall review the report to determine if the layoff will have an adverse impact upon minorities, women or disabled persons. The EEO Officer shall submit a written adverse impact report to the Chief Executive Officer and to the Director of his/her findings and, if adverse impact is found, suggested alternatives to lessen or eliminate the impact. The Director of Central Management Services will not approve a layoff until the Director has indicated that the adverse impact report is correct.

- h) Reorganization Reports – Any proposed workforce reorganization that significantly changes lines of authority, wages or job duties and descriptions on an agency-wide basis, or throughout any bureau, division or unit of the agency, must be described in a reorganization report and submitted to the agency's EEO Officer at least 30 days prior to implementation. The agency's EEO Officer shall review the report to determine whether it will have an adverse impact upon minorities, women or disabled persons, and shall submit an adverse impact report, within 15 days after receipt of the reorganization report, to the agency's Chief Executive Officer and the Department. If the EEO Officer determines that an adverse impact is apparent, he/she shall include in the adverse impact report recommendations to lessen the impact.
- i) Hiring and Promotion ~~Monitors~~~~Monitor~~ – The Hiring Monitor (DHR-19) and the Promotion Monitor (DHR-20) established by the Department~~A hiring and promotion monitor~~ shall be ~~used~~~~developed~~ by each agency, and completed and submitted to Central Management Services on all hires and promotions for all full-time permanent and part-time permanent employees, including trainees, provisional employees, and semi-automatic promotions pursuant to a collective bargaining agreement. On the applicable Monitor, the agency shall indicate, indicating the EEO job category and classifications of the position and whether it is an underutilized category. The ~~Monitor~~~~monitor~~ shall also indicate the race, sex, whether disabled, and national origin of all persons considered for the position and of the candidate, and whether the candidate meets the affirmative action requirements for that category. If the candidate does not meet the affirmative action requirements for that category, a detailed explanation indicating the reasons for the ~~desired~~ selection must be completed by the selecting~~hiring~~ officer

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and attached to the Monitor. ~~The~~ No hire or promotion commitment shall be made until the agency EEO Officer, or designee, shall review~~has reviewed~~ and signed~~signed~~ the Monitor, ~~monitor~~ indicating concurrence or non-concurrence in approval of the transaction. The EEO Officer or designee shall fully explain on the Monitor his/her reason for any non-concurrence. In all transactions, the agency Chief Executive Officer or designee shall sign and date the Monitor, indicating approval. Central Management Services shall not complete any hire or promotion transaction if the Monitor is not attached to the transaction, is not signed and dated by the EEO Officer or designee, is not approved and signed by the agency's Chief Executive Officer or designee, and is not signed and dated prior to the effective date of the candidate's hire or promotion~~it has not received the approved monitor.~~

- j) Exit Questionnaire – Each agency shall provide an exit questionnaire to employees at the time of their separation from employment, whether voluntary or involuntary. The questionnaire shall identify the employee by name and affirmative action group, job title and region, date of separation, and reasons for separation, and shall include space for the employee's comments. Completion of the questionnaire shall be at the employee's option. Completed questionnaires shall be forwarded immediately to the agency's EEO Officer.

(Source: Amended at 30 Ill. Reg. 13403, effective July 31, 2006)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Local Health Protection Grant Rules
- 2) Code Citation: 77 Ill. Adm. Code 615
- 3) Section Number: 615.210 Adopted Action: Amendment
- 4) Statutory Authority: Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 2310-15 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-15].
- 5) Effective Date of Rulemaking: July 27, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposed Published in the Illinois Register: November 14, 2005; 29 Ill. Reg. 18269
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The proposed amendments to Part 615 are necessary to ensure that all certified local health departments are represented with regard to the development of changes to the allocation formula for distribution of the annual Local Health Protection Grants. Thus, the Northern Illinois Public Health Consortium, Inc, representing larger northern local health departments, is added to the organizations with which the Illinois Department of Public Health must consult prior to developing changes to the allocation formula for distribution of the grant funds.

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16) Information and questions regarding this Adopted Amendment shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

Telephone: 217/782-2043
Fax: 217/557-8617
e-mail: rules@idph.state.il.us

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

DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER h: LOCAL HEALTH DEPARTMENTS

PART 615
LOCAL HEALTH PROTECTION GRANT RULES

SUBPART A: GENERAL

- Section
615.100 Definitions
615.110 Incorporated Materials

SUBPART B: ADMINISTRATION OF LOCAL HEALTH PROTECTION GRANTS

- Section
615.200 Eligibility
615.210 Purpose and Distribution of Grant Funds
615.220 Review and Consultation; Plan of Correction
615.230 Waiver of Requirements

SUBPART C: PROGRAM STANDARDS

- Section
615.300 Infectious Diseases
615.310 Food Protection
615.320 Potable Water Supply
615.330 Private Sewage Disposal
615.340 Common Requirements

SUBPART D: DUE PROCESS

- Section
615.400 Denial, Suspension or Revocation of Grant Application or Grant Agreement
615.410 Procedures for Hearings

- 615.APPENDIX A Recommended Policies and Procedures for Immunization Clinics
(Repealed)

AUTHORITY: Implementing and authorized by Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and

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Section 2310-15 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-15].

SOURCE: Filed October 20, 1977; Part repealed, new Part adopted at 5 Ill. Reg. 1415, effective July 1, 1981; codified at 8 Ill. Reg. 16335; amended at 14 Ill. Reg. 805, effective January 1, 1990; Part repealed, new Part adopted by emergency rules at 17 Ill. Reg. 13002, effective July 21, 1993, for a maximum of 150 days; emergency expired on December 18, 1993; Part repealed, new Part adopted at 18 Ill. Reg. 4320, effective March 1, 1994; emergency amendment at 20 Ill. Reg. 3974, effective February 16, 1996, for a maximum of 150 days; emergency expired on July 15, 1996; amended at 21 Ill. Reg. 2960, effective February 20, 1997; amended at 26 Ill. Reg. 421, effective January 1, 2002; emergency amendment at 26 Ill. Reg. 18051, effective December 6, 2002, for a maximum of 150 days; emergency expired May 4, 2003; amended at 27 Ill. Reg. 15973, effective October 1, 2003; amended at 28 Ill. Reg. 12030, effective August 3, 2004; amended at 30 Ill. Reg. 13412, effective July 27, 2006.

Section 615.210 Purpose and Distribution of Grant Funds

- a) The purpose of the Local Health Protection Grant program is to support a statewide system of local health departments to assure the protection of the public through the provision of various health protection programs. Local Health Protection Grants may be used by the participating local health department for any health protection program or service including, but not limited to, Infectious Diseases, Food Protection, Potable Water Supply, and Private Sewage Disposal. The Grants are intended to supplement other federal, State and local funds available to support local health protection programs, including the four programs that must be assured for participation. Provided the four programs are assured, the local health department may use the Grant funds for any health protection program, activity or service, or for shared management or administrative support costs.
- b) The Department shall award Local Health Protection Grant funds using a methodology developed in cooperation with the Illinois Association of Public Health Administrators and the Northern Illinois Public Health Consortium; however, the Director shall make the final determination of the methodology used. The allocation methodology shall be based upon the following criteria: population; number of persons with incomes below 200 percent of the Federal Poverty Level; and historical grant award levels.
- c) Local health departments participating in the Local Health Protection Grant program shall receive, subject to the availability of funds, annual grant awards calculated by one of the following methods:

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- 1) An amount equivalent to the previous year's award, adjusted for inflation, shall be reserved for each local health department that participated in the grant program the previous year. After that amount is reserved, additional funds shall be allocated to participating local health departments to achieve the following cumulative allocation:
 - A) Fifty percent (50%) of the annual Local Health Protection Grant funds shall be allocated based upon the populations of the local health departments' jurisdictions; and
 - B) Fifty percent (50%) of the annual Grant funds shall be allocated based upon the numbers of persons with income below 200% of the Federal Poverty Level within local health departments' jurisdictions.
- 2) Minimum and Maximum Grant Awards. This subsection applies to all participating local health departments.
 - A) Subject to the availability of funds, the Department will establish a minimum grant award level annually. The minimum award will be applied if the methodology specified in subsection (c)(1) of this Section would result in a grant award to a local health department that is less than the minimum award. The minimum grant shall not be less than \$50,000. The minimum annual grant award to any participating multi-county local health department shall be the minimum award times the number of counties in the multi-county local health department.
 - B) If available Grant funds increase in subsequent fiscal years, the Department shall raise the minimum annual grant awards for participating single-county (or partial-county) local health departments by the same percentage as the percentage increase in Grant funds available for previously-participating local health departments.
 - C) If the methodology will result in a local health department receiving a grant award that will adversely affect the funding available to other local health departments, then the Department may establish a maximum grant award for that year. The maximum award shall be based on the total annual Local Health Protection Grant appropriation level, the allocation criteria, and/or

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the availability of other State or federal funds for performing the required programs described in Subpart C of this Part.

- 3) For newly certified local health departments, initial grant awards shall be determined by the methodology specified in subsection (c)(1)(A) and (B) or (2) of this Section.
 - 4) Multi-County Local Health Departments. The annual grant award for each participating multi-county local health department shall equal the sum of the annual grant awards that its individual counties could receive as single-county health departments.
 - 5) Maximum Annual Change. The Department may impose a maximum allowable annual percentage change (% increase or % decrease) in the total grant award for participating local health departments. Such limits shall not be imposed from one year to the next without granting the Illinois Association of Public Health Administrators and the Northern Illinois Public Health Consortium advance notice and an opportunity to comment. The Department's decision to impose the limitation shall be based on the number of participating local health departments, the unmet financial needs of participating local health departments, the adequacy of other funding available to local health departments, the availability of Local Health Protection Grant funds for that year, the inflation rate, and other issues affecting the fair distribution of grant funds.
 - 6) The methodologies specified in subsections (c)(1) through (5) of this Section shall not be applied to the distribution of additional funds appropriated for the Grant program, if that additional appropriation specifies the method by which the funds are to be distributed.
- d) Prior to the award of Grant funds, the Department and the local health department shall execute a grant agreement wherein the local health department, at a minimum, agrees to:
- 1) fulfill the requirements of this Part; and
 - 2) provide program statistical information to the Department. The requested information will be developed in cooperation with the Illinois Association of Public Health Administrators and the Northern Illinois Public Health Consortium.

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(Source: Amended at 30 Ill. Reg. 13412, effective July 27, 2006)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Manufactured Home Community Code
- 2) Code Citation: 77 Ill. Adm. Code 860
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
860.20	Amendment
860.200	Amendment
860.210	Amendment
860.250	Amendment
860.260	Amendment
860.270	Amendment
860.APPENDIX B	Repealed
860.TABLE B	Amendment
- 4) Statutory Authority: Mobile Home Park Act [210 ILCS 115]
- 5) Effective Date of Rulemaking: July 28, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposed Published in the Illinois Register: 29 Ill. Reg. 18276; November 14, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: These rulemakings describe requirements for the design, construction, and operation of manufactured home communities. The amendments clarify issues regarding the location of the home support system for homes at new sites, street lighting and fire hydrant compliance in accordance with current fire safety codes.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

Telephone: 217/782-2043
Fax: 217/557-8617
e-mail: rules@idph.state.il.us

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER q: MOBILE HOMES

PART 860
MANUFACTURED HOME COMMUNITY CODE

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860.530	Existing Communities
860.ILLUSTRATION A	Manufactured Home Community Layout For Sites Constructed After July 1, 1998
860.ILLUSTRATION B	Typical Manufactured Home Site
860.ILLUSTRATION C	Water Service Connection
860.ILLUSTRATION D	Sewer Service Connection
860.ILLUSTRATION E	Sample Register Information
860.ILLUSTRATION F	Manufactured Home Community Electrical System
860.APPENDIX A	Regional Offices of the Department
860.APPENDIX B	Explanation of the 1996 National Electrical Code Requirements for Manufactured Home Communities (Repealed)
860.APPENDIX C	Unlicensed Motor Vehicles
860.APPENDIX D	Home Rule Units
860.TABLE A	Minimum Road Width
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860.TABLE C	Minimum Size and Slope of Sewer Mains

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AUTHORITY: Implementing and authorized by the Mobile Home Park Act [210 ILCS 115].

SOURCE: Adopted March 2, 1973; amended at 4 Ill. Reg. 46, p. 1286, effective January 1, 1981; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 17520, effective September 11, 1984; old Part repealed and new Part adopted at 22 Ill. Reg. 8863, effective May 8, 1998; emergency amendment at 29 Ill. Reg. 10305, effective July 1, 2005, for a maximum of 150 days; emergency expired November 27, 2005; amended at 30 Ill. Reg. 13419, effective July 28, 2006.

SUBPART A: DEFINITIONS AND INCORPORATED MATERIALS

Section 860.20 Incorporated and Referenced Materials

The following standards of nationally recognized organizations and federal and State regulations are incorporated or referenced in this Part:

- a) The following materials are incorporated by reference and include no later amendments or editions:
 - 1) Standard Specifications for Water and Sewer Main Construction in Illinois, 1996 Edition published by:

Illinois Society of Professional Engineers
1304 South Lowell Avenue
Springfield, Illinois 62704
Referenced in Section 860.230.
 - 2) Flood Insurance Rate Map and Flood Hazard Boundary Map published by:

Federal Insurance Administration
Region V
300 Wacker Drive, 24th Floor
Chicago, Illinois 60606
Referenced in Section 860.130.
 - 3) National Electrical Code, 1996 Edition (NFPA 70-96) published by:

National Fire Protection Association
1 Batterymarch Park

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Quincy, Massachusetts 02269
Referenced in Section 860.250 ~~and Appendix B.~~

- 4) National Electrical Code, 2002 Edition (NFPA 70-02) published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.250.

- 54) Installation of Oil Burning Equipment, ~~2001~~1992 Edition (NFPA 31-0192) published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.260.

- 65) National Fuel Gas Code, ~~1999~~1992 Edition (NFPA 54-~~9992~~) published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Sections 860.160 and 860.260.

- 76) Storage and Handling of Liquefied Petroleum Gases, ~~1998~~1995 Edition (NFPA 58-~~9895~~) published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.260.

- 87) ASTM International (formerly American Society of Testing and Materials, Standard Method ~~for~~ Test for Surface Burning Characteristics of Building Materials), Standard E84-1998, published by:

ASTM International
100 Barr Harbor Drive

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P.O. Box C 700
West Conshohocken, Pennsylvania 19248-2959
American Society of Testing and Materials
1916 Race Street
Philadelphia, PA 19103
Referenced in Section 860.270.

- 98) Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR 192), Revised October 1, 2003 Pipeline Safety Regulations, 4a, CFR Part 192

United States Department of Transportation
Office of Pipeline Safety
400 7th Street S.W.
Washington, D.C. 20590
Referenced in Section 860.260.

- b) The following materials are referenced in this Part:
- 1) State of Illinois statutes
 - A) Illinois Architectural Practice Act of 1989 [225 ILCS 305]
Referenced in Section 860.120.
 - B) Illinois Professional Engineering Act [225 ILCS 325]
Referenced in Section 860.120.
 - C) Illinois Vehicle Code [625 ILCS 5/4-203]
Referenced in Section 860.310 and Appendix C.
 - D) Mobile Home Park Landlord and Tenant Act [765 ILCS 745]
Referenced in Section 860.400.
 - E) Abandoned Mobile Home Act [210 ILCS 117]
Referenced in Section 860.310.
 - F) Private Sewage Disposal Licensing Act [225 ILCS 225]
Referenced in Section 860.240.
 - G) Smoke Detector Act [425 ILCS 60]

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Referenced in Section 860.410.

- H) Plumbing License Law [225 ILCS 320]
Referenced in Sections 860.230 and 860.240.
 - I) Swimming Pool and Bathing Beach Act [210 ILCS 125]
Referenced in Sections 860.120 and 860.290.
 - J) Illinois Mobile Home Tiedown Act [210 ILCS 120]
Referenced in Section 860.400.
 - K) Illinois Municipal Code [65 ILCS 5/11-40-3]
Referenced in Appendix C.
 - L) Counties Code [55 ILCS 5/5-1092]
Referenced in Appendix C.
 - M) Townships Code [60 ILCS 1/30-130]
Referenced in Appendix C.
 - N) [Manufactured Home Quality Assurance Act \[430 ILCS 117\]](#)
[Referenced in Section 860.210.](#)
- 2) Department of Public Health regulations
- A) Illinois Swimming Pool and Bathing Beach Code (77 Ill. Adm. Code 820)
Referenced in Section 860.290.
 - B) Illinois Plumbing Code (77 Ill. Adm. Code 890)
Referenced in Sections 860.230, 860.240 and Appendix B.
 - C) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
Referenced in Section 860.240.
 - D) Drinking Water Systems Code (77 Ill. Adm. Code 900)
Referenced in Section 860.230.
 - E) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
Referenced in Section 860.230.

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- F) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
Referenced in Section 860.230.
 - G) Surface Source Water Treatment Code (77 Ill. Adm. Code 930)
Referenced in Section 860.230.
 - H) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
Referenced in Section 860.230.
 - I) Manufactured Home Installation Code~~Mobile Home Tiedown Code~~ (77 Ill. Adm. Code 870)
Referenced in Section 860.210, 860.360.
 - J) Rules ~~offer~~ Practice and Procedure infor Administrative Hearings (77 Ill. Adm. Code 100)
Referenced in Section 860.510.
- 3) Illinois Pollution Control Board regulations
- A) Public Water Supplies (35 Ill. Adm. Code Subtitle F)
Referenced in Section 860.230.
 - B) Waste Disposal (35 Ill. Adm. Code Subtitle G)
Referenced in Section 860.240.
 - C) Solid Waste and Special Waste Hauling (35 Ill. Adm. Code Subtitle G, Subchapter i)
Referenced in Section 860.300.
- 4) Illinois Environmental Protection Agency regulations
Illinois Recommended Standards for Sewage Works (35 Ill. Adm. Code 370)

Referenced in Section 860.240.
- 5) Materials of Other State Agencies
- A) Regulatory Flood Plain Map published by:

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Illinois Department of Natural Resources
Division of Water Resources
310 South Michigan, Room 1606
Chicago, Illinois 60604
Referenced in Section 860.130.

- B) Statewide Permit Number 6, issued September 15, 1993 by:

Illinois Department of Transportation
Division of Water Resources
2300 South Dirksen Parkway
Springfield, Illinois 62764
Referenced in Section 860.130.

(Source: Amended at 30 Ill. Reg. 13419, effective July 28, 2006)

SUBPART C: REQUIREMENTS OF THE MANUFACTURED HOME COMMUNITY

Section 860.200 Layout of the Manufactured Home Community

- a) All areas of the manufactured home community shall be drained to prevent ponding of water. If necessary, a storm drainage system shall be installed.
- b) Section 9.3 of the Act specifies the minimum square footage of each site and the location of the homes on the site. (See Section 860.Illustrations A and B.) There shall be a minimum street frontage of 25 linear feet for each site.
- c) *No mobile home shall be parked closer than 5 feet to the side lot lines of a park, or closer than 10 feet to a public street, alley or building. Each individual site shall abut or face on a private or public street. All streets shall have unobstructed access to a public street. There shall be an open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home. [210 ILCS 115/9.3] Homes located on these sites shall not be closer to a private street than the previous home on that site. Manufactured homes located on sites constructed prior to July 1, 1998 shall be at least 5 feet from the property line of the manufactured home community and 10 feet from any public street, alley, or building. There shall be a minimum separation of 10 feet from the side of a manufactured home to another manufactured home and a minimum of 5 feet from the end of a manufactured home to another manufactured home.*

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- d) Manufactured homes located on sites constructed after July 1, 1998 shall be located at least ~~5 feet from the manufactured home community property line,~~ 10 feet from ~~public or~~ private streets, ~~alleys, buildings~~ or other manufactured homes, and shall not extend over a sidewalk.
- e) All portions of sheds, carports, garages, porches and similar structures constructed after July 1, 1998 shall be at least 3 feet from the manufactured home community property line, 5 feet from any other structure on adjacent sites, and 10 feet from all streets. For corner sites, sheds shall be at least 3 feet from all streets. Existing portions of sheds, carports, garages, porches, and similar structures may be replaced at the same location without complying with the requirements of this subsection (e).
- f) If any portion of a home, porch or step is within 5 feet of a private street, a speed limit of 10 miles per hour or less shall be posted for that street.
- g) When questions arise concerning the property lines of the manufactured home community, the licensee shall be responsible for identifying the legal location.
- f) ~~When questions arise concerning the property lines of the manufactured home community, the licensee shall be responsible for identifying the legal location.~~

(Source: Amended at 30 Ill. Reg. 13419, effective July 28, 2006)

Section 860.210 Support Systems

- a) Sites on which homes ~~were~~ installed on or before July 1, 2005~~prior to July 1, 1998~~ shall have a support system in accordance with the requirements as required by the Mobile Home Park Code in effect at the time of the installation.
- b) Manufactured home sites constructed after July 1, 2005 shall comply with the Manufactured Housing Quality Assurance Act [430 ILCS 117] and the Manufactured Home Installation Code (77 Ill. Adm. Code 870). Homes installed after July 1, 1998, shall be installed on a level support system capable of supporting the design load of the home. The support system shall consist of a minimum 3 1/2 inches thick concrete pad, runners or pier. The support system shall be placed on undisturbed soil or compacted material. Alternative equivalent systems may be submitted for approval by the Department. Pads shall be the approximate dimension of the home. Runners shall be either parallel or

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~~perpendicular to the length of the home. Runners that are parallel with the length of the home shall be a minimum of 20 inches wide, extend the approximate length of the home and be located so that blocking rests entirely on the runners. Runners that are perpendicular to the length of the home shall be a minimum of 12 inches wide, extend the approximate width of the home and be spaced at maximum eight feet intervals center to center along the length of the home. Pier blocks shall bear entirely on the pier support system. The manufactured home community owner is responsible for determining that the support system is adequate for the specific soil conditions. A copy of manufactured home installation guidelines is available from the Department.~~

- c) The owner or operator of a licensed manufactured home community must keep on file copies of the Installation Compliance Certificate required by the Manufactured Home Installation Code (77 Ill. Adm. Code 870). This information shall be made available by the owner or operator of the manufactured home community to the Department, the manufactured home owner and lessee, and the representative of the manufactured home owner and lessee.
- e) ~~The support system can extend below the frost depth to prevent the home from shifting as a result of the freezing and thawing of the soil. The entire support system must be installed at the same approximate depth to prevent damage to the home from frost heave.~~
- d) ~~The ground and impervious surfaces surrounding the perimeter of the home shall be sloped to direct all surface water away from the home for sites constructed after July 1, 1998.~~

(Source: Amended at 30 Ill. Reg. 13419, effective July 28, 2006)

Section 860.250 Electrical

- a) New Installations
 - 1) All electrical distribution systems constructed or replaced after July 1, 1998 and before July 1, 2005 shall be designed and constructed to conform to the requirements of the National Electrical Code, 1996 Edition. Article 550-C of the National Electrical Code contains specific requirements for manufactured home communities. After July 1, 2005, design, construction, and replacement of electrical distribution systems shall be in accordance with the 2002 Edition of the National Electrical

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Code. (See Section 860. Appendix B.)

