

# 2008

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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## INTRODUCTION

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

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

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

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

### 2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
23	May 27, 2008	June 6, 2008

24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

Editor's Note: The Regulatory Agenda submission period will end July.1, 2008. The Division is no longer accepting Regulatory Agendas. The second filing period for submitting will start October 14, 2008 with the last day to file on January 2, 2009.

## DEAF AND HARD OF HEARING COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Interpreter for the Deaf Licensure Act of 2007
- 2) Code Citation: 68 Ill. Adm. Code 1515
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1515.10	New Section
1515.15	New Section
1515.20	New Section
1515.30	New Section
1515.40	New Section
1515.50	New Section
1515.60	New Section
1515.70	New Section
1515.80	New Section
1515.90	New Section
1515.100	New Section
1515.110	New Section
1515.120	New Section
1515.130	New Section
1515.140	New Section
- 4) Statutory Authority: 225 ILCS 443
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed to establish the implementing rules for the Interpreter for the Deaf Licensure Act of 2007.
- 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

## DEAF AND HARD OF HEARING COMMISSION

## NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate, but requires the use of licensed interpreters.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:  
  
Tonia R. Bogener  
Legal Counsel  
Illinois Deaf and Hard of Hearing Commission  
1630 S. Sixth Street  
Springfield, Illinois 62703  
  
217/557-4495 (voice/tty)  
tonia.bogener@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: Individuals or business providing interpreting services for the deaf and hard of hearing or providers of continuing education for interpreters.
  - B) Reporting, bookkeeping or other procedures required for compliance: Yes
  - C) Types of Professional skills necessary for compliance: Interpreting for the deaf and hard of hearing.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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



## DEAF AND HARD OF HEARING COMMISSION

## NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER IX: DEAF AND HARD OF HEARING COMMISSION

## PART 1515: INTERPRETER FOR THE DEAF LICENSURE ACT OF 2007

Section	
1515.10	Definitions
1515.15	Incorporations by Reference
1515.20	Jurisdiction
1515.30	Application for Licensure
1515.40	Application for Provisional Licensure
1515.50	Accepted Certificates
1515.60	Renewals
1515.70	Licensure Fees
1515.80	Continuing Education
1515.90	Proficiency Levels
1515.100	Supervision
1515.110	Inactive Status
1515.120	Restoration
1515.130	Standards of Professional Conduct
1515.140	Granting Variances

AUTHORITY: Authorized by Section 50(b) of the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443/50(b)].

SOURCE: Adopted at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1515.10 Definitions**

"Accepted Certificate" or "Acceptable Certificate" means a certificate approved by the Commission and listed in Section 1515.50.

"Act" means the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443].

"Board" means the Interpreter Licensure Board.

"Commission" means the Illinois Deaf and Hard of Hearing Commission.

## DEAF AND HARD OF HEARING COMMISSION

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"Department" means the Illinois Department of Financial and Professional Regulation.

"Director" means the Director of the Illinois Deaf and Hard of Hearing Commission.

"Interpreter" means a sign language interpreter for the deaf or any person defined as an interpreter by Section 10 of the Act.

**Section 1515.15 Incorporations by Reference**

- a) The following materials are incorporated by reference in this Part.
  - 1) Boys Town National Research Hospital, 555 North 30<sup>th</sup> Street, Omaha NE 68131, (402)498-6511, <http://www.boystownhospital.org>  
  
Educational Interpreter Performance Assessment (EIPA)
  - 2) Registry of Interpreters for the Deaf (RID), 333 Commerce Street, Alexandria VA 22314, (703)838-0030, <http://www.rid.org>
    - A) Certification Based on EIPA Evaluation
    - B) NAD-RID Code of Professional Conduct (July 2005)
    - C) Standards for Issuance of a Certificate of Interpretation (CI)
    - D) Standards for Issuance of a Certificate of Transliteration (CT)
    - E) Standards for Issuance of a Certificate of Interpretation and Transliteration (CI/CT)
    - F) Standards for Issuance of a National Interpreter Certification – NIC-Basic, Advanced and Master
    - G) Standards for Issuance of a Comprehensive Skills Certificate (CSC)

## DEAF AND HARD OF HEARING COMMISSION

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- H) Standards for Issuance of a Master Comprehensive Skills Certificate (MCSC)
  - I) Standards for Issuance of a Reverse Skills Certificate (RSC)
  - J) Standards for Designation as a Certified Deaf Interpreter (CDI)
  - K) RID-CDI Knowledge Based Test
  - L) Standards for Completion of Continued Skills Development through the Certification Maintenance Program (CMP)
  - M) Standards for Approval of Continuing Education Sponsors Participating in the Certification Maintenance Program (CMP)
- 3) Chicago Area Interpreter Referral Service (CAIRS), 150 N. Wacker Drive, Suite 1310, Chicago IL 60606, (312)895-4800, <http://www.caIRS.net>
- A) Interpreter Skills Assessment Screening (ISAS) Interpreting Levels 1, 2, 3, 4 and above
  - B) Interpreter Skills Assessment Screening (ISAS) Transliterating Levels 1, 2, 3, 4 and above
- 4) National Association of the Deaf (NAD), 8630 Fenton Street, Silver Springs MD 20910, (301)587-1789, <http://www.nad.org>
- A) NAD-RID Code of Professional Conduct (July 2005)
  - B) Standards for Issuance of a NAD Certificate – Level 3, 4 or 5
- 5) Missouri Commission for the Deaf and Hard of Hearing (MCDHH), 1500 Southridge Drive, Jefferson City MO 65109, (573)526-5205, <http://www.mcdhh.mo.gov>
- Missouri Interpreter Certification – Novice, Apprentice, Intermediate, Advanced and Comprehensive

## DEAF AND HARD OF HEARING COMMISSION

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- 6) Testing Evaluation and Certification Unit, Inc. (TECUnit), 6567 S. Cedar Creek Circle, Salt Lake City UT 84118, (800)523-0964, <http://www.tecunit.org>
- b) All materials incorporated by reference in this Section are incorporated as of the date specified and include no later amendments or editions.

**Section 1515.20 Jurisdiction**

Any individual who holds a sign language interpreter for the deaf license issued by the Commission or who is subject to the Interpreter for the Deaf Licensure Act of 2007 must abide by the Act and this Part, regardless of the employment setting, unless specifically exempted by the Act.

**Section 1515.30 Application for Licensure**

- a) The Commission shall issue a license to an applicant who submits proof of the following:
  - 1) Certification of graduation from high school or its equivalent;
  - 2) Proof of an accepted certification as specified in Section 1515.50; and
  - 3) The required fee specified in Section 1515.70.
- b) All documents shall be submitted on forms prescribed by the Commission.
- c) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit certifications, on forms prescribed by the Commission, from the jurisdiction where the applicant was originally licensed and the jurisdiction in which the applicant is currently licensed, stating:
  - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of license;
  - 2) A description of the certification or skill assessment in that jurisdiction; and

## DEAF AND HARD OF HEARING COMMISSION

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- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) When the accuracy of any submitted documentation or experience is questioned by the Commission because of lack of information, discrepancies or conflicts in information given, or need for clarification, the applicant seeking licensure shall be requested to:
  - 1) Provide the necessary information; and/or
  - 2) Appear for an interview before the Board, if requested, to explain the relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

**Section 1515.40 Application for Provisional Licensure**

- a) An applicant for a provisional license shall file an application on the forms prescribed by the Commission, together with:
  - 1) One of the following:
    - A) Proof of an accepted certificate under Section 1515.50(a); or
    - B) Proof that the applicant has completed, and is awaiting results of, a test required for acceptable certification under Section 1515.50; and
  - 2) The required fee set forth in Section 1515.70.
- b) A provisional license shall expire 12 months from the date of issuance and can only be renewed once for an additional 12 month period. Under no circumstances shall a provisional license be issued for a time period longer than 24 months. A provisional license shall automatically expire upon issuance of the Illinois license.

**Section 1515.50 Accepted Certificates**

An applicant for a license as a sign language interpreter shall provide proof of an acceptable certificate. Based upon the accepted certificate, a proficiency level, as determined under Section 1515.90, will be indicated on the license.

## DEAF AND HARD OF HEARING COMMISSION

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- a) Acceptable certificates for a provisional license include any of the following:
- 1) Educational Interpreter Performance Assessment (EIPA) 3.5 or above and/or Registry of Interpreters for the Deaf (RID) certification based on EIPA evaluation;
  - 2) Interpreter Skills Assessment Screening (ISAS) Interpreting Level 1 or 2;
  - 3) Interpreter Skills Assessment Screening (ISAS) Transliterating Level 1 or 2;
  - 4) Missouri Interpreter Certification Novice or Apprentice;
  - 5) Deaf Interpreters, with a minimum of 8 contact hours of training on the NAD-RID Code of Professional Conduct, and/or a state accredited college or university course including the Code of Professional Conduct and 8 contact hours on the role and responsibilities of Certified Deaf Interpreter, both completed within 3 years prior to the date of application; or
  - 6) Until January 1, 2011, an interpreter who cannot provide any of the certificates required by this subsection (a), but who maintained a valid and unencumbered registration with the Commission on July 1, 2007 under the Interpreters for the Deaf Act [225 ILCS 442, repealed January 1, 2009].
- b) Acceptable certificates for a license with an intermediate proficiency level include any of the following:
- 1) Interpreter Skills Assessment Screening (ISAS) Interpreting Level 3 or above;
  - 2) Interpreter Skills Assessment Screening (ISAS) Transliterating Level 3 or above;
  - 3) RID Certificate of Interpretation (CI);
  - 4) RID Certificate of Transliteration (CT);
  - 5) RID CI/CT;

## DEAF AND HARD OF HEARING COMMISSION

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- 6) Testing Evaluation and Certification Unit Inc. (TECUnit);
  - 7) Missouri Interpreter Certification Intermediate;
  - 8) Deaf Interpreters with the required training under a provisional license and proof of passing a generalized knowledge based test provided by the Commission; or
  - 9) Licensure in other states based on qualifications similar to those listed in this subsection (b).
- c) Acceptable certificates for a license with an advanced proficiency level include any of the following:
- 1) Interpreter Skills Assessment Screening (ISAS) Interpreting Level 4 or above and ISAS Transliterating Level 4 or above;
  - 2) RID-CI;
  - 3) RID-CT;
  - 4) National Interpreter Certification (NIC);
  - 5) National Association of the Deaf Certificate Level 3 or 4;
  - 6) Missouri Interpreter Certification Advanced;
  - 7) Deaf Interpreters with the required training under a provisional license and proof of passing the RID-CDI knowledge based test; or
  - 8) Licensure in other states based on qualifications similar to those listed in this subsection (c).
- d) Acceptable certificates for a license with a master proficiency level include any of the following:
- 1) RID-CI/CT;

## DEAF AND HARD OF HEARING COMMISSION

## NOTICE OF PROPOSED RULES

- 2) RID-Comprehensive Skills Certificate (CSC);
- 3) RID-Master Comprehensive Skills Certificate (MCSC);
- 4) RID-Reverse Skills Certificate (RSC);
- 5) RID-Certified Deaf Interpreter (CDI);
- 6) National Association of the Deaf Certificate Level 5;
- 7) Missouri Interpreter Certificate Comprehensive;
- 8) National Interpreter Certification (NIC) Advanced or Master; or
- 9) Licensure in other states based on qualifications similar to those listed in this subsection (d).

**Section 1515.60 Renewals**

- a) Every license of a sign language interpreter for the deaf issued under the Act shall expire on December 31 of each year. The holder of a license may renew the license during the 60 days preceding the expiration date by providing proof of a current acceptable certificate and of completion of the continuing education hours set forth in Section 1515.80, and payment of the required fee.
- b) Every provisional license of a sign language interpreter for the deaf issued under the Act shall expire 12 months from date of issuance. The holder of a provisional license may renew the provisional license during the 60 days preceding the expiration date by providing proof of a current acceptable certificate and of completion of the continuing education hours set forth in Section 1515.80, and payment of the required fee.
- c) It is the responsibility of each registrant to notify the Commission of any change of address. Failure to receive a renewal form from the Commission shall not constitute an excuse for failure to submit a renewal application as prescribed by the Commission and pay the renewal fee.



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- d) Practicing after a license has expired shall be considered the unlicensed practice of sign language interpreting and subject to discipline pursuant to Section 20 of the Act.

**Section 1515.70 Licensure Fees**

The following fees shall be paid to the Commission and are not refundable:

- a) **Application Fee.** The fee for the initial application for a provisional license or license of a sign language interpreter is \$50, to be submitted with the initial license fee. In addition, applicants for an examination shall be required to pay, either to the Commission or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Commission or the designated testing service, shall result in the forfeiture of the examination fee.
- b) **Initial License Fee.** The fee for the initial license, including a provisional license, is \$175 per year. If the renewal of initial license is required within 6 months after issuance, the initial license fee shall be \$90.
- c) **Renewal Fees.** The fee for the renewal of a license, including a provisional license, is \$150 per year.
- d) **Late Renewal Fee.** The fee for all renewal applications received within 45 days after the expiration date of a license is \$60, in addition to the renewal fees.
- e) **Inactive Status Fee.** The fee for all applications to place a license on inactive status is \$50.
- f) **General Fees.**
  - 1) The fee for the restoration of a license other than from inactive status is \$75 plus payment of all lapsed renewal fees, but not to exceed \$1500.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, for the issuance of a license with a change of name or address, or for the issuance

## DEAF AND HARD OF HEARING COMMISSION

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of a license with a change in proficiency level, other than during the renewal period, is \$25. No fee is required for name and address changes on Commission records when no duplicate license is issued.

- 3) The fee for certification of a licensee's record for any purpose is \$20.
- 4) The fee for a wall certificate showing licensure is \$20.
- 5) The fee for a roster of persons licensed as sign language interpreters for the deaf in this State shall be the actual cost of producing the roster. The Commission maintains an online listing of all persons licensed as sign language interpreters for the deaf in this State.

**Section 1515.80 Continuing Education**

- a) Continuing Education Requirements
  - 1) One Continuing Education (CE) hour shall be equal to one clock hour of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments. Lunch hours, socials and breaks do not count towards CE hours.
  - 2) A prerenewal period is the 12 month period proceeding January 1 of each year.
  - 3) A renewal applicant shall not be required to comply with CE requirements for the 1<sup>st</sup> renewal period. This exemption applies only for a single renewal period, including the transition from a provisional license to a general license.
  - 4) Every licensee who applies for renewal of a license as a sign language interpreter for the deaf for 2011 shall complete within the prerenewal period 12 hours of CE relevant to the practice of sign language interpreting, a minimum of 10 hours in professional studies and a maximum of 2 hours in general studies.
  - 5) Every licensee who applies for renewal of a license as a sign language interpreter for the deaf for 2012 shall complete within the prerenewal period 16 hours of CE relevant to the practice of sign language

## DEAF AND HARD OF HEARING COMMISSION

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interpreting, a minimum of 12 hours in professional studies and a maximum of 4 hours in general studies.

- 6) Beginning with the 2013 license renewal, every licensee who applies for renewal of a license as a sign language interpreter for the deaf shall complete within the prerenewal period 20 hours of CE relevant to the practice of sign language interpreting, a minimum of 12 hours in professional studies and a maximum of 8 hours in general studies.
  - 7) Interpreters licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
  - 8) CE hours used to satisfy the CE requirement of another jurisdiction may be applied to fulfill the Illinois CE requirements if they meet the requirements of this Section.
  - 9) Upon proof of successful completion, courses that are part of the curriculum of an accredited university, college or other educational institution relating to interpreting shall have the following contact hours:
    - A) Semester system courses – 1 credit hour = 15 CE hours; and
    - B) Quarter system courses – 1 credit hour = 10 CE hours.
- b) Carryover of CE Hours
- 1) An interpreter may carry over a maximum of 50% of the required CE hours from the time he or she is licensed until the first renewal requiring CE; and
  - 2) If an interpreter earns more than the CE hours required during a renewal period, the interpreter can carry over into the next renewal period a maximum of 50% CE hours required for that renewal period.
- c) Certification of Compliance with CE Requirements
- 1) Applicants shall certify on the renewal application full compliance with CE requirements set forth in subsection (a).

## DEAF AND HARD OF HEARING COMMISSION

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- 2) The Commission may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence may be required in the context of the Commission's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
  - 3) Applicants shall maintain for three years after the end of the relevant reporting period certificates of attendance received pursuant to subsection (d); proof of completion of continuing education required by another jurisdiction, if deemed sufficiently equivalent by the Commission; or transcripts indicating successful completion of a course described in subsection (e)(6) or (7) delivered by a college or university.
  - 4) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing. At that time, the Commission may refuse to renew an interpreter's license or refer the application to the Department of Financial and Professional Regulation for disciplinary action as allowed by Section 115 of the Act.
- d) **Approved Continuing Education**  
CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course that is offered or sponsored by an approved CE sponsor that meets the requirements set forth in subsection (e), except for those activities provided in subsection (a).
- e) **Approved CE Sponsors and Programs**
- 1) Approved sponsor, as used in this Section, shall mean:
    - A) Approved CMP sponsors for the Registry for Interpreters for the Deaf (RID);
    - B) Illinois Deaf and Hard of Hearing Commission; and
    - C) Any other person, firm, association, corporation or group that has been approved and authorized by the Commission pursuant to subsection (e)(2) of this Section, upon the recommendation of the Board, to coordinate and present CE courses or programs.

## DEAF AND HARD OF HEARING COMMISSION

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- 2) Entities seeking approval as a CE sponsor pursuant to subsection (e)(1) shall file a sponsor application, along with the required fee of \$150. (State agencies and State colleges and universities shall be exempt from paying this fee.) The applicant shall certify to the following:
  - A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (e)(3) and all other criteria in this Section. A sponsor shall be required to submit a CE program with course materials for review prior to being approved as a CE sponsor;
  - B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (e)(10);
  - C) That, upon request by the Commission, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Commission has reason to believe that there is not full compliance with this Section and that this information is necessary to ensure compliance.
  
- 3) All programs shall:
  - A) Contribute to the advancement, extension and enhancement of the professional skill and knowledge of the licensee;
  - B) Foster the enhancement of general or specialized interpreting practice and values;
  - C) Be developed and presented by a person with education and/or experience in the subject matter of the program;
  - D) Specify the course objectives, course content and teaching methods to be used; and
  - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.

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- 4) To maintain approval as an approved sponsor, each sponsor shall submit to the Commission by each odd-numbered year a renewal application, the renewal fee of \$100 and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 5) Presenters of workshops or training can receive CE hours equal to 1 hour for each hour of presentation. CE hours can only be earned for the initial presentation of a workshop. A presentation abstract must be submitted and approved by an approved CE sponsor 30 days prior to the event.
- 6) CE in professional studies must be related to linguistic and cultural studies, including the study of any language or linguistic system, cultural studies, or the study of any specific culture.
- 7) CE in general studies includes areas that are less obviously related to the field of interpreting and include studies that are educationally beneficial to the interpreter. General studies may relate to human service or leadership skills.
- 8) Each CE program shall provide a mechanism for evaluation of the program by the participants.
- 9) All programs given by approved sponsors shall be open to all licensed sign language interpreters for the deaf and not be limited to members of a single organization or group.
- 10) It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The certificate shall contain:
  - A) The name, address and license number of the sponsor;
  - B) The name and license number of the participant;
  - C) A brief statement of the subject matter;
  - D) The number of contact hours attended in each program;

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- E) The date and place of the program; and
  - F) The signature of the sponsor.
- 11) The sponsor shall maintain attendance records for not less than 5 years.
  - 12) The sponsor shall be responsible for assuring that a renewal applicant does not receive CE credit for time not actually spent attending the program.
  - 13) Upon the failure of a sponsor to comply with any of the requirements of this Section, the Commission, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall refuse to accept attendance at or participation in any of that sponsor's CE programs until such time as the Commission receives assurances of compliance with this Section.
  - 14) Notwithstanding any other provision of this Section, the Commission or the Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with the requirements of this Section.
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Commission shall restore the license upon payment of the fee required by Section 1515.70.
  - g) Waiver of CE Requirements
    - 1) Any applicant seeking renewal of a license without having fully complied with the CE requirements of this Section shall file with the Commission a renewal application, along with the fee required by Section 1515.70, a statement setting forth the facts concerning non-compliance, and a request for waiver of all or part of the CE requirements on the basis of those facts. A request for waiver shall be made prior to the renewal date. If the Commission, upon the written recommendation of the Board, finds from the application or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Commission shall waive enforcement of the CE requirements for the renewal period for which the applicant has applied.

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- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient contact hours to fulfilling the CE requirements during the applicable prerenewal period because of:
  - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
  - B) An incapacitating illness documented by a statement from a currently licensed physician;
  - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
  - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Commission.

**Section 1515.90 Proficiency Levels**

- a) Upon request of any consumer or hiring entity, an interpreter shall show proof of his or her Illinois license indicating proficiency level.
- b) As sign language interpreters' credentials are based on proficiency level, in order to protect the health, welfare and safety of the deaf and hard of hearing consumers, interpreters should only accept assignments appropriate for their proficiency level based upon accepted certifications for licensure. Interpreters should accept, refuse or withdraw from assignments based upon their experience, capabilities and credentials.
- c) Provisional License Interpreters with a valid provisional license may appropriately interpret in the following settings:
  - 1) Vocational Rehabilitation
    - A) Job Coaching



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- B) Employment Training/Workshops
- 2) Community Education
- 3) Recreational/Educational Programs
- 4) Entertainment/Social Events (not including live, professional stage performances)
- d) Intermediate Proficiency Level Interpreters with a valid license with an intermediate proficiency level may appropriately interpret in the following settings:
  - 1) Law Enforcement Education
  - 2) Community Health Education
  - 3) Post-Secondary Education
  - 4) Educational Conferences
    - A) Workshops
    - B) Training
    - C) Professional Development
  - 5) Employment Maintenance
    - A) Staff Meetings
    - B) Training
  - 6) Government Services
  - 7) Correctional Education
  - 8) Medical

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- A) Nursing and Personal Care (nursing homes)
- B) Routine, Non-clinical
- C) 12 STEP Programs/Group Homes/Day Programs
- 9) All settings appropriate to a provisional license
- e) Advanced Proficiency Level Interpreters with a valid license with an advanced proficiency level are appropriate to interpret the following settings:
  - 1) Video Relay Services
  - 2) Professional Stage Performances – Live
  - 3) Medical
    - A) Routine Clinical Appointments
    - B) Emergency Room
    - C) Obstetrics
    - D) Life Threatening
  - 4) Mental Health
    - A) Routine Clinical
    - B) Crisis Intervention
    - C) Hospitalization
  - 5) Employment
    - A) Interviews
    - B) Hiring

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- C) Firing
- D) Performance Evaluations
- E) Discipline
- 6) Government/Government Services
  - A) Administrative Proceedings/Hearings
  - B) Social Services
    - i) Department of Children and Family Services
    - ii) Social Security
    - iii) Financial Assistance
- 7) VR Counseling
- 8) Financial Management
  - A) Purchasing
  - B) Tax Preparation
  - C) Real Estate
  - D) Insurance
- 9) All settings appropriate for provisional licensees and licensees with intermediate proficiency levels
- f) Master Proficiency Level Interpreters with a valid license with a master proficiency level may appropriately interpret in the following settings:
  - 1) All Legal Matters

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- A) Trials
  - B) Criminal Proceedings
  - C) Civil Proceedings
  - D) Juvenile/Family Court
  - E) Law Enforcement
  - F) Attorney-Client Meetings
- 2) Psychiatry
  - 3) All settings appropriate for provisional licensees and licensees with intermediate and advanced proficiency levels

**Section 1515.100 Supervision**

Section 25(3) of the Act states that students enrolled in a course of study leading to a certificate or degree in interpreting shall engage only in activities and services that constitute a part of a supervised course of study. The following protocols shall be followed:

- a) A written or oral consent shall be procured from the deaf consumer (if present); and
- b) The student shall be clearly identified as a student, trainee or intern.

**Section 1515.110 Inactive Status**

- a) Licensed sign language interpreters who notify the Commission may place their licenses on inactive status by submitting the request on forms prescribed by the Commission and paying the fee required by Section 1515.70. Interpreters shall be excused from paying renewal fees until they notify the Commission in writing of the intention to resume active practice.
- b) Any licensed sign language interpreter for the deaf seeking restoration from inactive status shall do so in accordance with Section 1515.120 of this Part.

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- c) Any sign language interpreter for the deaf whose license is on inactive status shall not use the title "sign language interpreter for the deaf" or any of the other designations listed in Section 15 of the Act in the State of Illinois. Any person violating this subsection (c) shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

**Section 1515.120 Restoration**

- a) Any sign language interpreter for the deaf whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1515.70 and providing proof of completion of 20 CE hours during the 2 years prior to submitting the restoration application. Acceptable proof of completion shall be certificates of attendance provided by sponsors of approved CE programs or other documentation allowed by Section 1515.80(c)(3).
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Commission, for review by the Board, together with the fee required by Section 1515.70 of this Part. In addition, the applicant shall submit one of the following:
  - 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice;
  - 2) An affidavit attesting to military service as provided in Section 80 of the Act; or
  - 3) Other proof acceptable to the Commission of the applicant's fitness to have the certificate restored.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Commission because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
  - 1) Provide the necessary information; and/or

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- 2) Appear for an interview before the Board, if requested, to explain the relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- d) Upon recommendation of the Board and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

**Section 1515.130 Standards of Professional Conduct**

In order to establish and maintain a high standard of integrity in the practice of sign language interpreters, the following Standards of Professional Conduct shall be binding on all applicants for licensure and every person holding a license as a sign language interpreter.

- a) Pursuant to Section 115 of the Act, dishonorable, unethical or unprofessional conduct in the practice of interpreting shall include, but not be limited to:
  - 1) Interpreting or offering to interpret beyond one's competency or skill level, as indicated by his or her certification or proficiency level;
  - 2) Accepting and performing professional responsibilities that the licensee knows, or has reason to know, that he or she is not competent to perform;
  - 3) Interjecting personal opinion during an assignment or on matters pertaining to the assignment;
  - 4) Delegating an assignment to a person who is not qualified or does not possess the appropriate certification, as defined in Section 1515.50, for the services to be provided;
  - 5) Extending or lengthening an assignment for the sole purpose of financial gain;
  - 6) Engaging in an exploitive relationship with a consumer. An exploitive relationship is any relationship between the interpreter and consumer that may take advantage of, or cause harm to, the consumer.
- b) Additionally, all licensees shall comply with the NAD-RID Code of Professional Conduct.

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**Section 1515.140 Granting Variances**

- a) The Director may grant variances from this Part in individual cases when he/she finds that:
  - 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

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- 1) Heading of the Part: Professional Boxing Act
- 2) Code Citation: 68 Ill. Adm. Code 1370
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1370.15	Repealed
1370.20	Repealed
1370.25	Repealed
1370.26	Repealed
1370.27	Repealed
1370.28	Repealed
1370.29	Repealed
1370.30	Repealed
1370.40	Repealed
1370.80	Repealed
1370.90	Repealed
1370.100	Repealed
1370.105	Repealed
1370.110	Repealed
1370.120	Repealed
1370.140	Repealed
1370.160	Repealed
1370.305	Repealed
1370.310	Repealed
1370.315	Repealed
1370.340	Repealed
1370.350	Repealed
1370.360	Repealed
1370.370	Repealed
- 4) Statutory Authority: Professional Boxing Act [225 ILCS 105]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 95-593, effective June 1, 2008, made significant changes to the Professional Boxing Act, including providing for the regulation of mixed martial arts contests. As a result of these changes and the need for a general overhaul and updating of the rules, the existing Part 1370 is being repealed and replaced with a new Part 1371.



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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this repealer replace any emergency rulemaking currently in effect? No
- 8) Does this repealer contain an automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This repealer has no impact on local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed repealer:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
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.

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: Promoters, holders and participants of boxing and mixed martial arts events.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None

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14) Regulatory Agenda on which this repealer was summarized: July 2007

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1370  
PROFESSIONAL BOXING ACT ([REPEALED](#))

SUBPART A: STATUTORY AUTHORITY

Section  
1370.10 Statutory Authority (Repealed)

SUBPART B: BOXING

Section  
1370.15 Application for a License as a Boxing Promoter  
1370.20 Application for a License as a Boxing Contestant, Second, Timekeeper, Referee,  
Judge, Matchmaker or Manager  
1370.25 Application for a Permit to Conduct a Boxing Contest  
1370.26 Seconds  
1370.27 Timekeepers  
1370.28 Referees  
1370.29 Boxers  
1370.30 Structure of Ring  
1370.40 Classes and Weights of Boxers  
1370.50 Fight Preparations (Repealed)  
1370.60 Ring Equipment (Repealed)  
1370.70 Conduct of a Contest (Repealed)  
1370.80 Scoring  
1370.90 Knockdowns  
1370.100 Fouls, Injuries, Loss of Mouthpiece  
1370.105 Ringside Physician and Paramedics  
1370.110 Drugs and Stimulants  
1370.120 Conduct of Ring Officials  
1370.140 State of Illinois Boxing Championships  
1370.160 Manager – Boxer Contracts

SUBPART C: WRESTLING

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## Section

1370.200	Application for a License as a Wrestling Promoter (Repealed)
1370.205	Application for a License as a Wrestling Referee or Timekeeper (Repealed)
1370.206	Application for a Permit to Conduct a Wrestling Exhibition (Repealed)
1370.207	General Wrestling Exhibition Requirements (Repealed)
1370.210	Structure of Ring (Repealed)
1370.220	Preparations for an Exhibition (Repealed)
1370.230	Conduct of an Exhibition (Repealed)
1370.240	Length of an Exhibition (Repealed)
1370.250	Scoring (Repealed)
1370.260	Holds (Repealed)
1370.270	Wrestler Out of Ring (Repealed)
1370.280	Disqualification (Repealed)
1370.290	Australian Tag Team Wrestling (Repealed)
1370.300	Medical Supervision (Repealed)

## SUBPART D: GENERAL PROVISIONS

## Section

1370.305	Fees
1370.310	Definitions
1370.315	Ultimate Fighting Exhibition
1370.320	Applications for Permits (Repealed)
1370.325	Requirements for Closed Circuit Telecasts (Repealed)
1370.330	Compensation (Repealed)
1370.340	Payment of Taxes
1370.350	Public Safety
1370.360	Renewals
1370.370	Granting Variances

AUTHORITY: Implementing the Professional Boxing Act [225 ILCS 105] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Emergency rules adopted at 5 Ill. Reg. 11100, effective October 1, 1981, for a maximum of 150 days; adopted at 6 Ill. Reg. 8978, effective July 15, 1982; emergency amendment at 11 Ill. Reg. 21008, effective December 9, 1987, for a maximum of 150 days; transferred from Chapter I, 68 Ill. Adm. Code 370 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1370 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2969; amended at 12 Ill. Reg. 11452, effective

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June 27, 1988; emergency amendment at 22 Ill. Reg. 14346, effective July 16, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19860, effective October 30, 1998; emergency amendment at 24 Ill. Reg. 875, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7329, effective May 1, 2000; amended at 25 Ill. Reg. 4229, effective March 13, 2001; amended at 26 Ill. Reg. 13624, effective September 3, 2002; amended at 27 Ill. Reg. 5840, effective March 24, 2003; emergency amendment at 28 Ill. Reg. 1760, effective January 13, 2004, for a maximum of 150 days; emergency amendment suspended at 28 Ill. Reg. 4392, effective February 18, 2004; emergency amendment repealed at 28 Ill. Reg. 7180, effective May 3, 2004, in response to the objection and suspension of the Joint Committee on Administrative Rules; repealed at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: BOXING

**Section 1370.15 Application for a License as a Boxing Promoter**

- a) An applicant for licensure as a boxing promoter shall file an application with the Department, on forms provided by the Department, and shall include:
  - 1) A recent photograph;
  - 2) Proof of the filing of a surety bond of no less than \$5,000 as required by Section 11 of the Act to cover financial obligations;
  - 3) A financial statement prepared by a certified public accountant showing liquid working capital of \$10,000 or more or a \$10,000 performance bond guaranteeing payment of all obligations relating to the promotional activities;
  - 4) Proof that the applicant has had at least one year of experience in a boxing related profession or has been licensed in another jurisdiction for one year;
  - 5) Proof of good moral character, which includes any felony conviction that might have a direct relationship to duties as a promoter or any discipline in another jurisdiction in which the promoter is licensed; and
  - 6) The required fee set forth in Section 1370.305 of this Part.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the experience is questioned by the Department or the Board

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because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

**Section 1370.20 Application for a License as a Boxing Contestant, Second, Timekeeper, Referee, Judge, Matchmaker or Manager**

- a) Contestants in a Boxing Contest.
  - 1) First Time Boxers. (Amateur boxers desiring to turn professional)  
Applications for licensure shall be completed on forms supplied by the Department and shall include:
    - A) A recent photograph or photo identification (e.g., driver's license, passport);
    - B) Proof of age (driver's license or copy of birth certificate);
    - C) Social Security Number or similar identification (i.e., green card, visa);
    - D) Two years of amateur boxing experience for amateurs and the total number of bouts and a breakdown of wins and losses. The applicant shall have a minimum of 20 bouts or demonstrate exceptional fighting ability as approved by the Department;
    - E) The required fee set forth in Section 1370.305 of this Part; and
    - F) Proof of completion of a physical examination by a physician within 90 days after application for licensure. The physician shall conduct such examinations and tests as necessary to attest to the fitness of the applicant to engage in boxing contests, which shall include, but not be limited to:

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- i) E.K.G;
- ii) Chest x-ray;
- iii) E.E.G.;
- iv) Urine test indicating no non-prescribed drugs; and
- v) Blood tests verifying no sexually transmitted diseases. Boxers must be free of the HIV virus to be licensed in Illinois.

For a female boxer, in addition to the requirements of subsection (a)(1)(F)(i)-(v), the physical examination shall include a pelvic, abdominal and breast exam, noting any masses. The boxer shall also provide to the physician prior to the prefight exam the results of a U.C.G. (pregnancy) test taken within 48 hours before any event.