- 2) For homes installed after July 1, 1998, the manufactured home community licensee shall be responsible for providing electrical service equipment at least equivalent to the amperage capacity of the home which it serves.
- b) Existing Installations
The following minimum requirements shall apply to electrical systems installed prior to July 1, 1998:
- 1) The electrical distribution system to the manufactured home sites shall be single phase, 120/240 volts nominal.
 - 2) The type, size, installation and location of all conductors shall comply with their approved use as indicated in the edition of the National Electrical Code in effect at the time of construction.
 - 3) The service equipment shall not be attached to the home, located under the home, or located anywhere that is not readily accessible. Obstructions such as bushes shall not be located within three feet of the front of the service equipment.
 - 4) All electrical equipment installed outdoors shall be the weatherproof type. Equipment located under the home shall be protected from the weather.
 - 5) The service equipment and any other electrical devices shall be at least 12 inches above grade and secured to prevent any movement.
 - 6) The manufactured home feeder conductor shall be either a cord which meets the requirements of the manufacturer of the home or a permanently installed feeder as specified by the National Electrical Code in effect at the time of installation.
 - 7) All circuits at the service equipment shall be protected by over-current protection as required by the National Electrical Code in effect at the time of installation.
 - 8) Overhead conductors shall provide an 18 feet vertical clearance over all streets, a 12 feet clearance over driveways, and a 10 feet clearance above grade in all other areas. Electrical conductors emerging from the ground

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shall be protected by enclosures or raceways for direct buried cable or to the approved buried depth for protected conductors and up to a point 8 feet above grade. Acceptable protection shall be rigid metal, intermediate metal or Schedule 80 non-metallic conduit or channel. Manufactured home power supply cords need not be enclosed in conduit or raceways.

- c) **Maintenance of All Systems**
All electrical systems shall be maintained in a safe condition. All damaged or defective equipment shall be repaired or replaced, all loose equipment shall be secured, all faceplates and panel fronts shall be in place and all live parts shall be covered to prevent accidental contact. Dead tree branches which overhang distribution wiring shall be removed. All components of the manufactured home community electrical system shall be inspected by the manufactured home community management and it shall be the responsibility of the licensee to have any defects corrected.

(Source: Amended at 30 Ill. Reg. 13419, effective July 28, 2006)

Section 860.260 Fuel Supply

The distribution, storage, and use of natural gas, liquefied petroleum gas, fuel oil, or other fuels shall be in accordance with the following:

- a) The National Fire Protection Association's Installation of Oil Burning Equipment, ~~2001~~1992 Edition.
- b) The National Fire Protection Association's National Fuel Gas Code, ~~1999~~1992 Edition.
- c) The National Fire Protection Association's Storage and Handling of Liquefied Petroleum Gases, ~~1998~~1995 Edition.
- d) The United States Department of Transportation's Pipeline Safety Regulations.

(Source: Amended at 30 Ill. Reg. 13419, effective July 28, 2006)

Section 860.270 Fire Safety

- a) Bales of straw or other flammable materials that do not meet the requirements of subsection (b) of this Section shall not be used for skirting or insulation of the

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manufactured home.

- b) Garages, carports, porches, awnings, sheds, skirting and other similar appurtenances shall be constructed of material designed for exterior use that meets the flame spread rating of 200 or less in accordance with the American Society of Testing and Materials, Standard Method of Test for Surface Burning Characteristics of Building Materials (Standard E84).
- c) Fire Hydrants
- 1) If a manufactured home community has fire hydrants, the fire hydrant valves shall be tested annually and the flow rates documented annually by the local fire department, water department or other entity capable of analyzing the available flow from the hydrants. Such test results shall be available to the Department upon request.
 - 2) The licensee shall provide notification in writing to the local fire department of the hydrants that have been deemed unsatisfactory, which includes an agreement to either remove the hydrants, reverse the top of the hydrant or provide some other identification acceptable to the fire department to indicate that the hydrant is not acceptable, or install a system that meets the requirements of subsection (d).
 - 3) The residents of the manufactured home community shall be advised in writing by the licensee within 30 days when a manufactured home community licensee becomes aware that one or more hydrants in the community is inadequate. The location of these fire hydrants shall be specified in writing, along with a plan to correct the situation and an anticipated date for completion. A copy of the notification shall be provided to the Department's Springfield office.
- de) Manufactured home communities constructed after July 1, 2005~~July 1, 1998~~ must be located in an area protected by a fire department or a fire protection district and provided with fire hydrants within 500 feet of any structure in the manufactured home community. As an alternative to fire hydrants, a holding pond or other source of water of 100,000 gallons or more accessible to the fire department or fire protection district may be used, if the fire department or fire protection district is capable of pumping from the body of water. The minimum size water main for providing fire protection shall be six inches in diameter. The system shall be designed to maintain a minimum pressure of 20 psi at all points in the distribution

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| system under normal conditions of flow. (See Table B.)

| ed) Flammable liquids and gasoline-powered equipment other than motorized vehicles shall not be stored within five feet of a manufactured home, except when stored in a shed or garage.

| fe) All intended means of egress shall not be obstructed.

(Source: Amended at 30 Ill. Reg. 13419, effective July 28, 2006)

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Section 860.APPENDIX B Explanation of the 1996 National Electrical Code Requirements for Manufactured Home Communities (Repealed)

All electrical distribution systems constructed or repaired after July 1, 1998 must meet the requirements of the 1996 National Electrical Code. Section 860.Illustration F contains a diagram of the electrical system in the manufactured home community. The following is an explanation of some of the specific requirements of the National Electrical Code.

TRANSFORMERS

1. Article 550-22(a) of the National Electrical Code requires, as a minimum, that the transformer be sized on the larger of (1) 16,000 volt-amperes (at 120/240 volts) for each manufactured home site or (2) the load calculated in accordance with Section 550-13 for the largest typical home that each site will accept. Table 550-22 contains the minimum demand factors. The following are examples:

<u>Number of Sites</u>	*	<u>Demand Factor</u>	=	<u>Minimum Capacity of Transformer (volt-amperes)</u>
1		100%		16,000
2		55%		17,600
3		44%		21,120
4		39%		24,960
5		33%		26,400
6		29%		27,840
7		28%		31,360
8		28%		35,840
9		28%		40,320
10		27%		43,200
11		27%		47,520
12		27%		51,840
13		26%		54,080
14		26%		58,240
15		26%		62,400
16		25%		64,000
17		25%		68,000
18		25%		72,000
19		25%		76,000
20		25%		80,000
21		25%		84,000

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22	24%	84,400
23	24%	88,320
24	24%	92,160
25	24%	96,000
26	24%	99,840
27	24%	103,680
28	24%	107,520
29	24%	111,360
30	24%	115,200
31	24%	119,040
32	24%	122,880
33	24%	126,720
34	24%	130,560
35	24%	134,400
36	24%	138,240
37	24%	142,080
38	24%	145,920
39	24%	149,760
40	24%	153,600
41	23%	150,880
42	23%	154,560
43	23%	158,240
44	23%	161,920
45	23%	165,600
46	23%	169,280
47	23%	172,960
48	23%	176,640
49	23%	180,320
50	23%	184,000
51	23%	187,680
52	23%	191,360
53	23%	195,040
54	23%	198,720
55	23%	202,400
56	23%	206,080
57	23%	209,760
58	23%	213,440
59	23%	217,120
60	23%	220,800

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- ~~2. The transformer shall be grounded as required by Article 250. This conductor shall be sized as required by Article 250-95.~~

~~SERVICE ENTRANCE CONDUCTORS~~

- ~~1. The service entrance conductor may either be overhead (see Article 230-B) or underground (see Article 230-C) (See Section 860. Illustration F).~~
- ~~2. The service entrance conductor shall contain a minimum of 2 hot conductors and 1 neutral, all individually insulated. Section 310-15 indicates the requirements and Table 310-16 specifies the minimum size of the underground conductors and Tables 310-17, 18 and 19 contain the minimum size of the overhead conductors.~~
- ~~3. Service entrance conductors shall not be spliced (Article 230-46).~~
- ~~4. Overhead conductors must meet the clearance requirement of Article 230-24 (18 feet clearance over streets, 15 feet over driveways, and 10 feet elsewhere). Be advised that height requirements are dependent on the voltage the conductors are carrying.~~
- ~~5. Direct buried cables must be buried a minimum of 24 inches. Rigid metal or intermediate metal conduit must be buried at least 6 inches. See Table 300-5 for other requirements.~~
- ~~6. Conductors emerging from the ground must be protected by enclosures or raceways extending 18 inches below grade for direct buried cable or to the approved buried depth for protected cable and up to a point 8 feet above grade. Acceptable protection shall be rigid metal conduit, intermediate metal conduit or Schedule 80 rigid non-metallic conduit.~~

~~SERVICE EQUIPMENT~~

- ~~1. The service entrance equipment must be readily accessible within 30 feet of the home it serves or a properly grounded disconnecting means within 30 feet of the home must be provided (Article 550-23(a)).~~
- ~~2. The service entrance equipment must be rated at least 100 amperes. The equipment may include up to a 50 ampere receptacle if the proper over-current protection is provided (Article 550-23(b)).~~

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- ~~3. The equipment must also include provisions for a branch circuit to serve any auxiliary structures or equipment such as yard lights and lawn maintenance equipment (Article 550-23(c)).~~
- ~~4. All 15 and 20 ampere receptacles installed outdoors must be protected by approved ground fault circuit protection for personnel (Article 550-23(d)).~~
- ~~5. The required disconnection means shall be located between 2 feet and 6 1/2 feet from the ground (Article 550-23(e)).~~
- ~~6. The service equipment shall be grounded as required by Article 250-32. See Section 250-H for the requirements of the grounding electrode system.~~

FEEDERS

- ~~1. The manufactured home feeder conductor may either be a factory installed cord or a permanently installed feeder. Either shall contain 4 continuous insulated color coded conductors, one which shall be the grounding conductor (Article 550-24).~~
- ~~2. The feeders may be overhead or underground. Similar requirements for clearances and size of the conductors apply as indicated for the service conductor.~~
- ~~3. Underground feeders may be directly buried if they bear a UF or USE marking. Otherwise they must be protected as required by Table 300-5.~~
- ~~4. The underground feeders must be protected as required by Article 300-5(d) where it emerges from the ground both at the service equipment and under the home. Because the home may be subject to vertical movement due to the freezing of the soil, provisions shall be made to allow for this movement without causing damage to the conductors.~~

DISTRIBUTION PANEL

~~The wiring of the distribution panel, which is located in the home, is not within the Illinois Department of Public Health's jurisdiction. However, it is important that the following provisions of Article 550-11 be met.~~

- ~~1. The white (neutral) conductor is required to be run from the "insulated busbar" in the manufactured home panel to the service entrance equipment, where it is connected to the terminal at the point of connection to the grounding electrode conductor.~~

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- ~~2. The green (grounding) conductor is required to be run from the "panel grounding bus" in the manufactured home to the service entrance equipment, where it is connected to the neutral conductor at the point of connection to the grounding electrode conductor.~~
- ~~3. The requirements provide that the grounded (white) conductor and the grounding (green) conductor be kept separate within the manufactured home structure and only connected at the service entrance equipment in order to secure the maximum protection against electric shock hazards if the supplied neutral conductor should become open.~~
- ~~4. The grounded circuit conductor (neutral) shall be insulated from the grounding conductors and from equipment enclosures and other grounded parts. The grounded (neutral) circuit terminals in the distribution panelboard shall be insulated from the equipment enclosure.~~
- ~~5. The green colored grounding wire in the feeder shall be connected to the grounding bus in the distribution panelboard.~~
- ~~6. All exposed non-current carrying metal parts that may become energized shall be effectively bonded to the grounding terminal of the distribution panelboard. A bonding conductor shall be connected between each distribution panelboard and an accessible terminal on the chassis.~~

(Source: Repealed at 30 Ill. Reg. 13419, effective July 28, 2006)

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Section 860.TABLE B Water Distribution Pipe Size

Inside Diameter of Main (In inches)	Number of Manufactured Home Sites Connected	Maximum Length of Main (In feet)
2	20	600
3	60	1,800
4	120	3,600
6	400	12,000

NOTE: If local requirements exceed the above sizes, the local standards must be met. A minimum 6-inch diameter pipe is required if fire hydrants are installed in the water distribution system. (See Section 860.270(d).)

(Source: Amended at 30 Ill. Reg. 13419, effective July 28, 2006)

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- 1) Heading of the Part: Manufactured Home Installation Code
- 2) Code Citation: 77 Ill. Adm. Code 870
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
870.10	New Section
870.20	New Section
870.30	New Section
870.40	New Section
870.50	New Section
870.55	New Section
870.60	New Section
870.65	New Section
870.70	New Section
870.80	New Section
870.90	New Section
870.100	New Section
870.110	New Section
870.120	New Section
870.130	New Section
870.140	New Section
870.150	New Section
870.160	New Section
870.170	New Section
870.190	New Section
870.200	New Section
870.210	New Section
870.220	New Section
870.230	New Section
870.240	New Section
870.250	New Section
870.TABLE A	New Section
870.TABLE B	New Section
870.TABLE C	New Section
870.TABLE D	New Section
870.TABLE E	New Section
870.TABLE F	New Section
870.TABLE G	New Section
870.TABLE H	New Section

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- 4) Statutory Authority: Illinois Manufactured Home Installers Act [430 ILCS 120], Manufactured Home Quality Assurance Act [430 ILCS 117], Illinois Mobile Home Tiedown Act [210 ILCS 120].
- 5) Effective Date of Rulemaking: July 28, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in the Illinois Register: November 14, 2005; 29 Ill. Reg. 18297
- 10) Has JCAR issued a Statement of Objection to these rules? 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? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: These rules will implement the Illinois Manufactured Home Quality Assurance Act (430 ILCS 117), which requires the Department to license manufactured home installers and manufacturers of manufactured homes, and to establish installation standards for homes without manufacturer's installation manuals. This rulemaking is a companion rulemaking to the repeal of the Illinois Manufactured Home Tiedown Code (77 Ill. Adm. Code 870) and the Manufactured Home Installer Accreditation Course Code (77 Ill. Adm. Code 885). Requirements being repealed from those two Parts are incorporated into this Part, thus consolidating rules on the installation of manufactured homes.
- 16) Information and questions regarding these adopted rules shall be directed to:

Susan Meister

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Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

Telephone: 217/782-2043
Fax: 217/557-8617
e-mail: rules@idph.state.il.us

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

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NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER q: MOBILE HOMES

PART 870
MANUFACTURED HOME INSTALLATION CODE

SUBPART A: DEFINITIONS AND INCORPORATED MATERIALS

- Section
870.10 Definitions
870.20 Incorporated and Referenced Materials

SUBPART B: MANUFACTURED HOME INSTALLER ACCREDITATION COURSES

- Section
870.30 Accreditation of Manufactured Home Installer Course
870.40 Responsibilities of Entities Offering Accredited Manufactured Home Installer Courses
870.50 Requirements for Accredited Manufactured Home Installer Course Curriculum
870.55 Reciprocity
870.60 Revocation of Accreditation

SUBPART C: MANUFACTURED HOME INSTALLER REQUIREMENTS

- Section
870.65 Requirements for Manufactured Home Installers License
870.70 Continuing Education
870.80 Installation Seals and Compliance Certificates

SUBPART D: REQUIREMENTS FOR THE INSTALLATION
OF MANUFACTURED HOMES

- Section
870.90 Requirements for the Installation of Manufactured Homes
870.100 Site Location
870.110 Support Systems
870.120 Structural Connections, Sealing and Patching
870.130 Electrical Hookup of Manufactured Homes
870.140 Plumbing

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- 870.150 Heating and Air Conditioning
- 870.160 Natural and Liquefied Petroleum Gas Installation
- 870.170 Perimeter Enclosures

SUBPART E: MANUFACTURED HOME ANCHORING

- Section
- 870.190 Tiedown Equipment Approval
- 870.200 Equipment Specifications
- 870.210 Compliance
- 870.220 Tiedown Installation Requirements

SUBPART F: MANUFACTURERS OF MANUFACTURED HOMES

- Section
- 870.230 Manufacturer's Responsibilities

SUBPART G: ADMINISTRATIVE HEARINGS

- Section
 - 870.240 Penalties
 - 870.250 Injunctive Relief
-
- 870.TABLE A Soil Pressure
 - 870.TABLE B Footing Areas Required for Soil's Load-Bearing Capacity – Design Roof Load 20 Pounds Per Square Foot
 - 870.TABLE C Footing Areas Required for Soil's Load-Bearing Capacity – Design n Roof Load 30 Pounds Per Square Foot
 - 870.TABLE D Footing Areas Required for Soil's Load-Bearing Capacity – Design Roof Load 40 Pounds Per Square Foot
 - 870.TABLE E Pier Load and Minimum Pier Capacity for 12 Foot Wide Section (Pounds)
 - 870.TABLE F Pier Load and Minimum Pier Capacity for 14 Foot Wide Section (Pounds)
 - 870.TABLE G Pier Load and Minimum Pier Capacity for 16 Foot Wide Section (Pounds)
 - 870.TABLE H Multi-Section Fastening Schedule

AUTHORITY: Implementing and authorized by the Illinois Manufactured Home Installers Act [430 ILCS 120], the Manufactured Home Quality Assurance Act [430 ILCS 117], and the Illinois Mobile Home Tiedown Act [210 ILCS 120].

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SOURCE: Adopted at 4 Ill. Reg. 25, p. 148, effective July 1, 1980; codified at 8 Ill. Reg. 17513; amended at 21 Ill. Reg. 9475, effective July 1, 1997; emergency amendment at 22 Ill. Reg. 2626, effective January 14, 1998, for a maximum of 150 days; emergency expired June 13, 1998; amended at 23 Ill. Reg. 5609, effective June 1, 1999; old Part repealed by emergency rulemaking at 29 Ill. Reg. 10371 and new Part adopted by emergency rulemaking at 29 Ill. Reg. 10327, effective July 1, 2005, for a maximum of 150 days; emergency expired November 27, 2005; old Part repealed at 30 Ill. Reg. 13484, and new Part adopted at 30 Ill. Reg. 13441, effective July 28, 2006.

SUBPART A: DEFINITIONS AND INCORPORATED MATERIALS

Section 870.10 Definitions

For purposes of this Part, the following terms have the meanings ascribed in this Section.

"Accessory structure" means a structure such as a shed, garage, carport, deck or porch on a manufactured home site.

"Anchor" means any device used for securing the manufactured home to the foundation system or ground.

"Anchoring equipment" means bolts, straps, cables, turnbuckles, and chains, including tensioning devices, that are used with ties to secure a manufactured home to ground anchors or the foundation system.

"Anchoring system" means any method used for securing the manufactured home to a foundation system or the ground.

"Department" means the Illinois Department of Public Health. [430 ILCS 117/10]

"Footing" means that portion of the support system that transmits loads directly to the soil.

"Foundation system" is a support system that transfers design loads into the underlying ground. Examples of acceptable foundation systems include, but are not limited to, a floating support system consisting of concrete runners under each frame I-beam, or a concrete pad that extends beneath the entire home and is at least 3½" thick, or individual footing designed to support the home.

"Frost depth" means the depth of frost penetration into the soil.

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"Frost heave" is an uplift of ground or pavement caused by freezing of moist soil.

"Ground anchor" means any device at the manufactured home installation site designed to transfer manufactured home anchoring loads to the ground.

"Independent testing laboratory" is an organization that:

Primarily is interested in testing and evaluating equipment; and

Is qualified and equipped to conduct and evaluate experimental testing in accordance with approved standards; and

Makes available a published report in which specific information is included stating that the equipment and installations have been tested and found safe for use in a specific manner; and

Is not under the jurisdiction or control of any manufacturer or supplier of any industry.

"Installation" means assembly, at the site of occupancy, of all portions of the manufactured home, connection of the manufactured home to utilities, and installation of support and anchoring systems.

"Installation certificate of compliance" means the certificate provided by the Department that is completed by the licensed manufactured home installer, which certifies that the manufactured home installation complies with this Part.

"Installation instructions" means those instructions provided by the manufacturer detailing the manufacturer's requirements for supports, anchoring system attachments and utility connections.

"Installation seal" means a sticker issued by the Department to a licensed manufactured home installer to be displayed on the manufactured home to indicate compliance with the Department's rules pertaining to manufactured home installation.

"Installers Act" means the Illinois Manufactured Home Installers Act [430 ILCS 120].

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"Length of manufactured home" is the distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, or other attachments.

"Licensed manufactured home installer" means a person who has successfully completed a manufactured home installation course approved by the Illinois Department of Public Health, paid the license fee and been issued a current license. [430 ILCS 117/10]

"Manufactured home" is synonymous with "mobile home" and means a structure that is a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is placed on a support system for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons; provided, that any such structure resting wholly on a permanent foundation, as defined in this Part, shall not be construed as a mobile home or manufactured home. The term "manufactured home" includes manufactured homes constructed after June 30, 1976 in accordance with the federal National Manufactured Housing Construction and Safety Standards Act of 1974 and does not include an immobilized mobile home as defined in Section 2.10 of the Mobile Home Park Act. [430 ILCS 117/10]

"Manufacturer" means a manufacturer of a manufactured home whether the manufacturer is located within or outside the State of Illinois. [430 ILCS 117/10]

"Minimum frost depth" means 35 inches, except in those areas where local ordinance establishes a different frost depth.

"On-site" means the physical presence of the licensed manufactured home installer at the installation site of a manufactured home.

"Permanent foundation" is a continuous perimeter foundation of material, such as mortared concrete block, mortared brick, or concrete, that extends into the ground below the established frost depth and to which the home is secured with foundation bolts at least one-half inch in diameter, spaced at intervals of no more

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than 6 feet and within one foot of the corners, and embedded at least 7 inches into concrete foundations or 15 inches into block foundations. [430 ILCS 117/10]

"Piers" means that portion of the support system between the footing and the manufactured home, exclusive of shims. Types of piers include concrete blocks, manufactured steel stands, and manufactured concrete stands.

"Site" is a parcel of land for the accommodation of a manufactured home.

"Stabilizing device" means a device or provision made to minimize the deflection or slicing through the soil by a ground anchor rod at ground level.

"Support system" means a combination of footings, piers and shims designed to support the home when properly installed.

"Tie" means a strap, cable, or securing device used to connect the manufactured home to the anchors.

"Tiedown Act" means the Illinois Mobile Home Tiedown Act [210 ILCS 120].

"Tiedown manufacturer" is any person or business engaged in the manufacturing of tiedown equipment that is offered for sale or use in this State.

"Training hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations and/or practical, hands-on instruction.

Section 870.20 Incorporated and Referenced Materials

- a) The following standards and regulations are incorporated in this Part:
 - 1) Regulations of federal agencies:
 - A) United States Department of Transportation, Office of Pipeline Safety
400 7th Street, S.W.
Washington, D.C. 20590

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Transportation of Natural and Other Gas by Pipeline:
Minimum Federal Safety Standards (49 CFR 192; October
1, 2004)

- B) United States Department of Housing and Urban Development
451 N. 7th Street
Washington, D.C. 20410

Manufactured Home Construction and Safety Standards (24
CFR 3280; April 1, 2004)

- 2) Standards of a nationally or internationally recognized organization:

- A) National Fire Protection Association
1 Batterymarch Park
P.O. Box 9101
Quincy, Massachusetts 02269-9101

- i) National Electrical Code, 2002 Edition (NFPA 70)
- ii) Standards for the Installation of Oil Burning Equipment,
2001 Edition (NFPA 31)
- iii) National Fuel Gas Code, 1999 Edition (NFPA 54-99)
- iv) Standard for the Storage and Handling of Liquefied
Petroleum Gases, 1998 Edition (NFPA 58-98)

- B) American Wood-Preservers' Association
P.O. Box 5690
Granbury, Texas 76049

AWPA C22-03 Standard: Lumber and Plywood for
Permanent Wood Foundations – Preservative Treatment by
Pressure Processes (2003)

- C) American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, Pennsylvania 19428

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- i) ASTM A 254-97 Standard Specification for Copper-Braized Steel Tubing (2002)
 - ii) ASTM C 90-03 Standard Specification for Load-Bearing Concrete Masonry Units (2003)
 - iii) ASTM D 2513-04A Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing and Fittings (2003)
 - iv) ASTM D 3953-91 Standard Specification for Strapping, Flat Steel and Seals (2003)
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following standards, regulations and laws are referenced in this Part:
- 1) Rules of the Illinois Department of Public Health:
 - A) Manufactured Home Community Code (77 Ill. Adm. Code 860)
 - B) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - C) Plumbers Licensing Code (68 Ill. Adm. Code 750)
 - 2) State of Illinois statutes:
 - A) Illinois Mobile Home Park Act [210 ILCS 115]
 - B) Illinois Mobile Home Tiedown Act [210 ILCS 120]
 - C) Illinois Plumbing License Law [225 ILCS 320]
 - D) Manufactured Home Quality Assurance Act [430 ILCS 117]
 - E) Illinois Manufactured Home Installers Act [430 ILCS 120]

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SUBPART B: MANUFACTURED HOME INSTALLER ACCREDITATION COURSES

Section 870.30 Accreditation of Manufactured Home Installer Course

- a) An entity that offers or plans to offer a manufactured home installer course shall obtain Department accreditation for the course by submitting to the Department in writing the following information at least 60 days before the beginning of the course:
- 1) The name, address and telephone number, and the name of a contact person, for the entity providing the course.
 - 2) The course location and written documentation that the course provides facilities of sufficient size to accommodate the maximum enrollment of the course for classroom and hands-on field training.
 - 3) Beginning and ending dates for the course.
 - 4) A course schedule and syllabus.
 - 5) Student and instructor manuals for the course.
 - 6) Documentation of a principal instructor who shall be responsible for the organization of the course and oversight of the teaching of all course material. Guest instructors may be utilized as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. The principal instructor shall have the following qualifications:
 - A) at least two years of post high school education in building construction technology; or
 - B) two years of experience in managing a training program specializing in the installation of manufactured homes.
 - 7) A final examination for the course that includes criteria for pass/fail. The course must require at least 70% correct on the final examination as a passing score.