- 2) Boxers Licensed in Other Jurisdictions. Application for licensure shall be completed on forms supplied by the Department and shall include:
  - A) Federal identification card and proof of licensure in another jurisdiction;
  - B) Proof of completion of a physical examination by a physician. The physician shall conduct such examinations and tests as necessary to attest to the fitness of the applicant to engage in boxing contests. A female boxer shall also provide to the physician prior to the prefight exam the results of a U.C.G. (pregnancy) test taken within 24 hours before any event;
  - C) Proof of current HIV Test. Boxers must be free of the HIV virus to be licensed in Illinois;
  - D) Proof of age (driver's license or copy of birth certificate);
  - E) Social security number or similar identification (i.e., green card, visa); and

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- F) The required fee set forth in Section 1370.305 of this Part.
- 3) Applicants over age 35 who have not competed in a contest within the last 36 months may be required to appear before the Board to determine their fitness to participate in a contest.
- b) Seconds. Any person assisting or working the corner of any boxer must be licensed. Applications for licensure shall be completed on forms provided by the Department and shall include:
- 1) A recent photograph;
  - 2) Proof of a current license in another jurisdiction. Applicants not licensed elsewhere may be required to appear for an interview with the Board;
  - 3) Proof of good moral character, which includes notification of any felony conviction that might have a direct relationship to duties as a second or any discipline in another jurisdiction in which the applicant is licensed; and
  - 4) The required fee set forth in Section 1370.305 of this Part.
- c) Referee, Judge or Timekeeper. Applications for licensure as a referee, judge or timekeeper shall be completed on forms provided by the Department and shall include:
- 1) A recent photograph;
  - 2) Proof of a medical examination from a physician licensed under the Medical Practice Act;
  - 3) Proof of experience as a referee, judge or timekeeper for 5 of the last 7 years in amateur boxing, 3 of the last 5 years in Golden Glove Tournaments, 2 of the last 3 years in national tournaments or proof of licensure in another jurisdiction;
  - 4) Proof of good moral character, which includes notification of any felony conviction that might have a direct relationship to duties as a referee,



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judge or timekeeper or any discipline in another jurisdiction in which the applicant is licensed; and

- 5) The required fee set forth in Section 1370.305 of this Part.
- d) **Manager and Matchmaker.** Applications for licensure as a manager or matchmaker shall be completed on forms provided by the Department and shall include:
  - 1) A recent photograph;
  - 2) Proof of good moral character, which includes notification of any felony conviction that might have a direct relationship to duties as a manager or any discipline in another jurisdiction in which the applicant is licensed; and
  - 3) The required fee set forth in Section 1370.305 of this Part.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

**Section 1370.25 Application for a Permit to Conduct a Boxing Contest**

- a) An application for a permit to conduct a boxing contest shall be completed on forms supplied by the Department at least 20 days prior to the scheduled event and shall include:
  - 1) The names, addresses, phone numbers and fax numbers of the promoter and matchmaker;
  - 2) The time, date and location of the event;

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- 3) The seating capacity of the location where the event is to be held;
  - 4) A copy of the lease or proof of ownership of the building where the event is to be held;
  - 5) The admission charge or charges to be made;
  - 6) A letter from the security agency licensed pursuant to the Private Detective, Private Alarm, Private Security and Locksmith Act of 1983 [225 ILCS 446] contracted to provide security for the show stating the number of guards they intend to use at that location on that date or a letter from the facility indicating in-house security will be provided on the date of the show;
  - 7) The name, address and phone number of the nearest hospital with a neurosurgical unit; and
  - 8) The fee required by Section 1370.305 of this Part.
- b) Within 10 days prior to the event, the promoter will be required to submit the following:
- 1) The amount of compensation to be paid to each participant;
  - 2) The names of the contestants and current information from Fight Fax or its successor;
  - 3) Proof of insurance as required by Section 8 of the Act:
    - A) Boxer's life insurance: \$10,000 minimum;
    - B) Boxer's medical insurance: \$10,000 minimum;
    - C) Public liability insurance: \$500,000 minimum; and
    - D) Property damage insurance: \$25,000 minimum.
- c) Within 7 days prior to the event, the promoter shall submit to the Department a

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notarized printer's manifest for the amount and price of tickets printed for boxing promotions (if over 17,000 capacity, a printer manifest is not necessary). General admission tickets shall be consecutively numbered. When available, an electronic printout is to be given to a Department representative on the day of the show.

- d) In addition the promoter shall submit the following contracts:
  - 1) Three copies of the promoter and boxer contract for the main event shall be signed by the promoter, boxer and manager, if applicable, and filed with the Department a minimum of 5 days before the scheduled show.
  - 2) Three copies of the contracts for the preliminary bouts shall be signed by the promoter, boxer and manager, if applicable, and filed with the Department a minimum of one day in advance of the scheduled show.
- e) Within 24 hours prior to the event, the promoter shall provide to the Department the amount of the purse to be paid for the event.
- f) It shall be the responsibility of the promoter or his/her designees (ringman/gloveman) to provide the following:
  - 1) A ring that meets requirements set forth in Section 1370.30;
  - 2) Boxing gloves, which shall not be less than 8 ounces or more than 10 ounces in weight. Women boxers shall not wear gloves that weigh less than 12 ounces. Webbed or thumbless gloves are mandatory and must be approved by a Department representative. New gloves must be used for the main event. The promoter or gloveman shall submit a form provided by the Department stating that he/she will provide new laces for the gloves and glove form when deemed necessary by a Department representative;
  - 3) The promoter shall provide for rental or sale a foul-proof cup, trunks (3 pairs of small, medium and large), clean white towels, gauze (2 inch for hand wraps), shoe laces, a professional mouthpiece and medical tape;
  - 4) Clean dressing room facilities, including washroom and shower for contestants and ring officials. Separate facilities shall be provided for male and female boxers;

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- 5) Three small platforms or elevated chairs at ringside for the boxing judges;
  - 6) At least 4 buckets and 4 quart-sized bottles for use by the boxers;
  - 7) A stretcher, oxygen and a gong or bell at ringside;
  - 8) Notification to the boxers that a foul-proof cup, professional mouth piece and 2 pairs of different colored trunks are compulsory;
  - 9) Notification to boxers of the weigh-in time and location. The promoter must notify boxers when to report to the dressing room. A Department representative will determine the time to report to each event;
  - 10) Notification to the boxers that regulation boxing shoes shall be of soft material and not be fitted with spikes, cleats, hard soles or hard heels; and
  - 11) Payment to the referee, announcer, licensed physician, timekeeper, paramedics and judges. The promoter shall give compensation, in cash, certified checks or money orders, to the Department at or before the weigh in. The Department employee will pay the officials and return a receipt to the promoter.
- g) The Department shall be responsible for providing the physician and 2 paramedics at ringside.

**Section 1370.26 Seconds**

- a) Three seconds per boxer is the normal number allowed at a contest - one on the apron, one in the ring and one on the arena floor. A minimum of 2 seconds per boxer may be allowed, one on the apron and one in the ring. If requested, a maximum of 5 seconds per boxer may be allowed.
- b) Seconds shall comply with the following:
  - 1) No more than 3 seconds or fewer than 2 seconds will be allowed in a corner, unless prior approval is granted by the Department.
  - 2) No yelling or coaching during a round. Seconds must remain seated during the round.

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- 3) Seconds may not enter the ring until the gong sounds the ending of the round. Seconds must leave the ring when the timekeeper blows the whistle 10 seconds before the beginning of the next round.
  - 4) Seconds must remove any obstruction such as buckets, stools, towels and other materials from the corner of the ring at the timekeeper's whistle.
  - 5) Seconds should have clean white towels, sterile gauze pads, sterile cotton Q-tips, Vaseline, chopped ice in buckets, water bottles sufficiently taped and a substance that is approved by the physician to stop the bleeding from cuts. No iron solution shall be used (i.e., Monsel's).
  - 6) The chief second shall be responsible for the conduct of his/her assistant seconds during the contest.
  - 7) Good sportsmanship is expected at all times.
  - 8) Seconds must wear disposable gloves while working in a boxer's corner.
- c) Any violation of the requirements in subsection (b) of this Section may result in:
- 1) A deduction of points from the second's boxer;
  - 2) Suspension of the second; and/or
  - 3) Ejection from the corner.
- d) Seconds must adhere to the following for wrapping hands:
- 1) In all weight classes, hand bandages shall be restricted to 10 yards of soft gauze bandage not more than 2 inches in width, held in place by not more than 6 feet of surgeon's tape, one-half inch in width, for each hand. Any deviation must have the approval of the Department official.
  - 2) The binding of surgeon's tape must not be applied within one-half inch of the knuckles of the contestant's hand.
  - 3) Completed wrapped hands must be approved by a Department official

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before and after the gloves are put on.

**Section 1370.27 Timekeepers**

- a) There shall be a timekeeper, licensed by the State of Illinois, responsible for keeping track of time during a contest.
- b) Timekeepers shall be equipped with a whistle, a knockdown watch, a 3-minute topwatch and a back-up gong that has been approved by the Department.
- c) Timekeepers must adhere to the following:
  - 1) The timekeeper shall use his/her whistle only to indicate that 10 seconds remain before the beginning of the next round.
  - 2) The timekeeper shall indicate the commencing and conclusion of each round by sounding the gong or bell.
  - 3) In the event of a knockdown, the timekeeper shall begin the count. The timekeeper's count is picked up by the referee and becomes the official count.

**Section 1370.28 Referees**

- a) Referees shall be licensed by the State of Illinois and shall be selected and assigned to boxing contests by the Department.
- b) Referees shall adhere to the following:
  - 1) When a referee has cause to suspect a violation, he/she shall file a report with the Department describing the event.
  - 2) The referee must report for duty at least one hour before the scheduled starting time of the show and be examined by the physician or paramedics.
  - 3) Referees must first report to Department representatives, then to ringside, and shall avoid conversation except with Department officials.
  - 4) At the beginning of the contest, the referee shall call contestants to the

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center of the ring. Contestants shall be accompanied by their chief second only. After receiving instructions, the contestants shall shake hands and retire to their corners. They shall not shake hands again until the beginning of the last round.

- 5) The contestants, the physician and the referee shall be the only persons allowed in the ring during the progress of a round.
  - 6) Referees shall wear disposable gloves when refereeing a bout.
  - 7) The referee shall be the chief official of every contest and shall remain in the ring during the entire time of the contest.
  - 8) The referee shall insure that the boxer stays in his/her corner between rounds.
- c) In the event a bout terminates before its scheduled number of rounds, the referee shall inform the judges and the Department of the exact duration of the bout.
  - d) In the event of a knockout or technical knockout, the boxer will be suspended for a minimum of 45 days.
  - e) In the event a boxer is disqualified for any reason, the boxer will be suspended for a minimum of 45 days.

**Section 1370.29 Boxers**

- a) Hair must be secured in a manner that it will not interfere with the vision or safety of either contestant.
- b) No cosmetics or jewelry shall be worn during a boxing event.
- c) Each contestant shall have available for the contest 2 uniforms of contrasting colors, consisting of a body shirt, athletic jersey and shorts. No leotards or other such costume is permissible.
- d) A contestant shall not wear corrective or contact lenses in the ring.
- e) Custom-fitted mouthpieces must be worn.

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- f) Contests between male and female boxers are prohibited in Illinois.
- g) A breast protector is mandatory for female boxers, with both contestants wearing the same type.
- h) Women's boxing matches shall have 2-minute rounds.

**Section 1370.30 Structure of Ring**

- a) Size of Ring
  - 1) The ring for a boxing contest shall be no less than 16 feet square, or larger than 24 feet square. The ring floor shall be constructed of at least a one-inch base of building board; it shall be padded with at least a one-inch layer of ensolite, foam rubber or their equivalent. There must be a top covering of canvas, duck or similar material tightly stretched and placed to the ring platform.
  - 2) The ring shall have four posts not less than 3 inches in diameter that extend from the floor of the ring to a height of no less than 48 inches or more than 58 inches. The posts shall be securely anchored and adequately padded.
- b) The ring shall have 4 ropes, each not less than one inch in diameter. The ropes shall be padded with a soft material.
- c) The floor of the ring shall not be more than 4 feet above the floor on which it is standing, and shall be supplied with steps for the entry and departure of contestants and officials, as the Department may require.
- d) The platform of the ring must extend beyond the ropes for a distance of at least 2 feet.
- e) The ring shall be kept clear of obstructions.

**Section 1370.40 Classes and Weights of Boxers**

- a) In accordance with generally accepted boxing practices, boxers shall be classified



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under the following classifications:

- |                        |                        |
|------------------------|------------------------|
| 1) Light Flyweight     | not over 108 pounds    |
| 2) Flyweight           | over 108 to 112 pounds |
| 3) Bantamweight        | over 112 to 118 pounds |
| 4) Super Bantamweight  | over 118 to 122 pounds |
| 5) Featherweight       | over 122 to 126 pounds |
| 6) Super Featherweight | over 126 to 130 pounds |
| 7) Lightweight         | over 130 to 135 pounds |
| 8) Light Welterweight  | over 135 to 140 pounds |
| 9) Welterweight        | over 140 to 147 pounds |
| 10) Light Middleweight | over 147 to 154 pounds |
| 11) Middleweight       | over 154 to 160 pounds |
| 12) Super Middleweight | over 160 to 168 pounds |
| 13) Light Heavyweight  | over 168 to 175 pounds |
| 11) Cruiserweight      | over 175 to 195 pounds |
| 12) Heavyweight        | over 195 pounds        |
- b) Any weight division change must be approved by the Department.
- c) Prior to engaging in a match or exhibition, all contestants shall submit to a weigh-in and a physical examination within 24 hours prior to the contest.
- d) The weigh-in shall be conducted at the time and place designated by the Department. The scales must weigh accurately and be capable of weighing up to

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an appropriate weight, as determined by the Department.

- e) The physical examination shall be conducted by a physician. He/she shall conduct such examination and tests as may be required, in order to attest to the fitness of the contestants engaged in the contest.

**Section 1370.80 Scoring**

- a) Scoring shall be by 3 licensed judges or 2 licensed judges and a referee in attendance to score each bout, stationed on opposite sides of the ring, and the referee. The judges shall watch every phase of the bout and make a decision if the contest lasts the full number of rounds scheduled. They shall be ready at all times, if requested by the referee, to assist in deciding whether fouls have been committed.
- b) Points shall be awarded to contestants for clean lawful blows, landed on a vulnerable front part of the body above the belt. Points shall be credited by the judges in proportion to their damaging effects.
- c) Aggressiveness shall be considered next in importance. Points shall be awarded to the contestant who sustains the action of a round by the greater number of skillful attacks.
- d) Sportsmanship shall be considered next in importance. A contestant shall be awarded points for sportsmanlike action in the ring. Points may be taken away for unsportsmanlike conduct.
- e) Defensive maneuvers are important and points shall be given for avoiding or blocking a blow.
- f) Points shall be awarded where ring command is conspicuous. This comprises such factors as the ability to take advantage of an opportunity; to cope with, foresee and neutralize an opponent's attack; or to force an opponent to adopt a style of boxing at which he is not skillful.
- g) Points shall be deducted when a contestant persistently delays the action of a contest by clinching, holding or showing lack of aggressiveness.
- h) System for Scoring a Contest

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- 1) The scoring of the contest by the judges will be by the 10-point system.
  - 2) Under the 10-point system the winner of each round receives 10 points and the loser a proportionately less number.
  - 3) If the round is even, each boxer receives the full number of points. No fractions are to be used.
  - 4) If a round is stopped by a referee due to an accidental foul, the round shall be scored. The points shall be awarded to the boxer for the incomplete round.
- i) No judges are necessary for boxing exhibitions, nor will there be an official score. All other rules shall apply.

**Section 1370.90 Knockdowns**

- a) A contestant shall be considered by the referee to be knocked down when any part of his/her body other than his/her feet is on the ring floor, and if he is hanging over the ropes and unable to defend himself, or rising from a down position.
- b) A contestant hanging over the ropes is not officially "down" until so pronounced by the referee.
- c) When a contestant is knocked down, the referee shall order the opponent to retire to the farther neutral corner of the ring, pointing to the corner, and immediately pick up the count from the timekeeper and continue counting over the contestant who is down.
- d) The referee shall announce the passing of the seconds, audibly, accompanying the count with motions of his/her arm, the downward motion indicating the end of each second.
- e) There shall be a mandatory 8-count. Any contestant who is knocked down shall not be allowed to resume boxing until after the referee has finished counting eight. The contestant may take this count either on the floor or standing.
- f) Three knockdowns in one round shall be regarded as justifiable reason for the

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referee to halt a contest. The referee may allow a fight to continue after a boxer has been knocked down three times, if in his/her judgment the boxer is able to continue.

- g) If the contestant taking the count is still down when the referee calls the count of "10", the referee shall wave both arms to indicate that he/she has been knocked out and has lost the bout.
- h) Should the opponent fail to stay in the farther corner, the referee shall cease counting until he/she has returned to it; he/she will then go on with the count from the point at which it was interrupted.
- i) A boxer who is knocked unconscious must not be moved or touched by anyone, except at the direction of the physician.
- j) The bell does not save the boxer in any round.
- k) If any contestant fails to answer the bell after his/her rest period between rounds, the referee shall declare his/her opponent the winner by a technical knockout in the round coming up.
- l) The referee may in his/her discretion stop a bout to protect a badly beaten boxer. The referee may stop a contest if he/she considers it too onesided, or if a boxer can no longer protect himself/herself. In cases where a boxer sustains a cut eye or any other injury which in the judgment of the referee may incapacitate the boxer, the referee may call the physician into the ring to examine the boxer. In such cases the referee shall be guided by the physician's advice.
- m) No manager or second shall bring about the termination of a contest by tossing in a towel. The manager or second shall notify the physician or referee that the bout needs to be stopped. Seconds cannot walk into the ring.

**Section 1370.100 Fouls, Injuries, Loss of Mouthpiece**

- a) Fouls
  - 1) If one of the contestants shall fall to the ring floor, or otherwise indicate an unwillingness to continue because of a claim of a low-blow foul, the contest may be terminated, and the referee may award the contest to his

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opponent.

- 2) In the case of an accidental foul so determined by the referee, the referee shall determine whether the contestant who has been fouled can continue. If the boxer's chances have not been seriously jeopardized as a result of the foul, the referee may order the bout continued after an interval of not more than 5 minutes rest.
- 3) The following actions in a boxing contest shall be considered fouls:
  - A) Hitting below the belt;
  - B) Hitting an opponent who is down;
  - C) Holding an opponent with one hand while hitting with the other;
  - D) Holding or clinching after the referee orders the contestants to break, or hitting on the break;
  - E) Wrestling or kicking;
  - F) Butting with the head or shoulder;
  - G) Hitting with open gloves, hitting with the butt of the hand, wrist, or elbow and all back hand blows;
  - H) Roughing on the ropes;
  - I) Hitting in the back or kidney area;
  - J) Hitting on the back of the head or neck;
  - K) Jabbing the opponents eyes with the thumb of the glove;
  - L) Hitting after the bell has sounded ending a round;
  - M) Conduct that in the opinion of the referee is unsportsmanlike;
  - N) Hitting with a back hand; and

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- O) Hitting with an open glove.
  - 4) In case of an accidental foul, the referee shall determine whether the contestant who has been fouled can continue or not. If his/her chances have not been seriously jeopardized as a result of the foul the referee may order the bout continued after an interval of not more than 5 minutes rest.
  - 5) Any contestant who deliberately fouls his/her opponent during a contest will be penalized with loss of points or disqualified depending upon the severity of harmfulness of the foul and its effect upon the opponent.
- b) Injuries (Cuts)
- 1) When an injury (cut) is caused by a fair blow and the severity is such that the contestant cannot continue, the injured boxer shall be declared the loser by a technical knockout.
  - 2) Should a boxer intentionally foul his/her opponent causing an injury so severe that the injured boxer cannot continue, the offender shall be declared the loser by disqualification. If under the same circumstances (intentional fouling) the contest can continue, the referee shall penalize the offender by deducting points, depending upon the severity of the offense. In this case the referee shall notify the judges and Department that the injury has been caused by an intentional foul so that, if in the subsequent rounds the same injury should become so severe that the contest has to be suspended, the decision will be awarded as follows:
    - A) Technical Draw: If the injured boxer is behind on points or is even on the score cards of the judges.
    - B) Technical Decision: If the injured boxer is ahead in points on the score cards of the judges.
  - 3) In the case of a contestant who injures himself/herself trying to foul an opponent, the referee shall not take any action. The injury will be considered as produced by a fair blow from his/her opponent.
- c) Loss of mouthpiece. When a mouthpiece is knocked out of a boxer's mouth, the

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referee may call time when he/she deems there is a lull in action (not in the heat of battle). The referee may have the cornerman replace the mouthpiece. This action may be done one time per boxer during the bout without points being deducted from the boxer whose mouthpiece came out, at the discretion of the referee.

- d) Cessation of contest because of unexpected reasons. Should unexpected or accidental reasons determine the cessation of a contest before completion of the scheduled rounds, a technical decision shall be awarded to the contestant who is ahead in points on the scorecard of judges and the referee, provided that at least 4 rounds have been completed when the cessation occurs. If the cessation occurs before 4 rounds have been completed, the decision will be a technical draw.
- e) The referee shall exercise immediate authority, direction and control over the contest to which he/she has been appointed and shall enforce the rules of the Professional Boxing Act. The referee shall be the only person authorized to determine injuries, to decide if injuries were produced by a foul and if the foul was intentional or accidental.
- f) The referee shall have the power to stop a contest and render a decision at any stage if he/she considers it to be one-sided or if either contestant is in such condition that to continue the fight might subject the contestant to serious injury.
- g) In the case where a boxer receives a cut eye from a fair blow or an accidental butt or any other injury that a referee believes may incapacitate the boxer, the referee is empowered to stop the contest and consult the ringside physician concerning the advisability of allowing the bout to continue.
- h) A referee shall abide by the decision of the physician.

**Section 1370.105 Ringside Physician and Paramedics**

- a) Ringside Physician
  - 1) The ringside physician may enter the ring during the progress of a bout when he/she or the referee deems it necessary. He/she may enter the ring between rounds on his/her own judgment and shall inform the referee about his/her opinion in relation to the physical condition of either contestant.

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- 2) The physician shall have drugs and medical supplies available in the event of injury to a contestant.
  - 3) The physician shall report in writing to the Department all injuries received by a contestant. The physician shall also report on the fitness of the contestants to engage in further competition.
- b) Paramedics
- 1) Paramedics shall be available at ringside to assist the ringside physician and provide emergency medical equipment, including resuscitation equipment.
  - 2) Paramedics are responsible for a comprehensive evacuation plan for the removal of any seriously injured boxer from the boxing contest to a hospital facility where emergency medical care is provided.
  - 3) Paramedics are responsible for knowing the location of the closest hospital emergency facility where adequate neurosurgical care is immediately available for skilled emergency treatment of an injured boxer.
  - 4) Paramedics must check the vital signs of all boxers prior to their participation in a boxing contest and after boxers complete their bouts. Paramedics will record this information on forms provided by the Department. Paramedics also will record their recommendation (stitches, x-rays, etc.) and advise the ringside physician of their recommendation.

**Section 1370.110 Drugs and Stimulants**

The administration or use of drugs or stimulants, either before or during a match, to or by any boxer, is prohibited. Any contestants violating this Section shall be subject to disqualification.

**Section 1370.120 Conduct of Ring Officials**

Officials (referees, judges, announcers and timekeepers) may not show any partiality to any boxer at any time. There shall be no discussion of any kind among officials with regard to the decision or program. The officials shall not discuss previous bouts while the program is in progress.



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**Section 1370.140 State of Illinois Boxing Championships**

- a) All title bouts will be at least 8, 10 or 12 rounds, each of which is 2 or 3 minutes, with one minute of rest between rounds.
- b) Scoring will be the 10-point system as described in Section 1370.80. The scoring will be done by 3 judges. The referee will be a non-scoring official.
- c) In the event a boxer is knocked down, there will be a mandatory 8-count. There is no standing 8-count.
- d) The bout will be stopped any time the referee or physician considers it necessary for the safety of either contestant.
- e) The weigh-in will be set by the Department. The champion and challenger will have 2 hours after the initial weigh-in to make weight; if either fails to make weight, no title will be at stake.
- f) A champion must keep his/her boxing license up to date. He/she will have 30 days after the expiration date, which is September 30 of odd-numbered years, to renew his or her license. If the license is not renewed, the boxer's title will be vacated.
- g) A champion must defend or have a contract to defend his/her title every 6 months or his/her title will be vacated.
- h) If a champion is convicted of any felony and must be incarcerated, his/her title will be declared vacant.
- i) If a champion wins a major title, such as International Boxing Federation, World Boxing Organization, WBC, World Boxing Association, NABF, NABO or United States Boxing Association, he/she must relinquish his/her State title.
- j) All championship bouts must be approved by the Department.
- k) A 10% fee above the normal scale will be paid to the officials who work the championship bout.

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- l) The championship belt must be provided by the promoter for the new champion.
- m) It is the responsibility of the champion's manager to contact a promoter for the defense of the champion's title.
- n) There will be no sanction fee for the championship bout.
- o) Gloves will be 8-ounce thumb web. Contestants 150 pounds and over may wear 10-ounce gloves.
- p) A boxer must be licensed in Illinois and residing in Illinois or an adjacent state before he/she is eligible to be rated. He/she must also have at least one fight every 6 months.

**Section 1370.160 Manager – Boxer Contracts**

- a) A licensed manager and boxer shall file their contract with the Department.
- b) The Department shall recognize the filed document until such time as both parties appear before the Department to cancel or a court of law so notifies the Department that the contract is null and void.

## SUBPART D: GENERAL PROVISIONS

**Section 1370.305 Fees**

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees
  - 1) The application fee for a license as a boxing promoter is \$500.
  - 2) The application fee for a license as a boxing referee is \$150.
  - 3) The application fee for a license as a boxing matchmaker is \$150.
  - 4) The application fee for a license as a boxing manager is \$100.
  - 5) The application fee for a license as a boxing contestant is \$25.

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- 6) The application fee for a license as a boxing timekeeper is \$75.
  - 7) The application fee for a license as a boxing judge is \$50.
  - 8) The application fee for a license as a boxing second is \$25.
- b) Renewal Fees
- 1) The renewal fee for a boxing promoter license shall be calculated at the rate of \$250 per year.
  - 2) The renewal fee for a boxing referee license shall be calculated at the rate of \$75 per year.
  - 3) The renewal fee for a boxing matchmaker license shall be calculated at the rate of \$75 per year.
  - 4) The renewal fee for a boxing manager license shall be calculated at the rate of \$50 per year.
  - 5) The renewal fee for a boxing contestant license shall be calculated at the rate of \$12.50 per year.
  - 6) The renewal fee for a boxing timekeeper license shall be calculated at the rate of \$37.50 per year.
  - 7) The renewal fee for a boxing judge license shall be calculated at the rate of \$25 per year.
  - 8) The renewal fee for a boxing second license shall be calculated at the rate of \$12.50 per year.
- c) General Fees
- 1) The fee for a permit for a boxing match is \$50.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement certificate of registration for a certificate of registration that

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has been lost or destroyed, or for the issuance of a certificate of registration with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate certificate of registration is issued.

- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 5) The fee for a roster of persons licensed in this State shall be the actual cost of producing the roster.

**Section 1370.310 Definitions**

Unless the text indicates otherwise, the following terms shall be defined as indicated:

"Act" means the Professional Boxing Act [225 ILCS 105].

"Athletic event" means professional boxing contests.

"Department" means the Department of Professional Regulation.

"Board" means the State Professional Boxing Board.

"Exhibition" means a show of boxing or sparring in which there is no score or decision.

"Manager" means a person licensed by the Department who is not a promoter and who, under contract, agreement or other arrangement with any boxer, undertakes to directly or indirectly control or administer the boxing affairs of boxers.

"Physician" means a person licensed by the Department to practice medicine in all of its branches.

"Show" means a complete program of boxing or sparring contests or exhibitions.

**Section 1370.315 Ultimate Fighting Exhibition**

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- a) Pursuant to Section 7.5 of the Act, ultimate fighting exhibitions are prohibited in the State of Illinois.
- b) "Ultimate fighting exhibition" means any competition, contest or exhibition that involves any physical combat bout with few or no restrictions on the tactics or techniques used, between two or more individuals who attempt to defeat the opponent by using elbow strikes, kicking, choking, bare knuckles, boxing, wrestling, martial arts techniques or any combination of these techniques or tactics, excluding contests or exhibitions that are authorized by the Act and this Part or exempted by Section 6 of the Act.
- c) Any licensee/registrant holding or promoting an ultimate fighting exhibition, or participating in an ultimate fighting exhibition as a promoter, contestant, second, referee, judge, scorer, manager, trainer, announcer, or timekeeper, may be subject to discipline pursuant to Section 16 of the Act.
- d) The Department shall enter an order of cease and desist to any individual or entity involved in an ultimate fighting exhibition. If the order is ignored, the Department may send such order to the Attorney General or State's Attorney for civil or criminal enforcement with respect to prohibited exhibitions and/or the Department may file a complaint for imposition of civil penalties for violation of the Act.
- e) A person who is guilty of violating this Section is guilty of a Class A Misdemeanor. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony.

**Section 1370.340 Payment of Taxes**

Pursuant to Section 13 of the Act, a tax of 10% of the first \$500,000 of total gross receipts from the sale of admission tickets to an athletic event shall be paid by the promoter to the Department to be placed in the general revenue fund. The tax is to be paid on the day of the athletic event. To facilitate assessment of the tax, the following procedures shall be followed:

- a) Tickets shall be printed in such form as the Department shall prescribe.
- b) A sworn inventory of all tickets printed for any show shall be mailed to the Department by the promoter at least 7 days before the show.

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- c) The total number of tickets printed shall not exceed the total seating capacity of the premises where the event is to be held.
- d) No tickets of admission to any athletic event shall be sold except tickets declared on an official ticket inventory. Tax shall be collected on all tickets unaccounted for immediately after the event.
- e) No ticket holder shall pass through the gate without having the ticket separated from the stub. However, members of the news media assigned to work by their regular employers, policemen and firemen in uniform and on duty, and persons of similar vocation are admitted free and are not liable for any tax on admission.
- f) All cases where it is determined that a promoter has made an incorrect statement of gate receipts, has used tickets not appearing on the inventory, or by any subterfuge purports to reduce the amount of tax due under the law will result in revocation of license and/or forfeiture of bond.

**Section 1370.350 Public Safety**

No liquid refreshments may be sold at the scene of a show except in paper containers. Chairs must be securely attached so that they are not portable. Any exceptions must be approved by the Department.

**Section 1370.360 Renewals**

- a) Every license issued under the Act shall expire on October 1 of each odd numbered year. The holder of a license may renew his/her license during the month preceding the expiration date by paying the required fee.
- b) Licensed boxers shall provide an updated medical record with their renewal in order to renew their license.
- c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.

**Section 1370.370 Granting Variances**

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED REPEALER

- a) The Director may grant variances from this Part in individual cases where he/she finds that:
  - 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the State Professional Boxing Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Professional Boxing Act
- 2) Code Citation: 68 Ill. Adm. Code 1371
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1371.10	New Section
1371.15	New Section
1371.20	New Section
1371.30	New Section
1371.40	New Section
1371.50	New Section
1371.60	New Section
1371.70	New Section
1371.80	New Section
1371.90	New Section
1371.100	New Section
1371.110	New Section
1371.120	New Section
1371.130	New Section
1371.140	New Section
1371.150	New Section
1371.160	New Section
1371.170	New Section
1371.180	New Section
1371.190	New Section
1371.200	New Section
1371.210	New Section
1371.220	New Section
1371.230	New Section
1371.240	New Section
1371.250	New Section
1371.260	New Section
1371.270	New Section
1371.280	New Section
1371.300	New Section
1371.310	New Section
1371.320	New Section
1371.330	New Section
1371.340	New Section



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1371.350	New Section
1371.360	New Section
1371.370	New Section
1371.380	New Section
1371.400	New Section
1371.410	New Section
1371.420	New Section
1371.430	New Section
1371.440	New Section
1371.450	New Section
1371.460	New Section
1371.470	New Section

- 4) Statutory Authority: Professional Boxing Act [225 ILCS 105]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 95-593, effective June 1, 2008, made significant changes to the Professional Boxing Act, including providing for the regulation of mixed martial arts contests. As a result of these changes and the need for a general overhaul and updating of the rules, the existing Part 1370 is being repealed and replaced with a new Part 1371. General provisions covering both boxing and martial arts/MMA are provided for first, followed by provisions specific to boxing or MMA. Specifics include safety and equipment requirements, licensure provisions relating to all of the participants (contestants, promoters, managers, judges, referees, and seconds, among others), and how the bouts are conducted. The fees included in Section 1371.20 have been increased from those in Part 1370, in part due to the reduction in the statutes of the gross receipts ticket tax paid by the promoters from 10% to 3%, and to reflect the fees paid in other states. Reflects the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 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: Craig Cellini  
320 West Washington, 3<sup>rd</sup> 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.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Promoters, holders and participants of boxing and mixed martial arts events.
- 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 2007

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1371

## PROFESSIONAL BOXING ACT

## SUBPART A: GENERAL PROVISIONS

## Section

1371.10	Definitions
1371.15	Sanctioning Bodies – Amateur
1371.20	Fees
1371.30	Application for a Permit to Conduct a Contest
1371.40	Application for a License as a Promoter
1371.50	Application for a License as a Matchmaker
1371.60	Application for a License as a Manager
1371.70	Application for a License as a Second
1371.80	Promoters
1371.90	Judges
1371.100	Inspectors
1371.110	Matchmakers
1371.120	Seconds
1371.130	Timekeepers
1371.140	Referees
1371.150	Physicians and Paramedics
1371.160	Access to Venue
1371.170	Facility and Equipment Requirements for Contests
1371.180	Safety Requirements and Physical Appearance for Contestants
1371.190	Weigh-Ins
1371.200	Bouts and Contests
1371.210	Scoring
1371.220	Manager-Contestant Contracts
1371.230	Tickets and Payment of Taxes
1371.240	Prohibited Contests
1371.250	Disciplinary Action
1371.260	Suspensions and Mandatory Rest Periods
1371.270	Renewals
1371.280	Granting Variances

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## SUBPART B: BOXING

## Section

1371.300	Application for a License as a Contestant
1371.310	Application for a License as a Timekeeper, Referee or Judge
1371.320	Classes and Weights of Contestants
1371.330	Attire and Equipment for Contestants
1371.340	Structure of the Ring for Contests
1371.350	Intentional and Accidental Fouls and Injuries
1371.360	Rounds
1371.370	Types of Bout Results
1371.380	State of Illinois Boxing Championships

## SUBPART C: MARTIAL ARTS OR MIXED MARTIAL ARTS

## Section

1371.400	Application for a License as a Contestant
1371.410	Application for a License as a Timekeeper, Referee or Judge
1371.420	Classes and Weights of Contestants
1371.430	Attire and Equipment for Contestants
1371.440	Structure of the Fighting Area for Contests
1371.450	Intentional and Accidental Fouls and Injuries
1371.460	Rounds
1371.470	Types of Bout Results

AUTHORITY: Implementing the Professional Boxing Act [225 ILCS 105] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Adopted at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 1371.10 Definitions**

Unless the text indicates otherwise, the following terms shall be defined as indicated:

"Act" means the Professional Boxing Act [225 ILCS 105].