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- 8) An example of the certificate of course completion that includes the following information:
 - A) the name, address, and telephone number of the entity providing the course;
 - B) the name, dates of attendance at course, and indication of pass/fail for the student to whom the certificate is issued.
- b) The Department shall provide written notice via certified mail to the course sponsor whether the request for accreditation has been approved.
- c) For requests that are not approved, the Department's notification will include the reason for disapproval and notice that the course sponsor shall have 10 days to submit a written request for an administrative hearing to contest the Department's decision. In lieu of a request for hearing, the course sponsor may submit a revised request for accreditation in which items noted to be incomplete in the initial request are completed.
- d) The Department shall maintain and make available to the public a list of approved course sponsors.

Section 870.40 Responsibilities of Entities Offering Accredited Manufactured Home Installer Courses

- a) The entity offering an accredited training course shall be responsible for maintaining training course records and making such records available to the Department as necessary.
 - 1) Course records shall be retained at the address specified on the approved training program accreditation application for a minimum of 3 years.
 - 2) The entity shall notify the Department in writing within 30 days after changing the address specified on the training course accreditation application or transferring records to a new address.
 - 3) The Department shall have the authority to enter, inspect and audit training facilities and to examine records to determine compliance with the Act and this Part.

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- b) Training course records that shall be maintained include the following:
 - 1) All documents that demonstrate the qualifications of the principal instructor, as specified in Section 870.30(a)(6).
 - 2) Current curriculum/course materials and documents reflecting any changes made to these materials.
 - 3) A copy of the course final examination.
 - 4) Results of the course final examination and a record of each certified installer's course completion.
 - 5) Any other materials specified in Section 870.30 that have been submitted to the Department as part of the program approval.
- c) Entities offering accredited courses shall submit to the Department a list of installers completing a course within 30 days after course completion.

Section 870.50 Requirements for Accredited Manufactured Home Installer Course Curriculum

Each accredited manufactured home installer course shall provide instruction on how to install a manufactured home to the specifications of the manufacturer, review Subpart D of this Part for homes without manufacturer specifications, and test the written and practical installation skills of the individual installer (Section 15 of the Installers Act). Each course shall consist of at least 10 training hours that include the following topics:

- a) The installer's responsibility to obtain a copy of the home manufacturer's setup manual to ensure proper setup of the home in accordance with the home's warranty.
- b) The inspection of the proposed site of the home prior to setup to ensure proper location.
- c) Ensuring that the proposed site has drainage away from the home, vegetation cleared from under the home, and vapor barriers provided.
- d) Support of the home by a foundation system in accordance with the design loads of the home, the existing soil load bearing capacity of the home location, the

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Illinois Mobile Home Park Act [210 ILCS 115], the Manufactured Home Community Code (77 Ill. Adm. Code 860), and local authority requirements.

- e) Safety considerations for the setup of a home.
- f) Proper leveling of the home and placement of piers or foundation walls in accordance with the home manufacturer's specifications.
- g) Proper anchoring in accordance with the Tiedown Act and Subpart E of this Part.
- h) The installation of the plumbing for the home in accordance with the Illinois Plumbing License Law and the Illinois Plumbing Code.
- i) The installation of the electrical system for the home in compliance with the National Electrical Code.
- j) The installation of the gas or oil utilities for the home in compliance with the requirements of the Installation of Oil Burning Equipment, National Fuel Gas Code Standard for the Storage and Handling of Liquefied Petroleum Gas Code, and the Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.

Section 870.55 Reciprocity

The Department may grant approval of a training program of another state that is determined to be equivalent to the requirements of Subpart B of this Part. Individuals must obtain an Illinois license. Installers who have completed a training course that has reciprocity with Illinois must also obtain an Illinois license, but need not complete an examination.

Section 870.60 Revocation of Accreditation

The Department shall provide written notice via certified mail to the course sponsor of its decision to revoke, for a period not exceeding 6 months, the course sponsor's accreditation. The course sponsor shall have 10 days to submit a written request for an administrative hearing to contest the Department's decision. The Department's decision to revoke a course sponsor's accreditation shall be based upon a course sponsor's violation of the Manufactured Home Quality Assurance Act [430 ILCS 117] or this Part. Notice and opportunity for an administrative hearing shall conform to the provisions of Section 870.240 of this Part.

SUBPART C: MANUFACTURED HOME INSTALLER REQUIREMENTS

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Section 870.65 Requirements for Manufactured Home Installers License

- a) To qualify for a license as a manufactured home installer, an applicant shall meet the following requirements:
 - 1) Be at least 18 years of age;
 - 2) Complete a Department-approved manufactured home installer course and pass the examination administered at the conclusion of the course, or complete a course offered by another state that has been granted reciprocal approval in accordance with Section 870.55;
 - 3) Submit the completed application form provided by the Department;
 - 4) Submit a 1 inch by 1 inch head and shoulder current photo of the license applicant;
 - 5) Submit the required license application fee of \$150.
- b) A licensed manufactured home installer must provide proof of licensure at the installation site when requested by a Department representative.
- c) A licensed manufactured home installer is not exempt from the requirements of the Illinois Plumbing License Law.

Section 870.70 Continuing Education

Licensed manufactured home installers must accumulate 4 hours of training approved by the Department every 2 years to be eligible for license renewal. Continuing education training must comply with Sections 870.30 and 870.40 with the exception that an exam is not required.

Section 870.80 Installation Seals and Compliance Certificates

- a) The licensed installer who installs the support system for each home must purchase from the Department installation seals and installation compliance certificates for all homes to be installed in Illinois after December 31, 2001. A \$25 check or money order payable to the Illinois Department of Public Health shall be submitted to the Illinois Department of Public Health, Division of Environmental Health, 525 West Jefferson, Springfield, Illinois 62761. Multiple

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seals and certificates of compliance may be purchased. The seals and compliance certificates may be purchased only by a licensed installer.

- b) Location of Seal. The installation seal must be placed directly above the HUD label upon completion of the installation of the home by the installer responsible for the support system for the home. In the event there is no HUD label on the home, the seal shall be placed where the HUD label would normally be. When a home with an installation seal is relocated, the original installation seal shall be removed or covered with the new installation seal.
- c) Installation Compliance Certificate
 - 1) The licensed manufactured home installer shall complete the installation compliance certificate within 30 days after the date of the installation. The installer shall mail copies of the completed certificate, via certified mail, to: the Department, the dealer, the homeowner, and the owner/operator of the licensed manufactured home community, if the home is installed in a community.
 - 2) The installation compliance certificate shall contain the following information:
 - A) Name and address of the licensed installer.
 - B) Installer's license number.
 - C) Name of manufacturer.
 - D) Manufacturer's serial number.
 - E) Home owner's name and address, if available.
 - F) Installation date.
 - G) Number of the installation seal that was affixed to the home.
- d) Lost or Damaged Installation Seals or Compliance Certificates. If a seal or compliance certificate becomes lost or damaged, the Department shall immediately be notified in writing by the installer. If possible, the assigned number shall be indicated. All damaged seals or compliance certificates or those

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unused from an installer who ceases business in Illinois shall be returned to the Department. No refund will be granted.

- e) Partially Completed Compliance Certificates. The licensed installer shall be responsible for completing as much information on the compliance certificates as is known prior to submitting the form to the Department, dealer and homeowner.

SUBPART D: REQUIREMENTS FOR THE INSTALLATION
OF MANUFACTURED HOMES

Section 870.90 Requirements for the Installation of Manufactured Homes

- a) *All manufactured homes installed after December 31, 2001 shall be installed under the on-site supervision of a licensed manufactured home installer.* [430 ILCS 117/25] The licensed installer shall provide sufficient on-site supervision to ensure quality installation as required by the manufacturer's specifications or, in the absence of the instructions provided by the manufacturer, this Part.
- b) Homes installed on a permanent foundation are not required to be installed by a licensed manufactured home installer.
- c) All homes shall comply with the anchoring requirements contained in Subpart E of this Part.
- d) The requirements of Sections 870.110 through 870.170 shall apply to homes installed where the instructions are not available.
- e) Nothing in this Part shall preclude local ordinances, including but not limited to zoning, building codes, or other ordinances not affecting installation standards or other exclusive State powers or functions under Section 60 of the Manufactured Home Quality Assurance Act.
- f) The home manufacturer data plate specifies the design criteria of the homes. For homes that do not have a data plate, the installation shall be designed for a roof live load design of 20 pounds per square foot.

Section 870.100 Site Location

- a) The portion of the lot used for the placement of the manufactured home must be firm, undisturbed soil or compacted fill. The soil must be tested for its load-

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bearing capacity and graded to prevent surface water or drainage from accumulating under the home. For sites constructed after July 1, 2005, the ground must be sloped a minimum of ½ inch per foot for at least 6 feet from the perimeter of the home. Impervious surfaces such as concrete and asphalt in this area shall be sloped away from the home at least one inch per 6 feet.

- b) All decayable material, such as grass, twigs, and wood scraps, shall be removed from under the home. Shrubs and overhanging branches that will impede installation in accordance with this Part shall be removed.
- c) A minimum 6-mil visqueen vapor barrier, secured and extending to the dimensions of the home, must be placed on the ground underneath the manufactured home before the perimeter enclosure is installed, unless the home is placed on a poured concrete slab.
- d) When gutters and downspouts are installed, the discharge shall be directed away from the home.

Section 870.110 Support Systems

Each manufactured home shall be installed on a support system capable of supporting a total of 80 pounds per square foot.

- a) Footings. Footings must be placed on level, firm, undisturbed soil or compacted or controlled fill that is free of grass and organic materials, compacted to a minimum load bearing capacity of 2,000 pounds per square foot. Pre-owned homes for which the manufacturer of the home is no longer in business or for which the installation instructions are not available may be placed on an existing footing system if the system meets the requirements of this Section.
 - 1) Area. The area in square inches of the footings is based on the width of the home, the roof design loads, the soil load-bearing capacity and the intended spacing of the piers. (See 870.Tables A-G.)
 - 2) Types. Footings may consist of the following:
 - A) Individual pier footings consisting of precast or poured-in-place individual pier footing concrete at least 3½ inches thick with a 28-day compressive strength of 3,000 pounds per square inch.

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- B) Concrete runners a minimum of 3½ inches thick under each I-beam or perpendicular to the I-beams at no more than 8 foot intervals.
 - C) Concrete pads a minimum of 3½ inches thick the approximate dimension of the home.
 - D) Pressure treated wood having a 0.60 retention in accordance with the AWWA C22-03 Standard.
 - E) Acrylonitrile butadiene styrene (ABS) footing pads in accordance with pad manufacturer installation instructions and listed for the required load capacity and type of installation. Support devices and piers must not overlap the footings.
 - F) A support system approved by a licensed professional engineer.
- b) Piers. Piers or load-bearing supports or devices shall be designed and constructed to transmit the vertical live and dead loads to the foundation below. In order to properly support the home, the piers must be of the proper type, size, location and spacing. Piers shall be installed directly under the main frames of the home. Piers shall be no more than two feet from each end of the frame and adequately spaced. (See 870.Tables A-G.) Piers may be concrete blocks or adjustable metal or concrete devices approved and listed for the required load capacities. Load bearing supports or devices shall be listed and labeled, or shall be designed by a licensed professional engineer in Illinois, and shall be approved for the use intended, prior to installation.
- 1) Types. Non-mortared concrete blocks conforming to ASTM C 90-96 Type N with a nominal size of 8 inches by 8 inches by 16 inches shall be installed with the 16 inch dimension perpendicular to the main frame (I-beam), the open cells vertical, stacked level. A 2 or 4 inch thick 8 inch by 16 inch solid concrete cap block that conforms to ASTM C 90-96 Type N shall be placed on the top of each stack. The vertical load shall not exceed 8,000 pounds per single stack and 14,000 pounds for a double stack. The blocks must be stacked on a solid base pad in accordance with the soil bearing capacity. As many as 2 wood plates not exceeding 3 inches in combined thickness and 2 shims not exceeding 1 inch total thickness must be used to fill any gap between the concrete cap and main frame.

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Hardwood shims must be a minimum of 3 inches wide and 6 inches long fitted tight between cap or wood plate and main frame.

- 2) Clearance and Height. A minimum clearance of 12 inches must be provided between the ground and the bottom of the frame. If piers exceed 36 inches in height, they shall be double blocked. If the height exceeds 80 inches, the pier must be double blocked and mortared with rebar. If the home is placed in an area subject to flooding, a licensed professional engineer in Illinois shall design a support and anchoring system that will resist flood forces. The Federal Emergency Management Agency has information that may assist in the design.
- 3) Load-Bearing Openings. In addition to the piers under the main I-beams of the home, piers must be placed under openings in the perimeter walls and center-mating wall openings greater than 4 feet. (See 870.Tables E-G.)
- 4) Elevated Manufactured Homes. When more than $\frac{1}{4}$ of the area of a home is installed so that the bottom of the main frame is more than 7 feet above ground level, the home support system shall be designed by a licensed professional engineer in Illinois and installation shall be approved by the Department prior to the installation.

Section 870.120 Structural Connections, Sealing and Patching

- a) Structural Connections. Multi-section manufactured homes must be secured to immobilize each section, allow for the transfer of required loads, and protect interior and enclosed spaces. (See 870.Table H, Multi-Section Fastening Schedule.)
- b) Sealing. During installation, joints between all multi-section homes must be cleaned and shimmed where the gap exceeds $\frac{1}{2}$ inch top or bottom, then sealed with a weather-stripping gasket material to limit heat loss and prevent air, moisture and other damaging infiltration. The gasket material must be durable, non-porous caulking, closed cell foam, urethane or sill seal. Caulking, if used, must be capable of compressing and stretching. Sill seal, if used, must be a minimum of $5\frac{1}{2}$ inches wide and attached with fasteners staggered at 6 inches on center.

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- c) Patching. All cuts, holes or tears in the bottom board or floor insulation, including areas around structural connections and plumbing, mechanical and heating equipment penetrations, must be adequately repaired to help prevent the entrance of rodents, to limit heat loss and to prevent air, moisture and other damaging infiltration.

Section 870.130 Electrical Hookup of Manufactured Homes

All electrical distribution and services must comply with the National Electrical Code in existence at the time of the installation of the electrical service. The electrical service site supply must be a minimum of 100 amperes and rated for the capacity of the home.

Section 870.140 Plumbing

As specified by the Illinois Plumbing License Law [225 ILCS 320], all plumbing installed in Illinois shall be done by an Illinois licensed plumber or the owner and occupant of the home and shall comply with the Illinois Plumbing Code. A person who installs plumbing and is not a licensed Illinois plumber or is not the owner and occupant of the home can be fined up to \$5,000 in accordance with the provisions of Illinois Plumbing License Law and Plumbers Licensing Code.

Section 870.150 Heating and Air Conditioning

All on-site installations of heating and air conditioning systems shall meet the equipment manufacturer's specifications, comply with local code, and be performed by qualified personnel approved or licensed by the local jurisdiction for this work, a licensed manufactured home installer or the homeowner.

- a) Heating Equipment. The heating systems for most homes are provided with the duct systems installed. On-site installation consists of connecting the crossover duct for multi-section homes. Crossover ducts for multi-section homes must be supported aboveground, sealed to prevent air leaks and cut to length to avoid kinks.
- b) Air Conditioning Equipment. Air conditioning equipment must be installed in accordance with the manufacturer's specifications and comply with local codes. The maximum electrical full load ampere draw for the desired air conditioning unit must not exceed the home manufacturer's circuit rating. Any field-installed wiring beyond the junction box must include a fused disconnect located within sight of the condensing unit. The maximum fuse size is marked on the condenser

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data plate. Charging of the air conditioning equipment must be performed by qualified personnel. Condensation from the air conditioning equipment must not drain underneath the home.

- c) Clothes dryer vents must exhaust outside the exterior of the home, or any perimeter foundation or skirting. The exhaust duct must be adequately supported and sealed. The installation of the duct must be in accordance with the manufacturer's instructions.

Section 870.160 Natural and Liquefied Petroleum Gas Installation

- a) Natural Gas. There are three codes affecting the operation of natural gas facilities in manufactured homes: the Pipeline Safety Regulations administered by the U.S. Department of Transportation for the pipeline to the meter; the National Fuel Gas Code written by the National Fire Protection Association for the piping from the meter to underneath the home, and the Manufactured Home Construction and Safety Standards, administered by the Department of Housing and Urban Development for the appliance installation, operation and venting in the home.
 - 1) Piping. Natural gas piping must be of approved materials.
 - A) Plastic piping approved for natural gas, ASTM 2513, must be installed below ground level, except that it may terminate aboveground if:
 - i) The aboveground part of the plastic service line is protected against deterioration and external damage; and
 - ii) The plastic service line is not used to support external loads. Plastic pipe, tubing and fittings shall be joined in accordance with manufacturer's instructions. An electrically continuous corrosion resistant tracer wire (Minimum 14 AWG (American wire gauge)) or tape shall be buried with the plastic pipe to facilitate locating.
 - B) Metallic pipe shall be at least standard weight, Schedule 40. Copper and brass pipe shall not be used if the gas contains more than an average of 0.3 grains of hydrogen sulfide per 100 standard cubic feet of gas. Metallic tubing such as seamless copper (ASTM

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A254) shall be permitted to be used with gas not corrosive to such material.

- 2) Support. All piping under the home must be supported with appropriate hangers spaced at no more than 6 foot intervals for 1 inch diameter or less pipe and no more than 10 foot intervals for piping 1¼ inch in diameter or more.
 - 3) Defects and Corrosion. Defects in pipe, tubing or fittings shall not be repaired. When defective pipe, tubing or fittings are located in a system, the defective material shall be replaced. Gas piping in contact with earth or other material that could corrode the piping shall be protected against corrosion in an approved manner.
 - 4) Meters, Valves and Regulators. Meters and regulators must be installed in a readily accessible location and be protected from corrosion and other damage. Each service line must have a service line valve located upstream of the regulator or meter.
 - 5) Location and Testing. Each buried main must be installed with at least 24 inches of cover and service lines with at least 18 inches of cover. The service line cover can be reduced to 12 inches if external damage to the pipe is not likely to result. The gas piping system must be tested for leaks prior to occupancy of the home.
- b) Liquefied Petroleum Gas (LP). LP gas containers must be approved for the intended use and properly located in accordance with the Standard for the Storage and Handling of Liquefied Petroleum Gases (NFPA 58-98) (Table 9 – Proper Location of Liquefied Petroleum Gas Containers).
 - c) Oil Burning Equipment. Fuel oil burning equipment must be installed in accordance with the Standards for the Installation of Oil Burning Equipment (NFPA 31).

Section 870.170 Perimeter Enclosures

- a) Material and Ventilation. The perimeter enclosure material shall be of material manufactured for this purpose. The material must be installed in a manner that will not allow water to be trapped between the perimeter material and the siding or trim to which it is attached. The perimeter enclosure material is to be vented

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according to the manufacturer's recommendation to prevent moisture buildup. If the manufacturer's specifications are not available, to assure proper ventilation, the open area of the vents must be equal to at least 1/300 of the floor area of the home.

- b) Installation. Perimeter enclosure material must be installed to accept possible frost heave. The perimeter enclosure must be installed to the manufacturer's specifications.
- c) Access. A utility inspection panel that can be opened without the use of tools and that is a minimum of 24 inches by 18 inches must be provided.

SUBPART E: MANUFACTURED HOME ANCHORING

Section 870.190 Tiedown Equipment Approval

- a) Manufacturer's Approval. Each tiedown manufacturer shall file with the Department a written request for approval to sell tiedown equipment in Illinois. In order to obtain approval, each tiedown manufacturer must submit the following:
 - 1) Detailed plans and specifications of all tiedown equipment, showing model identification number, pertinent dimensions, materials, and method of securing ties. Each drawing shall bear the seal of a licensed professional engineer in Illinois.
 - 2) Test data regarding the strength of all equipment, which has been prepared and certified by a recognized independent testing laboratory, demonstrating that the anchor and all tiedown equipment meet the requirements of this Section. Each piece of equipment must be tested a minimum of three times and be shown to meet the requirements of Section 870.200. The tests must be conducted with the equipment installed according to the installation instructions.
 - 3) A copy of the installation instructions for each anchor must accompany all anchors when sold. For ground anchors, the instructions shall include information as to the holding capability of the soils in which the anchor is certified to be installed, the method of installation, the type and size of stabilization devices required, the amount of pre-loading, and the method of tension adjustment after installation. The instructions for installation

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must be consistent with the testing of the equipment, especially with regard to the angle and depth of installation of ground anchors. The instructions for concrete anchors shall specify the minimum amount of concrete required, the distance from the edge of the concrete to the anchor and the compressive strength of the concrete. A copy of all instructions, including any revisions, must be submitted prior to the issuance of approval.

- 4) Each anchor shall be permanently marked with an identification number that is visible when the equipment is installed.
 - 5) If the design, construction or installation instructions of any approved equipment are changed, approval must be obtained from the Department.
- b) **Alternative Approval.** A home owner, dealer, or installer who wishes to tie down a manufactured home with a unique system or materials different from one approved under subsection (a) must submit all information on material specifications, strength of equipment, and system design to the Department for approval. The approval will be based upon the criteria specified in Sections 870.200 and 870.220.
- c) **Evidence of Approval.** The tiedown manufacturer shall present evidence of Department approval to any homeowner or installer upon request. Approval shall be evidenced by the letter of approval from the Department for the specific equipment.
- d) **Previous Approvals.** All previous approvals issued by the Department for tiedown equipment shall become void January 1, 2006. New approval will be granted for the tiedown equipment previously approved with the exception that the ground anchor equipment will be rated at the soil holding capability of tests on file and not soil class ratings.

Section 870.200 Equipment Specifications

- a) Tie materials shall be capable of resisting a force of 3,150 pounds with no more than 2 percent elongation and shall withstand at least 4,725 pounds without failure. Strapping must meet the requirements of ASTM D 3953-91, and cable must be a minimum of ¼ inch diameter galvanized 7 by 19 strand cable.

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- b) Anchor equipment and ties shall be weather resistant. Each anchor, when installed, shall be capable of resisting a working load at least equal to 3,150 pounds in the direction of the tie plus 50 percent overload (4,725 pounds) without failure. Double headed anchors must resist vertical and horizontal loads. Failure shall be considered to have occurred when the point of connection between the tie and the anchor moves more than 2 inches at 4,725 pounds in the vertical direction. Anchors designed to be installed so that the loads on the anchor are other than direct withdrawal shall be designed and installed to resist an applied design load of 4,725 pounds at 45 degrees from horizontal without displacing the anchor more than 3 inches horizontally at the point where the tie attaches to the anchor.

Section 870.210 Compliance

- a) All manufactured homes and manufactured accessory structures installed after July 1, 2005 must be tied down in accordance with this Part, the home manufacturer's instructions and the tiedown manufacturer's instructions within 30 days after the home is installed on the site. All manufactured accessory structures shall be secured in accordance with the manufacturer's instructions.
- b) If frozen soil or wet soil prevents the installation of ground anchors, the 30 day deadline shall not apply. The home must, in this case, be anchored at the earliest possible date after the soil thaws or dries.

Section 870.220 Tiedown Installation Requirements

- a) Equipment. All manufactured homes installed after July 1, 2005 must be installed with equipment approved by the Department.
- b) Ties
- 1) Cable, strapping or other approved material shall be used for ties.
 - 2) The ties shall connect from an anchor to the closest I-beam beneath the home. Ties shall not connect to steel outriggers, unless specifically stated in the home manufacturer's installation instructions. The angle formed between the tie and the ground shall be between 40 and 50 degrees. If this angle exceeds 50 degrees when the tie is connected to the nearest I-beam, a tie shall connect from an anchor to both I-beams of the unit.

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- 3) Ties shall be evenly spaced on each side of the length of the home with a maximum separation of 12 feet and with the end ties within 2 feet of each end.
 - 4) If steel strapping is used, it must be secured around the I-beam using an approved connecting device. Straps shall go from the anchor to the top of I-beam unless the home manufacturer's instructions indicate otherwise. Care shall be exercised to ensure that minimum bending radius is adhered to, so that the breaking strength of the strapping is not reduced.
 - 5) The ties shall be secured to the I-beam of the home so that they will not become disconnected if the tension is loosened.
 - 6) Ties must terminate with a D-ring, bolt or other tensioning device that will not lower the material strength below that stated in Section 870.200(a).
 - 7) All cable ends shall be secured with at least two utility bolt type clamps or other fastening device.
- c) Anchors
- 1) All anchors must be installed to full depth as specified in the anchor manufacturer's installation instructions.
 - 2) Stabilizing devices must be utilized when the load on the ground anchor is not applied in line with the anchor. Provisions shall be made to minimize the deflection or slicing through the soil by the anchor rod at ground level. The method of restricting deflection may be the encasement of the top portion of the anchor in a concrete collar or by the use of a stabilizer plate.
 - 3) Ground anchors installed in line with the load of the anchor must be a minimum of 48 inches in length.
- d) Frost Heave. The following measures shall be taken for the specific type of installation in order to prevent frost heave, which can cause damage to a home:
- 1) If the support system for the home does not extend below the frost depth but the anchors do, the ties shall be adjusted (loosened slightly in the fall and tightened in the spring) to compensate for the tension caused by the earth movement.

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- 2) If the support system for the home extends below the frost depth but the anchoring system does not, the ties shall be tightened in the fall and loosened slightly in the spring.
 - 3) If the anchoring system and the support system for the home both extend below the frost depth or neither extends below the frost depth, no provisions for frost heave are necessary.
- e) Permanent Foundation. Homes installed on a permanent foundation as defined in Section 870.10 are exempted from this Part.

SUBPART F: MANUFACTURERS OF MANUFACTURED HOMES

Section 870.230 Manufacturer's Responsibilities

- a) Manufacturers shall include a copy of their installation requirements with each home located in Illinois.
- b) Upon request from the Department, manufacturers shall provide the Department with a copy of the installation requirements for a specific home.
- c) If a manufacturer will honor its home warranty for an installation system that is different than that specified in the installation instructions, such information shall be provided to the Department in writing.

SUBPART G: ADMINISTRATIVE HEARINGS

Section 870.240 Penalties

The Department may revoke a license issued under the Manufactured Home Quality Assurance Act for a period not to exceed 6 months for a violation under the Act. A licensee is entitled to a hearing in accordance with the Illinois Administrative Procedure Act (IAPA). [430 ILCS 117/45]

- a) The Director, after notice and opportunity for hearing to the license holder, may revoke, for cause, a license issued under the Act for a period not to exceed 6 months.

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- b) For purposes of this Section, "cause" means a violation of any provision of the Act or any rule adopted pursuant to the Act.
- c) The Department shall serve on the license holder a Notice of Opportunity for an Administrative Hearing, which shall contain:
 - 1) a statement of the nature of the action;
 - 2) a statement of the legal authority and jurisdiction under which the action is being initiated;
 - 3) a reference to the particular Sections of the statutes and rules involved;
 - 4) allegations of noncompliance;
 - 5) a statement of the procedure for requesting an administrative hearing (Section 10-25 of the IAPA).
- d) Notice shall be provided by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 10 days from the date of the mailing or service, within which time the license holder must request, in writing, a hearing. Failure to serve upon the Department a written request for hearing within the time provided in the notice shall constitute a waiver of the person's right to an administrative hearing.
- e) Upon receipt of a timely request for hearing, the Department shall issue a Notice of Hearing or Pre-hearing Conference. The notice shall contain:
 - 1) a statement of the nature of the hearing;
 - 2) a statement of the time and place that the hearing or pre-hearing conference will be held;
 - 3) a statement of the legal authority and jurisdiction under which the hearing is to be held; and
 - 4) the names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the agency gives notice of the hearing, unless otherwise confidential by law.

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- f) The license holder shall file a written Answer to the Allegations of Noncompliance. The answer must be served on all parties within 20 days after receipt of the notice alleging noncompliance. If a license holder fails to file an answer, each alleged violation of a statute or Department rule by the license holder shall be deemed to have been admitted. If the license holder has insufficient knowledge of the facts to form a belief as to the truth of the allegation, the license holder may so state with an affidavit of insufficient knowledge.
- g) The hearing shall be conducted by the Director or by an individual designated by the Director as an Administrative Law Judge to conduct the hearing. The Director, or Administrative Law Judge, shall give written notice of the time and place of the hearing, by certified mail or personal service, to the applicant or license holder at least 10 days prior to the hearing. On the basis of the hearing, or upon default of the applicant or license holder, the Director shall make a determination specifying his or her findings and conclusions. A copy of the determination shall be sent by certified mail or served personally upon the applicant, license holder, or registrant. The decision of the Director shall be final on issues of fact and final in all respects unless judicial review is sought as provided in this Act.
- h) The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- i) A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and hearing officer.
- j) The Department, at its expense, shall provide a court reporter to take testimony. Technical error in the proceedings before the Director or Administrative Law Judge or their failure to observe the technical rules of evidence shall not be grounds for the reversal of any administrative decision unless it appears to the Court that such error or failure materially affects the rights of any party and results in substantial injustice to any party.
- k) The Director or Administrative Law Judge may compel the attendance of witnesses and the production of books, papers, records, or memoranda.

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Section 870.250 Injunctive Relief

If the Department finds that any installer or manufacturer is operating without a valid license, the Director of the Department may request that the Attorney General file a complaint in circuit court in the name of the People of the State of Illinois to enjoin that installer or manufacturer from engaging in unlicensed activities. [430 ILCS 117/50]

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Section 870.TABLE A Soil Pressure

<u>Soil Type</u>	<u>Allowable Pressure (lbs/sq. ft.)</u>
Hard Pan or Rock	4,000 and up
Gravel or Sandy Gravel	2,000
Sandy or Silty Sand	1,500
Clay or Silty Clay	1,000
Peat or Uncompacted Fill	Special Analysis Required

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Section 870.TABLE B Footing Areas Required for Soil's Load-Bearing Capacity – Design Roof Load 20 Pounds Per Square Foot

Section Width (feet)									
	12	14	16	12	14	16	12	14	16
Support Spacing (feet)									
	6	6	6	8	8	8	10	10	10
Support Loading (pounds per pier)									
	3200	3700	4250	4250	4950	5650	5300	6150	7050
Soil's Load-Bearing Capacity (lbs/ft ²)	Footing Area (square inches)								
1000	461	533	612	612	713	814	763	886	1015
1500	307	355	408	408	475	542	509	590	677
2000	230	266	306	306	356	407	382	443	508
3000	154	178	204	204	238	271	254	295	338
4000	144	144	153	153	178	203	191	221	254

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Section 870.TABLE C Footing Areas Required for Soil's Load-Bearing Capacity – Design Roof Load 30 Pounds Per Square Foot

Section Width (feet)									
	12	14	16	12	14	16	12	14	16
Support Spacing (feet)									
	6	6	6	8	8	8	10	10	10
Support Loading (pounds per pier)									
	3550	4150	4750	4750	5550	6350	5950	6950	7950
Soil's Load-Bearing Capacity (lbs/ft ²)	Footing Area (square inches)								
1000	511	598	684	684	799	914	857	1001	1145
1500	341	398	456	456	533	610	571	667	763
2000	256	299	342	342	400	457	428	500	572
3000	170	199	228	228	266	305	286	334	382
4000	144	148	171	171	200	229	214	250	286

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Section 870.TABLE D Footing Areas Required for Soil's Load-Bearing Capacity – Design Roof Load 40 Pounds Per Square Foot

Section Width (feet)									
	12	14	16	12	14	16	12	14	16
Support Spacing (feet)									
	6	6	6	8	8	8	10	10	10
Support Loading (pounds per pier)									
	3950	4650	5300	5300	6150	7050	6600	7700	8800*
Soil's Load-Bearing Capacity (lbs/ft ²)	Footing Area (square inches)								
1000	569	670	763	763	886	1015	950	1109	1267
1500	379	446	509	509	590	677	634	739	845
2000	284	335	382	382	443	508	475	554	634
3000	190	223	254	254	295	338	317	370	422
4000	144	167	191	191	221	254	238	277	317

- a) First footing centered within 2 feet from end of home.
- b)* Individual supports, concrete 8"x8"x16" blocks, shall NOT support loads greater than 8,000 pounds for a single stack and 14,000 pounds for a double stack pier.

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Section 870.TABLE E Pier Load and Minimum Pier Capacity for 12 Foot Wide Section (Pounds)

	Roof Live Load (psf)	Mating/Perimeter Wall Opening (feet)						
		5	10	15	20	25	30	35
	20	900	1800	2600	3500	4400	5300	6100
	30	1200	2300	3500	4700	5800	7000	8200
	40	1500	2900	4400	5800	7300	8800*	10200*
Soil's Load-Bearing Capacity (psf)	Footing Area (square inches)							
1000	20	144	259	374	504	634	763	878
	30	173	331	504	677	835	1008	1181
	40	216	417	634	835	1051	1267	1469
1500	20	144	173	250	336	422	509	586
	30	144	221	336	451	557	672	787
	40	144	278	422	557	701	845	979
2000	20	144	144	187	252	317	382	439
	30	144	166	252	338	418	504	590
	40	144	209	317	418	526	634	734
3000	20	144	144	144	168	211	254	293
	30	144	144	168	226	278	336	394
	40	144	144	211	278	350	422	490
4000	20	144	144	144	144	191	191	220
	30	144	144	144	169	209	252	295
	40	144	144	158	209	263	317	367

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- * Individual supports shall NOT support loads greater than 8000 pounds for a single stack of 8"x8"x16" stack of blocks, 14000 pounds for a double stack.

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Section 870.TABLE F Pier Load and Minimum Pier Capacity for 14 Foot Wide Section (Pounds)

	Roof Live Load (psf)	Mating/Perimeter Wall Opening (feet)						
		5	10	15	20	25	30	35
	20	1000	2000	3000	4100	5100	6100	7100
	30	1400	2700	4100	5400	6800	8100*	9500*
	40	1700	3400	5100	6800	8400*	10100*	11800*
Soil's Load-Bearing Capacity (psf)	Footing Area (square inches)							
1000	20	144	288	432	590	734	878	1022
	30	202	389	590	778	979	1166	1368
	40	245	490	734	979	1210	1454	1699
1500	20	144	192	288	394	490	586	682
	30	144	259	394	518	653	778	912
	40	163	326	490	653	806	970	1133
2000	20	144	144	216	295	367	439	511
	30	144	194	295	389	490	583	684
	40	144	245	367	490	605	727	850
3000	20	144	144	144	197	245	293	341
	30	144	144	197	260	326	389	456
	40	144	163	245	326	403	485	566
4000	20	144	144	144	148	184	220	256
	30	144	144	148	194	245	292	342
	40	144	144	184	245	302	364	425

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- * Individual supports shall NOT support loads greater than 8000 pounds for a single stack of 8"x8"x16" stack of blocks, 14000 pounds for a double stack.

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Section 870.TABLE G Pier Load and Minimum Pier Capacity for 16 Foot Wide Section (Pounds)

	Roof Live Load (psf)	Mating/Perimeter Wall Opening (feet)						
		5	10	15	20	25	30	35
	20	1200	2300	3500	4700	5800	7000	8100*
	30	1600	3100	4700	6200	7800	9300*	10900*
	40	1900	3800	5800	7500	9700*	11600*	13600*
Soil's Load-Bearing Capacity (psf)	Footing Area (square inches)							
1000	20	173	331	504	677	835	1008	1166
	30	230	446	677	893	1123	1339	1570
	40	274	547	835	1080	1397	1670	1958
1500	20	144	221	336	451	557	672	778
	30	154	298	451	595	749	893	1046
	40	182	365	557	720	931	1114	1306
2000	20	144	165	252	338	418	504	583
	30	144	223	338	446	562	670	785
	40	144	144	418	540	698	835	979
3000	20	144	144	168	226	278	336	389
	30	144	149	226	298	374	446	523
	40	144	182	278	360	466	557	653
4000	20	144	144	144	169	209	252	292
	30	144	144	169	223	281	335	392
	40	144	144	209	270	349	418	490

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- * Individual supports shall NOT support loads greater than 8000 pounds for a single stack of 8"x8"x16" stack of blocks, 14000 pounds for a double stack.

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Section 870.TABLE H Multi-Section Fastening Schedule

CONNECTOR LOCATION	FASTENER SIZE	FASTENER ANGLE	FASTENER SPACING
Roof ridge beam connection	½ inch carriage bolts	90 degrees	48 inches on center
Roof ridge beam connection	¾ inch lag screws with washers	45 degrees or less	24 inches on center
Roof rafter connection	4 inch by 10 inch 18 gauge straps with 10-10d nails	90 degrees	48 inches on center
Floor rim joist connection	¾ inch lag screws with washers	45 degrees or less	32 inches on center
Floor connection	Marriage clips	90 degrees	Where installed

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Manufactured Home Tiedown Code
- 2) Code Citation: 77 Ill. Adm. Code 870
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
870.10	Repealed
870.20	Repealed
870.30	Repealed
870.40	Repealed
870.50	Repealed
870.60	Repealed
870.70	Repealed
870.TABLE A	Repealed
- 4) Statutory Authority: Illinois Mobile Home Tiedown Act [210 ILCS 120]
- 5) Effective Date of Repealer: July 28, 2006
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Repealer Published in Illinois Register: November 14, 2005; 29 Ill. Reg. 18340
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer:

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This Part is being repealed and replaced with new rules. The content of this repealed Part will be included in the Manufactured Home Installation Code (77 Ill. Adm. Code 870)

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

Telephone: 217/782-2043
Fax: 217/557-8617
e-mail: rules@idph.state.il.us

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Modular Dwellings and Mobile Structures Code
- 2) Code Citation: 77 Ill. Adm. Code 880
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
880.5	New Section
880.10	Amendment
880.15	New Section
880.20	Amendment
880.30	Amendment
880.40	Amendment
880.50	Amendment
880.60	Repealed
880.65	New Section
880.70	Amendment
880.APPENDIX A	Repealed
- 4) Statutory Authority: Illinois Manufactured Housing and Mobile Home Safety Act [430 ILCS 115]
- 5) Effective Date of Rulemaking: July 28, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Amendments Published in Illinois Register: 29 Ill. Reg. 18350; November 14, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The following change was made in response to comments received during the First Notice Period:

The following subsection was added in Section 880.15(a)(6)(B):

"vii) Modular dwelling stair maximum riser height and minimum tread depth.

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The maximum riser height shall be 8 ¼ inches. The minimum tread depth shall be 9 inches."

The following changes were made in response to comments and suggestions of JCAR:

1. The following definitions were added in Section 880.10:

"Licensed Architect' means a person who is licensed under the laws of this State to practice architecture. [225 ILCS 305/5]".

"Professional Engineer' means a person who is licensed under the laws of this State to practice professional engineering. [225 ILCS 325/4]".

2. Section 880.15(b) was amended by adding a "1)" label; deleting "and regulations"; and after the period adding: "These statutes can be viewed on the Illinois General Assembly website at ilga.gov or are available from the listed sources."
3. In Section 880.15(c), a new subsection (c)(2) was added: "The following regulations are referenced in this Part. These regulations can be viewed on the Illinois General Assembly website at ilga.gov or are available from the listed sources."

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules describe requirements for the design, approval, and construction of modular dwellings and commercial mobile structures. The amendments provide updates to current building codes, help to defray the costs of the program, and ensure that the units are properly inspected.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister
Division of Legal Services

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Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

e-mail: rules@idph.state.il.us
217/782-2043
Fax: 217/557-8617

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER q: MOBILE HOMES

PART 880

ILLINOIS MODULAR DWELLINGS~~MANUFACTURED HOUSING~~ AND MOBILE
STRUCTURES CODE

Section

<u>880.5</u>	<u>Scope</u>
880.10	Definitions
<u>880.15</u>	<u>Incorporated and Referenced Materials</u>
880.20	Plan Approval
880.30	Seals and Code Compliance Certificates
880.40	Fees
880.50	Inspections
880.60	Applicable Safety Codes (<u>Repealed</u>)
<u>880.65</u>	<u>Approval of Inspection Agencies</u>
880.70	Enforcement
880.APPENDIX A	Amendments to the Adopted Codes (<u>Repealed</u>)

AUTHORITY: Implementing and authorized by the Illinois Manufactured Housing and Mobile Home Safety Act [430 ILCS 115/1-15].

SOURCE: Filed May 13, 1975, effective May 23, 1975; amended at 3 Ill. Reg. 27, p. 100, effective July 6, 1979; codified at 8 Ill. Reg. 17514; Part repealed; new Part adopted at 9 Ill. Reg. 12839, effective September 1, 1985; amended by emergency rulemaking at 29 Ill. Reg. 10381, effective July 1, 2005, for a maximum of 150 days; emergency expired November 27, 2005; amended at 30 Ill. Reg. 13486, effective July 28, 2006.

Section 880.5 Scope

- a) Applicability. This Part governs the design, construction, and installation of modular dwellings and mobile structures intended for installation in Illinois or any state that accepts the Department's approval of modular dwellings and mobile structures through a reciprocal agreement. Modular dwellings and mobile structures shall not be located in Illinois unless they have been approved pursuant to the Illinois Manufactured Housing and Mobile Home Safety Act.

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- b) The construction of single family mobile structures known as "manufactured homes" is not regulated under this Part, but is regulated by the federal Department of Housing and Urban Development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (federal Act) (42 USC 5401). Units regulated under the federal Act are identified by a red emblem on the exterior of each section at the floor level opposite the towing hitch. Section 5403(d) of the federal Act prohibits any state or political subdivision from enforcing more stringent construction standards.
- c) The construction of commercial modular structures is not regulated under this Part. The Department has not been granted statutory authority to regulate the construction of such structures; however, local jurisdictions may regulate the construction of commercial modular structures.
- d) Design Acts. All activities concerning buildings and structures that are regulated by this Part that meet the definition of "project" in the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Professional Engineering Practice Act of 1989 [225 ILCS 325], and the Structural Engineering Practice Act of 1989 [225 ILCS 340] shall apply to any project defined within the scope of those Acts.
- e) Fire Safety. In addition to the requirements of this subchapter, all modular dwellings and mobile structures shall comply with the applicable provisions of the Fire Prevention and Safety Code (41 Ill. Adm. Code 100). Smoke detectors in modular dwellings and mobile structures shall comply with the applicable provisions of the Fire Prevention and Safety Code (41 Ill. Adm. Code 100). All modular dwellings must comply with the Smoke Detector Act [425 ILCS 60].
- f) Plumbing. All modular dwelling units and mobile structures shall conform to the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- g) Schools. All mobile structures designed to be used as a classroom shall conform to the Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180).

(Source: Added at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.10 Definitions

- a) "Act" means the Illinois Manufactured Housing and Mobile Home Safety Act [430 ILCS 115], Ill. Rev. Stat. 1983, ch. 67½, par. 501 et seq.

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b) "Alteration" means the replacement, modification, or removal of any system or installations ~~that which~~ may affect the structural, plumbing, electrical or mechanical system or the functioning ~~of those elements thereof~~ of units subject to ~~the~~this Act, but does not mean the replacement of free-standing appliances requiring plug-in to an electrical receptacle.

e) "Approved Inspection Agency"~~"Authorized Agency"~~ means any person, firm, corporation, unit of government or employee thereof that is authorized approved ~~or hired~~ by the Department to perform inspections or evaluation services.

"Building System" means the method of constructing a type of modular dwelling or mobile structure described by plans, specifications, and other documentation that together establish a set of criteria meeting the building codes, standards, and other requirements of this Part for that type of building or building components, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

"Department" means the Illinois Department of Public Health.

"Licensed Architect" means a person who is licensed under the laws of this State to practice architecture. [225 ILCS 305/5]

"Manufactured Home" means a structure that is transportable in one or more sections that, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet; that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and that includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. These units previously were known as "mobile homes". The construction of these units is regulated by the federal Department of Housing and Urban Development.

"Manufactured Housing" or "Manufactured Housing Unit" means a building assembly, or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems that is of closed or open construction and is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site with a permanent foundation. (Section 2(i) of the Act) This term shall include modular dwellings.

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"Mobile Home" means a movable or portable unit that is 8 body feet or more in width and 32 body feet or more in length, constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, subject to the provisions of Chapter 15, Article I (Size, Weight, and Load) of the Illinois Vehicle Code [625 ILCS 5/Ch. 15, Art. I], and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity, and units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term shall include mobile structures designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles. (Section 2(a) of the Act)

- Ⓓ) "Mobile Structures" means those units defined in the Act as "mobile homes-". The term shall include units designed for the purpose of housing more than one family, commercial units, industrial units and educational units. Manufactured homes that are single family units constructed in accordance with the Federal Manufactured Home Construction and Safety Standard (42 USC.S.C. 5401) are not considered "mobile structures-". These units are identified by a red emblem at the tailgate end of each unit.
- Ⓔ) "Model" means a specific floor plan of a unit that is to be constructed.
- Ⓕ) "Model Code Organization" means the International Code Council (ICC) of American Building Officials (CABO) or one of the three organizations that compose which comprise the International Code Council of American Building Officials. These include the Building Officials and Code Administrators International, Inc. (BOCA), the Southern Building Code Congress International (SBCC) and the International Conference of Building Officials (ICBO).
- Ⓖ) "Model Group" means a series of models having the same structural components. Configurations such as two story, L-shaped and bi-level shall constitute separate model groups. Each different width of the above-listed configurations constitutes a different model group.

"Modular Dwellings" means those units defined in the Act as "manufactured

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housing" or "manufactured housing units". This term shall include both sectional and panelized structures and shall include individual rooms that meet this criteria. Apartments, condominiums, and hotel and motel units shall be included as modular dwellings.

"Multiple Family Dwelling Unit" means a building or portion of a building containing more than two dwelling units.