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"Announcer" means a person responsible for announcing the names of the officials and the contestants, the contestants' weights, and the decisions of the referee and judges during a bout.

"Board" means the State Professional Boxing Board.

"Bout" means one professional boxing, martial arts or mixed martial arts match between 2 contestants.

"Boxing" means the art of attack and defense with the fists practiced as a sport.

"Contest" means a group of bouts organized as a single event.

"Contestant" means a person licensed by the Division who competes in a bout.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Exhibition" means a show of boxing, martial arts or mixed martial arts, or sparring in which there is no score or decision.

"Fighting Area" means the ring, cage or physical area where the contestants compete.

"Inspector" means a person employed by the Division to attend contests and to ensure that all laws are adhered to by licensees of the Division.

"Judge" means a person licensed by the Division who serves as a member of a judging panel for contests. The panel is responsible for determining a decision in each bout.

"Main event" means the bout during a contest that is the main attraction for the contest.

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"Manager" means a person licensed by the Division who is not a promoter and who, under contract, agreement or other arrangement with any contestant, undertakes to directly or indirectly control or administer the affairs of a contestant.

"Martial Arts" means a discipline such as, but not limited to, Karate, Kung Fu, Jujitsu, Muay Thai, Tae Kwon Do and Kickboxing, or other similar sport.

"Matchmaker" means a person licensed by the Division who is responsible for matching the contestants for a bout as to weight and experience.

"Mixed Martial Arts" means the use of a combination of techniques from different disciplines of martial arts, including without limitation grappling, kicking and striking.

"Official" means referees, judges, timekeepers, physicians and Division representatives involved in professional events.

"Paramedic" means a person licensed under the Emergency Medical Services Systems Act [210 ILCS 50] as an Emergency Medical Technician-Paramedic.

"Permit" means authorization from the Division to hold a contest in the State of Illinois.

"Physician" means a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.

"Promoter" means a natural person licensed by the Division to conduct contests.

"Purse" means the financial guarantee or any other remuneration contestants receive for participating in a bout. It includes the contestant's share of any payment received for radio broadcasting, television or motion picture rights.

"Referee" means a person licensed by the Division who is responsible for enforcing the Act and this Part during any bout.

"Second" means a person licensed by the Division who attends to the contestant between rounds.

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"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Sparring" means boxing or engaging in martial arts or mixed martial arts for practice or exhibition.

"Timekeeper" means a person licensed by the Division who is responsible for keeping accurate time during each bout.

**Section 1371.15 Sanctioning Bodies – Amateur**

In determining whether an amateur sanctioning body shall be approved pursuant to Sections 1.5 and 6 of the Act, the Department may consider, but is not limited to, the following factors:

- a) the sanctioning body is exclusively or primarily dedicated to advancing the sport;
- b) the sanctioning body limits participation in its events to its registered members;
- c) the sanctioning body has a record of enforcing the rules governing a contest or exhibition;
- d) the record for safety of the sanctioning body; and
- e) the rules for the sanctioning body provide substantially similar protections for the health, safety and welfare of the contestants as the Act and this Part.

**Section 1371.20 Fees**

The following fees shall be paid to the Division and are not refundable:

- a) Application Fees
  - 1) The application fee for a license as a promoter is \$1000.
  - 2) The application fee for a license as a referee is \$300.
  - 3) The application fee for a license as a matchmaker is \$250.
  - 4) The application fee for a license as a manager is \$200.

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- 5) The application fee for a license as a contestant is \$100.
  - 6) The application fee for a license as a timekeeper is \$150.
  - 7) The application fee for a license as a judge is \$100.
  - 8) The application fee for a license as a second is \$50.
- b) Renewal Fees
- 1) The renewal fee for a license as a promoter shall be calculated at \$500 per year.
  - 2) The renewal fee for a license as a referee shall be calculated at \$150 per year.
  - 3) The renewal fee for a license as a matchmaker shall be calculated at \$125 per year.
  - 4) The renewal fee for a license as a manager shall be calculated at \$100 per year.
  - 5) The renewal fee for a license as a contestant shall be calculated at \$50 per year.
  - 6) The renewal fee for a license as a timekeeper shall be calculated at \$75 per year.
  - 7) The renewal fee for a license as a judge shall be calculated at \$50 per year.
  - 8) The renewal fee for a license as a second shall be calculated at \$25 per year.
- c) General Fees
- 1) Determination of Fee



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- A) The fees for a permit for a contest are determined by the total number of bouts held, using the following fee brackets:
    - i) Permit for a contest to be held with 3-6 bouts is \$500.
    - ii) Permit for a contest to be held with 7-10 bouts is \$750.
    - iii) Permit for a contest to be held with 11 or more bouts is \$1000.
  - B) In the event that bouts are added to the contest and the total number of bouts exceeds the current permit fee bracket, the promoter will be responsible for paying the difference in permit fees at the weigh-in or within 24 hours after the contest. In the event that bouts are cancelled, there will be no refund of permit fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement certificate of registration for a certificate of registration that has been lost or destroyed, or for the issuance of a certificate of registration with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate certificate of registration is issued.
  - 3) The fee for a certification of a licensee's record for any purpose is \$20.
  - 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
  - 5) The fee for a roster of persons licensed in this State shall be the actual cost of producing the roster.

**Section 1371.30 Application for a Permit to Conduct a Contest**

- a) Permits shall not be issued for applications listing less than 3 bouts.
- b) A promoter shall submit a completed application for a permit to conduct a contest on forms supplied by the Division at least 20, but no more than 90, days prior to the scheduled event. The application shall include:

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- 1) The names, addresses, phone numbers and fax numbers of the promoter and matchmaker;
  - 2) The time, date and location of the contest;
  - 3) The seating capacity of the location where the contest is to be held;
  - 4) A copy of the written agreement for use of the venue by the promoter or proof of ownership of venue by the promoter;
  - 5) The admission charge or charges to be made;
  - 6) Proof of sufficient security in compliance with the Private Detective, Private Alarm, Private Security, Fingerprint Vendor and Locksmith Act of 2004 [225 ILCS 447];
  - 7) The name, address and phone number of the nearest hospital with a neurosurgical unit;
  - 8) A letter indicating the weigh-in location, date and time, which shall be subject to the approval of the Division; and
  - 9) The fee required by Section 1371.20.
- b) The promoter shall obtain prior approval from the Division for any venue changes for the contest. The Division may require additional permit fees for any such change.
  - c) The promoter shall obtain a new permit from the Division for any change of date for a previously issued permit. This initial permit shall be deemed null and void once the new permit is obtained.
  - d) Permit fees are non-refundable.
  - e) 10 days prior to the contest, the promoter shall submit the following to the Division:
    - 1) The amount of compensation to be paid to each participant;

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- 2) The names of the contestants and current information from an official recordkeeper designated by the Division such as Fight Fax or any equivalent as determined by the Division;
- 3) Proof of insurance as required by Section 8 of the Act:
  - A) Contestant's primary death and dismemberment insurance for not less than \$50,000 with any deductible paid by the promoter;
  - B) Contestant's primary medical insurance for not less than \$50,000 with any deductible paid by the promoter;
  - C) Public liability insurance: \$500,000 minimum;
  - D) Property damage insurance: \$25,000 minimum;
  - E) A completed ambulance agreement letter; and
  - F) A letter indicating the name of the announcer for the contest. The announcer shall be subject to approval by the Division.
- f) 7 days prior to the contest, the promoter shall submit to the Division a notarized printer's manifest for the amount and price of tickets printed for contest promotions. General admission tickets shall be consecutively numbered. When available, an electronic printout is to be given to a Division representative on the day of the show. All complimentary tickets shall be printed as such or reflect a zero dollar value.
- g) In addition, the promoter shall submit the following contracts:
  - 1) a copy of the promoter and contestant contract for the main event shall be signed by the promoter, contestant and manager, if applicable, and filed with the Division a minimum of 5 days before the scheduled contest.
  - 2) a copy of the contracts for the preliminary bouts shall be signed by the promoter, contestant and manager, if applicable, and filed with the Division a minimum of one day in advance of the scheduled contest.

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- h) 24 hours prior to the event or at the weigh-in, the promoter shall provide to the Division the purse and payments for the officials, as required by Section 1371.80(g).
- i) The Division will not approve permits for:
  - 1) Bouts between members of the opposite sex;
  - 2) Bouts between professional and amateur contestants;
  - 3) Bouts between human contestants and nonhumans; or
  - 4) Contests with more than 2 contestants competing in the same bout.
- j) The Division may deny an application for a permit or grant a limited, restricted or conditional permit when the Division determines that denying or restricting a permit is in the best interest of the public's health, welfare and safety.
- k) No promoter, official or contestant shall serve in any capacity at a contest for which the Division has denied a permit or for which a permit has not been issued. Participation in non-permitted contents may be grounds for discipline.
- l) The promoter must have an approved permit before any advertisement, publicity or other public announcement is issued for the contest unless there is prominently displayed a disclaimer stating that the contest has not yet been approved. Violation of this provision may be grounds for discipline.

**Section 1371.40 Application for a License as a Promoter**

- a) Promoters shall be separately licensed for either boxing or martial arts/mixed martial arts.
- b) An applicant for licensure as a promoter shall file a completed, signed application with the Division, on forms provided by the Division, that includes:
  - 1) A copy of a government issued photo identification (e.g., driver's license, passport);
  - 2) Proof of a surety bond of no less than \$5,000, as required by Section 11 of

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the Act, to cover financial obligations;

- 3) A financial statement prepared by a licensed or registered certified public accountant showing liquid working capital of \$10,000 or more or a \$10,000 performance bond guaranteeing payment of all obligations relating to the promotional activities. The statement will be held confidential;
  - 4) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure; and
  - 5) The required fee set forth in Section 1371.20.
- c) When the accuracy or sufficiency of any submitted documentation is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
- 1) Provide the necessary information; and/or
  - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.

**Section 1371.50 Application for a License as a Matchmaker**

- a) Matchmakers shall be separately licensed for either boxing or martial arts/mixed martial arts.
- b) The Division may deny an application for licensure if the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination, or otherwise fails to complete training to the satisfaction of the Division.
- c) All matchmakers shall be licensed.
- d) An applicant for a license shall complete an application provided by the Division, which shall include the fee set forth in Section 1371.20.

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- e) An applicant must be at least 18 years of age.
- f) Licensees shall comply with all applicable federal regulations governing boxing, martial arts or mixed martial arts.
- g) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- h) Applications for licensure as a matchmaker shall include:
  - 1) A government issued photo identification (e.g., driver's license, passport); and
  - 2) Proof that the applicant has matched contestants in a minimum of 5 amateur or professional contests. The Division may examine any applicant for licensure as a matchmaker to determine whether the applicant has sufficient knowledge of the sport and is otherwise competent to perform as a matchmaker. Failure by an applicant of the examination, as determined by the Division, may result in denial of the license.
- i) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
  - 1) Provide the necessary information; and/or
  - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.

**Section 1371.60 Application for a License as a Manager**

- a) Managers shall be separately licensed for either boxing or martial arts/mixed martial arts.

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- b) All managers shall be licensed.
- c) An applicant for a license shall complete an application provided by the Division, which shall include the fee set forth in Section 1371.20.
- d) An applicant must be at least 18 years of age.
- e) Licensees shall comply with all applicable federal regulations governing boxing, martial arts or mixed martial arts.
- f) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- g) Applications for licensure as a manager shall include a government issued photo identification (e.g., driver's license, passport).
- h) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
  - 1) Provide the necessary information; and/or
  - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.

**Section 1371.70 Application for a License as a Second**

- a) Seconds shall be separately licensed for either boxing or martial arts/mixed martial arts.
- b) The Division may deny an application for licensure if the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination, or otherwise fails to complete training to the satisfaction of the Division.
- c) All seconds shall be licensed.

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- d) An applicant for a license shall complete an application provided by the Division, which shall include the fee set forth in Section 1371.20.
- e) An applicant must be at least 18 years of age.
- f) Licensees shall comply with all applicable federal regulations governing boxing, martial arts or mixed martial arts.
- g) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- h) The application for licensure as a second shall include:
  - 1) A government issued photo identification (e.g., driver's license, passport); and
  - 2) Proof of active licensure in another jurisdiction. Applicants not licensed elsewhere may be required to appear for an interview with the Board.
- i) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
  - 1) Provide the necessary information; and/or
  - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.

**Section 1371.80 Promoters**

- a) No owner, officer, principle, association, partnership, corporation or limited liability company shall promote any contest without that person or a person associated with that business obtaining a license from the Division.



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- b) Responsibilities of promoters shall include:
  - 1) Full responsibility for all aspects of the contest and for meeting all deadlines for submission of contest permit and promoter licensure applications; and
  - 2) Supervision of their agents, employees, and representatives, the conduct of those agents, employees and representatives, and any violation of the Act or this Part related to the contest. The Division shall deem any violation by an agent, employee or representative of a promoter a violation by the promoter.
- c) Promoters shall not permit another to use their license.
- d) Promoters shall provide notification to contestants of the weigh-in time and location. The promoter shall also be responsible for notifying contestants when to report to their dressing room on the day of the contest; that time shall be determined by the Division.
- e) Promoters shall provide notification to the contestants that a foul-proof cup, professional mouth piece, and 2 pairs of different colored trunks are compulsory.
- f) Promoters shall provide notification to contestants of proper attire as defined in this Part.
- g) Promoters shall provide compensation to the contestants, referees, announcers, physician, timekeepers, paramedics and judges. The promoter shall provide the compensation, in cash, certified checks, money orders, or other form of Division-approved payment, to the Division at or before the weigh-in. A Division representative will pay the officials and provide a receipt to the promoter. Failing to provide payment or providing payment late to the Division may result in discipline.
- h) Promoters shall arrange for at least one ambulance to be on-site, at all times, at each bout, along with 2 licensed paramedics, a stretcher, oxygen and proper resuscitation equipment. No bout shall continue without the presence of the 2 paramedics and the required equipment.
- i) A promoter may not be a contestant in a contest he or she is promoting.

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- j) Promoters and organizations associated with the contests shall be deemed to have knowledge of the applicable laws and rules of the State. The promoter shall be responsible for ensuring that all rules promulgated by the Division are strictly carried out.
- k) Promoters shall provide all materials necessary to conduct the contest, including but not limited to such items as:
  - 1) the fighting area;
  - 2) stools, buzzer or whistle, bell or gong, timer, gloves, gauze, tape for hand wraps and properly calibrated scales;
  - 3) a foul proof cup, clean towels, shoe laces, a professional mouthpiece, and medical tape;
  - 4) clean dressing room facilities, including washroom and shower for contestants and officials. Separate facilities shall be provided for male and female contestants;
  - 5) 3 small platforms or elevated chairs for the judges; and
  - 6) at minimum, 2 buckets and 2 appropriately sized bottles for use by the contestants.
- l) Promoters shall be responsible for ensuring the maintenance of adequate public safety for all contests. Failure to ensure adequate public safety may result in cancellation of a contest, discipline against a promoter's license, denial of future contest permits, or any combination thereof.
- m) For adequate public safety, the promoter is responsible for ensuring that no liquid refreshments or bottled or canned drinks, unless poured into disposable cups by vendors at the time of sale, are permitted in any hall or facility where any contest is being held. If the contest is staged out-of-doors, disposable cups also must be used on the site of the contest.
- n) At the discretion of the Division, chairs may be required to be attached so that they are not portable.

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- o) Spectator seats shall be at least 8 feet from the apron of the fighting area platform. A physical barrier approved by the Division shall be placed 8 feet from the fighting area platform and shall have 2 entrances. Security shall be placed at each of these 2 entrances. The space immediately within 8 feet of the fighting area platform shall be under the jurisdiction of the Division for use by designated working officials, contestants, their seconds, timekeepers, judges, referees, physicians, announcers, medical representatives and others approved by the Division. Promoters are responsible for seeing that the working area is controlled and free of non-essential personnel.

**Section 1371.90 Judges**

- a) There shall be 3 judges required for each bout. All bouts shall be scored by each judge on a 10-point must system. The winner of the round shall be awarded 10 points and the loser of the round shall be awarded 9 or fewer points, except for rare instances of an even round for which each contestant shall be awarded 10 points. No fractions of points may be given.
- b) Contestants' techniques shall be judged based on the standards of their respective sport.
- c) The judges shall reach their decisions without conferring in any manner with any other official or person, including the other judges of the panel. Each judge shall make out his or her scorecard in accordance with provisions of the rules governing the respective sport. At the end of the round, the score shall be totaled and signed or initialed by each judge. The referee working the bout shall collect the scorecards after each round and hand them to the Division representative.
- d) Any erasures or changes on the scorecard shall be approved and initialed by the judge and the Division representative.
- e) Official scorecards from the Division shall be used and shall be retained in the custody of the Division representative who will transport them to the Division for safekeeping.
- f) The judges selected for each bout shall be at the sole discretion of the Division and that determination shall be final. The Division shall set the amount of compensation to be provided to the judges.

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- g) Judges shall not show any partiality to any contestant at any time. There shall be no discussion of any kind among officials or with the public with regard to the decision or contest before or during the bout. The officials shall not discuss previous bouts while the contest is in progress.

**Section 1371.100 Inspectors**

The Division shall assign inspectors as it deems necessary.

- a) In all contests, contestants, promoters, managers, matchmakers, judges, referees, timekeepers, seconds, announcers and physicians at all times shall be under direction of the Division through its designated representatives and inspectors.
- b) Employees and inspectors of the Division shall not have, either directly or indirectly, any interest in, or connection with, any promotion of professional contestants or contests in this State.
- c) The Division and its inspectors shall supervise the sale of tickets, check the counting of receipts, and enforce the Act and this Part.
- d) When printed tickets are presented to the ticket taker, he or she shall immediately deposit every admission ticket, pass or complimentary ticket in a secure box. It shall be opened only in the presence of the Division inspector, who shall see that all tickets or passes are carefully counted and reported to the Division, along with the price of admission charged for each class of ticket and exchanges and the gross receipts of all tickets and exchanges. Where printed tickets are otherwise scanned or are electronically processed, a printed record reflecting all of the above information shall be provided to the Division.
- e) Before the start of a contest, an inspector must check that all contestants, promoters, managers, matchmakers, seconds, timekeepers, referees and physicians are licensed by the Division. Any of those persons without a current license issued by the Division shall not participate in the contest, unless and until an application and fee have been received and the application is approved by the Division.
- f) An inspector shall be present in the dressing rooms at the designated time for observing contestants and inspecting all equipment.

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- g) All hand wrappings must be approved by an inspector prior to being placed on contestants. After approval, all hand wraps shall be initialed by the inspector present.
- h) No contestant may be gloved outside the presence of an inspector. After approval of the gloving, the tape around the strings shall be initialed by the inspector present.
- i) The inspector is responsible for warning the seconds of violations of any rules relating to seconds. If, after a warning, the second does not conduct himself or herself in accordance with the rules, the referee shall warn the second that further violations may result in disqualification of his or her contestant or his or her removal from the corner.
- j) Inspectors shall not show any partiality to any contestant at any time. There shall be no discussion of any kind among inspectors with regard to the decision or contest. The inspectors shall not discuss previous bouts while the contest is in progress.

**Section 1371.110 Matchmakers**

- a) The duties of the matchmaker shall include arranging the bouts and matching the contestants as to weight and experience.
- b) All bouts shall be approved by the Division. The Division may prohibit any bout deemed to be a mismatch based on the record, experience, skill and condition of the contestants as known or represented to the Division at or before the bout or that could expose one or both contestants to serious injury. Any contestant who has lost his or her last 7 bouts, regardless of type of loss, shall not compete in a bout without prior review and approval of the Division.
- c) No matchmaker in a specific contest shall act in the capacity of a manager or second for that specific contest either directly or indirectly.

**Section 1371.120 Seconds**

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- a) Unless prior approval is given by the Division, there shall be no more than 3 seconds per contestant allowed, one of whom shall announce to the referee at the start of the bout that he or she is the chief second.
  - 1) For boxing contests: Only one second shall be inside the fighting area between rounds; the other 2 seconds may be on the ring platform outside the fighting area.
  - 2) For martial arts and mixed martial arts contests: When the fighting area is enclosed by a cage or similar barrier, up to 2 seconds may be inside the fighting area between rounds. When the fighting area is enclosed by ropes, only one second shall be inside the fighting area between rounds
- b) A minimum of 2 seconds per contestant is required. If requested, a maximum of 5 seconds per contestant may be allowed at the discretion of the Division.
- c) Managers shall be permitted to act as seconds without being licensed as a second. While acting as a second, a manager shall observe all rules pertaining to the conduct of seconds.
- d) Seconds shall comply with the following:
  - 1) Seconds shall not stand or lean on the fighting area apron during the round. Seconds must remain seated during the round. The second may not sit or lean on the steps leading to the fighting area.
  - 2) Seconds shall not yell. All coaching must be kept to a minimum. Continuous warnings may result in removal of the second, disqualification of the contestant, and discipline of the second.
  - 3) Seconds shall not enter the fighting area until the timekeeper indicates the end of the round. Seconds must leave the fighting area when the timekeeper indicates 10 seconds before the beginning of the next round. If the chief second or anyone for whom the chief second is responsible enters the fighting area before the bell ending the round has sounded, his or her license may be subject to discipline and the contestant he or she is handling may be disqualified. While the round is in progress, the chief second may either mount the apron of the fighting area or otherwise attract the referee's attention, indicating the retirement of the contestant. A

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second shall not enter the fighting area unless the referee stops the bout and shall not interfere with a count that is in progress.

- 4) The chief second shall be responsible for the conduct of his or her assistant seconds during the contest.
- 5) Good sportsmanship is expected at all times.
- 6) It is mandatory for seconds to wear disposable rubber, plastic or latex gloves while working in a contestant's corner.
- 7) Seconds shall not use excessive amounts of water or ice and shall wipe up any water in the fighting area. Before leaving the fighting area and at the indication of the timekeeper, seconds must remove any obstruction such as buckets, stools, towels and other materials from the corner of the fighting area.
- 8) Seconds shall be responsible for compliance with Sections 1371.330(b) and 1371.430(b) relating to bandages and handwraps.
- 9) The second shall be equipped with:
  - A) A clear plastic bottle or water bottles sufficiently taped;
  - B) Water;
  - C) Chopped ice in buckets;
  - D) Clean towels;
  - E) Vaseline or other petroleum-based product;
  - F) Adhesive tape;
  - G) Sterile gauze pads;
  - H) Scissors;
  - I) Extra mouthpiece;

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- J) Sterile cotton swabs; and
- K) Pressure plates.
- 10) No iron solution shall be used to stop hemorrhaging. Only the following substances may be used:
  - A) A solution of adrenaline 1/1000;
  - B) Avitene;
  - C) Thrombin; or
  - D) Any other substance approved by the physician.
- e) Any violation of the requirements in subsection (d) of this Section may result in:
  - 1) A deduction of points from the second's contestant;
  - 2) Suspension of the second; and
  - 3) Ejection of the second from the corner.

**Section 1371.130 Timekeepers**

- a) There shall be a timekeeper, licensed by the Division, responsible for keeping track of time during a contest.
- b) Timekeepers shall be equipped with a whistle, a knockdown watch, a 3- or 5-minute stopwatch, as appropriate, and a back-up gong or other audible device that have been approved by the Division.
- c) Timekeepers must adhere to the following:
  - 1) The timekeeper shall be impartial. A timekeeper who signals interested parties at any time during bouts shall be subject to discipline.
  - 2) When there are 10 seconds remaining in the rest period between rounds,



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the timekeeper shall sound a whistle, buzzer or other audible device approved by the Division for such purpose to warn the referee, contestants and seconds of the beginning of the next round.

- 3) The timekeeper shall indicate the commencing and conclusion of each round by sounding the gong, bell, or other audible device approved by the Division for such purpose. The timekeeper shall also indicate by pounding the fighting area when there are 10 seconds remaining in the round to warn the referee of the end of the round.
  - 4) It is the duty of the timekeeper to keep accurate time of all bouts. The timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician, or the replacement of a glove or adjustment of any equipment during a round and the timekeeper shall report the exact time of a bout being stopped.
  - 5) When applicable, the timekeeper shall be responsible for the knockdown count. The timekeeper shall begin counting each second during the knock-down count. If the knockdown occurs within 10 seconds prior to the end of the round, the timekeeper shall not ring the bell, or other audible device approved by the Division for such purpose, until the referee indicates the contestant is ready.
  - 6) There shall be no discussion of any kind among officials with regard to the decision or program. The officials shall not discuss previous bouts while the program is in progress.
  - 7) The timekeeper selected for each bout shall be at the sole discretion of the Division and that determination shall be final.
- d) The Division shall set the amount of compensation to be provided to the timekeeper. The promoter is responsible for all compensation for the timekeeper.

**Section 1371.140 Referees**

- a) The referee is charged with the enforcement of provisions of the Act and this Part that apply to the conduct of contests and the conduct of the contestants and contestant's seconds while in the fighting area. The referee shall be the chief official and sole arbiter during all bouts.

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- b) A referee shall be licensed by the Division and shall be selected and assigned to contests by the Division.
- c) A referee shall not show partiality to any contestant at any time.
- d) A referee shall adhere to the following:
  - 1) When a referee has cause to suspect a violation of the Act or this Part, he or she shall file a report with the Division describing the event.
  - 2) A referee must report for duty at least one hour before the scheduled starting time of the contest.
  - 3) A referee must first report to Division representatives, then to the physician for examination and shall avoid conversation except with Division officials.
  - 4) Before starting each bout, the referee shall:
    - A) Check with each judge and timekeeper to determine if each is ready;
    - B) Ascertain the name of the chief second in each corner; and
    - C) Verify that the physician is present.
  - 5) At the beginning of the contest, the referee shall call contestants to the center of the ring. Contestants may be accompanied by their chief second only.
  - 6) It is mandatory for the referee to wear disposable rubber, plastic or latex gloves when refereeing a bout.
  - 7) The referee shall remain in the fighting area for the entire duration of the bout.
  - 8) The referee shall ensure that the contestant stays in his or her corner between rounds.

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- 9) The referee shall hold the chief second responsible for all conduct in his or her corner.
- e) In the event a bout terminates before its scheduled number of rounds, the referee shall inform the judges and the Division of the exact duration of the bout.
- f) The referee may stop or terminate a bout and render a decision for any of the following reasons:
  - 1) The referee determines that one of the contestants is clearly less experienced or skilled than his or her opponent to the extent that allowing the bout to continue would pose a substantial risk of serious harm or injury to the less experienced or skilled contestant;
  - 2) The referee determines that one of the contestants is at substantial risk of serious harm or injury and despite such harm or injury cannot or will not submit, in the case of martial arts or mixed martial arts, or stop fighting in the case of boxing;
  - 3) The referee decides that a contestant is not making his or her best effort;
  - 4) To protect a badly beaten contestant who can no longer protect himself or herself. When a contestant sustains a cut eye or any other injury that, in the judgment of the referee, may incapacitate the contestant, the referee may call the physician into the fighting area to examine the contestant. In such cases, the referee shall be guided by the physician's advice;
  - 5) The referee determines that one contestant is hanging helplessly on or over the fighting area enclosure or the contestant is physically unable to continue a match or to defend himself or herself; or
  - 6) For any other reason the referee deems necessary to protect the health, safety or welfare of any contestant or any member of the public.
- g) When the fighting area is enclosed by ropes, the referee may stop the bout and require the contestants to resume the action in the center of the fighting area in the same hold the contestants were engaged in at the time the bout was stopped.

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- h) The referee shall warn or penalize with a deduction of points a contestant who uses the ropes, cage or any other unfair means to gain advantage.
- i) Whenever a contestant has been injured, knocked out or technically knocked out, the referee shall immediately summon the attending physician to evaluate the injury of the stricken contestant. The physician may recommend the bout be stopped. Except at the request of the physician, no managers or seconds shall be permitted to aid the stricken contestant.
- j) The referee shall warn the seconds of violations of any rules relating to seconds. If, after such a warning, the second does not conduct himself or herself in accordance with the rules, the referee shall warn the second that further violations may result in disqualification of his or her contestant or removal of the second from the corner.
- k) The referee shall instruct judges to mark their scorecards accordingly when he or she has assessed a foul upon one of the contestants.
- l) The referee shall deliver the official scorecards to the Division representative. When picking up the scorecards from the judges, the referee shall see to it that the cards are completed and the contestants' and judges' names are recorded. If not, the judges shall be instructed to complete scorecards correctly.
- m) The referee shall ensure that a bout moves to its proper completion. Delaying or avoiding tactics, or both, should be avoided and the contestant who employs these tactics may be penalized in scoring or disqualified.
- n) The referee selected for each bout shall be at the sole discretion of the Division and that determination shall be final. The promoter is responsible for all compensation for the referee. The Division shall set the amount of compensation to be provided to the referee.

**Section 1371.150 Physicians and Paramedics**

- a) Physicians
  - 1) The Division shall appoint at least one physician for all contests. Additional physicians shall be appointed as determined by the Division. The physician selected for each contest shall be at the sole discretion of

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the Division and that determination shall be final. The promoter is responsible for all compensation for the physician. The Division shall set the amount of compensation to be provided to the physician.

- 2) A physician shall perform all physical examinations.
  - 3) The physician shall sit immediately adjacent to the fighting area at every contest. A contest may not proceed unless the physician is in his or her seat. The physician shall not leave the venue until after all contestants have left. If called upon, the physician shall be ready to advise the referee.
  - 4) The physician may enter the fighting area during the progress of a bout when he or she or the referee deems it necessary. The physician may enter the fighting area between rounds on his or her own judgment and shall inform the referee about his or her opinion in relation to the physical condition of either contestant.
  - 5) The physician shall have drugs and medical supplies available in the event of injury to a contestant.
  - 6) The physician shall report in writing to the Division all injuries received by a contestant immediately following the bout. The physician shall also report on the fitness of the contestants to engage in further competition.
- b) Paramedics
- 1) 2 paramedics shall be available to assist the physician and provide emergency medical equipment, including resuscitation equipment.
  - 2) 2 paramedics shall be on site, at all times, at each bout, along with a stretcher, oxygen and proper resuscitation equipment. No bout shall continue without the presence of the 2 paramedics and the required equipment.
  - 3) Paramedics are responsible for a comprehensive evacuation plan for the removal of any seriously injured contestant from the contest to a hospital facility where emergency medical care is provided.
  - 4) Paramedics are responsible for knowing the location of the closest hospital

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emergency facility where adequate neurosurgical care is immediately available for skilled emergency treatment of an injured contestant.

- 5) Paramedics must check the vital signs of all contestants prior to their participation in a contest and after contestants complete their bouts. Paramedics shall record this information on forms provided by the Division. Paramedics shall also record their recommendation (stitches, x-rays, etc.) and advise the physician of their recommendation.

**Section 1371.160 Access to Venue**

The promoter of a contest and officials of the venue shall permit the following persons full access to the site of the contest and the dressing rooms:

- a) Any Division employee authorized by the Division or its designee;
- b) Any authorized firefighters, police officers, security officers and any other individuals authorized by the Division assigned to work the event; and
- c) Any referee, judge, timekeeper, physician and medical personnel who are authorized by the Division and are assigned to the event and who presents photo identification and an official badge or other credential evidencing that status.

**Section 1371.170 Facility and Equipment Requirements for Contests**

- a) Tables immediately surrounding the fighting area shall be no higher than the level of the fighting area platform.
- b) The fighting area shall be approved by the Division, including all padding or enclosures. Fighting areas not approved by the Division shall not be used.
- c) The gong, bell, buzzer, horn or other audible device approved by the Division shall be sufficiently loud so that the officials and contestants can hear it clearly. The 10 second warning before the start of a round may be by whistle or by gong, bell, buzzer, horn or other audible device approved by the Division for that purpose.

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- d) The promoter may provide and prominently display video screens during any bout or contest that meets the approval of the Division and that allows patrons to view the action inside the fighting area without obstruction.

**Section 1371.180 Safety Requirements and Physical Appearance for Contestants**

All contestants shall present a clean and tidy appearance and shall comply with the following:

- a) Fingernails and toenails shall be sufficiently trimmed to avoid the risk of cutting or scratching an opponent;
- b) Hair shall be trimmed or tied back so that the hair does not interfere with the vision of the contestant or cover the contestant's eyes. The Division's representative shall determine whether a contestant's head and facial hair presents any safety hazard to the contestant or his or her opponent or would interfere with the supervision and conduct of the bout;
- c) Body grease, gels, balms or lotions applied to any part of a contestant is prohibited. Vaseline or other similar petroleum based product may be applied to the facial area at cage side in the presence of an inspector, referee or person designated by the Division. The referee or Division representative shall cause any excessive Vaseline or other permitted substance or any foreign substance to be removed to his or her satisfaction. Any contestant applying anything to any part of his or her body outside the presence of an inspector, referee or person designated by the Division may be penalized a point or disqualified;
- d) No cosmetics shall be worn during a bout;
- e) Jewelry or piercing accessories are prohibited; and
- f) A contestant is prohibited from wearing corrective lenses or contact lenses in the fighting area.