"Professional Engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering. [225 ILCS 325/4]

- h) "Testing Agency" means an organization determined by the Department to be qualified by reason of facilities, personnel, experience, demonstrated reliability and independence of judgment to observe experimental testing in accordance with prescribed standards contained within the adopted codes in Section 880.15880.60 of this Part and prepares a report with the result of the test.
- i) "Variation to an Approved Model ~~approved model~~" means a change to the design of an approved model of one or more of the following types:
- 1) The extension or reduction in length of the home not to exceed 4~~four (4)~~ feet.
 - 2) The relocation or addition of non-load bearing walls, resulting in modification of a maximum of two ~~which changes not more than two (2)~~ rooms of the model.
 - 3) The relocation of doors or windows within a room.
 - 4) Other changes that do not affect the plumbing, electrical, mechanical or structural integrity of the units, such as the reversal of the floor plan layout, the relocation of an electrical receptacle by six inches, the addition of a built-in bookcase in a non-load bearing wall, or the installation of sliding closet doors instead of hinged doors.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.15 Incorporated and Referenced Materials

- a) Incorporations by Reference

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All modular dwellings and mobile structures constructed for location in Illinois shall conform to the standards of the nationally recognized organizations listed in this subsection (a) and the standards listed in this subsection (a) are hereby incorporated by reference in this Part. These standards do not include amendments or editions after the date specified. Copies of the incorporated codes are available for public inspection at the Illinois Department of Public Health, Division of Environmental Health, 525 West Jefferson Street, Springfield, Illinois 62761, 217-782-5830.

1) Building

- A) All one and two family modular dwellings and duplex mobile structures shall conform to the International Residential Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-3401
703-931-4533

Chapters 25 through 32 are excluded from this incorporation.

- B) All multiple family modular dwellings and mobile structures other than duplex dwelling units shall conform to the International Building Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-3401
703-931-4533

2) Electrical

- A) All one and two family dwellings and duplex mobile structures shall conform to the International Residential Code, 2003 Edition.
- B) All multiple family modular dwellings and mobile structures other than duplex dwelling units shall conform to the National Electrical Code, 2002 edition (NFPA 70-2002), published by:

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National Fire Protection Association (NFPA)
1 Batterymarch Park
Quincy, Massachusetts 02269-7471
800-344-3555

- 3) Energy. All modular dwellings and mobile structures shall conform to the International Energy Conservation Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-3401
703-931-4533

- 4) Mechanical

A) All one and two family modular dwelling units and duplex mobile structures shall conform to the International Residential Dwelling Code, 2003 Edition, and the International Fuel Gas Code, 2003 Edition.

B) All multiple family modular dwellings and mobile structures shall conform to the International Mechanical Code and International Fuel Gas Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-03401
703-931-4533

- 5) Personnel. Inspection agencies shall conform to the personnel requirements of ASTM E 541-01 (2001), Standard Specification for Agencies in System Analysis and Compliance Assurance for Manufactured Building, published by:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, Pennsylvania 19428

- 6) General

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A) General Exceptions to the Incorporated Codes

- i) The requirements of the incorporated codes pertaining to the administration and enforcement of the codes shall not apply because this Part and the Act address those areas. All definitions remain unchanged, except that terms such as "building official" and "authority having jurisdiction" shall mean the Department.
- ii) The Department is responsible for regulating the portion of the modular dwelling unit and mobile structure constructed at the factory. The on-site assembly shall not cause the unit to be in violation of any of the incorporated or referenced codes. Such aspects as the location of the units, their foundations and the installation of on-site utilities shall be subject to regulation by the local jurisdiction.
- iii) The provisions of the incorporated codes are not intended to limit the appropriate use of materials, appliances, equipment or methods of design or construction not specifically prescribed by the incorporated codes. Research reports from a model code organization or nationally recognized testing agency approving the use of alternate materials or methods of construction shall be considered sufficient evidence of compliance with the requirements of the incorporated or referenced codes subject to the limitations and conditions of the testing agency's written approval. All requests for approval of alternatives shall be submitted in writing to the Department. The Department shall respond to those requests in writing within 30 days after receipt.
- iv) No revisions to the applicable code and requirements shall apply retroactively. The Department shall notify all manufacturers and approved inspection agencies of all code changes as reflected by amendments to this Part. Previously approved units manufactured on or after December 28, 2005 shall obtain new plan approval prior to their construction.

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- B) Exceptions to Specified Design Criteria. The following provisions shall apply to the design and construction of all modular dwellings and mobile structures:
- i) Roofs shall be designed for a minimum live load of 30 pounds per square foot.
 - ii) Horizontal wind pressure shall be considered as acting on the gross area of the vertical projection and shall be considered for design purposes as not less than 25 pounds per square foot to a height of 30 feet and 30 pounds per square foot for heights over 30 feet above grade.
 - iii) Carpet or padding shall not be placed under any load-bearing walls.
 - iv) Ceiling material that is placed directly above top plates of bearing walls shall be of compressive strength capable of transmitting the required design loads without any type of failure to transmit the required ceiling and roof loads, or provisions shall be made to transfer the loads through material of sufficient strength.
 - v) Modular dwellings and mobile structures shall be fastened together at the floor system and roof systems to minimize any movement between multiple units.
 - vi) The following design parameters shall be used for the energy criteria in the use of the International Energy Conservation Code for all modular dwellings and mobile structures:
 - The winter design dry-bulb temperature shall be 4° Fahrenheit.
 - The summer design dry-bulb temperature shall be 93° Fahrenheit.
 - The summer wet-bulb temperature shall be 77° Fahrenheit.

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- The degree days heating shall be 6800.

vii) Modular dwelling stair maximum riser height and minimum tread depth. The maximum riser height shall be 8¼ inches. The minimum tread depth shall be 9 inches.

b) Materials Referenced in this Part

1) The following State statutes are referenced in this Part. These statutes can be viewed on the Illinois General Assembly website at ilga.gov or are available from the listed sources.

A) Illinois Accessibility Code (71 Ill. Adm. Code 400) promulgated by:

Capital Development Board
401 South Spring Street
Springfield, Illinois 62706
217-782-2864

B) Building Standards. The Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Professional Engineering Practice Act [225 ILCS 325], and the Structural Engineering Practice Act [225 ILCS 340] can be obtained from:

Department of Financial and Professional Regulation-[Division of Professional Regulation](#)
320 West Washington
Springfield, Illinois 62786

2) The following regulations are referenced in this Part. These regulations can be viewed on the Illinois General Assembly website at ilga.gov or are available from the listed sources.

A) Fire Safety

i) The Fire Prevention and Safety Code (41 Ill. Adm. Code 100) promulgated by:

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Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4529
217-785-4714

ii) The Smoke Detector Act [425 ILCS 60].

B) Plumbing. The Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by:

Illinois Department of Public Health
525 West Jefferson
Springfield, Illinois 62761
217-782-5830

C) Schools. The Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180) promulgated by:

Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217-785-8779

D) Travel. Travel expenses shall be reimbursed in accordance with the rules of the Governor's Travel Control Board (80 Ill. Adm. Code 2800) available from:

Central Management Services
William G. Stratton Building
Springfield, Illinois 62706

(Source: Added at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.20 Plan Approval

- a) General Requirements. All manufacturers must obtain written approval from the Department for each model to be manufactured for location in Illinois prior to manufacturing the model unless the provisions for reciprocity are met. Written approval is not required for a variation to an approved model. Two copies of the~~The~~ following must be provided for Department approval, along with the plan

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review fee specified in Section 880.40:

- 1) General information including:
 - A) the manufacturer's name, address and telephone number;
 - B) the location of each manufacturing facility where the models will be manufactured;
 - C) name or number ~~that~~which identifies each model for which approval is requested;
 - D) name of ~~contact~~the person whom the Department should contact regarding the submittal ~~(two copies of these items);~~
 - E) name and address of the approved inspection agency employed by the manufacturer.
 - 2) Plans, specifications and test results as required by subsection (b).Section 880.20(b) of this Part (two copies);
 - 3) Quality control manual containing the requirements of subsection (c).Section 880.20(c) of this Part (two copies);
 - 4) Plan review fee as specified in Section 880.40 of this Part.
- b) Construction Details. Plans and specifications shall be drawn to scale and indicate the following minimum details:
- 1) Building Requirements
 - A) General
 - i) Floor Plan of each unit with all dimensions specified.
 - ii) Complete fastening schedule.
 - iii) Stair details.
 - iv) Moisture content of lumber.

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- v) Size of all doors and windows including installed height of egress window.
- vi) Light and ventilation schedule.
- vii) Size and location of crawl space and attic accesses.
- viii) Safety glazing specifications.
- ix) Flashing for doors and windows.
- x) Recommended foundation detail and crawl space ventilation.
- xi) Design loads for floor, walls, and roof systems.
- xii) Method of fire stopping openings.
- xiii) Pertinent engineering calculations and/or test data reports on structural members, splices and connections.
- xiv) Research reports from a model code organization indicating the approval of any material thatwhich is proposed to be used but not specifically approved in one of the adopted codes.

B) Floor System

- i) Spacing, size, grade and species of framing material including the allowable stress and modulus of elasticity.
- ii) Lateral and end support.
- iii) Location and size of notches and holes.
- iv) Method of framing around openings such as stairways, plumbing pipes, heating components and wheel wells.
- v) Size and type of subfloor/underlayment and panel

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identification index and method of installation.

- vi) Type and "R" value of floor or foundation insulation.
- vii) Type of vapor barrier.

C) Wall System

- i) Ceiling height.
- ii) Spacing, grade and species of framing materials.
- iii) Typical framing details of corners, doors, windows, etc.
- iv) Fire separation method and material between dwelling units and between dwelling unit and garage.
- v) Method of corner bracing.
- vi) Type of exterior sheathing and siding.
- vii) Type of finished interior material and flame spread.
- viii) Type and "R" value of insulation.
- ix) Type of vapor barrier.

D) Roof/Ceiling System

- i) Spacing, grade and species of framing material.
- ii) Size and type of roof sheathing, panel index, and method of installation.
- iii) Pitch of roof.
- iv) Method and amount of attic ventilation.
- v) Type and "R" value of insulation.

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- vi) Type of vapor barrier.
 - vii) Type of roof covering and underlayment.
 - viii) Type and flame spread of ceiling finish material.
 - ix) Detail and calculations of ridge beams.
 - x) Test results of trusses if evidence of design approval by a registered engineer or architect is not provided.
- 2) Plumbing
- A) Schematic of water supply, drainage and vent layout including size and type of all pipes, fittings, cleanouts and valves.
 - B) Method and interval of supporting all pipes.
 - C) Maximum trap to vent distances.
 - D) Slope of drainage and vent pipes.
 - E) Location of vacuum breakers, relief valves and air chambers.
- 3) Electrical
- A) A schematic of the electrical system showing the location of all receptacles, lights, switches, junction boxes and panel boxes.
 - B) Type and location of ground fault circuit interrupters.
 - C) Type and location of smoke detectors.
 - D) Size of all feeders and branch circuits.
 - E) Method and detail for grounding service equipment.
 - F) Typical load calculations for service and feeders.
 - G) Size and rating of main disconnect/overcurrent protective devices.

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- H) Protection and support of conductors.
 - I) Method of mounting fixtures and wiring installation.
 - J) Method of interconnection between two or more separately towable components and location of connections.
- 4) Mechanical
- A) Location and clearances of all mechanical equipment and appliances.
 - B) [Manufacturers'](#)~~Manufacturers~~ listing or labeling of all equipment.
 - C) Size and location of all registers.
 - D) Drawing of the duct system including the supply, return and combustion air with indication of the size, gauge and type of material and the method of support.
 - E) Location of flues, vents, clearances from air intakes and other vents and flues.
 - F) Venting of appliances.
 - G) Heat loss and heat gain calculations.
 - H) Drawings of the fuel supply system indicating the type and size of pipe, method and interval of support and required valves.
- 5) Verification of plans
- A) The plans for all multiple family [modular manufactured housing units](#) and mobile structures [other than duplex units](#) shall bear the seal of an Illinois registered architect or equivalent if required by the Illinois Architecture [Practice Act of 1989 \[225 ILCS 305\(HH-Rev. Stat. 1983, ch. 111, par. 1201 et seq.\)](#).
 - B) When designs cannot be verified by the [incorporated or](#)

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~~reference~~adopted codes of Section ~~880.15~~880.60 of this Part or by calculations, tests of the components in question must be conducted by an independent testing agency.

- 6) Simplification of submittal
A complete set of plans for each separate model is not required if reference is made to the manufacturer's standard construction plans and if plans and specifications are provided for the specific changes from those standards.

c) Quality Control Procedures

- 1) The manufacturer shall develop a procedure to assure that all operations at the plant are performed to conform to the requirements of this Part. Such procedures shall be contained in a quality control manual, which shall be available at the plant. As a minimum the following shall be contained in this manual:
- A) Material receiving inspection procedure.
 - B) Material storage and stock rotation procedure.
 - C) Description of construction stages with the title of the person responsible for each phase.
 - D) Detailed list of all items that shall be inspected.
 - E) Test procedures for testing the plumbing, fuel supply and electrical systems.
 - F) Delivery procedures.
 - G) Recordkeeping procedures, including the procedures for ordering, assigning and filing the Department seal and compliance certificate and the approved inspection agency's report.
- 2) The manufacturer shall update the manual to reflect any changes in the operation. These revisions shall be submitted to the Department ~~in~~ duplicate.

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d) Evidence of Plan Approval

- 1) If, after a review of the required plans, specifications and supporting information required in ~~this Section 880.20 of this Part~~, it is determined that the material is in compliance with this Part, an approval shall be issued to the manufacturer by the Department in writing. A copy of this approval will be sent to the approved inspection agency employed by the manufacturer. This approval shall specify the particular models ~~that~~which are approved and the location of the factory where construction of the units is approved. The manufacturer shall keep one (1) set of approved plans at the manufacturing facility. ~~There shall be two types of approval issued, provisional and final.~~
 - A) ~~Provisional approval shall be granted if the review indicates items that are deficient but they are determined by the Department to be minor in nature. Items that are "minor in nature" are those deficiencies that would have little, if any, affect on the safety of the occupants of the home if not corrected. Examples include a slightly undersized window, a plumbing vent that is not located within the proper distance from the fixture and an electrical receptacle that is not properly located. Such items shall be clearly specified as conditions of the approval. The deficiencies must be corrected both in the plan submittal package and the actual construction of the units. Provisional approval shall expire on a specified date within six (6) months from the date of issuance.~~
 - B) ~~Only provisional approval shall be granted to a new manufacturer until an inspection of the manufacturing facility by the Department or an authorized agency has been performed.~~
 - C) ~~Final approval shall be issued if the plan review of the model(s) indicates compliance with all aspects of this Part and the manufacturing facility has been inspected by the Department or an authorized agency and found to comply with the adopted codes in Section 880.60 of this Part.~~
- 2) The Department shall compile a list of all manufacturers approved to locate models in Illinois. The list shall be available to any person by contacting the Illinois Department of Public Health, Division of Environmental Health Engineering and Sanitation, 525535 West Jefferson,

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Springfield, Illinois ~~62761, 217-782-5830~~62701.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.30 Seals and Code Compliance Certificates

- a) Requirements. Each ~~modular dwelling~~manufactured housing unit and mobile structure manufactured or offered for sale or rent for location in Illinois shall bear an Illinois seal as required by the Act unless the unit bears a seal from a state which has a reciprocity agreement with this State. The approved inspection agency must also place a label of approval on the finished unit and provide a copy of the inspection report of the structure to the manufacturer. The seal and label shall be placed on the unit before it is shipped from the plant. A code compliance certificate is required for all units manufactured or offered for sale or rent for location in Illinois.
- b) Acquisition. Seals and code compliance certificates shall be issued to an approved~~a~~ manufacturer, upon request, after written approval as specified in Section 880.20(d) ~~of this Part~~ is obtained from the Department and the required fees specified in Section 880.40 ~~of this Part~~ are submitted.
- c) Location of Seal and Inspection Agency's Label. The Illinois seal and the label of the approved inspection agency that inspected the structure shall be placed on the electrical panel box of the ~~modular dwelling~~manufactured housing unit or mobile structure. Only one Illinois seal and one inspection agency label ~~are~~ required per each complete modular dwelling unit or ~~totally assembled~~ mobile structure, regardless of the number of sections that constitute the unit. A seal and label shall be required for each apartment unit, each half of a duplex unit and each motel room.
 - 1) If an electrical panel box is not provided by the manufacturer, the seal and label shall be placed on the inside of the cabinet door under the kitchen sink.
 - 2) Upon receipt of a written request from a manufacturer, the Department shall grant permission to locate the seal and label in another specific location if the seal and label cannot be located in either of the above-specified locations~~accordance with Section 880.30(c)(1) of this Part.~~
- d) Code Compliance Certificate.

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- 1) Each code compliance certificate provided by the Department consists of four identical forms. Within ~~thirty (30)~~ days ~~after~~from the shipment of the ~~modular dwelling~~manufactured housing unit or mobile structure from the plant, the manufacturer shall complete ~~and forward~~ the white copy of the certificate and forward it to the Department. ~~The manufacturer~~He shall keep the yellow copy ~~and shall~~ distribute the blue copy to the approved inspection agency~~dealer~~ and the pink copy to the owner of the manufactured unit.
- 2) This certificate shall contain the following information:
 - A) Name of the manufacturer.
 - B) Location of manufacturing facility.
 - C) Manufacturer's serial number.
 - D) Model name or number.
 - E) Department approval number. If the model is a variation to an approved model, two copies of the floor plan of the approved model shall be submitted to the Department with the minor changes indicated in red.
 - F) State seal number assigned to the unit.
 - G) Final location of structure including street address if known.
 - H) Name and location of dealer.
 - I) Date manufactured.
 - J) Signature of manufacturer's authorized representative.
 - K) Name of the inspection agency that inspected the structure.
 - L) Dates of inspection by the approved inspection agency.
- e) Lost or Damaged Seals or Code Compliance Certificates. If a seal or code

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compliance certificate becomes lost or damaged, the manufacturer shall immediately notify the Department ~~shall immediately be notified~~ in writing ~~by the manufacturer~~. If possible, the assigned number shall be indicated. All damaged seals or code compliance certificates or those unused from a manufacturer who ceases business in Illinois shall be returned to the Department, but no refund ~~will~~shall be granted.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.40 Fees

- a) All fees shall be in the form of a check, certified check or money order payable to the Illinois Department of Public Health.
- b) A schedule of fees is established as follows:
 - 1) Plan Review
 - A) A fee of \$150.~~00~~ per model group is required for the Department's review of the required plans and specifications.
 - B) In addition to the model group fee, each model shall require a fee of \$25.~~00~~.
 - C) There shall be no fee required for variations to an approved model as defined in Section 880.10 of this Part.
 - 2) Seal and Code Compliance Certificate. The fee for each seal shall be \$25.~~00~~ and the fee for each code compliance certificate shall be \$25.~~00~~.
 - 3) Plant Inspections. Out-of-state manufacturers shall reimburse the Department for ~~the~~ travel expenses ~~of the inspector~~ to and from the inspector's headquarters for an inspection by Department staff. The rules of the Governor's Travel Control Board~~Illinois Travel Regulations~~ (80 Ill. Adm. Code 2800) shall serve as the schedule for the reimbursable expenses. In the case where more than one manufacturing facility is inspected during an out-of-state trip, the total travel expenses incurred will be divided equally by the number of facilities inspected. The plant inspection fee shall be required to be paid within ~~ten (10)~~ days ~~after~~of the date of receipt of the bill.

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- 4) Inspection Agencies
 - A) The initial application fee for approval of an inspection agency shall be \$500.
 - B) The annual renewal fee for each calendar year shall be \$300, which shall be due January 1 of each year.
- 5) Annual Review of Inspection Agencies. The Department shall conduct an annual evaluation of each inspection agency at a factory or the agency's office. The inspection agency shall reimburse the Department for the allowable expenses to and from the Department's headquarters associated with the annual evaluation. Travel regulations of the Governor's Travel Control Board (80 Ill. Adm. Code 2800) shall serve as the schedule for the reimbursable expenses. In the case where more than one inspection agency is reviewed, the total travel expenses incurred will be divided equally by the number of agencies reviewed. The travel expenses shall be paid within 10 days after receipt of the bill.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.50 Inspections

- a) Approved Inspection Agency. After January 1, 2005, all modular dwellings and mobile structures located in Illinois shall be inspected at the factory by an approved inspection agency. Each manufacturer shall submit to the Department, in writing, the name of the inspection agency that will be conducting its inspections. Any changes to this information shall be provided to the Department in writing. The Department shall maintain a list of approved inspection agencies, which shall be available to interested individuals upon request.
- b) Responsibility. The inspection agency shall be responsible for review of manufacturer plans, documents and procedures for completeness and compliance with the requirements of this Part. The inspection agency shall then conduct inspections to ensure compliance with the plans and procedures. The inspection must occur when all portions of the construction can be inspected.
- c) Monitoring. Representatives of the Department shall conduct periodic inspections to monitor the inspection agencies and the manufacturers for compliance with the

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Act and this Part.

- d) Violations. All violations cited at the factory shall be corrected prior to placing the Illinois seal and inspection agency's label on the structure. Violations discovered at the final location shall be corrected within 30 days after written notification, except that serious violations that threaten the safety of the occupants of the structure shall be corrected within 5 days after notification. The Department may require the manufacturer to remove, at the manufacturer's expense, building materials that prevent the Department from inspecting the entire unit. Such removal will be requested only if the unit was constructed without the necessary approval or if plans for the unit were approved but items that can be inspected are not in accordance with approved plans.
- e) Factory Closing. If a manufacturer closes its operation, it shall notify the Department and the inspection agency in writing. Unused Illinois seals and code compliance certificates shall be returned to the Department when a factory closes.
~~a) Authority. Representatives of the Department shall perform inspections necessary to assure compliance of manufactured housing units and mobile structures with the requirements of this Part and the Act. The manufacturer shall be responsible for correcting, within a specific period of time, any violations revealed as a result of an inspection. The specified period of time will depend upon the nature and severity of the violations (usually less than thirty (30) days). Any violations which pose an immediate hazard to the health of any occupants, such as faulty electrical wiring, must be corrected immediately. The Department shall have the authority to require the manufacturer to remove at his expense building materials which prevent the Department from inspecting the entire unit. Such removal can be requested only if the unit has been determined to be in violation of this Part or the Act. Examples would be if the unit was constructed without the necessary approval or if the plans for the unit were approved but items that can be inspected are not in accordance with the approved plans.~~
- b) ~~Authorized Agency. The Department may approve or hire an authorized agency to inspect manufactured housing units and mobile structures. Such approval shall be based on an evaluation of the qualifications of agency personnel to perform the particular inspection and shall be in writing. All inspectors must have a minimum of a high school education and two years of experience in the building construction industry.~~
- e) ~~Inactive Status. An approved manufacturer may request in writing to be placed on inactive status if he does not intend to manufacture any units for location in~~

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~~Illinois for a period of at least three (3) months. The Department will not perform routine inspections of the facility until written notice from the manufacturer is received indicating intent to produce units for location in Illinois. The manufacturer shall not manufacture any units for location in Illinois while on inactive status. It shall be the responsibility of the manufacturer to notify the Department in writing if the plant is to close permanently.~~

- d) ~~If a manufacturer is not going to be open for business for more than three days, then the manufacturer must contact the Department prior to this time in order to avoid charges for any inspections attempted while the manufacturer was closed.~~

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.60 Applicable Safety Codes (Repealed)

~~All manufactured housing units and mobile structures constructed for location in Illinois shall conform to the following adopted safety codes and the requirements contained in Appendix A.~~

- a) ~~Accessibility. The requirements of the Accessibility Standards Illustrated (71 Ill. Adm. Code 400) promulgated by the Capital Development Board, 401 South Spring Street, Springfield, Illinois 62706 shall be met for units within the scope of the standards.~~
- b) ~~Building~~
- 1) ~~All one and two family manufactured housing units and duplex mobile structures shall conform to the One and Two Family Dwelling Code, 1983 edition, published by the Council of American Building Officials (CABO), 1201 One Skyline Place, 5205 Leesburg Pike, Falls Church, Virginia 22041, Parts V, VI and VII shall be excluded from adopted by this Department.~~
- 2) ~~All multiple family manufactured housing units and multiple family mobile structure dwelling units shall conform to the BOCA Basic National Building Code, 1984 edition, published by the Building Officials and Code Administrators International, Inc. (BOCA), 4051 West Flossmoor Road, Country Club Hills, Illinois 60477.~~
- 3) ~~All mobile structures other than dwelling units shall comply with the Standard for Mobile Homes, 1974 edition, (NFPA No. 501B or~~

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~~ANSI.A119.1) published jointly by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 and the American National Standard Institute, Inc., 1430 Broadway, New York City, New York 10018.~~

- e) ~~Electrical. All manufactured housing units and mobile structures shall conform to the National Electrical Code, 1984 edition, (NFPA 70-1984) as published by the the National Fire Protection Association (NPPA) Batterymarch Park, Quincy, Massachusetts 02269.~~
- d) ~~Energy. All manufactured housing units and mobile structures designed as dwellings shall conform to the Model Energy Code, 1983 edition, as published by the Council of American Building Officials (CABO), 1201 One Skyline Place, 5205 Leesburg Pike, Falls Church, Virginia 22041.~~
- e) ~~Fire Safety. All manufactured housing units and mobile structures shall comply with the applicable provisions of the Fire Prevention and Safety Code, (41 Ill. Adm. Code 100) promulgated by the Office of the State Fire Marshal, 3150 Executive Park Drive, Springfield, Illinois 62706.~~
- f) ~~Mechanical. All multiple family manufactured housing units shall conform to the BOCA Basic National Mechanical Code, 1984 edition, as published by the Building Officials and Code Administrators International, Inc. (BOCA), 4051 West Flossmoor Road, Country Club Hills, Illinois 60477. One and two family dwelling units shall conform to the mechanical requirements contained in the One and Two Family Dwelling Code, 1983 edition.~~
- g) ~~Plumbing. All manufactured housing units and mobile structures shall conform to the Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by the Illinois Department of Public Health, 535 West Jefferson, Springfield, Illinois 62761.~~
- h) ~~Schools. All mobile structures designed to be used as a classroom shall conform to the Efficient and Adequate Standards for the Building Specifications for the Construction of Schools (Standard A-156) (23 Ill. Adm. Code 175) promulgated by the Illinois State Board of Education, 100 North First, Springfield, Illinois 62777.~~
- i) ~~Other Requirements.~~
 - 1) ~~The adopted nationally recognized codes listed above do not include~~

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~~amendments or editions made after the date specified.~~

- 2) ~~Local governmental units may enforce requirements in accordance with Section 4 of the Act.~~
- j) ~~Availability. Copies of the adopted codes are available for public inspection at the Illinois Department Public Health's Central Office identified in Section 880.20(d)(2) of this Part.~~

(Source: Repealed at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.65 Approval of Inspection Agencies**a) Initial Approval Procedures**

- 1) Application Requirements. An inspection agency seeking approval shall submit a written application to the Department that shall include the following items:
 - A) The original articles of incorporation of the agency and all subsequent amendments to those articles, as filed in the state of incorporation.
 - B) The bylaws of the organization, if any.
 - C) The names, addresses, and business interests of all members of the board of directors and of management personnel.
 - D) Certification by the agency that:
 - i) Its board of directors and technical personnel can exercise independence of judgment;
 - ii) Its activities will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.
 - E) Names, years of experience, state in which professionally registered, and other qualifications of the directors of inspection

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programs.

- F) Names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection, and other branches of professional engineering; the states in which each is registered; and the services each performs.
- G) An organizational chart showing management and supervisory persons, including the number of licensed graduate engineers and architects and the names of all consulting licensed engineers or architects, designating which are full-time and which are part-time. The personnel requirements of the American Society for Testing and Materials (ASTM E-54), Criteria for Agencies in System Analysis and Compliance Assurance for Manufactured Buildings, shall be met.
- H) Number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held, and other pertinent qualifications. Descriptions shall be included of the type of work each group and each technician is expected to perform.
- I) Statement from the agency to assure that all inspectors, evaluators, and other technicians are properly trained to do each job assigned to them.
- J) An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.
- K) Names of all engineers, technicians, and other personnel who will perform services for the organization but who are not employees of the organization, and the supervisory and other relationships that each will have to the agency.
- L) A list of the types of products, components, equipment, structures, and other items that the organization has evaluated, tested, or inspected, and the number of years of experience the organization has had with each.

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- M) A list of the types of codes, standards, specifications, and requirements with which the organization has had experience in providing inspection or testing services, and the number of years of experience with each.
 - N) Description of the recordkeeping system the agency proposes to use, with particular regard to availability of records to the Department and the capacity to send reports to the Department.
 - O) Description of the frequency with which the agency performs inspections or evaluations.
 - P) List of the states in which the agency is now approved to inspect or evaluate modular dwellings, mobile structures or building components for compliance with approved building systems.
- 2) Incomplete or incorrect applications will not be accepted for processing and will be returned to the applicant within 30 days after receipt by the Department, with a written explanation of the reasons why the application was not acceptable to the Department. Applications can be resubmitted with necessary corrections.
- 3) Complete applications will be accepted for processing and the applicant will be notified in writing of that acceptance within 30 days after the date the application is received by the Department.
- A) The Department shall conduct an evaluation either at the agency's office or at a manufacturing facility within 30 days after the application is determined to be in compliance with this Part, but prior to the issuance of the initial approval.
 - B) The Department shall approve inspection agencies that meet the requirements of this subsection (a) and that the Department finds qualified to perform the functions proposed to be delegated to them.
 - C) In the event the evaluation of the agency's office or factory finds those facilities to be inadequate to meet the requirements of this Part, the Department shall return the complete application to the

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applicant with a written explanation of the reasons for disapproval.

- 4) Approved inspection agencies shall be notified by the Department in writing. The approval letter will state the specific functions that the applicant has been approved to perform. The initial approval shall expire December 31 of the year following the date of the approval letter.

b) Annual Approval of Inspection Agencies

- 1) The Department shall conduct an annual evaluation of each approved inspection agency for the purpose of evaluating the performance of each agency in monitoring the manufacturer's compliance assurance program.
- 2) These evaluations may be conducted at any reasonable time, with or without prior notice, at either the inspection agency's office or at a manufacturer's place of business.
- 3) Each evaluation shall investigate:
 - A) The adequacy of all engineering evaluations of plans, specifications and test results;
 - B) Testing and analysis of compliance assurance programs;
 - C) Procedures used by the agency in the monitoring activity, including personnel selection, training, supervision, reporting accuracy, use of approved documents, evaluation of reports, decision criteria, and all other activities that measure the effectiveness of the manufacturer's program.
- 4) A report of evaluation results will be compiled and maintained by the Department. A copy of the report will be sent to the inspection agency, along with notification of any deficiencies determined during the evaluation and the means and time frame for correction of the deficiencies.
- 5) If deemed necessary by the Department, an agency's approval may be suspended or revoked as provided in subsection (c).

c) Suspension and Revocation

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- 1) Grounds
 - A) The Department may suspend or revoke its approval of any inspection agency if the approval was issued on the basis of incorrect information or issued in violation of the Act or this Part.
 - B) If the Department determines that the inspection agency has failed to perform its functions properly, the Department shall notify the agency and arrange for an informal presentation of views. If an informal presentation of views fails to achieve resolution, the Department shall notify the agency in writing of its intent to suspend or revoke the approval.

- 2) Procedures in Event of Suspension or Revocation
 - A) General. If the Department suspends or revokes the approval of an inspection agency, the manufacturers being evaluated by the agencies shall be given notice in writing after the disposition of any appeal of the suspension or revocation.
 - B) Temporary Arrangement to Continue Manufacturing. After the suspension or revocation of any inspection agency, the Department, upon the request of any manufacturer affected, shall establish a temporary arrangement by which the manufacturer can continue to manufacture, sell, lease, deliver and install modular dwellings and mobile structures in accordance with the Act and this Part until the suspension or revocation is removed or arrangements are completed to utilize another approved inspection agency.

(Source: Added at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.70 Enforcement

- a) Violations and Remedial Actions
 - 1) Whenever the Department's authorized inspection agency determines that a structure constructed under this Part fails to conform to the requirements of this Part or that the approved compliance assurance program is not followed, the inspection agency shall notify the manufacturer of the

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existence of the violation. The manufacturer shall be provided the opportunity to correct the violation in a manner acceptable to the inspection agency. If the violation comes first to the attention of the Department, the Department shall notify the inspection agency so that it can carry out its responsibilities under this Section.

- 2) If the manufacturer fails to successfully resolve the problem or correct the violation within 30 calendar days, the inspection agency shall notify the Department of the failure. The Department shall order the manufacturer to correct the violation.
- 3) If a manufacturer fails to correct a violation within the period specified by the Department, that failure shall subject the manufacturer to the penalties provided in Section 10 of the Act.

- b) Failure to comply with any provisions of this Part or the Act shall constitute sufficient grounds for suspension, revocation or refusal to grant approval to a manufacturer or an authorized inspection agency. The Department's Rules ~~and Regulations~~ of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) will govern ~~thesesuch~~ actions.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

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Section 880.APPENDIX A Amendments to the Adopted Codes (Repealed)a) ~~General Amendments~~

- ~~1) The requirements to the adopted codes pertaining to the administration and enforcement of the codes shall not apply since this Part and the Act addresses those areas. All definitions remain unchanged except terms such as "building official" and "authority housing jurisdiction" shall mean the Illinois Department of Public Health.~~
- ~~2) The Department is responsible for regulating the portion of the manufactured housing unit or mobile structure constructed at the factory. The on-site assembly shall not cause the unit to be in violation of any of the adopted codes. The local jurisdiction shall have the authority to regulate such aspects as the location of the units, their foundation and the installation of the on-site utilities.~~
- ~~3) The provisions of the adopted codes are not intended to limit the appropriate use of materials, appliances, equipment or methods of design or construction not specifically prescribed by the codes. The approval in writing by the Building Officials and Code Administrators International, Inc., the Council of American Building Officials, the International Conference of Building Officials, the National Fire Protection Association, or the Southern Building Code Congress International of alternate material or methods of construction shall be considered sufficient evidence of compliance with the requirements of the adopted codes, subject to the limitations or conditions of such written approval. All requests for approval shall be in writing to the Department. The Department shall respond to such requests in writing within sixty (60) days of receipt of a written request.~~

b) ~~The following provisions shall apply to the design and construction of all manufactured housing units:~~

- ~~1) Roofs shall be designed for a minimum live load of 30 pounds per square foot.~~
- ~~2) Horizontal wind pressure shall be considered as acting on the gross area of the vertical projection and shall be considered for design purposes as not less than 25 pounds per square foot to a height of 30 feet and 30 pounds~~

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~~per square foot for heights over 30 feet above grade.~~

- ~~3) The manufacturer must comply with the requirements for seismic loads, frost depth and termite infestation specified by the adopted building codes for the area of the State the unit is expected to be located during the design, construction and installation of the unit.~~
 - ~~4) Carpet or padding shall not be placed under any bearing walls.~~
 - ~~5) Ceiling material which is placed directly above top plates of bearing walls shall be of compressive strength capable of transmitting the required design loads without any type of failure to transmit the required ceiling and roof loads or provisions shall be incorporated to transfer the loads through material of sufficient strength.~~
 - ~~6) Manufactured housing units shall be fastened together at the floor system and roof system to prevent any movement.~~
- e) In the use of the Model Energy Code, the following design parameters shall be used for all manufactured housing units:
- ~~1) The winter design dry bulb temperature shall be 4° Fahrenheit,~~
 - ~~2) The summer design dry bulb temperature shall be 93° Fahrenheit,~~
 - ~~3) The summer design wet bulb temperature shall be 77° Fahrenheit,~~
 - ~~4) The degree days heating shall be 6800.~~

(Source: Repealed at 30 Ill. Reg. 13486, effective July 28, 2006)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Manufactured Home Installer Course Accreditation Code
- 2) Code Citation: 77 Ill. Adm. Code 885
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
885.10	Repealed
885.20	Repealed
885.30	Repealed
885.40	Repealed
885.50	Repealed
- 4) Statutory Authority: Illinois Manufactured Home Installers Act [430 ILCS 120]
- 5) Effective Date of Repealer: July 28, 2006
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Repealer Published in Illinois Register: November 14, 2005; 29 Ill. Reg. 18385
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: These rules are being repealed and replaced with new proposed rules in 77 Ill. Adm. Code 870.
- 16) Information and questions regarding this adopted repealer shall be directed to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

Telephone: 217/782-2043
Fax: 217/557-8617
e-mail: rules@idph.state.il.us

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Predatory Lending Database
- 2) Code Citation: 38 Ill. Adm. Code 346
- 3) Section Number: 346.36 Emergency Action:
New Section
- 4) Statutory Authority: Residential Real Property Disclosure Act [765 ILCS 77/70], Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g) and 4-10], and Title Insurance Act [215 ILCS 155/20]
- 5) Effective Date of Amendment: July 28, 2006
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it will expire: This emergency rule is to expire when the proposed rules are adopted.
- 7) Date Filed in Index Department: July 28, 2006
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Public Act 94-1029 requires the Secretary of the Department to declare in writing the date of inception of the pilot program within 30 days after the date the Secretary issues a declaration establishing that date. This emergency rule declares September 1, 2006 as the inception date.
- 10) A Complete Description of the Subjects and Issues Involved: Public Act 94-280 amends the Residential Real Property Disclosure Act to establish a four-year predatory lending pilot program in certain Cook County areas. This emergency rule establishes the inception date of this program.
- 11) Are there any proposed rulemakings to this Part pending? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
346.17	New Section	30 Ill. Reg. 6226; April 14, 2006
- 12) Statement of Statewide Policy Objective: This rulemaking has no impact on local government.
- 13) Information and questions regarding this emergency amendment shall be directed to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813; Fax #: 217/557-4451

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 346

PREDATORY LENDING DATABASE

Section

346.10	Definitions
346.15	Information Required
346.20	Standards for Credit Counseling
346.25	Disclosure of Information Prohibited
346.30	Credit Counselor Costs
346.35	Declaration of Inception Date
<u>346.36</u>	<u>Inception Date of the Pilot Program</u>
<u>EMERGENCY</u>	
346.40	Exemption

AUTHORITY: Implementing and authorized by Section 70 of the Residential Real Property Disclosure Act [765 ILCS 77/70].

SOURCE: Adopted by emergency rulemaking at 30 Ill. Reg. 208, effective January 1, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 1867, effective January 26, 2006; emergency amendment at 30 Ill. Reg. 13524, effective July 28, 2006, for a maximum of 150 days.

Section 346.36 Inception Date of the Pilot Program**EMERGENCY**

The Secretary of Financial and Professional Regulation declares September 1, 2006 as the inception date of the Pilot Program created by Section 70(b) of the Residential Real Property Disclosure Act [765 ILCS 77/70(b)]. Until the inception date, none of the duties, obligations, contingencies or consequences of or from the Pilot Program will be imposed. The four-year term of the program will begin on the inception date.

(Source: Added by emergency rulemaking at 30 Ill. Reg. 13524, effective July 28, 2006, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Recipient's Property
- 2) Code Citation: 59 Ill. Adm. Code 110
- 3) Section Number: 110.30 Emergency Action:
New Section
- 4) Statutory Authority: Implementing Section 20 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/20] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and by Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- 5) Effective date of amendment: July 31, 2006
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date filed with the Index Department: July 31, 2006
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is necessary so that the Department may keep contraband, dangerous, and restricted items out of the possession of patients of State mental health facilities. This will safeguard the patients, staff and the public and allow them continuous protection.
- 10) A Complete Description of the Subject and Issues: When the facility director finds it necessary to protect the recipient or others, the possession and use of certain classes of property may be restricted. Notice of the restriction shall be given to all recipients upon admission.
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this emergency amendment shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICESPART 110
RECIPIENT'S PROPERTY

Section

- 110.10 Disposition of unclaimed personal property
110.20 Handling of recipient's personal property other than clothing
110.30 Personal Property in State Mental Health Facilities
EMERGENCY

AUTHORITY: Implementing Section 20 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/20] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and by Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Effective October 1, 1969; amended and effective November 1, 1974; codified at 5 Ill. Reg. 10724; amended at 11 Ill. Reg. 7633, effective April 15, 1987; amended at 15 Ill. Reg. 14435, effective October 1, 1991; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; emergency amendment at 30 Ill. Reg. 13527, effective July 31, 2006, for a maximum of 150 days.

Section 110.30 Personal Property in State Mental Health Facilities
EMERGENCY

- a) Individuals may possess a reasonable amount of personal property for personal use under the following conditions:
- 1) Possession and use of certain classes of property may be restricted by the facility director when necessary to protect the recipient or others from harm, provided that notice of such restriction shall be given to all recipients upon admission so long as the restriction does not otherwise conflict with the rights provided in this Section.
 - 2) Upon arrival at the facility, the individual's belongings will be inventoried and checked against the contraband and restricted items list. Items that are contraband/restricted will not be given to the individual. Staff shall notify the individual of the contraband and restricted items and ask whether the

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items should remain in personal storage or whether the item should be sent to a family member or friend. Staff shall post a list of contraband and restricted items in a common area of the unit.

- 3) Property must be approved by the individual's treatment team prior to use. Any personal property that the treatment team determines in the exercise of its professional judgment that may pose harm to the individual or to others shall be restricted. Property shall not be restricted on political, philosophical or religious grounds. Property intended as a medically reasonable accommodation of a known disability shall not be restricted except as determined by a physician and the treatment team in exercise of their professional judgment when such accommodation may pose harm to the individual or others. A restriction of rights shall be issued in accordance with the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-201] within forty-eight hours. When the restriction of rights is issued, the treatment team member shall inform the individual of their ability to request a review under subsection (a)(5). The individual will have the option of placing the personal property in storage or returned to its place of origin.
- A) Personal property approved by staff for usage by an individual may not be shared with any other individual unless the second individual is approved for such usage in accordance with this Section. Violation of this subsection (a)(3)(A) may result in a restriction of rights including loss of use of the shared property as determined by the treatment team exercising its professional judgment.
- B) Individuals may request prior approval, in accordance with subsection (a)(3) from designated staff for any property they intend to have sent to the facility, but are not required to seek prior approval. Property which has not been submitted for prior approval must nonetheless be approved, in accordance with subsection (a)(3) and comply with all other Sections of this Part, before an individual may have access to it.
- C) Once approved by the treatment team, personal property must be inspected by designated facility staff prior to entering the treatment unit. Items approved for possession by an individual may be

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indelibly marked or identified as belonging to that individual prior to entering the treatment unit.

D) Media and media storage devices including but not limited to print media, tapes, DVDs, CDs, video games and digital music players (MP3 players, Ipods, etc.) and related items shall be considered personal property and are subject to this Section, except as noted in subsection (c).

E) Computers, peripherals and related items are covered by 59 Ill. Adm. Code 109.

4) Property maintained in each individual's room must fit within available storage space. The facility shall not distinguish between CDs and DVDs that are burned, second hand or factory sealed in the overall number of CDs and DVDs allowed. In addition to the storage available in each individual's room, each individual will be permitted a designated amount of storage for personal property and for clothing storage. The facility may set limits on off-unit storage in accordance with the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-104]. Additional space may be made available for storage of medically approved reasonable accommodations of a known disability.

5) If an individual does not agree with the decision of the treatment team concerning the restriction of an item, the individual may request a review of that decision by a clinician who is not part of the treatment team. Decisions concerning contraband or items on the restricted list in subsection (a)(1) are not subject to review.

A) All such requests shall be forwarded to the facility director, or designee, who shall assign a clinician, who is not part of the treatment team that made the decision, to review the decision of the treatment team.

B) The individual who requested the review shall have the opportunity to speak with the clinician performing the review before a recommendation is issued. The assigned clinician shall schedule to speak with the individual requesting the review within 10 days of being assigned. If the individual does not wish to speak, it shall be noted in the recommendation.

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- C) Within two weeks of being assigned the request to review, the clinician shall issue a recommendation, with a copy going to the individual who requested the review and another going to the treatment team. The treatment team shall evaluate the recommendation of the clinician and review their decision.
- b) Use and Possession of Individual Money in State Operated Facilities
- 1) If an individual chooses to keep personal funds for use, those funds shall be kept in accordance with Section 110.20. If an individual's personal funds are deposited in a facility-created trust fund account, Quarterly Reports of Individual Trust Fund transactions that are issued will be forwarded directly to the individual when issued. Treatment team members may review Trust Fund transactions only upon good cause and the approval of the facility director.
- 2) An individual may use his or her personal funds as he or she chooses, provided the use of any property purchased complies with subsection (a).
- A) A facility may monitor the outgoing purchases an individual makes only if that individual is subject to a do not call/no contact list, an order of protection, or a relevant restriction of rights issued pursuant to the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-201].
- B) An individual's access to his or her personal funds shall only be restricted if his or her treatment team makes a professional clinical judgment that unrestricted access creates a harm to the individual or others. If access is restricted, a restriction of rights notice shall be completed in accordance with the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-201].
- C) An individual shall be required to fill out a withdrawal form before gaining use to his or her personal funds held within the trust fund. The facility staff may, and should if requested, advise an individual if property they intend to purchase is not likely to be approved for use in accordance with subsection (a)(3).

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- D) If an individual withdraws all, or substantially all, of the money in the trust fund at one time, the treatment staff shall be immediately notified. The facility director may establish a minimal amount that may be withdrawn at one time that will not require notice to the treatment staff notwithstanding the notification requirement.
- 3) Individuals may use funds at facility vending machines where available and/or commissaries where available. Facilities may offer a debit card or other system for such purposes.
- c) Media Usage
- 1) For the purpose of this Section, "media" means print media (e.g. newspapers, magazines, books, etc), audio media (e.g. records, cassette tapes, compact discs, etc.), visual media (e.g. video tapes, video games and associated paraphernalia, digital video discs (DVDs), and media storage devices (e.g. MP3 players, Ipods, etc.) and related items. Media is a type of property and subject to the provisions of this Section.
- 2) DVD/CD/Video Game Usage
- A) Individual Use: Personal property approved by staff for usage by an individual may not be shared with any other individual unless the second individual is approved for such usage in accordance with subsection (a)(3).
- B) Group Use: Facility staff may allow DVD/CD usage for group display/usage. In such cases, the unit director shall exercise his or her professional clinical judgment to determine appropriate DVD/CD usage taking into account the risk of harm to all possible users.
- C) DVDs or video tapes shall not be categorically restricted on the basis of their Motion Picture Association Rating. Individuals shall be able to possess DVDs with PG-13 and R-ratings without restriction unless an individualized professional clinical judgment is made in accordance with subsection (a)(3).
- D) CDs with a "Parental Advisory" warning label on them shall not be categorically restricted. Individuals shall be able to possess CDs

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NOTICE OF EMERGENCY AMENDMENT

without restriction unless an individualized professional clinical judgment is made in accordance with subsection (a)(3).

E) Video games shall not be categorically restricted on the basis of their Entertainment Software Ratings Board (ESRB) rating. Individuals shall be able to possess video games without restriction unless an individualized professional clinical judgment is made in accordance with subsection (a)(3).

3) Facility staff may only inspect the contents of an individual's media pursuant to subsection (a)(3).

A) CDs/DVDs can be restricted under subsection (a)(1) only if there is a facility wide determination that CDs/DVDs are dangerous objects irrespective of their content.