**Section 1371.190 Weigh-Ins**

- a) The weigh-in shall be conducted by an inspector or Division representative at a time and place approved by the Division.
- b) Prior to engaging in a contest, all contestants must submit to a weigh-in and a

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physical examination by the physician at the time and place approved by the Division.

- 1) The physical examination given to contestants shall include, at a minimum, the following: weight, pulse, blood pressure, examination of the lungs and heart, and general physical condition.
  - 2) Contestants shall disclose all medical history and conditions to the physician during the physical examination. All female contestants must submit to a pregnancy test. Any female contestant who tests positive for pregnancy shall be prohibited from fighting.
  - 3) The physician shall conduct examinations and tests necessary to attest to the fitness of the contestants engaged in the contest. The physician shall certify in writing on a form prescribed by the Division those contestants who are in good physical condition to compete.
  - 4) If, upon physical examination, a contestant is determined by the physician to be unfit for competition, the contestant shall be prohibited from competing during that specific contest.
- c) The scale used for the weigh-in shall be provided by the promoter and approved by the Division representative. The scales must weigh accurately and be capable of weighing up to an appropriate weight as determined by the Division. The Division may, in its discretion, use the scales furnished by the promoter or use its own scales. All scales furnished by the promoter shall be thoroughly tested and approved by the representative of the Division prior to being used in connection with any contest.
  - d) Each contestant shall be weighed in the presence of his or her opponent, a representative of the Division, and an official representing the promoter, on scales approved by the representative of the Division, at any place designated by the Division. Weigh-ins shall be open to the public.
  - e) Contestants shall have all weights stripped from their bodies before weigh-in. Male contestants may wear shorts. Female contestants may wear shorts and a sports bra.
  - f) The representative of the Division may require contestants to be weighed more



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than once for any cause deemed sufficient.

- g) With the exception of super heavyweight contestants, all contestants are limited to wearing shorts, shirt and socks.
- h) Contestants who fail to make the weight for their designated weight class shall be given up to 2 hours to make required weight. Any contestant who fails to make the weight shall be disqualified unless both contestants consent to participate in the scheduled bout.

**Section 1371.200 Bouts and Contests**

- a) All licensed individuals and organizations associated with the contests shall be deemed to have knowledge of the applicable laws and rules of the State. Any questions or interpretations shall be referred to the representative of the Division. If an immediate decision is required, it shall be referred to the Division or its designee who shall make a determination on the matter. In the event a situation occurs at the contest and there are no regulations in place to cover the situation, the representative of the Division shall make a decision on the matter. The Division's or its designee's ruling shall be final. The authority of the Division and the inspectors shall be respected. No one shall interfere with the inspectors' duties, use foul language towards the inspectors, or make threats of physical harm toward the inspectors. Any interference, use of foul language, or threats of physical harm towards the inspectors will be cause for disciplinary action.
- b) The Division shall approve each bout.
- c) No bout shall be advertised or promoted as a championship bout unless it has the specific approval of the Division.
- d) Contestants shall at all times abide by the statutes and rules of Illinois governing boxing, martial arts and mixed martial arts.
- e) Contestants shall at all times observe the directions and decisions of all officials.
- f) A contestant shall not compete in more than one contest within a 7 day period. The Division may determine that more time between contests is necessary to protect the health and safety of the contestant.

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- g) Each contestant shall report to the representative of the Division in the dressing rooms at least one hour before the scheduled time of the first bout of the contest. Failure to do so may result in the contestant being disallowed to participate in the bout.
- h) The administration or use of drugs or stimulants, either before or during a bout, to or by any contestant is prohibited. Any contestant violating this subsection shall be subject to disqualification.
- i) During a bout or contest, contestants shall only be permitted to drink water. No other fluids shall be permitted.
- j) Before starting a bout, the referee shall ascertain from each contestant the name of his or her chief second who shall be held responsible for the conduct of the assistant seconds during the progress of the bout. The referee shall call contestants together before each bout for final instructions, at which time each contestant shall be accompanied by the chief second only.
- k) The 3 judges shall be stationed at the sides immediately adjacent to the fighting area, each at a separate side. The judges shall turn scorecards over to the referee after each round. The referee shall then hand the scorecards to the Division or its designee. A final decision shall be made before the judges may leave the area. Any erasures or changes on the card shall be approved and initialed by the judge and Division or its designee.
- l) After receiving instructions, the contestants may shake hands and retire to their corners.
- m) The contestants, the physician and the referee shall be the only persons allowed in the fighting area during the progress of a round. When the referee calls a timeout, he or she may permit the physician to enter the fighting area.
- n) Under no circumstances shall a contest be held with fewer than 3 bouts.
- o) Contests with Both Professional and Amateur Bouts
  - 1) If amateur bouts and professional bouts are scheduled during the same contest or event, the professional bouts shall only be held after the completion of all amateur bouts.

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- 2) There shall be a minimum of one amateur bout and a minimum of 3 professional bouts.
  - 3) There shall be no less than 15 minutes between amateur and professional contests.
- p) The contest shall commence no later than 30 minutes after the start time stated on the contest permit.
- q) Any person who has competed in any professional contest shall not participate in any amateur contest in the State of Illinois. The Division may discipline the license of any contestant, promoter, manager, matchmaker or second who violates, or assists or enables another to violate, the provisions of this subsection.
- r) The promoter shall provide an adequate room for the attending physician to conduct physical examinations. Whenever a contestant, because of illness or injuries, is unable to take part in a contracted bout, the contestant or the manager shall immediately report that fact to the inspector. The contestant shall then submit to an examination by a physician designated by the Division.
- s) The Division shall honor the suspension of a contestant by any state, tribal athletic commission, territory, federal agency or county that regulates contests in another jurisdiction if the suspension is ordered for:
- 1) Medical safety;
  - 2) A violation of a law or regulation governing boxing, martial arts or mixed martial arts that would constitute a violation of the laws or regulations of this State; or
  - 3) Any other conduct that discredits boxing, martial arts or mixed martial arts, as determined by the Division.
- t) The Division may deny a contestant a license if the contestant's license to participate or compete as a contestant has been denied, refused or disciplined for a medical condition by another state, tribal athletic commission, territory, federal agency or county. The Division shall not issue a license to a contestant who has suffered a cerebral hemorrhage of any type.

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**Section 1371.210 Scoring**

- a) Scoring shall be by 3 licensed judges in attendance to score each bout, stationed on different sides of the ring, and the referee. The judges shall watch every phase of the bout and make a decision if the contest lasts the full number of rounds scheduled. They shall be ready at all times, if requested by the referee, to assist in deciding whether fouls have been committed.
- b) The following shall be considered by judges while scoring:
  - 1) Clean lawful blows in proportion to their damaging effects.
  - 2) Aggressiveness.
  - 3) Defensive maneuvers for avoiding or blocking a blow.
  - 4) Conspicuous command of the fighting area, which includes such factors as the ability to take advantage of an opportunity; to cope with, foresee and neutralize an opponent's attack; or to force an opponent to adopt a style of fighting at which he or she is not skillful.
- c) System for Scoring a Contest
  - 1) The scoring of the contest by the judges will be by the 10-point must system.
  - 2) Under the 10-point must system, the winner of each round receives 10 points and the loser a proportionately lower number.
  - 3) If the round is even, each contestant receives the full number of points. No fractions are to be used.
  - 4) If a round is stopped by a referee due to an accidental foul, the round shall be scored.

**Section 1371.220 Manager-Contestant Contracts**

- a) A manager and contestant shall file their contract with the Division.

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- b) The Division shall recognize the filed document until such time as both parties appear before the Division to cancel, or a court of law notifies the Division that the contract is null and void.

**Section 1371.230 Tickets and Payment of Taxes**

- a) The right of admission to view a contest in person shall not be sold or otherwise granted to a person or entity unless that person or entity is provided with a ticket.
- b) The Division shall have supervision over the sales of tickets, ticket boxes, entrances and exits for the purpose of checking admission controls. The Division shall ensure that all tickets are counted and that the final accounting includes the:
  - 1) number of complimentary tickets;
  - 2) face value of each ticket;
  - 3) total number of each ticket price category sold; and
  - 4) gross receipts from all ticket sales.
- c) Every ticket shall be printed with the price, the name of the promoter and the date of the contest. Unless otherwise authorized by the Division, the ticket stub of each ticket shall indicate the price of the ticket. All complimentary tickets shall be printed as such or reflect a zero dollar value.
- d) A promoter shall not issue complimentary tickets for more than 4% of the seats in the house. The promoter shall be responsible to pay the taxes provided for in Section 13 of the Act for all complimentary tickets over and above the 4% cap on complimentary tickets. If the Division approves the issuance of complimentary tickets over and above the 4% cap, the complimentary tickets that are exempt from the tax shall be based on the lowest value of sold tickets distributed.
- e) To facilitate assessment of the taxes required to be paid by the promoter pursuant to Section 13 of the Act, the following procedures shall be followed:
  - 1) Tickets shall be printed in a format approved by the Division.

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- 2) 7 days prior to a contest, the promoter shall submit to the Division a notarized printer's manifest for the amount and price of tickets printed for a contest. General admission tickets shall be consecutively numbered. When available, an electronic printout is to be given to a Division representative on the day of a contest. No tickets of admission to any contest shall be sold except tickets declared on the notarized printer's manifest.
- 3) The total number of tickets printed shall not exceed the total seating capacity of the premises where the contest is to be held.
- 4) The final accounting of printed tickets shall be completed by the promoter on an official ticket inventory prior to the last bout and provided to the Division. Taxes shall be assessed and collected on all tickets declared on the official ticket inventory. Taxes shall also be assessed and collected for all unaccounted tickets.
- 5) No ticket holder shall pass through the gate without having the ticket separated from the stub or otherwise accounted for. However, members of the news media assigned to work by their regular employers, as approved by the promoter, policemen and firemen in uniform and on duty, and persons of similar vocation are admitted free and the promoter shall not be liable for any tax for their admission.
- 6) When it is determined that a promoter has made an incorrect statement of gate receipts, has used tickets not appearing on the inventory, or by any subterfuge purports to reduce the amount of tax due under the law, discipline of the promoter's license and forfeiture of bond may occur.

**Section 1371.240 Prohibited Contests**

- a) Any licensee holding or promoting a contest for which no permit has been issued by the Division, or participating in such a contest as a promoter, contestant, second, referee, judge, manager, trainer, announcer or timekeeper, may be subject to discipline pursuant to Section 16 of the Act.
- b) The Division shall enter an order of cease and desist to any individual or entity involved in a contest for which no permit has been issued by the Division. If the individual or entity fails to comply with the order, the Division may send the

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order to the Attorney General or State's Attorney for civil or criminal enforcement with respect to prohibited contests, or the Division may file a complaint for imposition of civil penalties for violation of the Act.

**Section 1371.250 Disciplinary Action**

- a) All licensees may be disciplined for any violation of the Act or this Part.
- b) The administration or use of controlled substances and other performance enhancing drugs, either before or during a match, to or by any contestant is prohibited. Any contestant violating this Section shall be subject to disqualification.
- c) The Division may request, at any time, that a contestant submit to a drug screen for controlled substances and other performance enhancing drugs at the contestant's expense or at the promoter's expense when the test is ordered for a permitted contest. If the drug screen indicates the presence within the contestant of controlled substances or other performance enhancing drugs for which the contestant does not have a valid prescription, or if the contestant refuses to submit to the test, the Division may suspend or revoke the license of the contestant, or the Division may impose a fine upon the contestant, or both.
- d) The Division or its designee may order the purse withheld from a contestant for failing to perform to the best of his or her ability. The contestant may request a hearing in writing within 15 days after the contest to determine the amount of the purse, if any, that will be transferred to the contestant. The purse shall be returned to the promoter 15 days after the contest if no hearing is requested. The hearing shall be held within 30 days after the date the request is received by the Division. When a hearing is held, any amount of purse not awarded to the contestant shall be returned to the promoter.
- e) If a licensed contestant competes in any event not sanctioned and approved by the Division, or any amateur event, he or she may be immediately suspended.
- f) A contestant who fails to appear in a contest for which he or she signed a bout agreement shall be suspended immediately. The Division may terminate the suspension if the contestant is released from the bout agreement by mutual agreement.

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- g) If, prior to a bout, a contestant files a certificate from a physician stating that the contestant is unable to fulfill a bout agreement because of physical disability, the contestant shall be immediately placed on a medical suspension and be reinstated from the suspension in the same manner as provided for in Section 25.1 of the Act.
- h) A promoter's license may be suspended for failure to pay taxes as required by Section 13 of the Act. Any promoter whose license has been suspended shall not promote a contest until he or she has shown the Division proof that any outstanding taxes have been paid in full. A promoter's license may be subject to further discipline for late payment of taxes.
- i) A promoter's license may be suspended until payment of fees is made to contestants and other participants pursuant to Section 1371.80. Any promoter whose license has been suspended pursuant to this subsection shall not promote a contest until he or she has shown the Division proof that any outstanding payments of fees to contestants and other participants have been paid in full. A promoter's license may be subject to further discipline for late payment of fees.
- j) A promoter, contestant, manager, second or representative of the contestant may not verbally harass, physically abuse, throw any object at, or make illicit gestures toward any person present at the venue, including, but not limited to, officials, inspectors or other Division representatives before, during or after any contest. Any promoter, contestant, manager, second or any representative of the contestant violating this Part may be immediately suspended.
- k) Throwing the mouthpiece into the audience during or after the contest may result in an immediate suspension. This would be in addition to any other discipline that is imposed.
- l) No contestant or promoter may display any type of entrance theme that includes music, video or any type of physical display that contains any profanity or any derogatory ethnic remarks. Anyone violating this subsection may be subject to discipline.
- m) In instances in which the Division immediately suspends or revokes a license under subsection (c), (e), (f), (h), (i), (j), (k) or (l), a hearing must be commenced within 30 days after the suspension and completed without appreciable delay. A licensee suspended pursuant to the aforementioned subsections may be subject to



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further discipline for violation of the Act and/or this Part.

**Section 1371.260 Suspensions and Mandatory Rest Periods**

- a) The Division shall report all contestants' suspensions and mandatory rest periods to Fight Fax, the suspension list, the official recordkeeper designated by the Association of Boxing Commissions (ABC), or other recordkeeper designated by the Division.
  - 1) Physician's suspension:
    - A) A licensee who is determined by the physician to be unfit to compete or officiate shall be immediately suspended until it is shown that he or she is fit for further competition or officiating.
    - B) Prior to reinstatement, any contestant suspended for his or her medical protection shall satisfactorily pass a medical examination upon the direction of the Division. The examining physician may require any necessary medical procedures during the examination.
    - C) Failure to report or comply with the post-contest examination by the physician will result in a minimum suspension of 90 days.
  - 2) Knockout suspension: In the event of a knockout (KO) by a blow to the head, the contestant shall be immediately suspended for a period of not less than 45 days. The Division may also suspend a contestant from contact sparring.
  - 3) Technical Knockout suspension: In the event of a technical knockout (TKO), the contestant shall be immediately suspended for a period of not less than 30 days. The Division may also suspend a contestant from contact sparring.
  - 4) Disqualification suspension: In the event a contestant is disqualified for any reason, that contestant shall be suspended for a minimum of 45 days. The Division may also suspend a contestant from contact sparring.
- b) A contestant shall not compete until 7 days have elapsed from his or her last bout. The 7 day period starts the day following the event in which he or she competed.

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**Section 1371.270 Renewals**

- a) Every license issued under the Act shall expire on September 30 of each odd numbered year. The holder of a license may renew the license during the month preceding the expiration date by paying the required fee and completing any required forms.
- b) Licensed contestants shall provide with their renewal proof of completion of a recent physical examination by a physician as specified in Sections 1371.300 and 1371.400. Failure to provide the proof shall result in expiration of the license. No contestant may participate in any contest while his or her license is expired.
- c) A contestant over age 35 who has not competed in a contest within the last 36 months, or other period determined by the Division, may be required to appear before the Board to determine his or her fitness to participate in a contest.
- d) It is the responsibility of each licensee to notify the Division of any change of address in writing within 30 days after the change becomes effective. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew a license.
- e) A licensee who changes his or her name must notify the Division in writing within 30 days after the change becomes effective. Licensees are required to submit legal documentation proving the name change.

**Section 1371.280 Granting Variances**

- a) The Director may grant variances from this Part in individual cases when he or she finds that:
  - 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

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- b) The Director shall notify the Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

## SUBPART B: BOXING

**Section 1371.300 Application for a License as a Contestant**

- a) The Division may deny an application for licensure if the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination, or otherwise fails to complete training to the satisfaction of the Division.
- b) No contestant shall participate in a contest without being licensed.
- c) Contestants shall be separately licensed for either boxing or martial arts/mixed martial arts.
- d) An applicant for a license shall complete an application provided by the Division, which shall include the fee set forth in Section 1371.20.
- e) An applicant must be at least 18 years of age.
- f) An applicant must show proof of State residency.
- g) Disclose in writing, on a form provided by the Division, a complete medical history including any prior or existing medical conditions.
- h) All fees involved with medical examinations and/or tests required in this Section shall be the responsibility of the applicant.
- i) Licensees shall comply with all applicable federal regulations governing boxing.
- j) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- k) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of

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information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:

- 1) Provide the necessary information; and/or
  - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.
- 1) All contestants must submit proof of completion of a physical examination by a physician. All physical exam and laboratory results submitted shall be no more than 6 months old from the date of application. The examining physician shall conduct examinations and tests necessary to attest to the fitness of the applicant to engage in contests. 48 hours before competing in any contest, each contestant shall provide to the Division certified copies of medical tests performed by a laboratory, which shall include, but not be limited to:
- 1) EKG results with the attending physician's findings;
  - 2) Chest x-ray results with the attending physician's findings;
  - 3) CT/MRI brain scan report (without contrast) with the attending physician's findings;
  - 4) A urine, blood or other test indicating no prohibited drugs;
  - 5) A blood test that verifies the applicant is free from sexually transmitted diseases;
  - 6) A blood test that verifies the applicant is HIV negative;
  - 7) A blood test that verifies the applicant is Hepatitis B (HBsAg) negative;
  - 8) A blood test that verifies the applicant is Hepatitis C (HCVAb) negative;
  - 9) An eye examination by a physician licensed to practice medicine in all its branches who specializes in ophthalmology; and
  - 10) Any other test a physician may require.

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- m) Physical examinations of female contestants shall also include a pelvic, abdominal and breast exam.
- n) First Time Contestant (Amateur Contestant Desiring to Turn Professional)  
In addition to the application requirements set forth in subsections (c) through (m), the application for licensure by a first time contestant shall be completed on forms provided by the Division and shall include:
  - 1) A government issued photo identification (e.g., driver's license, passport);
  - 2) Proof of age (e.g., driver's license or copy of birth certificate);
  - 3) Social Security Number or tax identification number, as appropriate; and
  - 4) Documentation of 2 years of boxing experience as an amateur, including the total number of bouts and a breakdown of wins and losses. The applicant shall have a minimum of 20 bouts or demonstrate exceptional fighting ability as determined by the Division.
- o) Professional Contestant Licensed in Other Jurisdictions or As Otherwise Determined by the Division  
In addition to the application requirements set forth in subsections (c) through (k), (l)(6) through (10), and (m), the application for licensure by a contestant licensed in another jurisdiction shall be completed on forms provided by the Division and shall include:
  - 1) A federal identification card;
  - 2) Proof of active licensure in another jurisdiction;
  - 3) Proof of age (e.g., driver's license or copy of birth certificate); and
  - 4) Social Security Number or tax identification number, as appropriate.
- p) A contestant over age 35 who has not competed in a contest within the last 36 months, or as otherwise determined by the Division, may be required to appear before the Board to determine his or her fitness to participate in a contest.

**Section 1371.310 Application for a License as a Timekeeper, Referee or Judge**

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- a) The Division may deny an application for licensure if the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination, or otherwise fails to complete training to the satisfaction of the Division.
- b) All timekeepers, referees or judges shall be licensed.
- c) Timekeepers, referees and judges shall be separately licensed for either boxing or martial arts/mixed martial arts.
- d) An applicant for a license shall complete an application provided by the Division, which shall include the fee set forth in Section 1371.20.
- e) An applicant must be at least 18 years of age.
- f) All fees involved with medical examinations and/or tests required in this Section shall be the responsibility of the applicant.
- g) Licensees shall comply with all applicable federal regulations governing boxing.
- h) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- i) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
  - 1) Provide the necessary information; and/or
  - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.
- j) The application for licensure as a referee, judge or timekeeper shall be completed on forms provided by the Division and shall include:

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- 1) A government issued photo identification (e.g., driver's license, passport);
- 2) An eye examination by a physician licensed to practice medicine in all its branches who specializes in ophthalmology, dated no more than 6 months prior to the date of application; and
- 3) Documented experience in boxing, which shall include but not be limited to:
  - A) 5 of the last 7 years in amateur or professional boxing;
  - B) 3 of the last 5 years in Golden Glove Tournaments, United States Amateur Boxing Federation, Inc. Tournaments or other Division approved tournaments;
  - C) 2 of the last 3 years in national tournaments; or
  - D) proof of active licensure in another jurisdiction.
- k) In addition to the other requirements of this Section, applicants for licensure as a referee shall provide proof of a physical examination by a physician, dated no more than 6 months prior to the date of application, to determine whether the applicant is in good physical condition and has the speed and reflexes necessary for the protection of both fighters, and that he or she has corrected or uncorrected visual acuity of at least 20/40 in both eyes.

**Section 1371.320 Classes and Weights of Contestants**

- a) In accordance with generally accepted boxing practices, contestants shall be classified under the following classifications:
  - 1) Light Flyweight                      not over 108 pounds
  - 2) Flyweight                              over 108 to 112 pounds
  - 3) Bantamweight                        over 112 to 118 pounds
  - 4) Super Bantamweight                over 118 to 122 pounds
  - 5) Featherweight                        over 122 to 126 pounds
  - 6) Super Featherweight                over 126 to 130 pounds

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- |     |                    |                        |
|-----|--------------------|------------------------|
| 7)  | Lightweight        | over 130 to 135 pounds |
| 8)  | Super Lightweight  | over 135 to 140 pounds |
| 9)  | Welterweight       | over 140 to 147 pounds |
| 10) | Super Welterweight | over 147 to 154 pounds |
| 11) | Middleweight       | over 154 to 160 pounds |
| 12) | Super Middleweight | over 160 to 168 pounds |
| 13) | Light Heavyweight  | over 168 to 175 pounds |
| 14) | Cruiserweight      | over 175 to 200 pounds |
| 15) | Heavyweight        | over 200 pounds        |
- b) Any contestant's change in weight class must be approved by the Division.
- c) Contestants shall only fight contestants in their own weight class unless permission is granted by the Division.
- d) For title bouts, contestants may weigh no more than 10 pounds heavier on the day of the bout or contest than their weight at the weigh-in.
- e) At the weigh-in, no contestant may lose more than 3 pounds in less than a 2 hour period. This rule applies to a second day weigh-in also. This does not apply to light heavyweight class and above.

**Section 1371.330 Attire and Equipment for Contestants**

- a) Attire and Equipment for Contestants  
All contestants shall comply with the following:
- 1) Contestants shall wear athletic shorts that do not extend below the knee, as specified in the bout agreement.
  - 2) Each contestant shall have available for the contest 2 uniforms of contrasting colors, consisting of a body shirt, athletic jersey and shorts. No leotard or other such costume is permitted.
  - 3) Shirts or gis shall not be worn by a contestant during a bout.
  - 4) Knee pads, elbow pads, chest protectors (for male contestants), and shin guards shall not be allowed.



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- 5) Shoes shall be of soft material and not fitted with spikes, cleats, hard soles or hard heels.
  - 6) All contestants shall wear an individually fitted mouthpiece, which shall be subject to examination and approval by the Division.
    - A) all contestants shall have available 2 mouthpieces; and
    - B) a round will not begin until both contestants have their respective mouthpieces in place.
  - 7) Male contestants shall wear a foul-proof groin protector.
  - 8) Female contestants:
    - A) shall wear a breast protector during the contest with both contestants wearing the same type. The breast protector shall be subject to examination and approval by the Division; and
    - B) may wear a pelvic protector at the option of the contestant.
  - 9) A contestant shall be prohibited from wearing any attire or equipment that contains any metal substance.
  - 10) All equipment and attire are subject to approval by the Division. An inspector or other Division representative may direct a contestant to change any attire or equipment that he or she determines gives unfair advantage or is a threat to the health, safety or welfare of the other contestant or the public.
- b) Bandages/Handwraps  
In all weight classes, seconds must adhere to the following for wrapping hands:
- 1) Hand bandages shall be restricted to 15 yards of soft gauze bandage not more than 2 inches in width, held in place by not more than 6 feet of surgeon's tape, one half inch in width, for each hand. Any deviation must have the approval of the Division official.

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- 2) Bandages shall be evenly distributed across the hand.
  - 3) The binding of surgeon's tape must not be applied within one half inch of the knuckles of the contestant's hand.
  - 4) Bandages and tape shall be placed on the contestant's hand in the dressing room prior to the bout in the presence of the inspector. The opposing contestant for a title may also witness the bandaging of the opponent's hands. This privilege may be waived.
  - 5) The Division official shall approve all bandages and taping prior to gloves being placed on any contestant and after gloves are removed. Under no circumstances are gloves to be placed on the hands of a contestant before approval by the inspector.
- c) Gloves
- 1) Contestants competing against each other in the same bout shall wear the same sized gloves.
  - 2) The brand of glove used in a contest must be approved by the Division prior to the contest. Gloves shall be whole, clean and in good condition. Broken gloves are prohibited during any bout or contest.
  - 3) Gloves that are padded in the palm or fingertip area are prohibited.
  - 4) All gloves shall be inspected and approved by the inspector prior to each bout. The inspector or a designee of the Division may inspect gloves at any time.
  - 5) All gloves shall be furnished by the promoter. For all title bouts, gloves shall be new. Promoters must have extra sets of gloves in each size used during the contest to be used in case gloves are broken or in any way damaged during the course of a bout. Promoters are prohibited from furnishing gloves provided by a contestant.
    - A) Gloves shall be appropriate in weight for the contestants and shall be no less than 8 ounces and no more than 12 ounces in weight.

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- B) Male boxing contestants who are over 147 pounds shall wear thumb web gloves that are, at minimum, 10 ounces in weight.
- C) Male boxing contestants who are 147 pounds and under shall wear thumb web gloves that are, at minimum, 8 ounces in weight.
- D) Female contestants shall wear gloves that weigh at least 10 ounces.
- E) Webbed gloves with attached thumbs must be worn and must be approved by the Division or its designee.

**Section 1371.340 Structure of the Ring for Contests**

- a) Size of the Ring
  - 1) The ring shall be square shaped.
  - 2) The ring for a contest shall be no less than 16 x 16 feet and no larger than 24 x 24 feet within the ropes. The ring floor shall be constructed of at least a 1 inch base of building board padded with at least a 1 inch layer of foam rubber, or building board or foam rubber equivalents. There must be a top covering of canvas, duck or similar material tightly stretched and placed to the ring platform.
  - 3) The ring shall have 4 posts not less than 3 inches in diameter that extend from the floor of the ring to a height of no less than 48 inches and no more than 58 inches. The posts shall be securely anchored and adequately padded.
- b) The ring shall have, at minimum, 4 ropes, each not less than one inch in diameter. The ropes shall be padded with a soft material.
- c) The floor of the ring shall not be more than 4 feet above the floor on which it is standing, and shall be supplied with steps for the entry and departure of contestants and officials.
- d) The platform of the ring must extend beyond the ropes for a distance of at least 2 feet.

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- e) The ring shall be kept clear of obstructions.

**Section 1371.350 Intentional and Accidental Fouls and Injuries**

- a) Fouls
- 1) If one of the contestants falls to the ring floor, or otherwise indicates an unwillingness to continue because of a claim of a low-blow foul, and the referee does not agree, the contest may be terminated, and the referee may award the contest to the opponent.
  - 2) In the case of a referee determined accidental foul, the referee shall determine whether the contestant who has been fouled can continue. If the contestant's chances have not been seriously jeopardized as a result of the foul, the referee may order the bout continued after an interval of not more than 5 minutes rest.
  - 3) The following actions in a boxing bout or contest shall be considered fouls:
    - A) Hitting below the belt;
    - B) Hitting an opponent who is down;
    - C) Holding an opponent with one hand while hitting with the other;
    - D) Holding or clinching after the referee orders the contestants to break, or hitting on the break;
    - E) Wrestling or kicking;
    - F) Butting with the head or shoulder;
    - G) Hitting with open gloves, hitting with the butt of the hand, wrist or elbow and all back hand blows;
    - H) Roughing on the ropes;
    - I) Hitting in the back or kidney area;

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- J) Hitting on the back of the head or neck;
  - K) Jabbing the opponent's eyes with the thumb of the glove;
  - L) Hitting after the bell has sounded ending a round; and
  - M) Conduct that in the opinion of the referee is unsportsmanlike.
- b) Injuries
- 1) The referee, at his or her discretion, may request that the physician examine a contestant during the bout. Should the examination occur during the course of a round, the clock shall be stopped until the examination is completed. The physician may recommend that the referee stop the bout, in which case the referee shall render the appropriate decision.
  - 2) In the event of serious cuts or injuries, the referee shall summon the physician who shall advise whether the bout should be stopped.
  - 3) A referee may consider the decision of the physician.
  - 4) The referee shall be authorized to determine if injuries were produced by a foul, and if the foul was intentional or accidental.
- c) Injuries Sustained as a Result of Fouls
- 1) Intentional Fouls
    - A) If an intentional foul causes an injury, and the injury is severe enough to terminate the bout immediately, the contestant causing the injury shall lose by disqualification.
    - B) If an intentional foul causes an injury and the bout is allowed to continue, the referee will notify the Division representative and may deduct points from the contestant who caused the foul. Point deductions for intentional fouls will be mandatory.

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- C) If an intentional foul causes an injury and the injury results in the bout being stopped in a later round, the injured contestant will win by technical decision if he or she is ahead on the score cards, or the bout will result in a technical draw if the injured boxing contestant is behind or even on the score cards.
  - D) If a contestant injures himself or herself while attempting to intentionally foul his or her opponent, the referee will not take any action in his or her favor, and this injury will be the same as one produced by a fair blow.
  - E) If the referee believes that a contestant has conducted himself or herself in an unsportsmanlike manner, the referee may stop the bout and disqualify the contestant.
- 2) Accidental Fouls
- A) If an accidental foul causes an injury severe enough for the referee to stop the bout immediately, the bout will result in a no decision if stopped before 4 completed rounds. 4 rounds are complete when the bell rings signifying the end of the fourth round.
  - B) If an accidental foul causes an injury severe enough for the referee to stop the bout immediately, after 4 rounds have occurred, the bout will result in a technical decision, awarded to the contestant who is ahead on the score cards at the time the bout is stopped.
  - C) Partial or incomplete rounds will be scored. If no action has occurred, the round should be scored as an even round. This is at the discretion of the judges.
- 3) A contestant who is hit with an accidental low blow must continue after a reasonable amount of time, but no more than 5 minutes, or he or she will lose the fight.
- d) Loss of mouthpiece. When a mouthpiece is knocked out of a contestant's mouth, the referee may call time when he or she deems that there is a lull in action (not in the heat of battle). The referee may have the second replace the mouthpiece. The referee may call a time out based on loss of a mouthpiece one time per contestant

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during the bout without points being deducted from the contestant whose mouthpiece came out, at the discretion of the referee.

**Section 1371.360 Rounds**

- a) Non-Title Bouts. Each non-title bout shall be no fewer than 4 rounds and no more than 12 rounds of 3 minutes duration, with a 1-minute rest period between rounds.
- b) Title Bouts. Each title bout shall be no fewer than 8 rounds and no more than 12 rounds of 3 minutes duration, with a 1-minute rest period between rounds.
- c) Women's boxing bouts shall have 2-minute rounds.

**Section 1371.370 Types of Bout Results**

- a) A contestant shall be considered by the referee to be knocked down when any part of his or her body other than the feet is on the fighting area floor, if the contestant is hanging over the ropes and unable to defend himself or herself, or if the contestant is rising from a down position.
- b) A contestant hanging over the ropes is not officially "down" until so pronounced by the referee.
- c) When a contestant is knocked down, the referee shall order the opponent to retire to the farther neutral corner of the ring, pointing to the corner, and immediately pick up the count from the timekeeper and continue counting over the contestant who is down.
- d) The referee shall announce the passing of the seconds, audibly, accompanying the count with motions of his or her arm, the downward motion indicating the end of each second.
- e) There shall be a mandatory 8-count. Any contestant who is knocked down shall not be allowed to resume boxing until after the referee has finished counting 8. The contestant may take this count either on the floor or standing.
- f) 3 knockdowns in one round shall be regarded as justifiable reason for the referee to halt a contest. The referee may allow a fight to continue after a contestant has been knocked down 3 times if, in his or her judgment, the contestant is able to

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continue.

- g) If the contestant taking the count is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that the contestant has been knocked out and has lost the bout.
- h) Should the opponent fail to stay in the neutral corner, the referee shall cease counting until the opponent has returned to it; the referee will then go on with the count from the point at which it was interrupted.
- i) Contestants who have been knocked out shall be kept lying down until they have recovered. When a contestant is knocked out, no one shall touch him or her, except that the referee shall remove the contestant's mouthpiece, until the ringside physician enters the ring and personally attends the contestant and issues necessary instructions to the contestant's seconds.
- j) The bell does not save the contestant in any round.
- k) If any contestant fails or refuses to resume fighting when the bell sounds starting the next round, the referee may award a technical knockout to the opponent as of the last completed round plus one second of the current round.
- l) Cessation of contest because of unexpected reasons. Should unexpected or accidental reasons determine the cessation of a contest before completion of the scheduled rounds, a technical decision shall be awarded to the contestant who is ahead in points on the scorecard of judges and the referee, provided that at least 4 rounds have been completed when the cessation occurs. If the cessation occurs before 4 rounds have been completed, the decision will be a technical draw.
- m) No manager or second shall bring about the termination of a contest by tossing in a towel. The manager or second shall notify the physician or referee that the bout needs to be stopped. Seconds cannot walk into the ring. The chief second may mount the apron of the fighting area and attract the referee's attention, indicating the retirement of the contestant.

**Section 1371.380 State of Illinois Boxing Championships**

- a) All title bouts will be 8, 10 or 12 rounds, each of which is 2 or 3 minutes, with 1 minute of rest between rounds.



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- b) Scoring will be the 10-point must system as described in Section 1371.210. The scoring will be done by 3 judges. The referee will be a non-scoring official.
- c) In the event a contestant is knocked down, there will be a mandatory 8-count. There is no standing 8-count.
- d) The bout will be stopped any time the referee or physician considers it necessary for the safety of either contestant.
- e) The weigh-in will be set by the Division. The champion and challenger will have 2 hours after the initial weigh-in to make weight; if either fails to make weight, no title will be at stake.
- f) A champion must keep his or her contestant license up to date. He or she will have 30 days after the expiration date, as set forth in Section 1371.270, to renew his or her license. If the license is not renewed, the contestant's title will be vacated.
- g) A champion must defend or have a contract to defend his or her title every 6 months or his or her title will be vacated.
- h) If a champion is convicted of any felony, his or her title will be declared vacant.
- i) If a champion wins a major title, such as International Boxing Federation (IBF), World Boxing Organization (WBO), World Boxing Council (WBC), World Boxing Association (WBA), North American Boxing Federation (NABF), North American Boxing Organization (NABO), or United States Boxing Association (USBA), he or she must relinquish his or her State title.
- j) All championship bouts must be approved by the Division.
- k) A 10% fee above the normal scale will be paid to the officials who work the championship bout.
- l) The championship belt must be provided by the promoter for a new champion.
- m) It is the responsibility of the champion's manager to contact a promoter for the defense of the champion's title.

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- n) There will be no permit fee for the championship bout.
- o) Gloves
  - 1) Male contestants who are over 147 pounds shall wear thumb web gloves that are, at minimum, 10 ounces in weight.
  - 2) Male contestants who are 147 pounds and under shall wear thumb web gloves that are, at minimum, 8 ounces in weight.
  - 3) Female contestants shall wear gloves that weigh at least 10 ounces.
- p) A contestant must be licensed in Illinois and residing in Illinois or an adjacent state before he or she is eligible to be rated. He or she must also have at least one fight every 6 months.

## SUBPART C: MARTIAL ARTS OR MIXED MARTIAL ARTS

**Section 1371.400 Application for a License as a Contestant**

- a) The Division may deny an application for licensure if the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination, or otherwise fails to complete training to the satisfaction of the Division.
- b) No contestant shall participate in a contest without being licensed.
- c) Contestants shall be separately licensed for either boxing or martial arts/mixed martial arts.
- d) An applicant for a license shall complete an application provided by the Division, which shall include the fee set forth in Section 1371.20.
- e) An applicant must be at least 18 years of age.
- f) An applicant must show proof of State residency.
- g) Disclose in writing, on a form provided by the Division, a complete medical history including any prior or existing medical conditions.

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- h) All fees involved with medical examinations and/or tests required in this Section shall be the responsibility of the applicant.
- i) Licensees shall comply with all applicable federal regulations governing martial arts or mixed martial arts.
- j) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- k) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
  - 1) Provide the necessary information; and/or
  - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.
- l) All contestants must submit proof of completion of a physical examination by a physician. The examining physician shall conduct examinations and tests necessary to attest to the fitness of the applicant to engage in contests. No less than 48 hours before competing in any contest, each contestant shall provide to the Division certified copies of medical tests performed by a laboratory; all physical exam and laboratory results submitted shall be no more than 6 months old from the date of submission. These submissions shall include, but not be limited to:
  - 1) EKG results with the attending physician's findings;
  - 2) Chest x-ray results with the attending physician's findings;
  - 3) CT/MRI brain scan report (without contrast) with the attending physician's findings;

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- 4) A urine, blood or other test indicating no prohibited drugs;
  - 5) A blood test that verifies the applicant is free from sexually transmitted diseases;
  - 6) A blood test that verifies the applicant is HIV negative;
  - 7) A blood test that verifies the applicant is Hepatitis B (HBsAg) negative;
  - 8) A blood test that verifies the applicant is Hepatitis C (HCVAb) negative;
  - 9) An eye examination by a physician licensed to practice medicine in all its branches who specializes in ophthalmology; and
  - 10) Any other test a physician may require.
- m) Physical examinations of female contestants shall also include a pelvic, abdominal and breast exam.
- n) **First Time Contestant (Amateur Contestant Desiring to Turn Professional)**  
In addition to the application requirements set forth in subsections (c) through (m), the application for licensure by a first time contestant shall be completed on forms provided by the Division and shall include:
- 1) A government issued photo identification (e.g., driver's license, passport);
  - 2) Proof of age (e.g., driver's license or copy of birth certificate);
  - 3) Social Security Number or tax identification number, as appropriate;
  - 4) For amateur contestants becoming professional contestants, documentation of 2 years of martial arts or mixed martial arts experience as an amateur, including the total number of bouts and a breakdown of wins and losses. The applicant shall have a minimum of 5 bouts or demonstrate exceptional fighting ability as determined by the Division.
- o) **Professional Contestant Licensed in Other Jurisdictions**  
In addition to the application requirements set forth in subsections (c) through (k), (l)(6) through (10) and (m), the application for licensure by a contestant licensed

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in another jurisdiction shall be completed on forms provided by the Division and shall include:

- 1) A federal identification card;
  - 2) Proof of active licensure in another jurisdiction;
  - 3) Proof of age (e.g., driver's license or copy of birth certificate); and
  - 4) Social Security Number, or tax identification number as appropriate.
- p) A contestant over age 35 who has not competed in a contest within the last 36 months, or as otherwise determined by the Division, may be required to appear before the Board to determine his or her fitness to participate in a contest.

**Section 1371.410 Application for a License as a Timekeeper, Referee or Judge**

- a) The Division may deny an application for licensure if the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination, or fails to otherwise complete training to the satisfaction of the Division.
- b) All timekeepers, referees or judges shall be licensed.
- c) Timekeepers, referees and judges shall be separately licensed for either boxing or martial arts/mixed martial arts.
- d) An applicant for a license shall complete an application provided by the Division, which shall include the fee set forth in Section 1371.20.
- e) An applicant must be at least 18 years of age.
- f) All fees involved with medical examinations and/or tests required in this Section shall be the responsibility of the applicant.
- g) Licensees shall comply with all applicable federal regulations governing martial arts or mixed martial arts.
- h) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may

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consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.

- i) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
  - 1) Provide the necessary information; and/or
  - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.
- j) The application for licensure as a referee, judge or timekeeper shall be completed on forms provided by the Division and shall include:
  - 1) A government issued photo identification (e.g., driver's license, passport);
  - 2) An eye examination by a physician licensed to practice medicine in all its branches who specializes in ophthalmology, dated no more than 6 months prior to the date of application; and
  - 3) Documented experience in martial arts or mixed martial arts, which shall include but not be limited to:
    - A) 3 of the last 5 years in amateur or professional martial arts or mixed martial arts contests; or
    - B) exceptional ability as a referee, judge or timekeeper as determined by the Division; or
    - C) proof of active licensure in another jurisdiction.
- k) In addition to the other requirements of this Section, applicants for licensure as a referee shall provide proof of a physical examination by a physician, dated no more than 6 months prior to the date of application, to determine whether the applicant is in good physical condition and has the speed and reflexes necessary

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for the protection of both fighters, and that he or she has corrected or uncorrected visual acuity of at least 20/40 in both eyes.

**Section 1371.420 Classes and Weights of Contestants**

- a) In accordance with generally accepted martial arts or mixed martial arts practices, contestants shall be classified under the following classifications:

	Weight Class	Weights	Allowances
1)	Straw Weight	up to 115 pounds	3 pounds
2)	Flyweight	over 115 to 125 pounds	3 pounds
3)	Bantamweight	over 125 to 135 pounds	3 pounds
4)	Featherweight	over 135 to 145 pounds	5 pounds
5)	Lightweight	over 145 to 155 pounds	5 pounds
6)	Welterweight	over 155 to 170 pounds	5 pounds
7)	Middleweight	over 170 to 185 pounds	7 pounds
8)	Light Heavyweight	over 185 to 205 pounds	7 pounds
9)	Heavyweight	over 205 to 265 pounds	7 pounds
10)	Super Heavyweight	over 265 pounds	

- b) Any contestant's change in weight class must be approved by the Division.
- c) Contestants shall only fight contestants in their own weight class unless permission is granted by the Division.
- d) At the weigh-in, no contestant may lose more than 3 pounds in less than a 2 hour period. This does not apply to light heavyweight class and above.
- e) Allowance in weight classes is the weight difference permitted between contestants in 2 different weight classes.

**Section 1371.430 Attire and Equipment for Contestants**

- a) Attire and Equipment for Contestants  
All contestants shall comply with the following:

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- 1) Contestants shall wear athletic shorts that do not extend below the knee, such as mixed martial arts shorts, grappling or fighting shorts, boxing shorts or kickboxing shorts, as specified in the bout agreement.
- 2) Each contestant shall have available for the contest 2 uniforms of contrasting colors, consisting of a body shirt, athletic jersey and shorts. No leotard or other such costume is permitted.
- 3) Shirts or gis shall not be worn by a contestant during a bout, unless approved by the sanctioning body.
- 4) Knee pads, elbow pads, chest protectors (for male contestants), shin guards, or footwear and shoes shall not be allowed.
- 5) All contestants shall wear an individually fitted mouthpiece, which shall be subject to examination and approval by the Division:
  - A) all contestants shall have available 2 mouthpieces; and
  - B) a round will not begin until both contestants have their respective mouthpieces in place.
- 6) Male contestants shall wear a foul-proof groin protector.
- 7) Female contestants:
  - A) shall wear a breast protector during the contest with both contestants wearing the same type. The breast protector shall be subject to examination and approval by the Division; and
  - B) may wear a pelvic protector at the option of the contestant.
- 8) Taping of hands, wrists and ankles is permitted.
- 9) A contestant shall be prohibited from wearing any attire or equipment that contains any metal substance.
- 10) All equipment and attire are subject to approval by the Division. An inspector or other Division representative may direct a contestant to



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change any attire or equipment that he or she determines gives unfair advantage or is a threat to the health, safety or welfare of the other contestant or the public.

## b) Bandages/Handwraps

In all weight classes, seconds must adhere to the following for wrapping hands:

- 1) The bandages/handwraps shall consist of soft gauze type cloth that is no more than 15 yards in length and 2 inches in width and held in place by no more than 6 feet of surgeon's tape, provided that the tape shall be no more than one inch in width for each hand;
- 2) The surgeon's tape shall be placed directly on each hand for protection near the wrist;
- 3) Bandages shall be evenly distributed across the hand;
- 4) The binding of surgeon's tape must not be applied within one half inch of the knuckles of the contestant's hand;
- 5) Bandages and tape shall be placed on the contestant's hand in the dressing room prior to the bout in the presence of the inspector. The opposing contestant for a title may also witness the bandaging of the opponent's hands. This privilege may be waived; and
- 6) The Division official shall approve all bandages and taping prior to gloves being placed on any contestant and after gloves are removed. Under no circumstances are gloves to be placed on the hands of a contestant before approval by the inspector.

## c) Gloves for Contestants

- 1) Contestants competing against each other in the same bout shall wear the same sized gloves.
- 2) Gloves shall be whole, clean and in good condition. Broken gloves are prohibited during any bout or contest.
- 3) Gloves that are padded in the palm or fingertip area are prohibited.

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- 4) All gloves shall be inspected and approved by the inspector prior to each bout. The inspector or a designee of the Division may inspect gloves at any time.
- 5) All gloves shall be furnished by the promoter. For all title bouts gloves shall be new. Promoters must have extra sets of gloves in each size used during the contest to be used in case gloves are broken or in any way damaged during the course of a bout. Promoters are prohibited from furnishing gloves provided by a contestant.
- 6) Gloves shall be appropriate in size for the contestant and shall be no less than 4 ounces and no more than 6 ounces in weight.

**Section 1371.440 Structure of the Fighting Area for Contests**

- a) Contests shall be held in a ring, cage or a fenced area.
- b) The fighting area shall meet the following requirements:
  - 1) The fighting area:
    - A) shall be constructed in a manner that does not pose a substantial risk to the safety or health of any person. The fighting area must be circular or have as many as eight equal sides for a contest. The fighting area shall be no smaller than 16 feet wide and no larger than 32 feet wide within the ropes, cage or fenced area;
    - B) shall have a corner with a blue designation and the corner directly across shall have a red designation;
    - C) floor shall extend at least 24 inches beyond the ropes or other barrier. The floor must be of a canvas, duck or similar material that shall be padded with at least a 1 inch layer of foam padding that shall extend over the edge of the platform of the fighting area. Vinyl or other plastic rubberized covering is prohibited. Materials that may gather in lumps or ridges during the bout or contest are prohibited;

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- D) platform shall be no more than 4 feet above the floor on which it is standing and must have suitable steps or ramps for use by officials and the contestants;
  - E) shall have 5 fighting area ropes, when fighting area ropes are used, not less than 1 inch in diameter and wrapped in soft material. The lowest rope must be no higher than 12 inches from the fighting area floor; and
  - F) must not be obstructed by any object, including, without limitation, a triangular border, on any part of the fighting area floor.
- 2) When fighting area ropes are used, the post:
- A) must be made of metal no less 3 inches and not more than 6 inches in diameter, and must be properly padded in a manner approved by the Division; and
  - B) must be 18 inches away from the fighting area ropes.
- 3) The fence or cage specifications for martial arts and mixed martial arts are:
- A) the fence or cage shall be made of material that will prevent a contestant from falling out or breaking through the fighting area onto the floor beneath the fighting area or onto spectators. The enclosure may be composed of vinyl-coated chain link fencing or other similar material;
  - B) any exposed metal on the interior of the fenced or caged area must be covered and padded in a manner approved by the inspector or Division representative. The covering shall not be abrasive to the contestants;
  - C) any metal parts used to reinforce the fenced or caged area enclosure shall not interfere with the safety of the contestants;
  - D) the enclosure shall provide 2 separate entries onto the fighting area canvas that are sufficient to allow easy access to the fighting area

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by officials and emergency personnel. The entrances must be padded or covered so that there is no exposed metal on the interior of the fence or caged area;

- E) The enclosure shall not obstruct or limit the supervision and regulation of the bout by officials or Division representatives; and
- F) The enclosure shall not inhibit the judging of the bout in any manner.

**Section 1371.450 Intentional and Accidental Fouls and Injuries**

- a) The following actions in a bout or contest shall be considered fouls:
  - 1) Butting with the head;
  - 2) Eye gouging of any kind;
  - 3) Biting;
  - 4) Hair pulling;
  - 5) Fishhooking;
  - 6) Groin attacks of any kind;
  - 7) Putting a finger into any orifice or into any cut or laceration of an opponent;
  - 8) Small joint manipulation;
  - 9) Striking to the spine or the back of the head;
  - 10) Striking downward using the point of the elbow;
  - 11) Throat strikes of any kind, including, without limitation, grabbing the trachea;
  - 12) Clawing, pinching or twisting the flesh;

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- 13) Grabbing the clavicle;
- 14) Kicking the head of a grounded opponent;
- 15) Kneeing the head of a grounded opponent;
- 16) Stomping a grounded opponent;
- 17) Kicking to the kidney with the heel;
- 18) Spiking an opponent to the canvas on his head or neck;
- 19) Throwing an opponent out of the ring or fenced area;
- 20) Holding the shorts or gloves of an opponent;
- 21) Spitting at an opponent;
- 22) Engaging in any unsportsmanlike conduct that causes injury to an opponent;
- 23) Holding the ropes or the fence;
- 24) Using abusive language in the ring or fenced area;
- 25) Attacking an opponent during the break;
- 26) Attacking an opponent who is under the care of the referee;
- 27) Attacking an opponent after the bell has sounded the end of the period of unarmed combat;
- 28) Flagrantly disregarding the instructions of the referee;
- 29) Timidity, including, without limitation, avoiding contact with an opponent, intentionally or consistently dropping the mouthpiece or faking an injury;

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- 30) Interference by the corner; and
  - 31) Throwing in the towel during competition.
- b) Injuries
- 1) The referee, at his or her discretion, may request that the physician examine a contestant during the bout. Should the examination occur during the course of a round, the clock shall be stopped until the examination is completed. The physician may recommend that the referee stop the bout, in which case the referee shall render the appropriate decision.
  - 2) In the event of serious cuts or injuries, the referee shall summon the physician who shall advise whether the bout should be stopped.
  - 3) A referee may consider the decision of the physician.
  - 4) The referee shall be authorized to determine if injuries were produced by a foul, and if the foul was intentional or accidental.
- c) Injuries Sustained by Fair Blows and Fouls
- 1) Fair Blows  
If injury is severe enough to terminate a contest, the injured contestant loses by technical knockout (TKO).
  - 2) Fouls
    - A) Intentional
      - i) If an intentional foul causes an injury, and the injury is severe enough to terminate a bout immediately, the contestant causing the injury shall lose by disqualification.
      - ii) If an intentional foul causes an injury and the bout is allowed to continue, the referee may notify the Division representative and may deduct points from the contestant who caused the foul.

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- iii) If an intentional foul causes an injury and the injury results in the bout being stopped in a later round, the injured contestant shall win by technical decision if he or she is ahead on the scorecards, or the bout shall result in a technical draw if the injured contestant is behind or even on the scorecards.
- iv) If a contestant injures himself or herself while attempting to intentionally foul his or her opponent, the referee shall not take any action in his or her favor, and this injury shall be the same as one produced by a fair blow.
- v) If the referee believes that a contestant has conducted himself or herself in an unsportsmanlike manner, the referee may stop the bout and disqualify the contestant.

## B) Accidental

- i) If the referee determines, either from his or her own observation or on the advise of the physician, that the bout may not continue because of the injury from the accidental foul, the bout will be declared a no contest if the foul occurred:
  - during the first 2 rounds of a non-championship bout; or
  - during the first 3 rounds of a championship bout.
- ii) If the referee determines, either from his or her own observation or on the advise of the physician, that the bout may not continue because of the injury from the accidental foul, the bout will be determined by scoring the completed rounds and the round in which the referee stops the bout if the foul occurred:
  - after the completion of the second round in a non-championship bout; or

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- after the completion of the third round in a championship bout.
- iii) A contestant who is hit with an accidental low-blow must continue after a reasonable amount of time, but no more than 5 minutes, or he or she may lose the bout by technical knockout.
- iv) If an injury from an accidental foul later becomes aggravated by fair blows and the referee orders the bout stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round in which the referee stops the contest.
- 3) In assessing fouls, the referee shall weigh the cause, as well as the effect. If the referee has seen an unauthorized blow, strike or attack delivered that has a damaging effect, the referee may permit a rest period to the victim not to exceed 5 minutes. During the rest period, seconds may not assist or coach the injured contestant. The offending contestant shall go to a neutral corner and shall not be coached during the period.
- 4) At the discretion of the referee, the referee may give an official warning or penalty to the offending contestant for the unauthorized blow, strike or attack, and then may give the command to continue after the end of the rest period if the contestant who received the unauthorized blow, strike or attack indicates ability to continue the bout. If the injured contestant refuses to continue after a 5 minute rest period, the opponent shall be named the winner.
- 5) Repeated unauthorized blows, strikes or attacks shall be penalized with deduction of points from the offending contestant or disqualification of the offending contestant.
- 6) A contestant cannot be named the winner of a bout as the result of receiving an unauthorized blow, strike or attack, or low blow unless, in the opinion of the referee, the unauthorized blow, strike or attack was delivered deliberately and with enough force to seriously incapacitate the



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injured contestant so that he or she could not continue the bout. Under this condition, the offender shall be disqualified immediately.

- 7) A fouled contestant has up to 5 minutes to recuperate.
- 8) Only the referee can assess a foul and any point deductions. If the referee does not call the foul, judges shall not make that assessment on their own.
- 9) If a foul is committed:
  - A) The referee shall call time.
  - B) The referee shall check the fouled contestant's condition and safety.
  - C) The referee shall then assess the foul to the offending contestant, deduct points and notify the seconds, judges and official scorekeeper.
- 10) If a bottom contestant commits a foul, unless the top contestant is injured, the contest will continue.
  - A) The referee will verbally notify the bottom contestant of the foul.
  - B) When the round is over, the referee will assess the foul and notify both corners, the judges and the official scorekeeper.
  - C) The referee may terminate a bout based on the severity of a foul. If the referee terminates a bout under such circumstances, the contestant committing the foul shall lose by disqualification.
- 11) When any injury is severe enough for the referee to stop the contest immediately after 2 rounds of a 3 round contest, or after 3 rounds of a 5 round contest, are complete, the results of the bout shall be determined as if the bout was completed.
- 12) Disqualification occurs after any combination of 3 fouls or if the referee determines the foul to be intentional.

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- 13) Except as provided in this Section, any contestant guilty of committing a foul in a round shall be given an immediate warning and points may be deducted from the contestant's total score as determined by the referee. The use of foul tactics may also result in the disqualification of the contestant.

**Section 1371.460 Rounds**

- a) Non-title bouts. Each non-title bout shall be no fewer than 3 rounds of 5 minutes in length, with a 1 minute rest period between rounds and with a 10 second warning signal.
- b) Title bouts. Each title bout shall be no more than 5 rounds and no fewer than 3 rounds of 5 minutes in length, with a 1 minute rest period between rounds and with a 10 second warning signal.

**Section 1371.470 Types of Bout Results**

A bout may end under the following results:

- a) Submission:
  - 1) Tap out: when a contestant physically uses his or her hands to indicate that he or she no longer wishes to continue.
  - 2) Verbal tap out: when a contestant verbally announces to the referee that he or she does not wish to continue.
- b) Knockout (KO): Failure to rise from canvas.
- c) Technical Knockout (TKO):
  - 1) Referee stops bout because contestant can no longer defend himself or herself;
  - 2) Physician advises referee to stop the bout; or
  - 3) An injury as a result of a legal maneuver is severe enough to terminate the bout.

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- d) Decision Via Scorecards:
  - 1) Unanimous decision: when all 3 judges score the bout for the same contestant.
  - 2) Split decision: when 2 judges score the bout for one contestant and one judge scores for the opponent.
  - 3) Majority decision: when 2 judges score the bout for the same contestant and one judge scores the bout a draw.
- e) Draws:
  - 1) Unanimous: when all 3 judges score the bout a draw.
  - 2) Majority: when 2 judges score the bout a draw.
  - 3) Split: when all 3 judges score it differently and the score total results in a draw.
- f) Disqualification: when a contestant has intentionally fouled his or her opponent severely enough to terminate the contest or engages in other unsportsmanlike conduct.
- g) Forfeit: when a contestant fails to begin competition or prematurely ends the contest for reasons other than injury or indicating a tap out.
- h) Technical Draw: When an injury sustained during competition as a result of an intentional foul causes the injured contestant to be unable to continue and the injured contestant is even or behind on the scorecards at the time of the stoppage.
- i) Technical Decision: When the bout is prematurely stopped due to an injury and a contestant is leading on the scorecards.
- j) No Contest: When a contestant is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision via scorecards.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
50.320	Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: As the result of the increase in income eligibility thresholds for child care benefits, this rulemaking updates the full-time co-payment charts. The child care co-payment charts show the maximum monthly income and parent fee by family size, income level and number of children receiving full-time care.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
50.230	Amendment	31 Ill. Reg. 11018; August 3, 2007
50.230	Amendment	31 Ill. Reg. 6652; April 1, 2008
- 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:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> 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: Child care providers
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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 a: GENERAL PROGRAM PROVISIONS

PART 50  
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section	
50.410	Provider Eligibility
50.420	Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

## Section

50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: PAYMENT FEES

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

**Section 50.320 Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care**

## Family Size 2

Monthly Income	1	1
	Child	Child
	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 327	\$ 4.33	\$ 1.00
328 - 491	13.00	3.00
492 - 654	21.67	5.00
655 - 818	34.66	8.00
819 - 981	47.66	11.00
982 - 1,145	65.00	15.00
1,146 - 1,308	86.66	20.00
1,309 - 1,472	108.33	25.00
1,473 - 1,636	134.32	31.00
1,637 - 1,799	160.32	37.00
1,800 - 1,962	186.32	43.00
1,963 - <u>2,125</u>		
<u>2,051</u>	212.32	49.00
<u>2,126 - 2,288</u>	<u>238.32</u>	<u>55.00</u>
<u>2,289 - 2,334</u>	<u>264.31</u>	<u>61.00</u>

## Family Size 3

Monthly Income	1	1	2	2
	Child	Child	Children	Children
	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 423	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00
424 - 606	13.00	3.00	17.33	4.00
607 - 808	21.67	5.00	30.33	7.00



DEPARTMENT OF HUMAN SERVICES

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809 - 1,010	34.66	8.00	52.00	12.00
1,011 - 1,212	47.66	11.00	69.33	16.00
1,213 - 1,414	65.00	15.00	95.33	22.00
1,415 - 1,616	86.66	20.00	147.32	34.00
1,617 - 1,818	108.33	25.00	190.65	44.00
1,819 - 2,020	134.32	31.00	233.98	54.00
2,021 - 2,222	160.32	37.00	277.31	64.00
2,223 - 2,424	186.32	43.00	320.64	74.00
2,425 - <u>2,626</u>	212.32	49.00	363.97	84.00
<u>2,533</u>				
<u>2,627 - 2,828</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>
<u>2,829 - 2,934</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>

Family Size 4

	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 481	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
482 - 722	13.00	3.00	17.33	4.00	17.33	4.00
723 - 962	21.67	5.00	30.33	7.00	34.66	8.00
963 - 1,203	34.66	8.00	52.00	12.00	52.00	12.00
1,204 - 1,443	47.66	11.00	69.33	16.00	73.66	17.00
1,444 - 1,684	65.00	15.00	95.33	22.00	99.66	23.00
1,685 - 1,924	86.66	20.00	147.32	34.00	151.66	35.00
1,925 - 2,165	108.33	25.00	190.65	44.00	194.99	45.00
2,166 - 2,405	134.32	31.00	233.98	54.00	238.32	55.00
2,406 - 2,646	160.32	37.00	277.31	64.00	281.65	65.00
2,647 - 2,887	186.32	43.00	320.64	74.00	324.98	75.00
2,888 - <u>3,128</u>						
<u>3,016</u>	212.32	49.00	363.97	84.00	368.31	85.00
<u>3,129 - 3,369</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>	<u>411.64</u>	<u>95.00</u>
<u>3,370 - 3,534</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>	<u>454.97</u>	<u>105.00</u>

Family Size 5

## DEPARTMENT OF HUMAN SERVICES

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	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children	4 Children	4 Children
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 558	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
559 - 837	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00
838 - 1,116	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,117 - 1,395	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,396 - 1,674	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,675 - 1,953	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
1,954 - 2,232	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,233 - 2,511	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00
2,512 - 2,790	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
2,791 - 3,069	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,070 - 3,348	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00
3,349 - <u>3,627</u>								
<u>3,498</u>	212.32	49.00	363.97	84.00	368.31	85.00	372.64	86.00
<u>3,628 - 3,906</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>	<u>411.64</u>	<u>95.00</u>	<u>415.97</u>	<u>96.00</u>
<u>3,907 - 4,134</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>	<u>454.97</u>	<u>105.00</u>	<u>459.30</u>	<u>106.00</u>

## Family Size 6

	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children	4 Children	4 Children
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 635	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
636 - 952	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00
953 - 1,270	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,271 - 1,587	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,588 - 1,905	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,906 - 2,222	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
2,223 - 2,540	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,541 - 2,857	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00

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2,858 - 3,175	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
3,176 - 3,492	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,493 - 3,809	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00
3,810 - <del>4,126</del>								
<del>3,981</del>	212.32	49.00	363.97	84.00	368.31	85.00	372.64	86.00
<u>4,127 - 4,443</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>	<u>411.64</u>	<u>95.00</u>	<u>415.97</u>	<u>96.00</u>
<u>4,444 - 4,734</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>	<u>454.97</u>	<u>105.00</u>	<u>459.30</u>	<u>106.00</u>

5 Children 5 Children

Monthly Income	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 635	\$ 8.67	\$ 2.00
636 - 952	21.67	5.00
953 - 1,270	39.00	9.00
1,271 - 1,587	60.66	14.00
1,588 - 1,905	82.33	19.00
1,906 - 2,222	108.33	25.00
2,223 - 2,540	160.32	37.00
2,541 - 2,857	203.65	47.00
2,858 - 3,175	246.98	57.00
3,176 - 3,492	290.31	67.00
3,493 - 3,809	333.64	77.00
3,810 - <del>4,126</del> , <del>3,981</del>	376.97	87.00
<u>4,127 - 4,443</u>	<u>420.30</u>	<u>97.00</u>
<u>4,444 - 4,734</u>	<u>463.63</u>	<u>107.00</u>

Family Size 7

Monthly Income	1 Child		2 Children		3 Children		4 Children	
	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 649	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
650 - 974	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00

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975 - 1,299	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,300 - 1,623	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,624 - 1,948	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,949 - 2,273	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
2,274 - 2,598	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,599 - 2,922	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00
2,923 - 3,247	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
3,248 - 3,572	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,573 - 3,897	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00
3,898 - <del>4,222</del>								
<del>4,071</del>	212.32	49.00	363.97	84.00	368.31	85.00	372.64	86.00
<u>4,223 - 4,547</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>	<u>411.64</u>	<u>95.00</u>	<u>415.97</u>	<u>96.00</u>
<u>4,548 - 4,872</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>	<u>454.97</u>	<u>105.00</u>	<u>459.30</u>	<u>106.00</u>
<u>4,873 - 5,197</u>	<u>290.31</u>	<u>67.00</u>	<u>493.96</u>	<u>114.00</u>	<u>498.30</u>	<u>115.00</u>	<u>502.63</u>	<u>116.00</u>
<u>5,198 - 5,334</u>	<u>316.31</u>	<u>73.00</u>	<u>537.29</u>	<u>124.00</u>	<u>541.63</u>	<u>125.00</u>	<u>545.96</u>	<u>126.00</u>

Monthly Income	5 Children		6 Children	
	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 649	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
650 - 974	21.67	5.00	21.67	5.00
975 - 1,299	39.00	9.00	39.00	9.00
1,300 - 1,623	60.66	14.00	65.00	15.00
1,624 - 1,948	82.33	19.00	86.66	20.00
1,949 - 2,273	108.33	25.00	112.66	26.00
2,274 - 2,598	160.32	37.00	164.65	38.00
2,599 - 2,922	203.65	47.00	207.98	48.00
2,923 - 3,247	246.98	57.00	251.31	58.00
3,248 - 3,572	290.31	67.00	294.64	68.00
3,573 - 3,897	333.64	77.00	337.97	78.00
3,898 - <del>4,222</del> <del>4,071</del>	376.97	87.00	381.30	88.00
<u>4,223 - 4,547</u>	<u>420.30</u>	<u>97.00</u>	<u>424.63</u>	<u>98.00</u>
<u>4,548 - 4,872</u>	<u>463.63</u>	<u>107.00</u>	<u>467.96</u>	<u>108.00</u>
<u>4,873 - 5,197</u>	<u>506.96</u>	<u>117.00</u>	<u>511.29</u>	<u>118.00</u>
<u>5,198 - 5,334</u>	<u>550.29</u>	<u>127.00</u>	<u>554.62</u>	<u>128.00</u>

DEPARTMENT OF HUMAN SERVICES

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Family Size 8

Monthly Income	1	1	2	2	3	3	4	4
	Child	Child	Children	Children	Children	Children	Children	Children
	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 664	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
665 - 996	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00
997 - 1,328	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,329 - 1,660	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,661 - 1,992	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,993 - 2,323	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
2,324 - 2,655	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,656 - 2,987	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00
2,988 - 3,319	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
3,320 - 3,651	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,652 - 3,983	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00
3,984 -								
<u>4,315.4162</u>	<u>212.32</u>	<u>49.00</u>	<u>363.97</u>	<u>84.00</u>	<u>368.31</u>	<u>85.00</u>	<u>372.64</u>	<u>86.00</u>
<u>4,316 - 4,647</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>	<u>411.64</u>	<u>95.00</u>	<u>415.97</u>	<u>96.00</u>
<u>4,648 - 4,979</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>	<u>454.97</u>	<u>105.00</u>	<u>459.30</u>	<u>106.00</u>
<u>4,980 - 5,311</u>	<u>290.31</u>	<u>67.00</u>	<u>493.96</u>	<u>114.00</u>	<u>498.30</u>	<u>115.00</u>	<u>502.63</u>	<u>116.00</u>
<u>5,312 - 5,643</u>	<u>316.31</u>	<u>73.00</u>	<u>537.29</u>	<u>124.00</u>	<u>541.63</u>	<u>125.00</u>	<u>545.96</u>	<u>126.00</u>
<u>5,644 - 5,934</u>	<u>342.31</u>	<u>79.00</u>	<u>580.62</u>	<u>134.00</u>	<u>584.96</u>	<u>135.00</u>	<u>589.29</u>	<u>136.00</u>

Monthly Income	5	5	6	6	7	7
	Children	Children	Children	Children	Children	Children
	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 664	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
665 - 996	21.67	5.00	21.67	5.00	26.00	6.00
997 - 1,328	39.00	9.00	39.00	9.00	43.33	10.00
1,329 - 1,660	60.66	14.00	65.00	15.00	65.00	15.00
1,661 - 1,992	82.33	19.00	86.66	20.00	90.99	21.00
1,993 - 2,323	108.33	25.00	112.66	26.00	116.99	27.00
2,324 - 2,655	160.32	37.00	164.65	38.00	168.99	39.00

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

2,656 - 2,987	203.65	47.00	207.98	48.00	212.32	49.00
2,988 - 3,319	246.98	57.00	251.31	58.00	255.65	59.00
3,320 - 3,651	290.31	67.00	294.64	68.00	298.98	69.00
3,652 - 3,983	333.64	77.00	337.97	78.00	342.31	79.00
3,984 -						
<u>4,315,162</u>	376.97	87.00	381.30	88.00	385.64	89.00
<u>4,316 - 4,647</u>	<u>420.30</u>	<u>97.00</u>	<u>424.63</u>	<u>98.00</u>	<u>428.97</u>	<u>99.00</u>
<u>4,648 - 4,979</u>	<u>463.63</u>	<u>107.00</u>	<u>467.96</u>	<u>108.00</u>	<u>472.30</u>	<u>109.00</u>
<u>4,980 - 5,311</u>	<u>506.96</u>	<u>117.00</u>	<u>511.29</u>	<u>118.00</u>	<u>515.63</u>	<u>119.00</u>
<u>5,312 - 5,643</u>	<u>550.29</u>	<u>127.00</u>	<u>554.62</u>	<u>128.00</u>	<u>558.96</u>	<u>129.00</u>
<u>5,644 - 5,934</u>	<u>593.62</u>	<u>137.00</u>	<u>597.95</u>	<u>138.00</u>	<u>602.29</u>	<u>139.00</u>

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois State Library, Acquisitions Division, Illinois Documents Section
- 2) Code Citation: 23 Ill. Adm. Code 3020
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3020.100	Amendment
3020.110	Amendment
3020.120	Amendment
3020.140	Repealed
3020.200	Amendment
3020.210	Amendment
3020.220	Amendment
3020.230	Amendment
- 4) Statutory Authority: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking clarifies the formats the Illinois State Library will accept from State agencies and State universities for submission in the electronic depository of State publications. Section 3020.110(a)(3) and 3020.120(a)(3) require that State agencies and State universities submit priced or copyrighted publications into the electronic depository; however, the submitting State agency and State university may determine if the publication is accessible on the Internet. Section 3020.210 allows a depository library to discard a paper version of a State agency publication after two years if the publication is deposited in the electronic depository of State publications.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain any automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: This rulemaking has no effect on local governments.
- 12) Time, Place and Manner in which interested persons may comment on these proposed amendments:  

Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
Springfield, IL 62701-1796

217/558-4185; jnatale@ilsos.net
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profits 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 these amendments were summarized: January 2008

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



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

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

## PART 3020

ILLINOIS STATE LIBRARY, ACQUISITIONS DIVISION,  
ILLINOIS DOCUMENTS SECTION

## SUBPART A: DEPOSIT OF PUBLICATIONS

## Section

- 3020.100 Definitions
- 3020.110 [State Agency Publications](#)~~Non-priced and Priced Publications~~
- 3020.120 State University Publications [and Presses](#)
- 3020.130 Delivery Cost and Responsibility
- 3020.140 Excess Copies ([Repealed](#))
- 3020.150 Administrator of State Agency
- 3020.160 Lists of Published Materials

## SUBPART B: DEPOSITORY LIBRARIES

## Section

- 3020.200 Designation of Depositories
- 3020.210 Retention and Disposal of [Publications](#)~~Documents~~
- 3020.220 Citizen Access to Publications
- 3020.230 Inspection of Depositories
- 3020.240 Termination of Depository Status

AUTHORITY: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21].