B) The facility director may not impose an across the board restriction on the possession and use of media based on its content unless that content violates the law.

d) **Contraband**

Notwithstanding any other Section of this Part, any property that is determined to be contraband shall not be allowed in any State operated facility.

1) Contraband includes: Alcoholic beverages, any drug not dispensed by the facility, firearms, explosives, and weapons.

2) Contraband items shall be confiscated by staff of the security department and turned over to the proper authorities or destroyed.

3) "Burned" CDs/DVDs and second-hand CDs/DVDs shall not be listed as contraband or restricted items, except as provided under subsection (a)(3) or (c)(3)(A). Individual shall be allowed to possess such items in accordance with subsection (a)(3).

4) Sexually explicit material shall not be listed as a contraband item. An individual's access to such materials may be restricted in accordance with subsection (a)(3). Public display or sharing of such materials may result in the confiscation and restriction of such items as provided in subsection (a)(3).

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- e) Restrictions on an individual's right to possess personal property shall not be imposed as punishment, in response to an individual declining to take medication, or in response to a failure to undergo other treatment recommended by an individual's treatment team. However, if an individual's clinical situation changes, the individual's treatment team may reconsider the possession of property in accordance this Section.
- f) This Section applies to all adult individuals admitted to a Department mental health facility.

(Source: Added by emergency rulemaking at 30 Ill. Reg. 13527, effective July 31, 2006, for a maximum of 150 days)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3) Section Number: 110.60 Emergency Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].
- 5) Effective Date of Emergency Amendment: July 27, 2006
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: July 25, 2006
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment will restrict the public from bringing firewood into State parks for personal use, sale or distribution, from geographical areas where wood exportation has been prohibited by either State or federal quarantine.
- 10) A Complete Description of the Subjects and Issues Involved: This measure is to prevent further infestation of the Emerald Ash Borer in Illinois. Recently found in Illinois in Kane and Cook counties, the borer kills trees relatively quickly and affects white, green, black, pumpkin, and several horticultural varieties, of healthy or stressed ash trees.
- 11) Are there any other proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not affect units of local government.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency amendment shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENT

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER a: LANDS

PART 110

PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE
DEPARTMENT OF NATURAL RESOURCES

Section

- 110.4 Fees and Charges
- 110.5 Unlawful Activities (Repealed)
- 110.20 Alcoholic Beverages – Possession, Consumption, Influence
- 110.30 Animals – Pets, Dogs, Cats, Equine; Noisy, Vicious, Dangerous Animals;
Livestock; Animal Waste
- 110.40 Boats and Other Watercraft
- 110.45 Abandoned Watercraft
- 110.50 Capacity of Areas – Usage Limitation
- 110.60 Camping – Campfires – [Firewood](#)
- [EMERGENCY](#)
- 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural
Objects-Collection of Artifacts
- 110.90 Group Activity
- 110.95 Demonstrations
- 110.100 Littering
- 110.110 Prohibited Fishing Areas – Cleaning of Fish
- 110.120 Restricted Areas
- 110.140 Soliciting/Advertising/Renting/Selling
- 110.150 Swimming/Wading/Diving
- 110.160 Vehicles – Operation on Roadway – Speed – Parking – Weight Limit
- 110.165 Bicycles – Operation on Roadway – Designated Trails
- 110.170 Weapons and Firearms – Display and Use
- 110.175 Nudity Prohibited
- 110.180 Violation of Rule
- 110.185 Emergency Modification of Site Rules

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENT

SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. 12556, effective August 7, 2000; emergency amendment at 25 Ill. Reg. 13786, effective October 12, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1206, effective January 16, 2002; amended at 26 Ill. Reg. 6534, effective May 1, 2002; amended at 27 Ill. Reg. 8866, effective May 19, 2003; amended at 28 Ill. Reg. 7061, effective May 3, 2004; amended at 29 Ill. Reg. 2268, effective January 28, 2005; emergency amendment at 30 Ill. Reg. 13536, effective July 27, 2006, for a maximum of 150 days.

**Section 110.60 Camping – Campfires – Firewood
EMERGENCY**

It shall be unlawful:

- a) For any person to use a tent or trailer, or any other type of camping device except in designated camping areas, and persons camping in such designated areas shall obtain a camping authorization slip from authorized site personnel as provided by 17 Ill. Adm. Code 130.
- b) For any person to build any fire in any area except in campstoves provided by the Department of Natural Resources or in charcoal or other types of metal grills which are furnished by the visitor at a specific campfire site designated or where bans on open fires are posted by the Department of Natural Resources.
- c) For any person to possess or discharge any type of fireworks or other explosive devices including but not limited to model rockets or aerial displays without a written permit issued by the Department. The decision to grant or deny a permit will be based upon public safety and legal considerations, and the impact on public use/enjoyment of parks.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENT

- d) For any person to bring or possess on Department of Natural Resources properties firewood from any geographical area where wood exportation has been prohibited by either State or federal quarantine; or to sell or distribute firewood on Department properties without prior written agreement with the Department pursuant to 17 Ill. Adm. Code 150 – Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions. Department staff may confiscate any firewood brought onto Department properties found to be in violation of this Part.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 13536, effective July 27, 2006, for a maximum of 150 days)

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Child Murderer and Violent Offender Against Youth Registration Act
- 2) Code Citation: 20 Ill. Adm. Code 1283
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1283.10	New Section
1283.20	New Section
1283.30	New Section
- 4) Statutory Authority: Implementing and authorized by Section 90 of the Child Murderer and Violent Offender Against Youth Act [730 ILCS 154, Public Act 94-945] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].
- 5) Effective Date: August 1, 2006
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: July 25, 2006
- 8) A copy of the emergency rules, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency rules are being filed pursuant to Public Act 94-945, which established the Child Murderer and Violent Offender Against Youth Act effective June 27, 2006.
- 10) Complete description of the subject and issues involved: Until implementation of the Child Murderer and Violent Offender Against Youth Act, these rules will require violent offenders against youth to register and continue to register following the procedures for registration under the Sex Offender Registration Act. The Department must commence the duties of the Act within 12 months after the effective date.
- 11) Are there any other proposed rulemakings pending on this Part: No
- 12) Statement of Statewide Policy Objectives: These emergency 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.

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1283
CHILD MURDERER AND VIOLENT OFFENDER
AGAINST YOUTH REGISTRATION ACT

SUBPART A: PROMULGATION

Section

1283.10 Purpose

EMERGENCY

1283.20 Definitions

EMERGENCY

SUBPART B: OPERATIONS

Section

1283.30 Procedures

EMERGENCY

AUTHORITY: Implementing and authorized by Section 90 of the Child Murderer and Violent Offender Against Youth Act [730 ILCS 154] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted by emergency rulemaking at 30 Ill. Reg. 13541, effective August 1, 2006, for a maximum of 150 days.

SUBPART A: PROMULGATION

Section 1283.10 Purpose**EMERGENCY**

The purpose of this Part is to provide requirements and procedures for the registration of child murderers and violent offenders against youth.

Section 1283.20 Definitions**EMERGENCY**

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

Unless specified otherwise, all terms shall have the meanings set forth in the Child Murderer and Violent Offender Against Youth Registration Act. For purposes of this Part, the following definitions apply:

"Act" means the Child Murderer and Violent Offender Against Youth Act [Public Act 94-0945].

"Adjudicated juvenile delinquent" means a juvenile that has been adjudicated a juvenile delinquent as the result of committing or attempting to commit any of the offenses described in Section 5 of the Act or a violation of any substantially similar federal, sister state, or foreign country law.

"Agency of jurisdiction" means the law enforcement agency having jurisdiction as defined in the Act, i.e., the agency with jurisdiction where the offender intends to reside, work or attend school.

"Conviction" means one or more convictions which result from or are connected with the same act, or result from offenses committed at the same time; such convictions shall be counted as one conviction.

"Department" means the Illinois Department of State Police and any of its subdivisions.

"Fixed residence" means any and all places that an individual resides for an aggregate period of time of five or more days in a calendar year.

"Implementation of the Act" means, with respect to any individual violent offender against youth, the date the Department implements the Act by completion of the Child Murderer and Violent Offender Against Youth Registry database and issues notification of the same to said violent offender against youth.

"Institution of higher education" means an Illinois institution legally constituted to offer degree and instruction post-secondary education.

"Out-of-state employee" means any offender who is employed in Illinois, regardless of whether the individual receives payment for services performed, volunteers, or performs services for government or educational benefit for a period of time of 10 or more days or for an aggregate period of 30 or more days during any calendar year. Persons who are employed to operate motor vehicles in

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

or through Illinois or whose employment involves periods of less than a full day in Illinois accrue one day of employment for any portion of a day spent in Illinois.

"Out-of-state student" means any offender who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher education.

"School" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education.

"Sex offender" means the same definition as the definition found in Section 2(A) of the Sex Offender Registration Act [730 ILCS 150/2(A)].

"Sex Offender Notification Form" means the form designed by the Department to be used to notify the sex offender of the responsibility to register under the Sex Offender Registration Act.

"Sex Offender Registration Form" means the form designed by the Department to be used to satisfy the registration requirements of the Sex Offender Registration Act.

"Violent offender against youth" means the same as the definition found in Section 5 of the Child Murderer and Violent Offender Against Youth Registration Act.

"Violent Offender Against Youth Notification Form" means the form designed by the Department to be used to notify the offender of the responsibility to register under the Act.

"Violent Offender Against Youth Registration Form" means the form designed by the Department to be used to satisfy the registration requirements of the Act.

SUBPART B: OPERATIONS

**Section 1283.30 Procedures
EMERGENCY**

Duty to register:

DEPARTMENT OF STATE POLICE

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- a) The Department must commence the duties prescribed in the Act within 12 months after June 27, 2006, the effective date of the Act.
- b) Until implementation of the Act, a violent offender against youth has the duty to register and the duty to continue to register as a violent offender against youth by following the procedures for registration under the Sex Offender Registration Act.
- c) Until implementation of the Act, a violent offender against youth discharged, paroled, or released from a facility of the Illinois Department of Corrections or other penal institution, has the duty to register and the duty to continue to register as a violent offender against youth by following the procedures for registration under the Sex Offender Registration Act. The facility or institution shall notify the offender of his duty to register as required by this Part.
- d) Until implementation of the Act, a violent offender against youth who is released on probation or discharged upon payment of a fine, shall, prior to such release or discharge, be informed by the Court in which he was convicted of his duty to register and the duty to continue to register as a violent offender against youth by following the procedures for registration under the Sex Offender Registration Act.
- e) Until implementation of the Act, a violent offender against youth who is discharged or released from a hospital or other treatment facility, shall, prior to such discharge or release, be informed by the hospital or treatment facility in which he was confined of his duty to register and the duty to continue to register as a violent offender against youth by following the procedures for registration under the Sex Offender Registration Act.
- f) Until implementation of the Act, and until such time as a violent offender against youth has met the necessary requirements set forth in Section 11 of the Act to be transferred from the Sex Offender Registry to the Child Murderer and Violent Offender Against Youth Registry, a violent offender against youth has the duty to register and the duty to continue to register as a violent offender against youth by following the procedures for registration under the Sex Offender Registration Act.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE W Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix Table W to reflect a Memorandum of Understanding between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed May 3, 2006. The Memorandum of Understanding is effective upon approval of the Workers Compensation Insurance Compliance Investigator class by the Civil Service Commission. On July 20, 2006, the Civil Service Commission approved the establishment of the Workers Compensation Insurance Compliance Investigator class effective August 1, 2006. The Memorandum of Understanding includes the Workers Compensation Insurance Compliance Investigator title in the bargaining unit RC-062 and assigns the pay grade RC-062-20.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: August 1, 2006
- 7) A Complete Description of the Subjects and Issues Involved: Section 310.Appendix A Table W RC-062 (Technical Employees, AFSCME) is amended to add to the title table the Workers Compensation Insurance Compliance Investigator title, its title code 49640, its bargaining unit RC-062, and its pay grade 20.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: July 31, 2006
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 12) Are there any other proposed rulemakings pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.100	Amendment	30 Ill. Reg. 12060, 7/14/06
310.490	Amendment	30 Ill. Reg. 12060, 7/14/06

- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

- 14) Information and questions regarding this preemptory amendment shall be directed to:

Mr. Jason Doggett
Acting Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate

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310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalent
310.530	Implementation
310.540	Annual Merit Increase Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
310.TABLE B	HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
310.TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)

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310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11,

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1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988,

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for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill.

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Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill.

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Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill.

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Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29

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Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15
Behavioral Analyst I	04351	RC-062	17

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Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Academy Trainer	09732	RC-062	17
Corrections Apprehension Specialist	09750	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Educator – Provisional	13105	RC-062	12
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19

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Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16

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Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17

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Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18

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Paralegal Assistant	30860	RC-062	14
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Property Tax Analyst I	34921	RC-062	12
Property Tax Analyst II	34922	RC-062	14
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20

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Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24
Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25
Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II	38572	RC-062	14
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15

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Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14

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Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
<u>Workers Compensation Insurance Compliance Investigator</u>	<u>49640</u>	<u>RC-062</u>	<u>20</u>

For the Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

Effective July 1, 2006
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2384	2443	2503	2565	2645	2730	2814	2904	2990	3131	3224
09	Q	2480	2540	2603	2669	2751	2841	2928	3023	3114	3262	3361
09	S	2537	2599	2660	2725	2809	2898	2988	3084	3174	3325	3424

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10	B	2461	2521	2584	2648	2745	2826	2920	3012	3105	3263	3362
10	Q	2559	2621	2686	2755	2854	2942	3041	3137	3235	3407	3507
10	S	2615	2679	2744	2812	2912	3001	3100	3196	3299	3471	3575
11	B	2549	2612	2679	2746	2839	2931	3036	3137	3234	3405	3508
11	Q	2651	2717	2785	2855	2957	3054	3163	3269	3373	3555	3661
11	S	2710	2775	2843	2913	3017	3113	3223	3331	3438	3618	3728
12	B	2649	2715	2783	2855	2960	3058	3172	3276	3397	3579	3686
12	Q	2756	2824	2896	2973	3083	3185	3308	3420	3545	3738	3850
12	S	2814	2882	2955	3031	3143	3247	3371	3484	3611	3805	3919
12H	B	16.30	16.71	17.13	17.57	18.22	18.82	19.52	20.16	20.90	22.02	22.68
12H	Q	16.96	17.38	17.82	18.30	18.97	19.60	20.36	21.05	21.82	23.00	23.69
12H	S	17.32	17.74	18.18	18.65	19.34	19.98	20.74	21.44	22.22	23.42	24.12
13	B	2746	2815	2887	2963	3072	3189	3309	3430	3558	3755	3869
13	Q	2855	2930	3006	3086	3200	3326	3455	3581	3713	3925	4043
13	S	2913	2989	3066	3146	3261	3389	3521	3646	3781	3992	4112
14	B	2857	2931	3011	3090	3208	3333	3478	3606	3743	3960	4079
14	Q	2975	3054	3136	3220	3345	3480	3632	3768	3912	4140	4264
14	S	3033	3113	3195	3282	3411	3544	3698	3834	3979	4205	4331
14H	B	17.58	18.04	18.53	19.02	19.74	20.51	21.40	22.19	23.03	24.37	25.10
14H	Q	18.31	18.79	19.30	19.82	20.58	21.42	22.35	23.19	24.07	25.48	26.24
14H	S	18.66	19.16	19.66	20.20	20.99	21.81	22.76	23.59	24.49	25.88	26.65
15	B	2967	3046	3128	3213	3354	3493	3630	3778	3918	4153	4279
15	Q	3091	3173	3260	3351	3500	3646	3792	3950	4095	4340	4470
15	S	3151	3232	3323	3415	3565	3709	3860	4016	4160	4407	4538
16	B	3099	3183	3269	3363	3514	3669	3822	3982	4141	4385	4517
16	Q	3228	3318	3413	3511	3669	3835	3995	4159	4327	4584	4722
16	S	3292	3383	3477	3577	3736	3903	4064	4227	4395	4648	4790
17	B	3237	3328	3424	3524	3686	3856	4020	4182	4352	4611	4749

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17	Q	3377	3474	3575	3677	3853	4030	4199	4370	4548	4819	4965
17	S	3440	3539	3640	3744	3921	4099	4268	4438	4614	4888	5035
18	B	3402	3500	3601	3708	3887	4069	4253	4427	4604	4879	5026
18	Q	3551	3653	3762	3875	4066	4252	4447	4629	4812	5100	5252
18	S	3615	3717	3830	3940	4131	4320	4512	4695	4881	5165	5321
19	B	3580	3684	3793	3909	4108	4302	4502	4691	4886	5183	5338
19	J	3580	3684	3793	3909	4108	4302	4502	4691	4886	5183	5338
19	Q	3739	3850	3966	4084	4293	4493	4706	4902	5108	5416	5578
19	S	3806	3919	4035	4152	4361	4562	4772	4970	5176	5483	5647
20	B	3781	3895	4011	4130	4339	4540	4756	4963	5168	5482	5646
20	Q	3953	4071	4191	4316	4534	4747	4971	5185	5401	5731	5903
20	S	4018	4138	4258	4384	4600	4812	5038	5252	5467	5795	5971
21	B	3991	4112	4235	4360	4585	4806	5031	5260	5479	5821	5996
21	U	3991	4112	4235	4360	4585	4806	5031	5260	5479	5821	5996
21	Q	4172	4298	4424	4557	4793	5021	5258	5497	5727	6083	6267
21	S	4239	4364	4491	4626	4857	5089	5326	5564	5792	6150	6335
22	B	4218	4346	4477	4610	4850	5087	5328	5574	5806	6167	6352
22	Q	4409	4542	4678	4817	5069	5319	5567	5825	6069	6445	6639
22	S	4476	4608	4746	4886	5134	5385	5632	5892	6138	6514	6707
23	B	4477	4610	4748	4889	5149	5413	5670	5932	6189	6578	6775
23	Q	4678	4817	4962	5113	5383	5659	5925	6199	6468	6873	7079
23	S	4746	4886	5031	5179	5449	5725	5992	6265	6534	6940	7149
24	B	4763	4906	5052	5204	5481	5768	6045	6324	6610	7024	7235
24	J	4763	4906	5052	5204	5481	5768	6045	6324	6610	7024	7235
24	Q	4977	5126	5281	5441	5730	6028	6318	6608	6907	7342	7562
24	S	5045	5193	5348	5507	5794	6093	6384	6676	6975	7408	7629
25	B	5077	5229	5386	5548	5850	6159	6466	6774	7081	7537	7763
25	J	5077	5229	5386	5548	5850	6159	6466	6774	7081	7537	7763
25	Q	5305	5464	5627	5795	6115	6435	6758	7080	7402	7875	8112
25	S	5375	5530	5697	5864	6182	6501	6824	7146	7466	7943	8181

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

26	B	5365	5526	5693	5920	6244	6574	6908	7230	7555	8043	8284
26	U	5365	5526	5693	5920	6244	6574	6908	7230	7555	8043	8284
27	B	5671	5841	6017	6319	6662	7014	7371	7715	8061	8583	8839
27	U	5671	5841	6017	6319	6662	7014	7371	7715	8061	8583	8839

Effective January 1, 2007
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2408	2467	2528	2591	2671	2757	2842	2933	3020	3162	3256
09	Q	2505	2565	2629	2696	2779	2869	2957	3053	3145	3295	3395
09	S	2562	2625	2687	2752	2837	2927	3018	3115	3206	3358	3458
10	B	2486	2546	2610	2674	2772	2854	2949	3042	3136	3296	3396
10	Q	2585	2647	2713	2783	2883	2971	3071	3168	3267	3441	3542
10	S	2641	2706	2771	2840	2941	3031	3131	3228	3332	3506	3611
11	B	2574	2638	2706	2773	2867	2960	3066	3168	3266	3439	3543
11	Q	2678	2744	2813	2884	2987	3085	3195	3302	3407	3591	3698
11	S	2737	2803	2871	2942	3047	3144	3255	3364	3472	3654	3765
12	B	2675	2742	2811	2884	2990	3089	3204	3309	3431	3615	3723
12	Q	2784	2852	2925	3003	3114	3217	3341	3454	3580	3775	3889
12	S	2842	2911	2985	3061	3174	3279	3405	3519	3647	3843	3958
12H	B	16.46	16.87	17.30	17.75	18.40	19.01	19.72	20.36	21.11	22.25	22.91
12H	Q	17.13	17.55	18.00	18.48	19.16	19.80	20.56	21.26	22.03	23.23	23.93
12H	S	17.49	17.91	18.37	18.84	19.53	20.18	20.95	21.66	22.44	23.65	24.36
13	B	2773	2843	2916	2993	3103	3221	3342	3464	3594	3793	3908
13	Q	2884	2959	3036	3117	3232	3359	3490	3617	3750	3964	4083
13	S	2942	3019	3097	3177	3294	3423	3556	3682	3819	4032	4153

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

14	B	2886	2960	3041	3121	3240	3366	3513	3642	3780	4000	4120
14	Q	3005	3085	3167	3252	3378	3515	3668	3806	3951	4181	4307
14	S	3063	3144	3227	3315	3445	3579	3735	3872	4019	4247	4374
14H	B	17.76	18.22	18.71	19.21	19.94	20.71	21.62	22.41	23.26	24.62	25.35
14H	Q	18.49	18.98	19.49	20.01	20.79	21.63	22.57	23.42	24.31	25.73	26.50
14H	S	18.85	19.35	19.86	20.40	21.20	22.02	22.98	23.83	24.73	26.14	26.92
15	B	2997	3076	3159	3245	3388	3528	3666	3816	3957	4195	4322
15	Q	3122	3205	3293	3385	3535	3682	3830	3990	4136	4383	4515
15	S	3183	3264	3356	3449	3601	3746	3899	4056	4202	4451	4583
16	B	3130	3215	3302	3397	3549	3706	3860	4022	4182	4429	4562
16	Q	3260	3351	3447	3546	3706	3873	4035	4201	4370	4630	4769
16	S	3325	3417	3512	3613	3773	3942	4105	4269	4439	4694	4838
17	B	3269	3361	3458	3559	3723	3895	4060	4224	4396	4657	4796
17	Q	3411	3509	3611	3714	3892	4070	4241	4414	4593	4867	5015
17	S	3474	3574	3676	3781	3960	4140	4311	4482	4660	4937	5085
18	B	3436	3535	3637	3745	3926	4110	4296	4471	4650	4928	5076
18	Q	3587	3690	3800	3914	4107	4295	4491	4675	4860	5151	5305
18	S	3651	3754	3868	3979	4172	4363	4557	4742	4930	5217	5374
19	B	3616	3721	3831	3948	4149	4345	4547	4738	4935	5235	5391
19	J	3616	3721	3831	3948	4149	4345	4547	4738	4935	5235	5391
19	Q	3776	3889	4006	4125	4336	4538	4753	4951	5159	5470	5634
19	S	3844	3958	4075	4194	4405	4608	4820	5020	5228	5538	5703
20	B	3819	3934	4051	4171	4382	4585	4804	5013	5220	5537	5702
20	Q	3993	4112	4233	4359	4579	4794	5021	5237	5455	5788	5962
20	S	4058	4179	4301	4428	4646	4860	5088	5305	5522	5853	6031
21	B	4031	4153	4277	4404	4631	4854	5081	5313	5534	5879	6056
21	U	4031	4153	4277	4404	4631	4854	5081	5313	5534	5879	6056
21	Q	4214	4341	4468	4603	4841	5071	5311	5552	5784	6144	6330
21	S	4281	4408	4536	4672	4906	5140	5379	5620	5850	6212	6398