SOURCE: Filed effective December 21, 1967; rules repealed, new rules adopted and codified at 8 Ill. Reg. 319, effective December 27, 1983; amended at 10 Ill. Reg. 4555, effective July 1, 1986; amended at 27 Ill. Reg. 219, effective January 1, 2003; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: DEPOSIT OF PUBLICATIONS

**Section 3020.100 Definitions**

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The following definitions apply to this Part:

"Access" means the allowance or liberty to make use of publications deposited in a depository or exchange library.

"Depositories" means those libraries and/or resource centers that have Illinois publications deposited in their collections for citizen availability by agreement with the Secretary of State.

"Electronic depository" means the depository that provides permanent public access to publications of the State of Illinois in an electronic format.

"Ephemeral material" means any material that is of a short duration, for example, an announcement of a conference or seminar, applications and forms.

"Exchange libraries" means those libraries with which the Secretary of State has an agreement whereby each library exchanges publications, of its respective state.

"File transfer protocol" (FTP) means the process by which State agencies submit electronic versions of published materials to the Illinois State Library.

"ILLINET" means the Illinois Library and Information Network.

"Metadata" means structured information that describes content, origin, format and other key characteristics of data for the purpose of information management.

"Metadata generator" means the Web-based resource used by State agencies to submit URLs, metadata and electronic versions of published materials to the Illinois State Library.

"Microforms" means any medium bearing microimages, such as microfiche or microfilm.

"Publications" means all formats of media, including microforms, recordings, and other printed material paid for in whole or in part by funds appropriated by the General Assembly or issued at the request of a State agency, excepting however, correspondence, interoffice memoranda, and confidential publications.

Publications to be deposited with the Illinois State Library and the electronic

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depository include, but are not limited to, the following:

Annual Reports  
Bulletins/Circulars  
Handbooks/Manuals  
Laws/Rules/Decisions  
Maps/Charts  
Newsletters  
Pamphlets/Brochures/Fact Sheets  
Press Releases Issued by Constitutional Officers  
Technical/Research/Statistical Reports

"Published material" means publications in print and electronic formats duplicated by any means of duplication, including material ~~downloaded~~download from a publicly accessible electronic network.

"Recordings" means anything, other than printing on paper, on which sound or visual images have been recorded, including cassettes, records, slides, ~~or~~ films or electronic storage media.

"Secure transfer protocol" means the method for transfer of the deposited electronic files shall be as resistant as possible to corruption or outside interference to maintain the integrity of the file content.

"State agencies " means every State office, officer, department, division, section, unit, service, bureau, board, commission, committee, and subdivision thereof of all branches of the State government and which agencies expend appropriations of State funds, regardless of the amount. This includes state universities.

"Superseded material" means any publication cumulated in later issues, issued in later revised editions, or separates, replaced by final bound volumes.

"URL" or "(Uniform Resource Locator") means the address for a resource or site (usually a directory or file) on the World Wide Web and the convention that Web browsers use for locating files and other remote services.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3020.110 State Agency Publications~~Non-priced and Priced Publications~~**

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- a) Within 1 week after an agency ~~receives copies~~~~receipt~~ of publications it intends to issue, the ~~issuing~~ agency shall send 40 copies of all publications, priced and non-priced, to the Illinois Documents Section, Illinois State Library, ~~40 copies of all publications, priced and non-priced~~. Along with the publications, the issuing agency shall include information containing the address of the agency and, if applicable, the price of each item so that it may appear on the list of State of Illinois publications issued by the State Library.
- 1) In addition to the 40 copies submitted to the Illinois State Library, the agency shall submit to the Illinois State Library an electronic copy of the publication via the Illinois State Library's metadata generator using a secure transfer protocol.
  - 2) Submissions in the metadata generator will be deposited in the electronic depository.
  - 3) In some cases, the Illinois State Library may accept three copies of a publication in print instead of the 40 copies if an electronic version has been deposited.
  - 4) Electronic deposit is required for copyrighted and priced publications. Internet availability of copyrighted and priced publications will be determined by the depositing State agency.
- b) The issuing agency shall notify the Illinois State Library—~~Library Automation and Technology Division~~ of anthe electronic-only publication by submitting the ~~URL of the~~ publication and metadata describing the publication to the electronic depository via the Illinois State Library's metadata generator.
- c) One electronic copy~~If the issuing agency does not submit a URL, it shall be provided to submit through file transfer protocol (FTP) to~~ the Illinois State Library ~~one electronic version~~ of all published materials as defined in this Part in a format acceptable to the Illinois State Library, including, but not limited to, the following:
- 1) Microsoft Office file
  - 2) Plain text file

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- 3) Adobe Acrobat
  - 4) Video (mpeg) or sound (wav)
  - 5) [Image files \(JPEG, TIFF\)](#)
  - 6) Formats in compliance with the Illinois Web Accessibility Standards (produced by the Illinois Technology Office, 2½ State House, Springfield IL 62706)
- d) In formats where applicable, electronic-only publications shall include metadata embedded in the file [posted on a publicly accessible network as submitted to the electronic depository](#) via the Illinois State Library's metadata generator.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3020.120 State University Publications [and Presses](#)**

- a) Within one week after [a Statestate](#) university ~~receives receipt of~~ publications [it intends to issue](#), [the university shall deposit](#) three copies of all ~~state university publications~~, priced and non-priced [university publications](#), and two copies of all publications published by the university presses, ~~shall be deposited~~ with the Illinois Documents Section. ~~The, along with the~~ address of the issuing [State university agency](#) and the price of the publications [shall accompany the materials](#).
- 1) [In addition to three copies of university publications or two copies of university press publications submitted to the Illinois State Library, the State university shall submit to the Illinois State Library an electronic copy of the publication via the Illinois State Library's metadata generator using a secure transfer protocol.](#)
  - 2) [Submissions in the metadata generator will be deposited in the electronic depository.](#)
  - 3) [Electronic deposit is required for copyrighted and priced publications. Internet availability of the publication will be determined by the depositing State university.](#)

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- b) The issuing agency shall notify the Illinois State Library ~~—Library Automation and Technology Division~~ of ~~an~~the electronic-only publication ~~by submitting the URL of the~~ publication and metadata describing the publication ~~to the electronic depository~~ via the Illinois State Library's metadata generator.
- c) ~~One electronic copy~~~~If the issuing agency does not submit a URL, it shall be provided to~~provide the Illinois State Library ~~with one electronic copy~~ of all published materials as defined in this Part in a format acceptable to the Illinois State Library as indicated in Section 3020.110(c) of this Part.
- d) In formats where applicable, electronic-only publications shall include metadata embedded in the file ~~posted on a publicly accessible network as submitted~~ via the Illinois State Library's metadata generator.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3020.140 Excess Copies (Repealed)**

~~The Illinois Documents Section will distribute copies of agency publications to ILLINET libraries when requested to do so by the agency provided that the Illinois Documents Coordinator and the consultant for ILLINET libraries determine that there is citizen interest in the publications and the Intersystem Library Delivery Service is capable of delivering the publication to the libraries. Capability is determined by the amount and size of the publication.~~

(Source: Repealed at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: DEPOSITORY LIBRARIES

**Section 3020.200 Designation of Depositories**

- a) All libraries serving as depositories or exchange libraries as of December 27, 1983, shall continue in that status, unless ~~that~~sueh status is terminated according to the provisions of Section 3020.240. The Director of the Illinois State Library shall designate which institutions shall replace depositories or exchange libraries for Illinois publications.
- b) Designation of depositories shall be based on the institution's ability to provide access to the material to the public, the ~~institution's~~institutions interest in the publications of the State of Illinois, and the institution's geographic location. The

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Director shall give priority to libraries in the same library system as the terminating depository. If no qualified library in the same geographic area desires depository status, the priority will be given to a qualified library in the same geographical area as the terminating depository.

- c) Priority for the replacement of an exchange library shall be given to a state library, based on that state's similarity to Illinois in terms of industry and demographic factors, and the library's interest in Illinois publications. If no qualified state library desires exchange status, the priority will be given to an institution expressing an interest in Illinois publications.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3020.210 Retention and Disposal of Publications~~Documents~~**

- a) The Illinois State Library shall keep all depository materials indefinitely, except for ephemeral materials. The Illinois State Library shall retain one copy of superseded material. The Illinois State Library shall retain ownership of Illinois publications deposited in its depository and exchange libraries.
- b) Each depository must keep all publications received for seven years. At the end of that time, a depository may send a list of unneeded publications to the Illinois Documents Coordinator, Illinois State Library, Gwendolyn Brooks Building, 300 South Second, Springfield IL 62701-1796, who will circulate the list to other depository libraries for their selection. If other libraries request any publications on the list, the discarding library will forward the publications to them, by the least expensive method, at the selecting library's expense. Publications not selected by other depositories may be disposed of or destroyed.
- c) A depository may discard a publication that is published in a tangible format and deposited in the electronic depository if it retains the tangible format for the current and previous year.
- d) A depository is permitted to replace tangible versions with electronic equivalents of publications provided the electronic version is complete and permanently accessible. The Illinois State Library will provide a list on its website of titles that meet these requirements.

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~~The Illinois State Library shall retain ownership of Illinois documents deposited in its depository and exchange libraries. The depository must keep all documents received for seven years. At the end of that time, it may send a list of unneeded documents to the Illinois Documents Coordinator, Illinois State Library, 300 South Second, Springfield IL 62701-1796, who will circulate the list to other depository libraries for their selection. If other libraries request any documents on the list, the discarding library will forward the documents to them, by the least expensive method, at the selecting library's expense. Documents not selected by other depositories may be destroyed or otherwise disposed of. The Illinois State Library, shall keep all depository documents indefinitely, including ephemeral materials, except for superseded items.~~

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3020.220 Citizen Access to Publications**

- a) The depository library must make reference service available not only to the library's primary users but to all Illinois citizens. Cataloging of the publications, except for ephemera, documents is required in order to make State publicationsdocuments easily accessible and retrievable.
- b) Depository libraries shall permit all Illinois citizens access to the depository publicationsdocuments in their collection. Access is "adequate" if it meets the following standards: Non-circulating material and circulating material that is not currently charged to a patron will be made available within 48 hours after a citizen request; circulating material that is currently charged to a patron will be made available to fill a citizen request within 24 hours after its return to the depository library.
- c) The Illinois State Library shall work with issuing State agencies to make published materials available to the public, by means of access, by way of the largest nonproprietary nonprofit cooperative public computer network [15 ILCS 320/7].

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3020.230 Inspection of Depositories**

- a) The Director of the Illinois State Library, or a designated representative, shall visit and inspect the depositories every five years to assure the State Library that the depository is providing public access to and adequate maintenance of the



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publications. Maintenance is adequate if it does not contribute to the physical deterioration of the deposited material.

- b) The Director of the [Illinois](#) State Library shall also receive, in conjunction with the inspections, written reports from the depository libraries containing the program of administration for access and maintenance of the publications. The written report shall include information concerning library personnel, depository publication statistics, circulating rules, cataloging and processing procedures, and equipment and storage facilities.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1540.90	Amendment
1540.270	Amendment
- 4) Statutory Authority: 40 ILCS 5/Art. 14 and 5 ILCS 120/2.01 and 7
- 5) A Complete Description of the Subjects and Issues Involved: Section 1540.90(c)(4)(D) is being amended to reflect the effective date of this Section change.

Section 1540.270 is being amended to reflect the option of video or audio conferencing of depositions before the Executive Committee.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The rulemaking will not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Tim Blair  
Acting Executive Secretary  
2101 South Veterans Parkway  
P.O. Box 19255

217/785-7016

- 12) Initial Regulatory Flexibility Analysis:

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- 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
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: SERS recently completed a review of our rules and found these items need modification.

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

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## PART 1540

THE ADMINISTRATION AND OPERATION OF THE  
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## Section

1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal from the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions by the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments
1540.320	Optional Forms of Benefits – Basis of Computation
1540.330	Board Elections
1540.340	Excess Benefit Arrangement
1540.350	Qualified Illinois Domestic Relations Orders (QILDRO)
1540.TABLE A	Optional Forms of Benefits – Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 22, 2002; emergency amendment at 28 Ill. Reg. 8775, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005; amended at 30 Ill. Reg. 12303, effective July 1, 2006; amended at 31 Ill. Reg. 211, effective December 21, 2006; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1540.90 Benefit Offset**

- a) Occupational Disability and Occupational Death  
Benefits received under Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Diseases Act [820 ILCS 310] with respect to disability or death of a member shall be applied as an offset against any occupational disability or death benefit provided under the Retirement System with respect to the same disability or death. The Workers' Compensation average weekly wage will be converted to a monthly rate for use as an offset to the Retirement System monthly benefit.
  - 1) If the amount of compensation received is less than the monthly benefit provided under the Pension Code, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the Retirement System, subject, in the case of occupational death, to any minimum benefit provided by Section 14-103.18 and Section 14-121(h) of the Pension Code. If the amount of compensation received equals or exceeds the monthly benefit provided under the Pension Code, no benefit shall be payable by the Retirement System during the period compensation is paid under the Workers' Compensation Act or Workers' Occupational Diseases Act.
  - 2) If the compensation for disability or death is received in a commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the Retirement System shall, for offset purposes, consider the compensation as if it had been paid using the average weekly wage as prescribed under the Workers' Compensation Act or Workers' Occupational Diseases Act. Salary or wages paid beyond date of disability shall not be considered part of the Workers' Compensation offset.
  - 3) In the event the whole or any part of the benefits received under the Workers' Compensation Act or Workers' Occupational Diseases Act is

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

- 4) No such offset or compensation shall be made after retirement of a member of a retirement annuity.
- 5) The amount considered for offset purposes shall be reduced by any legal expenses granted in the award.
- 6) No offset shall be made with respect to amounts received or paid under the Workers' Compensation Act or Workers' Occupational Diseases Act for medical, hospital, or burial expenses.
- 7) That portion of the occupational death benefit consisting of accumulated contributions of a member shall not be subject to any offset mentioned in this section.
- 8) The termination of death benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act due to remarriage of the benefit recipient shall cause the offset to the Occupational Death Benefit applicable to the remarried benefit recipient to terminate effective with the last month of eligibility represented in the final benefit payment under the Workers' Compensation Act or Workers' Occupational Diseases Act.
- 9) In those cases where the injury or death, for which an occupational disability or death benefit is payable, creates a legal liability for damages on the part of some person other than the employer to pay damages, the Workers' Compensation offset shall be applied as follows:
  - A) Any amounts paid under the Workers' Compensation Act or Workers' Occupational Diseases Act are subject to the offset provisions of Article 14 of the Pension Code [40 ILCS 5/Art. 14] and this Part, even though such amounts are recoverable under the subrogation Section 5(b) of the Workers' Compensation Act.
  - B) In the event that benefits due under the Workers' Compensation Act or Workers' Occupational Diseases Act are commuted into one sum or waived in lieu of the member seeking recovery against a

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third party, the System shall use the amount of any judgment, settlement or payment for such injury by the third party as a credit against any benefits paid or payable by the System.

- 10) Any periods of disability for which payment under the Workers' Compensation Act is denied due to the failure of the individual to comply with that Act which result in a period of noncompensability under the Workers' Compensation Act will not be considered for Occupational Disability until the entire Workers' Compensation case has been finalized through the Illinois [Workers' Compensation](#)~~Industrial~~ Commission.
- b) Nonoccupational Disability and Temporary Disability
- 1) The nonoccupational and temporary disability benefit payable to a covered member shall be offset before age 65 by the amount of Social Security disability benefit payable prior to the member attaining age 65 and after age 65 by the amount of the Social Security retirement benefit for which the individual is first eligible on or after attaining age 65 less legal expenses paid by the member to obtain the award up to the maximum allowed by the Social Security Administration.
  - 2) The Social Security retirement benefit offset will be applied as follows at age 65:
    - A) For a disability benefit recipient who received Social Security disability benefits before age 65, the Social Security disability benefit payment applied as the offset prior to age 65 will remain in effect as the Social Security retirement benefit offset on or after age 65.
    - B) For a disability benefit recipient who did not receive Social Security disability benefits before age 65, the Social Security disability benefit amount that would have been payable by the Social Security Administration had the disability benefit recipient been disabled for the purpose of Social Security will be used as the Social Security retirement benefit offset at age 65 regardless of acceptance of a Social Security retirement benefit before age 65.
    - C) When a Social Security disability benefit amount is not provided



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by the Social Security Administration because the individual is not eligible for a disability benefit for a reason other than not being disabled, the Social Security retirement benefit determined at the date of disability for which the individual is eligible at age 65 will be used for offset purposes at age 65.

- 3) Disability benefits commencing after age 65 will be offset by Social Security retirement benefits for which the individual is eligible on the commencement of disability.
- c) Widow's and Survivor's Annuities
- 1) When a monthly widow's or survivor's annuity is approved on account of a covered employee, the annuity shall be reduced by one-half of any Social Security survivor's benefits for which all beneficiaries included in the widow's or survivor's annuity are eligible. The offset shall not reduce any survivor's or widow's benefit by more than 50 percent.
  - 2) The reduction will commence on the date the beneficiaries first become eligible to receive any portion of the Social Security benefit, regardless of whether the beneficiaries elect to accept the Social Security benefit on that date, or if the beneficiaries' own earnings preclude payment of Social Security survivor's benefits.
  - 3) If, at the time the offset is to be commenced:
    - A) the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount, ~~that such~~ amount shall be deducted from the amount of survivor's benefit payable by Social Security and the offset computed on the difference;
    - B) the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount and a governmental pension offset would have been applied to the Social Security survivor's benefit, ~~that such~~ amount shall be deducted from the amount of the survivor's benefit payable by Social Security and the offset computed on the difference.
  - 4) The Social Security reduction amount once established shall remain

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constant except for the following conditions:

- A) If a survivor under age 50 previously receiving the survivor's benefit because of minor children becomes a deferred annuitant then the offset amount will be recomputed when he or she first becomes eligible for Social Security survivor's benefits. The offset amount will be based on the original widow's Social Security survivor's amount ignoring subsequent increases to the deceased's Primary Insurance Amount. The recomputed offset amount shall be the balance of the Social Security survivor's benefit minus the governmental pension offset, if any.
- B) The offset amount will be adjusted when a child is removed from consideration for the System's annuity.
- C) The offset amount will be adjusted when any benefit recipients become ineligible for Social Security benefits.
- D) For deaths on or after July 1, 1990~~the effective date of this Section~~ change, if a survivor under age 62 previously receiving the survivor's benefit becomes eligible to receive a monthly benefit amount based on a Primary Insurance Amount on his or her own record, then the offset will be recomputed when he or she first becomes eligible to receive his or her own Primary Insurance Amount. The offset amount will be based on the estimated widow's or widower's Social Security survivor's amount determined at the date of death of the member less the estimated monthly benefit amount based on the Primary Insurance Amount of the survivor determined at the date of death of member, and the government pension offset, if any, ignoring any subsequent increases to the deceased Primary Insurance Amount or the survivor's Primary Insurance Amount. The monthly benefit amount based on the primary insurance amount of the survivor shall be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement, including any adjustment due to the application of the Windfall Elimination Provision.

d) Retirement Annuity

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Pursuant to Section 14-108(f) of the Pension Code, for members under age 65, the primary insurance benefit payable to the member upon attainment of age 65 shall, at the date of acceptance of a retirement annuity, be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement, including any adjustments due to the application of the Windfall Elimination Provision. For members over age 65, the primary insurance benefit shall be the amount of Social Security benefits payable at the date of retirement with the State Employees' Retirement System.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1540.270 Written Appeals and Hearings**

## a) Purpose of Rule-

All claims for benefits payable by the System, all claims for service credits granted by the System and all denials of benefits by the System shall be reviewed by the Executive Committee, which shall make recommendations for the initial disposition of the claim to the Board of Trustees who shall make the final decision. An individual may have the initial disposition of a claim reconsidered either at a hearing before the Executive Committee or by filing a Written Appeal with the Executive Committee.

## b) Definition of Terms

"Authorized Representative" – a person representing a Petitioner in a written appeal~~Written Appeal~~ or hearing~~Hearing~~.

"Examiner" – the Chairman of the Executive Committee or other officer of the State Employees' Retirement System or person designated by the Board of Trustees to conduct administrative hearings.

"Hearing" – the reconsideration by the Executive Committee of the initial disposition of a claim, at which the Petitioner appears in person or by an Authorized Representative, either at the hearing or by video or audio conference.

"Legal Action" - any action, following the final denial by the Board of Trustees, in which a member is seeking relief in State or Federal Court for a disputed claim.

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"Petition" – a written request made by a Petitioner or Authorized Representative for a [hearingHearing](#), a [written appealWritten Appeal](#), a [rehearingRehearing](#), or a [written reappealWritten Reappeal](#) before the Executive Committee.

"Petitioner" – an individual who requests by [Petition](#):

a [hearingHearing](#) or a [written appealWritten Appeal](#) before the Executive Committee for reconsideration of the initial disposition of a claim; or

a [rehearingRehearing](#) or [written reappealWritten Reappeal](#) before the Executive Committee for reconsideration of the disposition of a [hearingHearing](#) or [written appealWritten Appeal](#).

"Rehearing" – the reconsideration by the Executive Committee of the disposition of a [hearingHearing](#) or [written appealWritten Appeal](#), at which the Petitioner appears in person or by an Authorized Representative, [either at the hearing or by video or audio conference](#).

"System" – the State Employees' Retirement System of Illinois.

["Video or Audio Conference" – hearing or rehearing before the Executive Committee for which the Petitioner or Authorized Representative is not physically present and the proceeding before the Executive Committee is conducted through Polycom VSX™ 7000s video and audio technology.](#)

"Written Appeal" – the reconsideration by the Executive Committee, based upon written evidence, of the initial disposition of a Petitioner's claim, at which the Petitioner does not appear either in person or by an Authorized Representative.

"Written Reappeal" – the reconsideration by the Executive Committee, based upon written evidence, of the disposition of a [hearingHearing](#) or [written appealWritten Appeal](#), at which the Petitioner does not appear either in person or by an Authorized Representative.

- c) Written Appeals to Executive Committee

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- 1) Communication to Executive Committee  
All Petitions for Written Appeal shall be directed to the Executive Secretary of the System at its Springfield Office and must be received within 30 days following the notification of the initial disposition of the claim.
- 2) Form of Written Appeal  
A Petition for a Written Appeal shall set forth the name and address of the Petitioner, the name and address of his Authorized Representative if applicable, a brief statement of the facts forming the basis of [the written appeals](#)~~such Written Appeal~~, which must include any new or additional evidence, and the relief sought.
- 3) Disposition of Written Appeal
  - A) The Executive Committee shall consider [written appeals](#)~~Written Appeals~~ at the next regular meeting of the Executive Committee more than 15 days after the receipt of the Petition.
  - B) Following the [written appeal](#)~~Written Appeal~~ and the receipt of all supplemental material requested, the recommendation of the Executive Committee shall be communicated in writing to the Petitioner and ~~his~~ Authorized Representative, if applicable, and the appropriate action shall be implemented by the Executive Committee subject to the approval of the Board of Trustees.
- 4) Continuances and Extensions of Time  
Continuances and [extensions](#)~~Extensions~~ of time shall be granted by the Executive Committee or the Examiner when it is demonstrated that obtaining and presenting additional evidence is necessary to render a fair and equitable decision on the written appeal before the Committee.
- 5) Minutes and Records of Written Appeals
  - A) Minutes of every meeting of the Executive Committee and a record of all [written appeals](#)~~Written Appeals~~ before the Executive Committee shall be kept by the Executive Secretary of the System at its Springfield Office.

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B) The Executive Secretary of the System shall be the official custodian of all papers and documents filed in proceedings before the Executive Committee.

d) Hearings Before the Executive Committee

1) Communication to the Executive Committee

All Petitions for Hearings shall be made to the Executive Secretary of the System at its Springfield Office and must be received within 30 days following the notification of the initial disposition of the claim.

2) Appearance

Any Petitioner or Authorized Representative may appear at a [hearingHearing](#) before the Executive Committee, [either in person or by video or audio conference](#).

3) Form of Petition

Petitions may be informal or formal and shall be presented by letter or other writing. A petition shall set forth the name and address of the Petitioner, the name and address of the Authorized Representative, if applicable, a brief statement of the facts forming the basis of [the petition](#)~~sueh Petition~~, which must include any new or additional evidence and the relief sought.

4) Prehearing Conferences

A) Upon written request by the Executive Committee or a Petitioner or ~~his~~ Authorized Representative, a conference shall be conducted for the purpose of formulating issues and considering:

i) The simplification of issues;

ii) The amendment of pleadings;

iii) The making of admissions of facts or stipulations for the purpose of avoiding the unnecessary introduction of evidence;

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- iv) The procedure at the hearing;
  - v) The limitation of the number of witnesses; and
  - vi) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- B) The persons attending the prehearing conference may enter into a written stipulation as to matters decided in the prehearing conference.
- C) Facts disclosed in the course of the prehearing conferences are privileged and, except by agreement, shall not be used against the Petitioner or any other party attending the prehearing conference either before the Executive Committee or elsewhere unless fully substantiated by other evidence.
- 5) Conduct of Hearings
- A) Hearings shall be conducted before the Executive Committee by the Examiner and shall be of an informal nature.
  - B) The Examiner shall direct all parties to enter their appearances on the record.
  - C) Parties may, by written stipulation, agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding.
  - D) Irrelevant material or unduly repetitious evidence shall be excluded.
- 6) Documentary Evidence
- Whenever possible, documents and exhibits shall be introduced by stipulation of the parties. Originals of documents shall be introduced into evidence with leave of the Examiner to substitute the originals with copies. Whenever possible, the parties shall interchange copies of exhibits or other pertinent material before the hearing at which they are to be offered.

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- 7) Briefs and Oral Arguments  
Written briefs and oral arguments shall be allowed at the request of the Petitioner. The time limitations upon the oral argument shall be determined by the Examiner having regard to the magnitude and complexity of the issues involved and the other business of the Executive Committee.
- 8) Disposition of Hearing  
Following the hearing and receipt of all supplemental material requested, the Executive Committee, following its next scheduled meeting, shall communicate its recommendation in writing to the Petitioner and ~~his~~ Authorized Representative, if applicable. ~~The~~~~Such~~ recommendation shall contain a sufficient statement of the facts, all necessary findings of fact and conclusions of law, ~~and a paragraph or paragraphs containing~~ a suggested decision or decisions of the Board of Trustees. ~~The, and the~~ appropriate action shall be implemented by the Executive Committee subject to the approval of the Board of Trustees.
- 9) Continuances and Extensions of Time  
Continuances and extensions of time shall be granted by the Executive Committee or the Examiner when it is demonstrated that obtaining and presenting additional evidence or witnesses is necessary to render a fair and equitable decision on the hearing before the Committee.
- 10) Minutes and Record of Hearing
  - A) Minutes of every meeting of the Executive Committee and a record of all hearings before the Executive Committee shall be kept by the Executive Secretary of the System at its Springfield Office.
  - B) A bystander's record of all hearings shall be prepared by the Executive Committee and shall include the substantive matters of the hearing, but shall not purport to be a verbatim transcript of the proceedings. The record shall be available to the Petitioner or ~~his~~ Authorized Representative prior to the Executive Committee making its recommendations.
  - C) The Executive Secretary of the System shall be the official



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custodian of all papers and documents filed in proceedings before the Executive Committee.

- e) Rehearings and Written Reappeals
- 1) Purpose of Rehearing and Written Reappeal  
The Executive Committee shall grant a ~~rehearing~~Rehearing or ~~written reappeal~~Written Reappeal only for the purpose of considering new or additional evidence not previously available.
  - 2) Procedures for Rehearing  
The procedures set forth in subsection (d) (Hearings Before the Executive Committee) ~~hereof~~ shall apply to ~~rehearings~~Rehearings, except that a Petition for a Rehearing must be received within 90 days following the notification of the final decision of the Board of Trustees with respect to the recommendation of the Executive Committee.
  - 3) Procedures for Written Reappeal  
The procedures set forth in subsection (c) (Written Appeals to Executive Committee) ~~hereof~~ shall apply to ~~written reappeals~~Written Reappeals, except that a Petition for a Written Reappeal must be received within 90 days following the notification of the final decision of the Board of Trustees with respect to the recommendation of the Executive Committee.
- f) Decisions of Board of Trustees
- 1) Decisions of the Board of Trustees shall be final administrative decisions subject to the provisions of the Administrative Review Law ~~[735 ILCS 5/Art. III](Ill. Rev. Stat. 1983, ch. 110, pars. 3-101 et seq., as amended)~~.
  - 2) Communication to Petitioner  
The decision of the Board of Trustees shall be communicated in writing to the Petitioner and ~~his~~ Authorized Representative, if applicable.
- g) A request for a retirement annuity or a refund of contributions shall be granted when legal action is pending on a disputed disability claim. Should the member receive a favorable decision on the legal action against the System and request additional disability benefits with regard to the disputed claim for a period beyond the effective date the retirement annuity or refund of contributions, ~~the member~~he

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must repay all retirement benefits or refund of contributions within 30 days  
| [after](#) notification by the System of the amount due.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Child Care
  - 2) Code Citation: 89 Ill. Adm. Code 50
  - 3) Section Number: 50.230                      Adopted Action:  
Amendment
  - 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 11-12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]
  - 5) Effective date of Amendment: June 20, 2008
  - 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) Notice of proposal published in the Illinois Register: August 3, 2007; 31 Ill. Reg. 11018
  - 10) Has JCAR issued a Statement of Objection to this rulemaking? No
  - 11) Differences between proposal and final version: No substantive changes were made to the text of the proposed rulemaking.
  - 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
  - 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
  - 14) Are there any amendments pending on this Part? Yes
- |                                  |                                      |   |
|----------------------------------|--------------------------------------|---|
| <u>Section Number:</u><br>50.230 | <u>Proposed Action:</u><br>Amendment | <u>Illinois Register Citation:</u><br>April 18, 2008; 32 Ill. Reg. 6436 |
|----------------------------------|--------------------------------------|---|
- 15) Summary and purpose of rulemaking: Pursuant to a recommendation from the Program Accountability and Efficiencies Workgroup, this rulemaking reduces the work requirement for families who do not receive TANF and need child care services in order

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to attend post-secondary education or training programs. This rulemaking also adds a grade point average requirement to reflect current Department policy.

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

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50  
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section	
50.410	Provider Eligibility
50.420	Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

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## Section

50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008.

## SUBPART B: APPLICABILITY

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**Section 50.230 Child Care Eligibility**

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
- b) Parents and other relatives eligible to receive child care services include:
- 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the monthly income ceilings in subsection (b)(2) of this Section.
  - 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size:

Family Size	Gross Monthly Income
2	\$2,111
3	\$2,648
4	\$3,184
5	\$3,721
6	\$4,257
7	\$4,794
8	\$5,330

The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current federal poverty level or each family size.

- 3) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first [Associate's](#) Degree and/or the first Bachelor's Degree) whose

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monthly income does not exceed the monthly income ceilings in subsection (b)(2) of this Section. ~~Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services approved under this Part must be~~ shall ~~be available during time periods that are~~ reasonably related to the following activities performed outside the home: ~~paid work, self-employment and~~ education or training activity, including class hours and research, study, laboratory, library and transportation time, and unpaid educationally required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income, when added to the income of the other person, does not exceed the monthly income ceiling in subsection (b)(2) of this Section for that family size. All education programs under this Part must be administered by an educational institution accredited under requirements of State law, including, but not limited to, the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410], the Real Estate Act of 2000 [225 ILCS 454], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State University Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690], or the Department of Financial and Professional Regulation.



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A) Below Post-Secondary Education Eligibility and Participation Requirements

This category of education includes literacy and other adult basic education, English as a Second Language, and GED preparation programs. There is no work requirement for the first 24 non-consecutive months the client participates. From the 25<sup>th</sup> month on, the client must work at least 20 hours per week. Child care provided to a teen parent to obtain a high school diploma or its equivalent does not count against this 24-month limit. Individuals enrolled in below post-secondary education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

B) Vocational Education Eligibility and Participation Requirements

This category of education prepares the individual for a specific job, and includes all programs that prepare the client for a specific type of work. The program may be offered by a public community college, public or private university, or private business/technical school. The program usually results in the receipt of a Certificate of Achievement or Completion and/or prepares the client for a specific job or to obtain a license required by some occupations. There is no work requirement for the first 24 non-consecutive months the client participates. From the 25<sup>th</sup> month on, the client must work at least 20 hours per week. Individuals enrolled in vocational education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of

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satisfactory progress must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

C) Post-Secondary Education

This category of education includes all undergraduate college level courses that result in an Associate's or Bachelor's Degree. Families eligible to receive child care services while they attend an education or training program under this Section must:

- i) be enrolled in a program accredited under requirements of State law as stated in subsection (b)(3) of this Section.
- ii) not already have an Associate's or Bachelor's Degree, if requesting child care to earn an Associate's Degree. Child care will not be approved for attainment of a second Associate's Degree.
- iii) not already have a Bachelor's Degree, if requesting child care to earn a Bachelor's Degree. Child care will not be approved for attainment of a second Bachelor's Degree.
- iv) not be in an advanced degree program (beyond a Bachelor's Degree). Child care will not be approved for education beyond the attainment of a Bachelor's Degree.

There is no work requirement for the first 48 non-consecutive months the client participates. From the 49<sup>th</sup> month on, the client must work at least 20 hours per week. Clients who do not work and who need child care to attend college must maintain a cumulative 2.5 grade point average (on a 4.0 scale) if this measurement is used by the institution to determine satisfactory progress. Clients who work 20 hours or more per week in paid employment while they attend college must maintain a cumulative 2.0 GPA (on a 4.0 scale). In the absence of a GPA, satisfactory progress will be determined by the written policy of the institution. The determination of satisfactory progress, including test/retest results or GPA, must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months. If

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the client's cumulative GPA falls below 2.5 or 2.0 for those students who work or at any time the client does not maintain satisfactory progress, the client may continue to go to school for another semester. If the cumulative GPA is below 2.5 or 2.0 two semesters in a row, the client will be ineligible for child care until his or her GPA is at or above 2.5 or 2.0.

D) For child care services received under education/training, a parent enrolled in web-based courses or correspondence learning from an accredited university or college is only eligible for child care assistance if both of the following are met:

i) The class is offered only at a regularly scheduled time (i.e., 11:00 a.m. every Monday and Wednesday) or the parent must leave the home to have access to a computer. Web-based classes that the parent may take at any time do not fit this criteria.

ii) The child or children for whom care is requested must be under the age of six, except during the summer or school breaks. Care shall not be authorized during the hours the child is in school or is home schooled, or if the child is in a two-parent family when the other parent is available to care for the child.

E) Study Time  
Child care services may be granted for up to one hour of study time per week for each hour of course credit. When possible, study periods should be arranged around regularly scheduled classes in order to provide a consistent and uninterrupted routine for children in care. Study time shall not be granted to add additional days of care.

4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.

c) All families must be residents of Illinois.

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- d) Payment for child care services to eligible parents may begin:
- 1) if care was provided at the time and all eligibility factors are met, on either:
    - A) the date of the parent's signature; or
    - B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or
  - 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.
- e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended at 32 Ill. Reg. 9604, effective June 20, 2008)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
117.12	Amendment
117.13	Amendment
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13]
- 5) Effective date of Amendments: June 23, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: November 9, 2007; 31 Ill. Reg. 14998
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 117.13 (a)(3), "will" was replaced by "shall contact the Client Help Desk toll-free at (800) 678-5465, by TTY at (877) 765-3459 or via the internet at <http://www.Link.Illinois.gov>".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking revises the process for client training for Link Electronic Benefits Transfer (EBT) cards and issuing replacement Link cards. To further the goal of "online not in line", the Department will provide a brochure

## DEPARTMENT OF HUMAN SERVICES

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explaining the Link card instead of requiring a person to come in to the local office and view a training video. In addition, clients will now be able to contact the Link Help Desk to request a replacement Link card instead of having to make a trip to their local office.

Companion amendments are also being adopted in 89 Ill. Adm. Code 121.

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

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

217/785-9772

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 117  
RELATED PROGRAM PROVISIONS

## Section

117.1	Incorporation By Reference
117.10	Payee for Financial Assistance
117.11	Issuance of Cash Assistance Benefits
117.12	Client Training <a href="#">Brochure</a> for the Electronic Benefits Transfer (EBT) System
117.13	Replacement of the EBT Card
117.15	Reinstatement Upon Cooperation
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance – Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care – TANF, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match
117.91	New Hire Match
117.92	Electronic Finger Imaging

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

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985;

## DEPARTMENT OF HUMAN SERVICES

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amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; emergency amendment at 24 Ill. Reg. 6723, effective April 14, 2000, for maximum of 150 days; amended at 24 Ill. Reg. 13422, effective August 18, 2000; amended at 24 Ill. Reg. 16305, effective October 17, 2000; amended at 27 Ill. Reg. 14028, effective August 7, 2003; amended at 30 Ill. Reg. 11549, effective June 20, 2006; amended at 32 Ill. Reg. 9614, effective June 23, 2008.

**Section 117.12 Client Training Brochure for the Electronic Benefits Transfer (EBT) System**

- a) A Client Training Brochure Clients will be provided to all cash and food stamp applicantstrained on the use of the EBT system and EBT card prior to receipt of benefits via EBT.
- b) Clients will be provided instructions includingtraining and materials related, but not limited to:
  - 1) the appropriate use and security of the EBT card and Personal



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Identification Number (PIN);

- 2) client liabilities for benefit loss;
- 3) information on transaction limitations and charges;
- 4) client responsibility for reporting loss or theft of the EBT card and to whom and how such reports should be made;
- 5) information on the services available from the Client [Help Desk Helpline Number](#);
- 6) proper care and protection of the EBT card;
- 7) replacement card policy; and
- 8) how to report problems with the EBT card or EBT system equipment.

(Source: Amended at 32 Ill. Reg. 9614, effective June 23, 2008)

**Section 117.13 Replacement of the EBT Card**

- a) Replacement of the EBT Card
  - 1) The EBT card (benefit access device) will be replaced if lost, stolen or damaged.
  - 2) The loss, theft or damage of the EBT card must be immediately reported to the EBT contractor.
  - 3) The client [shall contact the Client Help Desk toll-free at \(800\)678-5465, by TTY at \(877\)765-3459 or via the internet at <http://www.Link.Illinois.gov> will go to the local public assistance office](#) for replacement of the EBT card and selection of a new Personal Identification Number (PIN). [A replacement card may be issued by the local office with administrative approval.](#)
  - 4) Administrative remedies, as described in subsection (b) of this Section, may be imposed following the loss, theft or damage of the EBT card or the

## DEPARTMENT OF HUMAN SERVICES

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loss of assistance benefits.

b) Administrative Remedies

The Department may employ any of the administrative remedies listed in this subsection (b) to deter multiple claims of benefit loss or multiple EBT card replacements, subject to notice to and appeal by the client. Which remedy would be applied will be determined by such elements as the type of situation that gives rise to the need for the remedy and the effectiveness of previously utilized remedies.

- ~~1) Retraining—The Department may require the client to attend and participate in additional EBT training. The emphasis in the training will be to reaffirm the client's responsibility in securing the EBT card and PIN and to ensure secure and responsible participation in the EBT system.~~
- 12) Charge for Replacement Card or Cards – The Department may assess a fee for replacement of the EBT card. Such fees may increase for subsequent replacement cards.
- 23) Telephone Approval – The Department may require the client to obtain time and amount-limited telephonic approval for use of the EBT card. The client would be required to place a call to the EBT contractor and positively identify himself or herself. The preauthorization would be time-limited and for a specific, preauthorized amount. The client would be able to use the card for a period of two hours or for some other time period designated by the Department. The amount of the transaction could not exceed the preauthorized amount and must be accomplished electronically (manual authorization or voucher processing). Key-entered transactions or exception processing may not be used.
- 34) Transaction Withdrawals – To assist a client in managing his or her funds or to reduce the potential for fraud, the Department may limit the amount of benefits that may be withdrawn or used per transaction per day. The amount would not exceed \$50.00 and may be lowered, as determined by the Department to be necessary under the individual circumstances.
- 45) Use of Specific Point-of-Sale (POS) Terminals – The Department may notify a client of restricted benefit access points available to the client. The client may be restricted to accessing benefits at one or two locations,

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designated by the Department. The merchant or retailer would have to obtain telephone authorization of the transaction. Use of exception processing or key-entered transactions would not be allowed. This determination can only be imposed for a period not to exceed 24 months and is designed to address situations of mismanagement, fraud, multiple replacement requests and intentional program violations.

[56](#)) Use of Specific Automated Teller Machine (ATM) Terminals – The Department may notify a client of restricted benefit access points available to the client. The client may be restricted to accessing benefits at one or two locations, designated by the Department. This determination can only be imposed for a period not to exceed 24 months and is designed to address situations of mismanagement, fraud, multiple replacement requests and intentional program violations.

[67](#)) Use of Protective or Alternate Payee – Repeated loss of the EBT card and PIN is a basis for a determination of client mismanagement and authorization of a Protective Payment Plan (PPP).

c) Other Remedies

The Department may use other remedies to reduce future claims and to address fraud, abuse, collusion or intentional program violations, as warranted by the individual case circumstances. Those remedies may include, but shall not be limited to:

- 1) disqualification;
- 2) penalties, fines and/or imprisonment consistent with federal and State law and regulations; and
- 3) referrals to federal law enforcement authorities, when appropriate.

(Source: Amended at 32 Ill. Reg. 9614, effective June 23, 2008)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.94	Amendment
121.98	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective date of Amendments: June 23, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: November 9, 2007; 31 Ill. Reg. 15005
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 121.94(a)(3), "will" was replaced by "shall contact the Client Help Desk toll-free at (800) 678-5465, by TTY at (877) 765-3459 or via the internet at <http://www.Link.Illinois.gov>".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.63	Amendment	February 15, 2008; 32 Ill. Reg. 2433

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- 15) Summary and purpose of rulemaking: This rulemaking revises the process for client training for Link Electronic Benefits (EBT) cards and issuing replacement Link cards. To further the goal of "online not in line", the Department will provide a brochure explaining the Link card instead of requiring a person to come in to the local office and view a training video. In addition, clients will now be able to contact the Link Help Desk to request a replacement Link card instead of having to make a trip to their local office.

Companion amendments are being adopted in 89 Ill. Adm. Code 117.

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

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

217/785-9772

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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## Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training [Brochure](#) for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM



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## Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

## Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

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- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008.

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

**Section 121.94 Replacement of the EBT Card or Food Stamp Benefits**

- a) Replacement of the EBT Card

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- 1) The EBT card (benefit access device) will be replaced if lost, stolen or damaged.
  - 2) The loss, theft or damage of the EBT card must be immediately reported to the EBT contractor.
  - 3) The client [shall contact the Client Help Desk toll-free at \(800\)678-5465](tel:8006785465), [by TTY at \(877\)765-3459](tel:8777653459) or [via the internet at http://www.Link.Illinois.gov](http://www.Link.Illinois.gov)~~will go to the local public assistance office~~ for replacement of the EBT card and selection of a Personal Identification Number (PIN). [A replacement card may be issued by the local office with administrative approval.](#)
  - 4) Administrative remedies, as described in subsection (d) of this Section, may be imposed following the loss, theft or damage of the EBT card or the loss of food stamp benefits.
- b) For households receiving food stamp benefits via the EBT system, lost benefits resulting from the loss or theft of the EBT card and PIN will not be replaced due to the client's mismanagement or presumed fraud, collusion or cooperation in fraud.
- c) For households receiving food stamp benefits via food stamp coupons not through the EBT system, the following rules will apply:
- 1) When a household reports the non-receipt of coupons issued through the mail, the Department shall authorize a replacement issuance only if the coupons were validly issued, the household has not been issued more than one replacement in the previous five months and if sufficient time, up to five post office working days, has elapsed for delivery. The replacement coupons will be sent to the local office address and thereafter, for the next two months following the replacement, each month's regular issuance of coupons will be sent to the local office address.
  - 2) Replacement coupons shall not be issued when a participant claims that the envelope received in the mail contained less than the authorized allotment unless the coupon loss was due to damage in the mail before delivery or the Direct Mail Issuance Center inventory is incorrect. Additionally, replacement coupons shall not be issued for coupons that are

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received but subsequently are lost or misplaced.

- 3) If a household requests replacement of food stamp coupons which were received by the household but which were improperly manufactured or were subsequently damaged or mutilated, the Section 121.94(c)(3) continued Department shall replace the coupons in an amount equal to the value of the improperly manufactured or mutilated coupons. A coupon cannot be replaced if less than three-fifths of the coupon is presented by the household.
- 4) If a household requests replacement of food stamp coupons which were received but subsequently destroyed in a household disaster and the request is made within ten days after the disaster, the Department shall replace the coupons in an amount not to exceed one month's worth of coupons within ten days after the date destruction was reported to the local office. The disaster must be verified. Replacement of destroyed coupons is limited to twice in a six-month period.
- 5) Replacement food stamp coupons shall not be issued for coupons that are lost, misplaced or stolen.

d) Administrative Remedies

The Department may employ any of the administrative remedies listed in this subsection (d) to deter multiple claims of benefit loss or multiple EBT card replacements, subject to notice to and appeal by the client. Which remedy would be applied will be determined by such elements as the type of situation that gives rise to the need for the remedy and the effectiveness of previously utilized remedies.

- ~~1)~~ ~~Retraining—The Department may require the client to attend and participate in additional EBT training. The emphasis in the training will be to reaffirm the client's responsibility in securing the EBT card and PIN and to ensure secure and responsible participation in the EBT system.~~
- 12) Charge for Replacement Card or Cards – The Department may assess a fee for replacement of the EBT card. Such fees may increase for subsequent replacement cards.
- 23) Telephone Approval – The Department may require the client to obtain

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time and amount-limited telephonic approval for use of the EBT card. The client would be required to place a call to the EBT contractor and positively identify himself or herself. The preauthorization would be time-limited and for a specific, preauthorized amount. The client would be able to use the card for a period of two hours or for some other period designated by the Department. The amount of the transaction could not exceed the preauthorized amount and must be accomplished electronically (manual authorization or voucher processing). Key-entered transactions or exception processing may not be used.

34) Transaction Withdrawals – To assist a client in managing his or her funds or to reduce the potential for fraud, the Department may limit the amount of benefits that may be withdrawn or used per transaction per day. The amount would not exceed \$50.00 and may be lowered, as determined by the Department to be necessary under the individual circumstances.

45) Use of Specific POS Terminals – The Department may notify a client that it has restricted benefit access points available to the client. The client may be restricted to accessing benefits at one or two locations, designated by the Department. The merchant or retailer would have to obtain telephone authorization of the transaction. Use of exception processing or key-entered transactions would not be allowed. This determination can only be imposed for a period not to exceed 24 months and is designed to address situations of mismanagement, fraud, multiple replacement requests and intentional program violations.

56) Use of Protective or Alternate Payee – Repeated loss of the EBT card and PIN is a basis for a determination of client mismanagement and authorization of a Protective Payment Plan (PPP).

e) Other Remedies

The Department may use other remedies to reduce future claims and to address fraud, abuse, collusion or intentional program violations, as warranted by the individual case circumstances. Those remedies may include, but shall not be limited to:

- 1) disqualification;
- 2) penalties, fines and/or imprisonment consistent with federal and State law



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and regulations; and

- 3) referrals to federal law enforcement authorities, when appropriate.

(Source: Amended at 32 Ill. Reg. 9621, effective June 23, 2008)

**Section 121.98 Client Training [Brochure](#) for the Electronic Benefits Transfer (EBT) System**

- a) [A Client Training Brochure](#) Clients will be [provided to all cash and food stamp applicantstrained on the use of the EBT system and EBT card prior to receipt of benefits via EBT.](#)
- b) Clients will be provided [instructions includingtraining and materials related](#), but not limited, to:
  - 1) the appropriate use and security of the EBT card and PIN;
  - 2) client liabilities for benefit loss;
  - 3) information on transaction limitations and charges;
  - 4) client responsibility for reporting loss or theft of the EBT card and to whom and how such reports should be made;
  - 5) information on the services available from the Client [Help Desk](#)[Helpline Number](#);
  - 6) proper care and protection of the EBT card;
  - 7) replacement card policy; and
  - 8) how to report problems with the EBT card or EBT system equipment.

(Source: Amended at 32 Ill. Reg. 9621, effective June 23, 2008)

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- 1) Heading of the Part: The Illinois Library System Act.
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
3030.10	Amend
3030.50	Amend
3030.90	Amend
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10]
- 5) Effective Date: June 23, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: March 14, 2008; 32 Ill. Reg. 3610
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: New definitions added in Section 3030.10:

"Fiduciary Funds": Funds that are used to report assets held in a trustee or agency capacity for others and that, therefore, cannot be used to support the government's own programs.

"Governmental Funds": Funds that are used to account for tax-supported activities. There are five different types of governmental funds: the general fund, special revenue funds, debt service funds, capital projects funds, and permanent funds.

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"Proprietary Funds": Funds that focus on the determination of operating income, changes in net assets (or cost recovery), financial position, and cash flows. There are two different types of proprietary funds: enterprise funds and internal service funds.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 3030.50 is being amended to remove outdated language. To update regional library systems' reporting of their finances and records, definitions of "Fiduciary Funds," "Governmental Funds" and "Proprietary Funds" are being added as definitions in Section 3030.10; and Section 3060.90 is being amended to list the major line items that library systems are required to include in their annual financial reports submitted to the Illinois State Library.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
Springfield, IL 62701-1796

217/558-4185; jnatale@ilsos.net

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATEPART 3030  
THE ILLINOIS LIBRARY SYSTEM ACT

Section	
3030.10	Definitions
3030.15	Forms
3030.20	Administration of the Act: Hearings
3030.25	Establishment of Systems
3030.30	Geographic Boundaries
3030.35	Membership in a Library System
3030.40	Contracting Libraries
3030.45	Accessing Resources and Services (Repealed)
3030.50	Service Standards
3030.55	Service to State Institutions (Repealed)
3030.60	Services to the Physically Disabled (Repealed)
3030.65	Plan of Service for a Cooperative or Multitype Library System
3030.70	Plan of Service for a Public Library System (Repealed)
3030.75	Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.80	Liquidation
3030.85	Merger
3030.90	Finances and Records
3030.95	Governing Board
3030.100	Rules
3030.105	State Grants (Repealed)
3030.106	Educate & Automate Automation/Technology Grants (Repealed)
3030.110	Revocation of Approval
3030.115	Suspension of a Library from Membership
3030.120	Adjustment of the Geographic Boundaries of Library Systems
3030.121	Administrative Review of State Librarian's Decision in Contested Cases
3030.122	Notice of Hearing
3030.123	Conduct of Hearing
3030.124	Motions
3030.125	Order of the Hearing
3030.126	Authority of Administrative Law Judge

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3030.127	Record of the Hearing
3030.128	Rules of Evidence; Official Notice
3030.129	Decisions and Orders
3030.130	Annual System Reports
3030.135	Withdrawal of Membership

**AUTHORITY:** Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

**SOURCE:** Rules and Regulations for Library Systems and State Aid, November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21187, effective November 23, 1993; amended at 17 Ill. Reg. 22048, effective December 14, 1993; amended at 18 Ill. Reg. 7452, effective May 3, 1994; expedited correction at 18 Ill. Reg. 13154, effective May 3, 1994; amended at 20 Ill. Reg. 3909, effective February 16, 1996; emergency amendment at 21 Ill. Reg. 4853, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 11774, effective August 11, 1997; amended at 26 Ill. Reg. 5969, effective July 1, 2002; amended at 28 Ill. Reg. 7666, effective June 1, 2004; amended at 31 Ill. Reg. 16273, effective November 20, 2007; amended at 32 Ill. Reg. 9635, effective June 23, 2008.

**Section 3030.10 Definitions**

"Academic Library": The library or libraries of an institution of education beyond the secondary level.

"The Act": The Illinois Library System Act [75 ILCS 10].

"Constituent": An individual who is legally eligible to borrow materials from a specific library by virtue of his or her relationship to the library or its parent institution.

"Contracting Library": A library or libraries with which a library system board contracts to provide system members with services.

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"Developmental Member Library": A library that meets the definition of "Library" in this Section and the requirements of developmental membership cited in Section 3030.35(a) of this Part.

"Encumbrance": An obligation arising from the issuance of purchase orders and/or contracts chargeable to system budget allocations.

"Fiduciary Funds": Funds that are used to report assets held in a trustee or agency capacity for others and that, therefore, cannot be used to support the government's own programs.

"Full Member Library": A library that meets the criteria for library system membership as defined by the library system board, subject to approval by the State Librarian.

"Governing Authority": The body or individual that has the legal authority to enter into legal contracts on behalf of the institution desiring to become a member or affiliate of a library system.

"Governmental Funds": Funds that are used to account for tax-supported activities. There are five different types of governmental funds: the general fund, special revenue funds, debt service funds, capital projects funds, and permanent funds.

"Library": Unless otherwise defined as a public library by statute, an entity that serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least 15 hours per week as the librarian. The collection must have permanent financial support, be accessible centrally, and occupy identifiable quarters in one principal location. These requirements can be met through contractual services provided by another library.

"Library Interests": The characteristics of member libraries of systems, and the communities and constituents they serve, that affect representation on system boards. Library interests include, but are not limited to, types of libraries and size and geographic distribution of communities served.

"Long Range Plan": The component of the system plan of service, that details the program for system headquarter's operations and for the development of the

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library system over a three to five year period of time, states the assessed needs of libraries the system will meet, and sets forth the programs, goals, objectives, and strategies designed to meet those needs.

"Management Letter": A letter from an auditor accompanying a financial audit that discusses the library's accounting practices, internal controls and operating procedures.

"Non-resident": A person who resides outside the taxing area of a public library.

"Plan of Service": The system plan of service describes *the specific purposes for which the system is formed, and the means by which such purposes are to be accomplished* (Section 4 of the Act). The system plan shows how the library system will achieve the objectives and standards of the Illinois Library System Act and this Part.

"Proprietary Funds": Funds that focus on the determination of operating income, changes in net assets (or cost recovery), financial position, and cash flows. There are two different types of proprietary funds: enterprise funds and internal service funds.

"Public Library": A tax-supported public library established by or as a governmental unit that either is authorized to levy a tax for library purposes, or supports the library at least in part from local tax revenues other than federal revenue sharing. Such a library is established by a city, village, incorporated town, township, county or library district under the Illinois Local Library Act [75 ILCS 5], the Village Library Act [75 ILCS 40], Division 5-38 of the Counties Code (Public County Library Service) [55 ILCS 5/Div. 5-38], the Village Library Conversion Act [75 ILCS 45], the Library Property Sale Act [75 ILCS 55], and the Public Library District Act of 1991 [75 ILCS 16]. This definition excludes free public libraries established by villages but not supported at least in part from local tax revenues, and incorporated free public libraries not established by a governmental unit.

"Reciprocal Access": The means by which the library resources of all member libraries of a full member library system are made available to all constituents within the system area. These means may include some necessary and reasonable restrictions, approved by a library system board, as, for example, by information

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passports, interlibrary loans, photocopy service, reference service, use on site and courtesy cards.

"Reciprocal Borrowing": The right of a person holding a valid library registration card from a full member public library or a library system, to borrow on site from all the other public libraries that are full members of the library system without using interlibrary loan mechanisms.

"School Library": The library or libraries of an elementary and/or secondary school district, or private elementary and/or secondary schools under a single governing authority.

"Should": Recommended, not mandatory action.

"Special Library": The library of, or under, the governing authority of any body or institution not defined elsewhere in this Part.

"State Institutions": Penal institutions, reformatories, residential training schools, orphanages, hospitals, residential schools for the physically handicapped operated or substantially supported by the State of Illinois.

"State Librarian": The Secretary of State of Illinois.

"System Administrative Headquarters": The facility that is identified by the system as its administrative headquarters.

"System Service Area": The land area within the geographic boundaries of a library system.

(Source: Amended at 32 Ill. Reg. 9635, effective June 23, 2008)

**Section 3030.50 Service Standards**

- a) System agencies are expected to have met all the standards in this Part, or the system agency must have submitted a plan, accepted by the State Librarian, that explains how the remaining unmet standards will be met.

Each System shall implement the following service standards:



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- a) ~~Implementation of Standards for System Agencies~~
- 1) ~~FY92-93— System agencies are expected to meet standards designated by the State Librarian in 1991 by June 30, 1993. System agencies must continue to meet these standards in subsequent years. If they cannot meet these designated standards they must have submitted a plan, accepted by the State Librarian, that explains how the standards will be met.~~
  - 2) ~~FY93— System agencies must submit to the State Librarian a report outlining implementation plans for the remaining standards by June 30, 1993.~~
  - 3) ~~FY95— System agencies must annually report progress toward meeting the agreed upon standards to the State Librarian.~~
  - 4) ~~FY96— System agencies are expected to have met all the standards by June 30, 1996, or the system agency must have submitted a plan, accepted by the State Librarian, that explains how the remaining standards will be met.~~
- b) The staffing levels outlined in the standards do not demand that every staffing requirement be addressed by employing a full-time person. As an example, the same staff member may be responsible for bibliographic access in subsection (f)(2)(A) and reciprocal access in subsection (k)(2) of this Section.
- b) ~~Addressing Standards~~
- 1) ~~Existing system agency staff as of July 1, 1991 are grandfathered in for purposes of experience and educational background requirements. The staffing levels outlined in the standards do not demand that every staffing requirement be addressed by employing a full time person. As an example, the same staff member may be responsible for bibliographic access in subsection (f)(2)(A) and reciprocal access in subsection (k)(2) of this Section.~~
  - 2) ~~The Illinois State Library will work closely with the library systems in addressing the staffing needs and recognize that plans may need to be developed in FY96 to outline how any remaining staffing standards will be addressed.~~

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- c) System member libraries should provide, as determined by the library systems of which they are a member, the library services that either meet or make progress toward meeting the membership responsibilities defined in this Part.
- e) Implementation for Member Libraries
- 1) ~~System member libraries should provide, as determined by the library systems of which they are a member, the library services that either meet or make progress toward meeting the membership responsibilities defined in this Part.~~
- 2) ~~Each library system shall submit to the State Librarian by July 1, 1992 a plan for implementation of these responsibilities by member libraries. This plan will designate priorities among listed responsibilities. The plan shall provide that individual libraries that cannot meet the system priorities within the timeframe set by the system can adopt a plan, accepted by the library system, to meet the responsibilities within a longer timeframe.~~
- d) General Administrative Standards
- 1) Library System Board of Directors
- A) The system board of directors shall represent the system members as a whole and not individual libraries or type of library.
- B) The system board shall annually review the proportion of the library interests represented on the library board.
- C) The system board and staff shall conduct an orientation program for new system board members.
- D) The system board members shall participate in continuing education events such as system and regional workshops and State and national conferences.
- E) The system board shall meet a minimum of nine times per year, consistent with the Open Meetings Act [5 ILCS 120].

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- F) Board meetings and committee meetings shall be publicized to members so that members and systems staff shall have opportunity to attend. Written records shall be maintained of board meetings.
  - G) The board shall adopt rules and policies in accordance with this Part and shall codify and disseminate them.
  - H) The board shall annually review the by-laws, rules and policies and revise them as needed.
  - I) The board shall annually review the membership eligibility criteria to ensure that they are equitable, nondiscriminatory and within the control of the library.
  - J) The board shall be an advocate for libraries, uphold intellectual freedom and promote legislation of benefit to libraries.
- 2) Staff and Resources
- A) The system board shall employ an executive director, reporting to and accountable to the system board, who shall have a master's degree from an American Library Association-accredited library education program and who has a minimum of five years postgraduate employment that includes a minimum of two that were in library administrative experience.
  - B) The executive director shall hire enough technical and professional personnel as are required to operate the system and provide required training when appropriate.
  - C) The system agency shall have a compensation plan for the staff.
  - D) The system agency shall provide facilities and equipment appropriate for the program and supporting services.
  - E) The staff of the system agency shall be evaluated annually in writing.
- 3) Communications

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- A) The executive director shall provide the system board of directors with information needed for policy decisions.
  - B) The system agency staff shall ensure publication of information that affects all types of libraries.
- 4) Planning and Evaluation
- A) The system agency shall ensure that all system members have opportunities for input into or comment on planning and evaluation activities, such as system plans of service, plans of cooperation, long-range plans, and program designs, including budgetary information, before such plans are finally adopted.
  - B) The system agency shall utilize these standards to evaluate core system services and administrative services.
  - C) The system agency shall keep statistics measuring its services.
  - D) The system agency should annually review the progress being made toward providing library service to all the residents of its geographic area.
- 5) Interagency Relations
- A) The system agency shall maintain communications with other system agencies and the Illinois State Library, sharing information on matters relating to system operations.
  - B) The system agency shall cooperate with other library and non-library agencies on matters of mutual interest and benefit, especially in areas in which contracts or programs of service are effective means of using limited financial resources. An example of a cooperative activity for consideration is contracting for services when contracting offers a more cost-effective means of providing a service to members and such service is of higher quality than can be offered by the individual system agency.

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- 6) Management
  - A) The system agency shall foster awareness of current library developments and management trends. Newsletters, conducting or sponsoring of programs or workshops are examples.
  - B) The system agency shall regularly explore the most cost-effective approaches to services and administration. It shall adopt management procedures that ensure that it gets the best results for reasonable costs.
  - C) The system agency shall ensure that non-member libraries are aware of the advantages of system membership and encourage them to become members.
  - D) System financial resources shall be most concerned with benefit to members and shall not be used to reimburse libraries for services provided as a membership obligation to their primary clientele.
- 7) Member Library Responsibilities
  - A) Member libraries should participate in the system representation plan and provide the name of a representative for selection of the system board when expected to do so according to the plan.
  - B) Member libraries should fulfill their responsibilities under the system plan of service or make measurable acceptable progress toward fulfilling them.
  - C) Member libraries should assess possibilities for library service to the unserved.
  - D) Member libraries should participate in the system decision-making process through attending meetings, responding to surveys and serving on committees.
  - E) Member libraries should continue local support for their own library services and not reduce such support as a result of membership in the system.

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- e) Automation/Technology
  - 1) Automation Technology – Administration and Service
    - A) The system agency shall have an operational automation plan that complements a statewide automation plan. The operational plan, as a minimum, shall:
      - i) identify areas of responsibility of the system agency and member libraries;
      - ii) identify consultant services by type of assistance and individual consultants;
      - iii) address the goal of universal interface;
      - iv) outline criteria for testing and implementing new technologies;
      - v) include an automation technology disaster and security plan.
    - B) The system agency shall facilitate opportunities for members to participate in a shared automation system.
    - C) The system agency shall provide for demonstrations of appropriate technological advances for member libraries in convenient locations at least once per year.
  - 2) Automation Technology – Staff and Resources
    - A) The system agency shall provide for one or more consultants to advise member libraries on evaluating the use of automation/technology in improving library services and in addressing the system automation plan.
    - B) System automation consultants who specialize in automation/technology consulting shall meet the following



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- B) The system agency shall have an operational cooperative collection management plan that complements the statewide plan. The operational plan shall:
    - i) describe the means of continuously identifying desired bibliographic resources not currently available in the collection of system members;
    - ii) identify existing resources to be preserved/retained;
    - iii) set up a system-wide collection management framework.
  - C) The system agency shall have ready electronic access to the automated library resources of the agency and member libraries.
  - D) The system agency shall participate in the computerized linking of bibliographic databases.
  - E) The system agency shall coordinate the development of protocols for use of the members' bibliographic databases.
  - F) The system agency shall promote and encourage computerized public access to the system's bibliographic databases.
- 2) Bibliographic Access – Staff and Resources
- A) The system agency shall assign a professional staff member to be responsible for the system's bibliographic access activities under the plan.
  - B) The system agency shall provide a directory of the bibliographic databases accessible within the system.
  - C) The system agency will work with member libraries in promoting the cataloging of library materials in MARC (Machine readable cataloging) format when entered into bibliographic databases.
  - D) The system agency shall have online access to national and international bibliographic databases.