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

22	B	4260	4389	4522	4656	4899	5138	5381	5630	5864	6229	6416
22	Q	4453	4587	4725	4865	5120	5372	5623	5883	6130	6509	6705
22	S	4521	4654	4793	4935	5185	5439	5688	5951	6199	6579	6774
23	B	4522	4656	4795	4938	5200	5467	5727	5991	6251	6644	6843
23	Q	4725	4865	5012	5164	5437	5716	5984	6261	6533	6942	7150
23	S	4793	4935	5081	5231	5503	5782	6052	6328	6599	7009	7220
24	B	4811	4955	5103	5256	5536	5826	6105	6387	6676	7094	7307
24	J	4811	4955	5103	5256	5536	5826	6105	6387	6676	7094	7307
24	Q	5027	5177	5334	5495	5787	6088	6381	6674	6976	7415	7638
24	S	5095	5245	5401	5562	5852	6154	6448	6743	7045	7482	7705
25	B	5128	5281	5440	5603	5909	6221	6531	6842	7152	7612	7841
25	J	5128	5281	5440	5603	5909	6221	6531	6842	7152	7612	7841
25	Q	5358	5519	5683	5853	6176	6499	6826	7151	7476	7954	8193
25	S	5429	5585	5754	5923	6244	6566	6892	7217	7541	8022	8263
26	B	5419	5581	5750	5979	6306	6640	6977	7302	7631	8123	8367
26	U	5419	5581	5750	5979	6306	6640	6977	7302	7631	8123	8367
27	B	5728	5899	6077	6382	6729	7084	7445	7792	8142	8669	8927
27	U	5728	5899	6077	6382	6729	7084	7445	7792	8142	8669	8927

(Source: Peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 8, 2006

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

Email: jcar@ilga.gov

Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR

Central Management Services

1. Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 29 Ill. Reg. 15678 – 10/21/05
 - Expiration of Second Notice: 8/8/06
2. Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 30 Ill. Reg. 4203 – 3/17/06
 - Expiration of Second Notice: 8/15/06

Corrections

3. Rights and Privileges (20 Ill. Adm. Code 525)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

- First Notice Published: 30 Ill. Reg. 9389 – 5/26/06
- Expiration of Second Notice: 9/7/06

Education

4. Providers of Supplemental Educational Services (23 Ill. Adm. Code 675)
 - First Notice Published: 30 Ill. Reg. 5777 – 3/31/06
 - Expiration of Second Notice: 8/9/06
5. Joint Rules of the Office of the State Fire Marshal and the Illinois State Board of Education: School Emergency and Crisis Response Plans (29 Ill. Adm. Code 1500)
 - First Notice Published: 30 Ill. Reg. 6052 – 4/7/06
 - Expiration of Second Notice: 8/9/06

Financial and Professional Regulation

6. Predatory Lending Database (38 Ill. Adm. Code 346)
 - First Notice Published: 30 Ill. Reg. 6226 – 4/14/06
 - Expiration of Second Notice: 8/23/06
7. Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)
 - First Notice Published: 30 Ill. Reg. 6641 – 4/21/06
 - Expiration of Second Notice: 8/30/06

Healthcare and Family Services

8. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 30 Ill. Reg. 1231 – 1/27/06
 - Expiration of Second Notice: 8/12/06
9. Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)
 - First Notice Published: 30 Ill. Reg. 1255 – 1/27/06
 - Expiration of Second Notice: 8/25/06
10. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 30 Ill. Reg. 6230 – 4/14/06
 - Expiration of Second Notice: 9/1/06
11. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)
 - First Notice Published: 30 Ill. Reg. 6257 – 4/14/06
 - Expiration of Second Notice: 9/1/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

Human Services

12. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
 - First Notice Published: 30 Ill. Reg. 6662 – 4/21/06
 - Expiration of Second Notice: 9/1/06
13. Food Stamps (89 Ill. Adm. Code 121)
 - First Notice Published: 30 Ill. Reg. 6673 – 4/21/06
 - Expiration of Second Notice: 9/1/06

Natural Resources

14. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)
 - First Notice Published: 30 Ill. Reg. 8747 – 5/12/06
 - Expiration of Second Notice: 8/13/06
15. Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)
 - First Notice Published: 30 Ill. Reg. 8777 – 5/12/06
 - Expiration of Second Notice: 8/13/06
16. The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)
 - First Notice Published: 30 Ill. Reg. 8787 – 5/12/06
 - Expiration of Second Notice: 8/13/06
17. Operation of Watercraft Carrying Passengers for Hire on Illinois Waters (17 Ill. Adm. Code 2080)
 - First Notice Published: 30 Ill. Reg. 9986 – 6/2/06
 - Expiration of Second Notice: 9/1/06

Pollution Control Board

18. Clean Construction or Demolition Debris Fill Operations (35 Ill. Adm. Code 1100)
 - First Notice Published: 30 Ill. Reg. 7711 – 4/21/06
 - Expiration of Second Notice: 9/6/06
19. Standards and Requirements for Potable Water Supply Well Surveys and For Community Relations Activities Performed in Conjunction with Agency Notices of Threats From Contamination (35 Ill. Adm. Code 1505)
 - First Notice Published: 30 Ill. Reg. 8061 – 5/5/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

-Expiration of Second Notice: 9/6/06

Property Tax Appeal Board

20. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)
-First Notice Published: 30 Ill. Reg. 7844 – 4/28/06
-Expiration of Second Notice: 8/30/06

Public Health

21. Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
-First Notice Published: 29 Ill. Reg. 13196 – 8/26/05
-Expiration of Second Notice: 8/9/06

Racing Board

22. Match Rival (11 Ill. Adm. Code 315)
-First Notice Published: 30 Ill. Reg. 8108 – 5/5/06
-Expiration of Second Notice: 8/9/06
23. Exacta Double (11 Ill. Adm. Code 320)
-First Notice Published: 30 Ill. Reg. 8114 – 5/5/06
-Expiration of Second Notice: 8/9/06
24. WPS Pick(n) (11 Ill. Adm. Code 323)
-First Notice Published: 30 Ill. Reg. 8119 – 5/5/06
-Expiration of Second Notice: 8/9/06

State Fire Marshal

25. Joint Rules of the Office of the State Fire Marshal and the Illinois State Board of Education: School Emergency and Crisis Response Plans (29 Ill. Adm. Code 1500)
-First Notice Published: 30 Ill. Reg. 6082 – 4/7/06
-Expiration of Second Notice: 8/9/06
26. Fire Sprinkler Contractor Licensing Rules (41 Ill. Adm. Code 109)
-First Notice Published: 29 Ill. Reg. 15410 – 10/14/05
-Expiration of Second Notice: 8/11/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

State Universities Civil Service System

27. State Universities Civil Service System (80 Ill. Adm. Code 250)
-First Notice Published: 30 Ill. Reg. 108 – 1/6/06
-Expiration of Second Notice: 8/25/06

Transportation

28. Prequalification of Contractors and Issuance of Plans and Proposals (44 Ill. Adm. Code 650)
-First Notice Published: 30 Ill. Reg. 9991 – 6/2/06
-Expiration of Second Notice: 9/2/06
29. Control of Outdoor Advertising Adjacent to Primary and Interstate Highways (92 Ill. Adm. Code 522)
-First Notice Published: 30 Ill. Reg. 6125 – 4/7/06
-Expiration of Second Notice: 8/27/06

Veterans' Affairs

30. Veterans' Scratch-Off Lottery Grants (95 Ill. Adm. Code 123)
-Notice Published: 30 Ill. Reg. 8398 – 5/5/06
-Expiration of Second Notice: 9/2/06

EMERGENCY RULEMAKINGS

Aging

31. Community Care Program (89 Ill. Adm. Code 240) (Emergency)
-Notice Published: 30 Ill. Reg. 11767 – 7/7/06

Agriculture

32. Anhydrous Ammonia Security Grant Program (8 Ill. Adm. Code 217) (Emergency)
-Notice Published: 30 Ill. Reg. 12323 – 7/14/06

Capital Development Board

33. Bonding Guidelines (71 Ill. Adm. Code 50) (Emergency)
-Notice Published: 30 Ill. Reg. 12615 – 7/21/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

Central Management Services

34. Merit and Fitness (80 Ill. Adm. Code 302) (Emergency)
-Notice Published: 30 Ill. Reg. 12366 – 7/14/06
35. Pay Plan (80 Ill. Adm. Code 310) (Emergency)
-Notice Published: 30 Ill. Reg. 12340 – 7/14/06

Education

36. New Teacher Induction and Mentoring (23 Ill. Adm. Code 65)) (Emergency)
-Notice Published: 30 Ill. Reg. 11783 – 7/7/06
37. Early Childhood Block Grant (23 Ill. Adm. Code 235)) (Emergency)
-Notice Published: 30 Ill. Reg. 11793 – 7/7/06
38. Technology Immersion Pilot Project (23 Ill. Adm. Code 365)) (Emergency)
-Notice Published: 30 Ill. Reg. 11807 – 7/7/06

Financial and Professional Regulation

39. Illinois Dental Practice Act (68 Ill. Adm. Code 1220) (Emergency)
-Notice Published: 30 Ill. Reg. 12999 – 7/28/06

Healthcare and Family Services

40. Medical Payment (89 Ill. Adm. Code 140)) (Emergency)
-Notice Published: 30 Ill. Reg. 12376 – 7/14/06
41. Hospital Services (89 Ill. Adm. Code 148)) (Emergency)
-Notice Published: 30 Ill. Reg. 11815 – 7/7/06
42. Hospital Services (89 Ill. Adm. Code 148)) (Emergency)
-Notice Published: 30 Ill. Reg. 12400 – 7/14/06
43. Hospital Reimbursement Changes (89 Ill. Adm. Code 152)) (Emergency)
-Notice Published: 30 Ill. Reg. 11847 – 7/7/06
44. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)) (Emergency)
-Notice Published: 30 Ill. Reg. 11853 – 7/7/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

Secretary of State

45. Regulations Under Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)
-Notice Published: 30 Ill. Reg. 13009 – 7/28/06
46. Issuance of Licenses (92 Ill. Adm. Code 1030)) (Emergency)
-Notice Published: 30 Ill. Reg. 11409 – 6/30/06

PEREMPTORY RULEMAKING

Central Management Services

47. Pay Plan (80 Ill. Adm. Code 310) (Peremptory)
-Notice Published: 30 Ill. Reg. 12418 – 7/14/06

EXPEDITED CORRECTION

Property Tax Appeal Board

48. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)
-Notice of Correction: 30 Ill. Reg. 12456 - 7/14/06

AGENCY RESPONSES

Central Management Services

49. State of Illinois Medical Care Assistance Plan (80 Ill. Adm. Code 2120; 30 Ill. Reg. 5741)

Children & Family Services

50. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406; 29 Ill. Reg. 18180)
51. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 406; 29 Ill. Reg. 18207)
52. Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431; 29 Ill. Reg. 13065)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

Education

53. School Food Service (23 Ill. Adm. Code 305; 30 Ill. Reg. 86)

Teachers' Retirement System

54. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650; 30 Ill. Reg. 6009)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 25, 2006 through July 31, 2006 and have been scheduled for review by the Committee at its August 8, 2006 meeting in Chicago. 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>
9/6/06	<u>Pollution Control Board</u> , Clean Construction or Demolition Debris Fill Operations (35 Ill. Adm. Code 1100)	4/21/06 30 Ill. Reg. 7711	8/8/06
9/6/06	<u>Pollution Control Board</u> , Standards and Requirements for Potable Water Supply Well Surveys and For Community Relations Activities Performed in Conjunction with Agency Notices of Threats From Contamination (35 Ill. Adm. Code 1505)	5/5/06 30 Ill. Reg. 8061	8/8/06
9/7/06	<u>Department of Corrections</u> , Rights and Privileges (20 Ill. Adm. Code 525)	5/26/06 30 Ill. Reg. 9389	8/8/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Register citation of adopted rulemaking: 30 Ill. Reg. 12761; July 28, 2006
- 4) Explanation: In the adopted text for Section 310.APPENDIX A TABLE O, which lists negotiated rates for paraprofessional human services employees, the heading for the bargaining unit RC-028 rate table, which becomes effective January 1, 2007, was incorrectly published in the *Illinois Register*. This text as filed by CMS with the Secretary of State at 1st Notice was correct and remained unamended during the rulemaking process. The published table mistakenly labeled Steps 1, 4 and 7 as "1c". JCAR apologizes for any confusion this error may have caused.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against Bach Mortgage, Inc., License No. MB.6759927 of Elmhurst, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE RESCINDED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking of the State of Illinois has rescinded the fine of \$2,500 against Bach Mortgage Corporation, License No. MB.6759927 of Elmhurst, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 20, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$3,000 against Lending Services, Inc., License No. MB.0006973 of River Grove, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$3,000 against Ashland Mortgage Corporation, License No. MB.0006016 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking of the State of Illinois has issued a fine of \$2,500 against Family Home Mortgage, License No. MB.0005877 of Northfield, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE RESCINDED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking of the State of Illinois has rescinded the fine of \$2,500 against Family Home Mortgage, License No. MB.0005877 of Northfield, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 30, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against Star First Mortgage Services, Inc., License No. MB.6759348 of Hillside, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against Premium Financial Network, License No. MB.0005947 of Homewood, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$3,000 against Prime Mortgage Corporation, License No. MB.0006232 of Skokie, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against Master Mortgage Corporation, License No. MB.0005489 of Wheeling, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against Marathon Mortgage Corporation, License No. MB.0004906 of Richton Park, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against Mortgage Unlimited, Inc., License No. MB.000839 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against Smart Mortgage, Inc., License No. MB.0006698 of Naperville, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against Shreeji Mortgage, Inc., License No. MB.0005437 of Schaumburg, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$3,000 against Personal Mortgage Inc., D/B/A PMI License No. MB.0004340 of Matteson, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$500 against Alfa Omega Enterprises & Financial Services, License No. MB.0004032 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against ReQuest Mortgage Team 2000, License No. MB.0006216 of Palos Heights, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 10, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$10,000 against South Suburban Mortgage Corporation, License No. MB.0004619 of Flossmoor, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 20, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against Rodriquez Bancorp, Inc., License No. MB.0006759556 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 20, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2006 SECOND QUARTER INCOME TAX SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2006. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Alternative Apportionment
Apportionment – Sales Factor
Compensation
Miscellaneous
Residency/Nonresidency
Subtraction Modifications – Qualified Pension Plans
Subtraction Modifications – Other Rulings
Withholding – Other Rulings

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2006 SECOND QUARTER INCOME TAX SUNSHINE INDEX

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004 and 2005 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-7055

ALTERNATIVE APPORTIONMENT

IT 06-0017-GIL 06/29/2006 Alternative apportionment petition could not be granted because it was not timely filed for old taxable years and, for current year, contained no information that would support a conclusion that the statutory apportionment formula did not fairly represent the business activities of the taxpayer in Illinois or that the alternative would better represent the business activities of the taxpayer in Illinois.

APPORTIONMENT – SALES FACTOR

IT 06-0006-GIL 05/02/2006 Brokerage business conducted in Missouri with only connection to Illinois by telephone would have no Illinois sales factor.

COMPENSATION

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2006 SECOND QUARTER INCOME TAX SUNSHINE INDEX

IT 06-0005-GIL 04/06/2006 Gain of a nonresident on stock options treated as compensation for income tax purposes is taxed by Illinois only if it is "paid in this State" under IITA Section 304(a)(2)(B).

MISCELLANEOUS

IT 06-0014-GIL 06/09/2006 Response to State of Wisconsin questionnaire on basic principles of Illinois income taxation.

RESIDENCY/NONRESIDENCY

IT 06-0013-GIL 06/07/2006 Explanation of principles for determining residency.

SUBTRACTION MODIFICATIONS – QUALIFIED PENSION PLANS

IT 06-0011-GIL 05/19/2006 Pensions of retired government employees, including other states' governments, qualify for subtraction.

SUBTRACTION MODIFICATIONS – OTHER RULINGS

IT 06-0007-GIL 05/15/2006 No subtraction modification is allowed unless expressly provided in IITA Section 203 or if it would allow a double deduction.

IT 06-0008-GIL 05/15/2006 No subtraction modification is allowed unless expressly provided in IITA Section 203 or if it would allow a double deduction.

IT 06-0009-GIL 05/15/2006 No subtraction modification is allowed unless expressly provided in IITA Section 203 or if it would allow a double deduction.

IT 06-0010-GIL 05/15/2006 No subtraction modification is allowed unless expressly provided in IITA Section 203 or if it would allow a double deduction.

IT 06-0015-GIL 06/13/2006 No subtraction modification is allowed for losses passed through from a partnership and disallowed in computing federal adjusted gross income of the partner in order to reflect a pro-forma recomputation of the federal loss limitation to take into account Illinois addition modifications.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2006 SECOND QUARTER INCOME TAX SUNSHINE INDEX

WITHHOLDING – OTHER RULINGS

- IT 06-0012-GIL 05/31/2006 Wages paid to a nonresident who is based in another state and performs no services in Illinois are not subject to Illinois income tax or to withholding.

- IT 06-0016-GIL 06/19/2006 No withholding of Illinois tax is required from compensation paid to Illinois residents for employment in Missouri when Missouri taxes are withheld and the compensation is not "paid in this State" under IITA Section 304(a)(2)(B).

PROCLAMATIONS

2006-244**ALLIED HEALTH PROFESSIONALS DAY**

WHEREAS, the Chicago area is recognized as a major resource for medical care, and its health institutions are visited each year by people from around the world seeking the latest and most advanced medical treatment; and

WHEREAS, health care professionals engaged in allied health functions - including dietitians, occupational therapists, radiation technicians, recreational therapists, phlebotomists, physical therapists, and many others – are an important part of the health care delivery team; and

WHEREAS, in today's constantly changing health care environment, allied health professionals are continuing to expand their scope while maintaining multiple duties; and

WHEREAS, allied health employees make much-needed contributions in every health care facility and help increase the greater Chicagoland area's reputation for health care excellence; and

WHEREAS, more than 140 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor allied health care staff for their many achievements in both their institutions and to the people of their communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 19, 2006 as **ALLIED HEALTH PROFESSIONALS DAY** in Illinois and urge all citizens to recognize the hard work of these devoted healthcare professionals.

Issued by the Governor on July 25, 2006.

Filed by the Secretary of State July 25, 2006.

2006-245**FAMILY DAY**

WHEREAS, on the first Monday in August, the Dr. Martin Luther King, Jr. Family Life Institute will make it an annual national celebratory event to promote values of home and family, for the purpose of preserving the assembly of family, and for the encouragement of creating new conjugal families as a national celebratory tradition; and

PROCLAMATIONS

WHEREAS, every man, woman, and child in this great nation participate in cross cultural socialization that reduces segmentation on a day that offers a common theme to play a part in reshaping our world; and

WHEREAS, the Dr. Martin Luther King, Jr. Family Life Institute encourages American families to spend quality time together in order to discuss family issues, to set foals for the future, allow time for families to bond with extended family, to introduce new family members, or to celebrate the joining of families through marriage; and

WHEREAS, on August 1, a petition to Congress for a new American national holiday will begin by families coming together on July 29, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 1, 2006 as **FAMILY DAY** in Illinois.

Issued by the Governor on July 25, 2006.

Filed by the Secretary of State July 25, 2006.

2006-246**PICK UP AMERICA DAY**

WHEREAS, it is important for all people to recognize that pollution from litter endangers not only our land, but also the air we breathe and the water we drink; and

WHEREAS, our future environment protection involves the education of all our citizens; and

WHEREAS, partnerships between government offices, organizations, and communities to effectively educate American citizens is yet another step toward meeting this problem of pollution; and

WHEREAS, the participation of all Americans is the only way we can begin to solve the problem of littering and ensure the future protection of our environment; and

WHEREAS, Pick up America (PuA), a non-profit environmental organization with the mission to clean up America one neighborhood at a time, is asking that all Americans across the nation go out and fill one trash bag of litter from within their community:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 1, 2006 as **PICK UP AMERICA DAY** in Illinois, and encourage all citizens to join in this worthy effort to help clean up our environment.

PROCLAMATIONS

Issued by the Governor on July 25, 2006.

Filed by the Secretary of State July 25, 2006.

2006-247**CAREER AND TECHNICAL ORGANIZATIONS WEEK**

WHEREAS, career and technical education, also known as vocational education, complement formal education programs by providing students with an opportunity to gain hands-on experience in their future profession or trade; and

WHEREAS, in addition to the hands-on experience that vocational education affords students, there are a number of career and technical student organizations in Illinois that also build character and foster leadership skills essential to their future success; and

WHEREAS, for more than 28 years, the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) has promoted career and technical student organizations as an integral part of the educational curriculum; and

WHEREAS, career and technical student organizations in Illinois include the Business Professionals of America, Future Business Leaders of America (FBLA), Illinois Association of Family, Career and Community Leaders of America (FCCLA), Health Occupations Students of America (HOSA), Illinois Association of FFA (FFA), Illinois Association of DECA (DECA), Illinois Postsecondary Agricultural Student Organization (PAS), Phi Beta Lambda (PBL), Illinois Association of SkillsUSA (SkillsUSA), and Technology Student Association (TSA); and

WHEREAS, this year, the ICCCTSO will recognize career and technical organizations during the week of October 1:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 1-7, 2006 as **CAREER AND TECHNICAL ORGANIZATIONS WEEK** in Illinois to raise awareness about the value of those organizations to the educational experiences of our young people.

Issued by the Governor on July 25, 2006.

Filed by the Secretary of State July 25, 2006.

2006-248**CHAMBER OF COMMERCE WEEK**

PROCLAMATIONS

- WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms, encourage new businesses and individuals to invest locally, and act as liaisons with government and the larger business community; and
- WHEREAS, Illinois is home to international chambers of commerce, the Great Lakes Regional Office of the U.S. Chamber of Commerce, the Illinois Chamber of Commerce, and more than 455 local chambers of commerce; and
- WHEREAS, this year marks the 87th anniversary of the Illinois Chamber of Commerce, which represents businesses throughout the state; and
- WHEREAS, this year also marks the 91st anniversary of the Illinois Association of Chamber of Commerce Executives (IACCE), a career development organization for chamber of commerce professionals; and
- WHEREAS, during the week of September 11–15, various local chambers of commerce in Illinois will be hosting open houses, business expos, business of the year awards, and other promotional events in order to promote their involvement in the local economy:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 11-15, 2006 as **CHAMBER OF COMMERCE WEEK** in Illinois, and encourage all citizens to recognize the important role that chambers of commerce play in the economic well being of their communities.

Issued by the Governor on July 25, 2006.

Filed by the Secretary of State July 25, 2006.

2006-249**LAST CALL OF THE FALL BBQ COMPETITION DAYS**

- WHEREAS, on October 20th and 21st, 2006, the first annual "Last Call of the Fall BBQ Competition" will be held at Lambs Farm in Libertyville, Illinois; and
- WHEREAS, the "Last Call of the Fall BBQ Competition," as an Illinois State Championship, allows teams to qualify for national level barbeque competitions; and
- WHEREAS, this event, a Kansas City Barbecue Society (KCBS) sanctioned event, will bring together amazing entertainment and award winning BBQ competitors; and
- WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbeque grilling skills to the test during this event:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 20-21, 2006 as the **LAST CALL OF THE FALL BBQ COMPETITION DAYS** in Illinois, and encourage all citizens to recognize and participate in this entertaining event that will undoubtedly showcase a variety of tasty barbeque recipes.

Issued by the Governor on July 25, 2006.

Filed by the Secretary of State July 25, 2006.

2006-250**GUBERNATORIAL PROCLAMATION**

Severe storms with high winds moved through Illinois on Friday, July 21, 2006. These storms resulted in extensive power outages and damage to homes and businesses creating significant debris from the Metro East area continuing through Mt. Vernon. .

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Washington County as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois Emergency Management Agency in providing financial assistance from the disaster relief fund for extraordinary costs incurred by local units of government in responding to and recovering from the damage and debris. This proclamation will facilitate coordination of State assets in responding to local government requests for assistance in the counties most severely impacted by the disaster.

Issued by the Governor July 26, 2006

Filed with the Secretary of State July 26, 2006.

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 30, Issue 32 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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