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- 3) Bibliographic Access – Membership Responsibilities
  - A) Member libraries should have bibliographically organized collections of library materials, cataloged in accordance with national standards such as MARC format, if automated, in order to facilitate access by other members.
  - B) Member libraries' computerized bibliographic records should be input according to the standards specified in a statewide automation plan.
    - i) Bibliographic control for the Illinois library automation network must be based upon standardized cataloging rules.
    - ii) The following data fields should also be used when entering new holdings into local, library system and State databases: International Standard Book Number/International [Standard](#) Serial Number (ISBN/ISSN), Library of Congress Card Number (LCCN) and Online Computer Library Center (OCLC) Number, if available. The entry of these specific elements in the database records will facilitate resource sharing throughout the State.
  - C) Member libraries should participate in the system bibliographic access and cooperative collection management plans.
- g) Consulting
  - 1) Consulting – Administration and Service
    - A) The system agency shall have an operational plan that describes consulting services offered to member libraries. The operational plan, as a minimum, shall:
      - i) identify the consulting services provided;
      - ii) identify the individuals of the system staff or as otherwise

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designated by the system as the provider of the consulting service in each of the core service and general consulting areas;

- iii) describe the means that the system has chosen to deliver the service, including shared consulting services with other systems;
  - iv) state the level of consulting assistance that can be expected.
- B) The system agency shall provide consulting service in each of the core service areas and the following general areas: Collection Management, Establishment, Expansion and Development of Library Service, Grants Development, Interlibrary Cooperation Activities, Legislation/Law, Library and Personnel Administration, Marketing of Library Service, and Planning and Budgeting, and in such areas as the respective system needs assessment may indicate.
- C) System consultants shall acknowledge requests for consulting within two working days.
- D) System consulting service shall satisfy at least 90 percent of consulting requests in the core and general consulting areas listed in subsection (g)(1)(B) and in other areas as outlined in the system plan of consulting service.
- E) System consulting service shall satisfy the percentage indicated in subsection (g)(1)(D) of requests for consulting within five working days or negotiate a different time limit with the person making the request.
- 2) Consulting – Staff and Resources
- A) System consultants or other persons designated by the system to consult in the general consulting areas, as specified in subsection (g)(1)(B) of this Section, shall possess the following minimum qualifications:
    - i) a fifth-year degree from an American Library Association-

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accredited library program or, if the consultant is not a librarian, the degree or other formal educational qualification generally accepted by the practitioners of that profession or occupational specialty as the minimum acceptable for such practitioner;

- ii) at least three years' relevant experience in the consultant's designated areas of expertise;
  - iii) demonstrated experience in effective written and oral communication, as well as group process techniques.
- B) Each system having 100 or fewer members shall employ, contract for, or otherwise provide a minimum of three full-time equivalent (FTE) consultants, excluding the executive director. Each system having more than 100 members shall employ or contract for at least three FTE consultants, excluding the executive director, for the first 100 members and at least one additional consultant for each additional 50 members or any fraction of that number.
- C) Each full-time consultant shall spend at least 30 contact hours, and each part-time consultant shall spend at least the proportional amount of contact hours, in each calendar year attending workshops, seminars, classes, etc., to improve specific skills relevant to the consulting assignment.
- D) Each consultant on the system's staff shall spend at least five days annually at system expense in attendance at regional, state, national or international professional meetings relevant to the consultant's profession.
- 3) Consulting – Membership Responsibilities
- A) Personnel in member libraries should be willing to share expertise with other member libraries.
  - B) Member libraries should be cognizant of the scope of the consulting services available through the system agency.

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- C) Member libraries should provide input on consulting needs to be addressed so that they may be included in the system plan.
- h) Continuing Education (CE)
- 1) Continuing Education – Administration and Service
    - A) The system agency shall have a continuing education operational plan of service. The operational plan, as a minimum, shall:
      - i) describe the levels of continuing education for staff of all types of libraries;
      - ii) include programs convenient in time and place for target audience;
      - iii) provide opportunities for cosponsorship of events;
      - iv) identify a mechanism for determining priorities for continuing education;
      - v) provide for a method for annual review of programming needs;
      - vi) provide a mechanism for keeping track of continuing education credit.
    - B) The system agency shall maintain a continuing education calendar.
    - C) The system agency shall annually assess continuing education needs of members and design continuing education events to meet those needs on a timely basis.
    - D) The system agency shall annually provide or cosponsor at least 50 contact hours of continuing education for staff and governing officials of member libraries.
    - E) The system agency shall annually provide or cosponsor at least one continuing education event of each of the following types:

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- i) An orientation program for staff, trustees, and governing officials of member libraries;
  - ii) A workshop for governing officials in addition to the orientation program as outlined in subsection (d)(1)(C) of this Section;
  - iii) A program of new developments in areas such as technology, legislation, and new approaches to problem solving.
- 2) Continuing Education – Staff and Resources
  - A) The system agency shall designate a continuing education coordinator to guide the planning and implementation of continuing education programs.
  - B) The system agency shall provide access to adequate facilities/meeting rooms and equipment for presenting continuing education programs.
- 3) Continuing Education – Membership Responsibilities
  - A) Member libraries should provide paid release time for their professional staff to attend at least 10 contact hours, and for support staff to attend at least five contact hours, of system-sponsored or system-endorsed continuing education events annually.
  - B) The staff of member libraries should be willing to serve as resource people for continuing education events.
  - C) Member libraries should send appropriate persons to the orientation programs cited in subsection (h)(1)(E) of this Section.
- i) Delivery
  - 1) Delivery – Administration and Service

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- A) The system agency shall have an operational delivery plan for delivery service to member libraries. The operational plan, as a minimum, shall:
- i) identify delivery methods available and when to use each;
  - ii) describe delivery schedules and subschedules;
  - iii) identify fixed points for picking up and receiving materials;
  - iv) describe the mechanism for determining van delivery and locations and deliveries. For example: poundage, items;
  - v) provide for a mechanism for annual review;
  - vi) describe how the system delivery service interfaces with other systems through the Illinois Library Delivery Service (ILDS).
- B) The system agency shall establish uniform procedures to govern problems related to delivery service. The uniform procedures, for example, should include:
- i) packaging standards and indemnification of suppliers for loss or damage in delivery;
  - ii) uniform format for schedules so that they can be shared between systems;
  - iii) statewide uniform statistical data-gathering methods;
  - iv) guarantees on payment for materials lost in transit.
- C) The system shall provide a vehicular delivery service to deliver materials to and from member libraries.
- D) Each member library shall receive direct delivery a minimum of two times per week when it needs and requests such delivery.

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- E) Delivery points shall be determined on criteria including but not limited to volume of use, collection strengths and convenience of member libraries.
  - F) The system agency shall ensure that each member library has an option for delivery up to five days per week to a drop-off point.
  - G) The system agency shall have procedures for members that identify the means of delivery to be used in particular circumstances.
- 2) Delivery – Staff and Resources
- A) The system agency shall have staff to carry out the day-to-day operations of the delivery service.
  - B) The system agency shall ensure that its delivery service shall complete the delivery schedule a minimum of 98 percent of the time.
- 3) Delivery – Membership Responsibilities
- A) Member libraries should have designated staff to oversee delivery at their libraries.
  - B) Member libraries should provide for delivery in accordance with the system delivery schedule.
  - C) Member libraries should have access to facilities for receiving electronic transmission of library materials 24 hours per day.
  - D) Member libraries should package materials for delivery in accordance with the system delivery plan.
  - E) Member libraries should utilize the system and statewide delivery services unless a more cost-effective method is available to them.
- j) Interlibrary Loan (ILL)

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- 1) Interlibrary Loan – Administration and Service
  - A) The system agency shall have an operational plan for interlibrary loan, including interlibrary loan policy, a system ILL code, and ILL procedures, that encourage library to library interlibrary loan. The operational plan, as a minimum, shall:
    - i) describe procedures for monitoring compliance with the Illinois Library and Information Network (ILLINET) and system interlibrary codes;
    - ii) describe the complaint procedure;
    - iii) define responsibilities of the local library, along with procedures for submitting ILL requests to the system headquarters;
    - iv) specify intrastate, interstate and international ILL;
    - v) describe the system agency responsibilities for ILL;
    - vi) publish the list of authorized charges for those interlibrary loan transactions allowed according to the Illinois Interlibrary Loan Code;
    - vii) provide for a method for regular monitoring and evaluation of interlibrary loan service, including the collection and publication of ILL statistics.
  - B) The system agency shall work with member libraries to improve local interlibrary loan service.
  - C) The system agency shall accept requests for ILL as specified in the ILL codes and system procedures.
  - D) The system agency staff shall initiate processing of ILL requests within one working day after receipt.



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- E) The system agency staff shall verify, locate, request, refer or cancel ILL requests received at system headquarters within three system working days.
  - F) The system agency shall ensure that sources are immediately available to verify at least 85 percent of the ILL requests received from member libraries.
  - G) The system agency shall distribute interlibrary loan public relations materials to member libraries.
- 2) Interlibrary Loan – Staff and Resources
- A) The system agency shall provide identified staff assigned to the ILL service for a minimum of 40 hours per week.
  - B) The system agency shall offer ILL training programs for staff of member libraries at least semiannually.
  - C) The system agency shall hold an annual interlibrary loan performance assessment for ILL staff from the system and member libraries to identify and discuss areas needing improvement.
  - D) The system agency shall have a telefacsimile machine (or a later state-of-the-art equivalent) with an automatic answering device available for ILL purposes 24 hours per day.
  - E) The system agency staff shall have direct access to local, regional, national and international bibliographic databases.
- 3) Interlibrary Loan – Membership Responsibilities
- A) Member libraries should offer and promote interlibrary loan service to their primary clientele.
  - B) Member libraries are responsible for training staff to handle ILL transactions and statistics-gathering and statistics gathered in accordance with system policies and procedures.

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- C) Member libraries should send staff to system ILL training sessions and participate in the annual assessment of ILL services.
  - D) Member libraries should attempt to verify requests from bibliographic resources, and should verify at least 75 percent of the requests.
  - E) The member libraries should submit interlibrary loan requests directly to other libraries whenever possible.
- k) Reciprocal Access
- 1) Reciprocal Access – Administration and Service
    - A) The system agency shall adopt a reciprocal access plan. The reciprocal access operational plan, as a minimum, shall include:
      - i) how member libraries in the system shall provide reciprocal access;
      - ii) who is eligible for reciprocal access;
      - iii) limitations individual member libraries may establish for reciprocal access;
      - iv) the scope of reciprocal borrowing within the system, including how public libraries shall participate in the program and other libraries can participate in the program;
      - v) the definition of a library card valid for purposes of reciprocal borrowing. As a minimum the card should include name, address, expiration date and name and address of issuing library;
      - vi) the charge for a minimum nonresident fee in order for nonresidents to be eligible for reciprocal borrowing.
    - B) The system agency shall be responsible for coordinating aspects of the reciprocal borrowing program.

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- C) The system agency shall adopt protocols to govern problems arising from reciprocal borrowing.
  - D) The system agency shall conduct an assessment of reciprocal access within the system every two years to determine the extent of reciprocal access and its impact on system-wide library service.
- 2) Reciprocal Access – Staff and Resources  
The system agency shall designate a reciprocal access coordinator to monitor and guide the reciprocal access program.
- 3) Reciprocal Access – Member Library Responsibilities
- A) Member public libraries should provide reciprocal borrowing to persons holding a valid library card from a public library in Illinois.
  - B) Libraries issuing a valid library card are responsible for materials lost by patrons when using reciprocal borrowing.
  - C) Member public libraries should circulate materials to eligible reciprocal borrowers under the same conditions that they circulate those materials to their own patrons.
  - D) All member libraries should provide for reciprocal access to other member libraries.
- l) Reference Service
- 1) Reference – Administration and Service
- A) The system agency shall have an operational plan for reference services. The reference operational plan, as a minimum, shall:
    - i) define responsibilities of the local library, along with procedures for submitting reference requests to system headquarters;

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- ii) describe complaint procedure;
  - iii) describe system agency responsibilities and identify individuals responsible for providing reference service;
  - iv) provide for a method of regular monitoring and evaluation of reference service at all levels within the system;
  - v) provide for the collection and publication of appropriate statistics.
- B) The system agency shall have written policies and procedures for filling the reference queries of its member libraries.
- C) The system agency shall assist member libraries in meeting their responsibilities under the reference plan through consultant services and a continuing education program.
- D) The system agency shall fill, respond to, return or refer 90 percent of information or subject requests within two working days, and all requests within five working days.
- E) Library systems shall provide for reference service to their member libraries for the full range of hours that member library reference service is available.
- 2) Reference – Staff and Resources
- A) The system agency shall designate a reference coordinator for the drafting and the implementation of the reference plan.
- B) The system agency shall provide enough staff performing system reference work.
- C) The person coordinating reference work shall meet the following minimum qualifications:
- i) a fifth-year degree from an American Library Association-accredited library education program;

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- ii) two years of full-time professional experience working in libraries;
    - iii) at least one year of experience in reference work, with demonstrated competence in the provision of reference service. Other staff members providing high-level reference service should also meet these qualifications.
  - D) The system agency shall have access to or maintain reference resources that will enable the reference staff to answer at least 80 percent of the requests received.
  - E) The system agency shall provide members with lists of reference materials and sources of information, incorporating procedures for cooperative collection development when applicable.
- 3) Reference – Membership Responsibilities
  - A) Member libraries should meet minimum levels of reference service as defined in the system reference plan.
  - B) Member libraries should promote system-wide reference services by referring or offering to refer all unfilled requests to other libraries within the system.
  - C) Each member library should ensure that the staff members working on reference requests are skilled in basic reference sources and interviewing techniques. Such staff should have a clear understanding of the system reference plan.
- m) Development of Additional System Services
  - 1) The system agency shall develop service programs that are necessary to meet the objectives of the Illinois Library Systems Act and members' needs.
  - 2) Services provided by the system agency shall address the needs of member libraries.

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- 3) The services shall include both qualitative and quantitative measures and written descriptions of standards for them shall include the same sections as the core services: Definition, Administration and Service, Staff and Resources, and Membership Responsibilities.
- 4) The system agency shall gather input from member libraries when developing service programs and the accompanying qualitative and quantitative measures.
- 5) The system agency shall develop service programs that further the system's Plan of Service.
- 6) The system agency shall have a process to evaluate the system's services.
- 7) The system agency shall identify service programs provided by other system agencies that are the same or similar throughout the State and jointly develop these programs so as to avoid duplication and ensure a standard level of service.
- 8) The system agency shall initiate a service when financial resources are available to provide a quality service.

(Source: Amended at 32 Ill. Reg. 9635, effective June 23, 2008)

**Section 3030.90 Finances and Records**

- a) The fiscal year for each system shall begin July 1 and end on June 30 of each year.
- b) The board of directors of each library system shall:
  - 1) Maintain all financial records at the system administrative headquarters.
  - 2) Cause an annual audit of the records of the system for the preceding fiscal year and those maintained by the Treasurer to be made by an independent certified public accountant. ~~The certified public accountant shall be guided by and cause copies of the audit to be filed with each participating library and with the State Librarian on or before September 30 following~~

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~~the end of the fiscal year. Audits shall be conducted in accordance with "Government Auditing Standards, 20072003 Revisions", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington, DC 20548. The material incorporated by reference includes no later amendments or editions.~~

- 3) ~~Account for all funds of the library system by expenditure, encumbrance or reserves at June 30 of each year. Submit a management letter prepared by the system's auditor as part of the annual audit.~~
- 4) ~~Adopt, prior to July 1 of each year, an annual budget for the ensuing fiscal year in a form prescribed by the Illinois State Library. The annual budget shall be submitted to the State Librarian as part of the annual Plan of Service for a Cooperative or Multitype Library System cited in 23 Ill. Adm. Code 3030.65. Account for all funds of the system by expenditure, encumbrance, or reserves on or before June 30 of each year.~~
- 5) ~~Maintain an inventory of all equipment purchased. Submit, prior to July 1 of each year, an estimated budget for the ensuing fiscal year according to the requirements cited in 23 Ill. Adm. Code 3035.105.~~
- 6) ~~Ensure that all accounts for the library system are organized on the basis of funds (Governmental Funds, Proprietary Funds and Fiduciary Funds). The adopted budget and revenue-expenditure reports of the library system shall be created on this same basis of account/fund structure. Maintain an inventory of all library materials and equipment purchased with system funds. The inventory shall be attested to by the system auditor.~~
- 7) ~~Ensure that financial reports are submitted to the State Librarian twice a year. A six-month cumulative revenue-expenditure report is due to the State Librarian on February 15 of each year for the period of July 1 through December 31. The annual audit of the library system shall be filed with the State Librarian on or before September 30 following the end of the fiscal year. Maintain financial records and submit reports in compliance with the Uniform Accounting and Reporting Manual for the Illinois Library System Headquarters (available from the Office of the Secretary of State, Illinois State Library, Room 505, 300 S. Second Street, Springfield IL 62701-1796) or at the direction of the State Librarian.~~

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(Source: Amended at 32 Ill. Reg. 9635, effective June 23, 2008)



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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
3035.140	Amend
3035.150	New
3035.240	Amend
3035.260	Amend
3035.320	Amend
3035.400	New
3035.410	New
3035.420	New
3035.430	New
3035.435	New
3035.440	New
3035.450	New
3035.460	New
3035.470	New
3035.480	New
3035.490	New
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10, the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322], Sections 2 and 7(q) of the State Library Act [15 ILCS 320/2 and 7(q)] and the Library Services and Technology Act (20 USC 9121.)
- 5) Effective date of amendments: June 23, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: March 14, 2008; 32 Ill. Reg. 3637

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10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:

In Section 3035.150(g) the reference to an Appeals Board Meeting has been deleted and the word hearing is being added.

Within 30 days after the hearing, the administrative law judge shall report to the Director of the Illinois State Library whether the rejection of the application for a grant was appropriate or inappropriate under the terms of this Part and the application materials submitted. The administrative law judge shall enumerate the rationale for the decision. The Director of the Illinois State Library shall review the report of the administrative law judge and prepare a recommendation to the Secretary of State approving or denying the appeal based on the application materials, report of the administrative law judge, and terms of this Part. If the Secretary of State finds, upon review of the recommendations of the administrative law judge and the Director of the Illinois State Library, that an application was erroneously denied, and if the applicant's project is higher in priority under Section 3035.430 than other projects recommended for a grant, the applicant's project will be funded during the fiscal year if sufficient funds are available or the next fiscal year subject to an appropriation by the General Assembly. All applicants will be notified in writing of the Secretary's final decision personally or by registered or certified mail within 30 days after the hearing the Appeals Board meeting. The final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall include a concise and explicit statement of the underlying fact supporting the findings.

Section 3035.440 has been changed to refer to all public libraries in the state. This allows for special appropriations by the legislature for a construction project under the Secretary of State's public library construction program.

Additional grant funds for public libraries appropriated by the General Assembly, may be made in accordance with the provisions of Sections 3035.430 and 3035.435 of this Part.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: Changes in agency policies and procedures which require the rulemaking: Public Library Construction Grants (23 Ill. Adm. 3060) is being repealed and is being incorporated as Subpart D in this Part. Section 3035.140(e) requires an audit of a grant if a state funded grantee that receives a combined cumulative total of \$175,000 or more in Secretary of State grant awards. Section 3035.150 is being added to provide hearing procedures for all Illinois State Library Grant programs. Sections 3035.240 and 3035.320 are being amended to provide lump sum payments to Literacy Grants grantees and Training Grant recipients.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
Springfield, IL 62701-1796

217/558-4185; jnatale@ilsos.net

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

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

PART 3035  
ILLINOIS STATE LIBRARY GRANT PROGRAMS

SUBPART A: STATE GRANTS

Section

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

SUBPART B: LITERACY GRANT PROGRAM

Section

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

SUBPART C: TRAINING PROGRAM GRANTS

Section

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

[SUBPART D: PUBLIC LIBRARY CONSTRUCTION GRANTS](#)[Section](#)

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

[30353040](#).EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9121-9163), and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].

SOURCE: Adopted at 31 Ill. Reg. 16309, effective November 20, 2007; amended at 32 Ill. Reg. 9666, effective June 23, 2008.

## SUBPART A: STATE GRANTS

[Section 3035. 140 Grants, ~~and~~ Expenditures and Audits](#)

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

(Source: Amended at 32 Ill. Reg. 9666, effective June 23, 2008)

**Section 3035.150 Appeal Procedure**

- a) Whenever the Illinois State Library rejects a completed and reviewed grant application under this Part, it shall so notify the applicant in writing within 7 days after the decision. The notice shall state with specificity the grounds for rejection. If a provision of this Part is used to reject the application, a copy of the rule shall be included in the notice.

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- b) Applicants may appeal the decision of the Illinois State Library by requesting a hearing within 30 days after receipt of the notice rejecting the application. The request shall be in writing and shall specify the grounds for the applicant's position that the application was rejected erroneously. The Illinois State Library shall notify the Secretary of State of the requests for hearings.
- c) Grounds for Appeal
- 1) Grounds for appeal shall include the following:
- The rules governing review of grant applications were not applied or were applied incorrectly by the Illinois State Library.
- 2) Grounds for appeal shall not include the following:
- A) The applicant's intention to submit additional or clarifying information beyond the application deadline.
- B) Funds appropriated to fund the grant program remain unobligated after successful applicants were awarded grants.
- d) Hearing Arrangements
- 1) Upon receipt of a request for review, the State Librarian shall appoint an administrative law judge to officiate at the review hearing. The administrative law judge shall be an attorney licensed to practice law in Illinois or shall have experience in interpreting and applying Illinois administrative law. No person who has a bias or conflict of interest regarding the contested matter shall be appointed administrative law judge.
- 2) The hearing shall be held within 30 days after the date of the request for an appeal. The date and time shall be at the mutual convenience of the applicant and the Illinois State Library. The hearing shall be held at the Illinois State Library in Springfield, Illinois.
- e) The Illinois State Library shall serve notice either personally or by certified or registered mail upon the applicant. The notice shall include the following:

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- 1) A statement of the time, place and nature of the hearing;
  - 2) A statement of the legal authority and jurisdiction under which a hearing is to be held;
  - 3) A reference to the particular Sections of the substantive and procedural statutes and rules involved;
  - 4) A short and plain statement of the matter in controversy and the consequences of a party's failure to participate in the hearing;
  - 5) The names and mailing addresses of the administrative law judge and all parties that have been given notice of the hearing.
- f) Rules Governing Conduct of the Hearing
- 1) All parties may be represented by legal counsel and shall be afforded an opportunity to respond and present evidence and argument. Parties may agree by stipulation upon any facts involved in the hearing.
  - 2) Disposition of the case may be made by stipulation, agreed settlement, consent order or default.
  - 3) The record of the hearing shall include the following:
    - A) All pleadings (including all notices and responses), motions and rulings;
    - B) All evidence received;
    - C) A statement of matters officially noticed;
    - D) Any offers of proof, objections and rulings;
    - E) Any proposed findings and exceptions;
    - F) Any decision, opinion or report by the administrative law judge;



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- G) All staff memoranda and data submitted to the administrative law judge or the Illinois State Library in connection with the matter;
- H) Any ex parte communication by the Illinois State Library or the administrative law judge. No such communication shall form the basis of any finding of fact.
- 4) Oral proceedings or any part of oral proceedings shall be recorded stenographically or by other means that will adequately ensure the preservation of the proceeding and shall be transcribed at the request of any party and at that party's expense.
- 5) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- 6) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.
- 7) The grant applicant bears the burden of showing by clear and convincing evidence that the application should have been approved for funding.
- g) Within 30 days after the hearing, the administrative law judge shall report to the Director of the Illinois State Library whether the rejection of the application for a grant was appropriate or inappropriate under the terms of this Part and the application materials submitted. The administrative law judge shall enumerate the rationale for the decision. The Director of the Illinois State Library shall review the report of the administrative law judge and prepare a recommendation to the Secretary of State approving or denying the appeal based on the application materials, report of the administrative law judge, and terms of this Part. If the Secretary of State finds, upon review of the recommendations of the administrative law judge and the Director of the Illinois State Library, that an application was erroneously denied, and if the applicant's project is higher in

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priority under Section 3035.430 than other projects recommended for a grant, the applicant's project will be funded during the fiscal year if sufficient funds are available, or the next fiscal year subject to an appropriation by the General Assembly. All applicants will be notified in writing of the Secretary's final decision personally or by registered or certified mail within 30 days after the hearing. The final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall include a concise and explicit statement of the underlying facts supporting the findings.

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

## SUBPART B: LITERACY GRANT PROGRAM

**Section 3035.240 Award of Grants, Accountability and Recordkeeping**

- a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved, based upon the criteria in Section 3035.230.
- b) Grant awards will be made upon appropriation of funds. For grants under this Subpart, the State Library shall make a lump sum payment upon the signing of the grant contract with the Secretary of State.
- c) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary.
- d) The final approved grant applications and the funding determination shall constitute the Adult Literacy Grant Program, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclosure pursuant to the Freedom of Information Act [5 ILCS 140] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.
- e) Approved grant applicants shall submit to the State Library, Office of the Secretary of State, such reports as deemed necessary by the Illinois State Library staff to assure project accountability. Reports to be submitted include:
  - 1) Mid-term reports due January 15 stating the progress of the project; accomplishments to date; problems encountered; objectives met and

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unmet; changes implemented; and percentage of completion of the project to date.

- 2) Quarterly financial reports showing expenditures made from grant funds by line item due October 15, January 15 and April 15.
  - 3) Mid-term statistical reports due January 15.
  - 4) Final financial report and final statistical and narrative report due July 15 evaluating the degree to which the grantee achieved the goals and objectives of the project.
- f) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 32 Ill. Reg. 9666, effective June 23, 2008)

**Section 3035.260 Fiscal Procedures**

- a) The literacy grant recipient may be asked by the State Library to present copies of past audits or require that an audit of grant funds be performed on individual programs [in accordance with Section 3035.140\(e\) of this Part](#).
- b) Audits may be requested for such reasons as poor recordkeeping, fiscal irregularities, or staff's request after viewing narrative reports or after viewing files at the program site.

(Source: Amended at 32 Ill. Reg. 9666, effective June 23, 2008)

## SUBPART C: TRAINING PROGRAM GRANTS

**Section 3035.320 Number and Amount of Training Program Grants**

- a) The State Library shall award no more than 15 Library Training Program Grants each academic year, depending on the availability of funds. The final number of grants awarded shall be determined by the amount of grant money available and the number of qualified applicants.

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- b) The maximum grant to be awarded shall be \$7,500 for the master of library and information science program in which the successful applicant is enrolled. For grants under this Subpart, the State Library shall make a lump sum payment upon the signing of the grant contract with the Secretary of State. A full-time training grant shall be paid in three installments of \$2,500, at the beginning of the three graduate semesters or as required by the graduate school's tuition payment schedule. A part-time training grant will be paid in six installments of \$1,250, at the beginning of the six graduate semesters or as required by the graduate school's tuition payment schedule.

(Source: Amended at 32 Ill. Reg. 9666, effective June 23, 2008)

SUBPART D: PUBLIC LIBRARY CONSTRUCTION GRANTSSection 3035.400 Program Purpose

To establish a program of matching State grants to aid in paying for the construction costs of public libraries and facilities for library systems within Illinois. Local money, except as provided in subsection (c), will be matched by State grants based on the category of grant as follows:

- a) Remodeling for Accessibility. Special projects where 70%-100% of total project funds are to be used specifically for remodeling an existing building as outlined in Section 3035.470. The State's share shall be a maximum of 50% of the project's total cost, subject to the restrictions in Section 3035.435(c).
- b) Projects involving new construction, additions to and/or remodeling of existing buildings, conversion of buildings not currently used for library services, energy conservation projects, security systems, technology wiring and renovation projects, including projects involving shared use of public facilities. The State's share shall be a maximum of 50% of the project's total cost, subject to the restrictions in Section 3035.435(c). For shared use public facilities, the costs allocated to the public library portion of the building are the only costs eligible for reimbursement under this grant program, as stipulated in Section 3035.480.
- c) Mini-grants. These projects include, but are not limited to, new carpeting, new furnishings, remodeling, energy conservation, security systems, technology wiring and interior or exterior painting. Libraries receiving mini-grants must

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address legal requirements for making the building accessible to the handicapped.  
There is no local match required for mini-grants.

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

**Section 3035.410 Definitions**

For the purposes of this Subpart:

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

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

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

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

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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"Political unit" refers to the local governing authority.

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

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

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

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

"State Librarian" means the Illinois Secretary of State.

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

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

**Section 3035.420 Duty to Administer**

- a) It shall be the duty of the Illinois Secretary of State, in his or her capacity as the Illinois State Librarian, to administer the provisions of this Part and to award any grants, when appropriate, on an annual basis from funds appropriated by the Illinois General Assembly.
- b) The State Librarian shall add to, delete from, or modify this Part in accordance with the provisions of the Illinois Library System Act [75 ILCS 10], as necessary for the administration of these construction grants.
- c) The Director of the Illinois State Library shall appoint a committee that will review applications for grants. The committee shall make recommendations on the program to the State Librarian. One committee member shall be an architect or an engineer licensed to practice in the State of Illinois. The Director of the

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Illinois State Library shall apprise the Illinois State Library Advisory Committee of the recommendations and program status.

- d) Committee members shall recuse themselves from making recommendations on any grant application in which they have a financial interest.

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

**Section 3035.430 Priorities in Library Grant Construction Proposals**

- a) Library grant funds for library building construction in any one application round will be awarded according to the following priorities:
- 1) Remodeling for accessibility, with conditions as stated in subsection (b) of this Section.
  - 2) A maximum of \$1 million and no less than 10% of available funding in a fiscal year will be allocated for mini-grants for public libraries.
  - 3) Projects involving new construction, additions to and/or remodeling of existing buildings, energy conservation projects, conversions, technology wiring and renovation projects, including projects involving shared use of public facilities.
- b) The cost of a parking lot can be included in the total project cost funded for remodeling for accessibility projects, but grant funds will not be allocated solely for a parking lot project unless it is for accessibility for the disabled (ramps, curbs, doors, etc.).

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

**Section 3035.435 Grant Funding Limitations**

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

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from



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libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.

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

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

**Section 3035.440 Additional Grant Funds**

Additional grant funds for public libraries, appropriated by the General Assembly, may be made in accordance with the provisions of Sections 3035.430 and 3035.435 of this Part.

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

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**Section 3035.450 Grant Application Procedure**

The following application procedures shall apply:

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

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Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].

- F) For projects with a total cost equal to or greater than \$75,000, an architect or engineer licensed to practice in Illinois is required.
- G) Preliminary construction plans with a site plan for all projects and an estimated cost per square foot.
- H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- D) The following conditions apply in new construction, additions and projects involving evacuation of soil:

  - i) A letter from the Illinois State Water Survey of the Illinois Department of Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.
  - ii) A subsurface soil analysis by a soils engineer.
  - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.
- J) The real estate affected by the proposed construction is available to the library or library system, as is the legal description of the affected real estate. A deed of ownership or proof of long-term (20 years minimum) occupancy, except for mini-grants. The building will remain in use as a public library or library system facility for

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not less than 20 years after its construction unless other use is approved by the Director of the Illinois State Library.

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

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in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].

- D) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
- F) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- G) A copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and the permit shall be posted in a prominent place on the construction site.
- H) Any change in the Plans and Specifications requiring a work change order shall be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

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

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

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- ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
- iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e) of this Part.
- iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% stage of completion.
- Q) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
- R) The library shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- S) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- c) Some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3035.400(c), upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.
- d) Applications will be considered in accordance with Section 3035.420(c).
- e) Grant applications are subject to the conditions stipulated in Section 3035.135.

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)



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**Section 3035.460 Requirements and Conditions of Grant Funds**

- a) Building Construction Plans
- 1) Library buildings are to be planned for 20 year population projection (for new construction, conversions and additions to buildings).
  - 2) A library building consultant shall be retained by the grantee throughout the planning and construction if the total cost of the project exceeds \$150,000.
  - 3) An architect and/or engineer licensed to practice in Illinois shall be retained by the grantee throughout the design and construction if the total cost of the project is equal to or greater than \$75,000.
  - 4) The library must meet the eligibility criteria to qualify for per capita grants provided in Section 8.1 of the Illinois Library System Act, and submit an application for those grants. This subsection (a)(4) shall not apply to library systems.
  - 5) The library or library system facility shall provide access for the physically handicapped as required in the Illinois Accessibility Code (71 Ill. Adm. Code 400), published by the Illinois Capital Development Board, and shall display the symbol of accessibility.
- b) No grant shall be awarded to any public library or regional library system unless the building and the property is owned fee simple by the municipality, library district or library system, as applicable, or proof of long term (20 year) occupancy exists. The State Librarian may grant an exception for any property or building owned in fee simple by a non-profit community organization that is incorporated in Illinois, has federal Internal Revenue Service 501(c)(3) status and has a charter specifying that the ownership of the property or building shall revert to the public library upon the dissolution of the organization. No such exception shall be granted for a regional library system.
- c) A letter of certification from the project architect or engineer, stating that the drawings represent the project as presented with the grant application, must be submitted to the Illinois State Library for approval prior to going out to bid.

## SECRETARY OF STATE

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- d) All contracts for library construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; however, if one or more items of construction are covered by an established alternative procedure used by a unit of local government and approved by the Illinois State Library as designed to assure construction in an economical manner consistent with sound business practices, the alternative procedure may be followed, to the extent consistent with State statutes and local ordinances.
- e) The library system of which the applicant is a member shall be notified of the proposed project; a copy of the completed application shall be sent to the library system director by the applicant prior to the time that the paperwork is submitted to the Illinois State Library. This subsection shall not apply if the library system is the applicant.
- f) The library board shall establish and maintain records and accounts as will permit accurate and expeditious audits at any time before, during and after completion of construction. The records shall be retained for not less than the time provided for by the Local Records Act [50 ILCS 205].
- g) The library board shall comply with all applicable provisions in local bidding ordinances.
- h) The library must permit intersystem reciprocal borrowing.
- i) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

**Section 3035.470 Remodeling for Accessibility**

Applications for special grants for Remodeling for Accessibility projects shall include:

- a) A statement of need to meet the Illinois Accessibility Code.
- b) A supplemental detailed project budget showing costs for:

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## NOTICE OF ADOPTED AMENDMENTS

- 1) [Elevators or lifts](#)
- 2) [Remodeling restrooms](#)
- 3) [Ramps](#)
- 4) [Entrances](#)
- 5) [Remodeling stairways](#)
- 6) [Telephones](#)
- 7) [Drinking fountains](#)
- 8) [Accessibility signs](#)
- 9) [Shifting of book stacks for 3 foot clear aisles](#)
- 10) [Circulation desk and study carrels](#)
- 11) [Total \(1-10\)](#)

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

**Section 3035.480 Shared Use Facilities**

A public library construction project that is intended to be housed in the same building with a school or any other unit of local government, including the offices of the municipality if the library is a municipal library, in addition to any other requirements of this Part, shall submit the following with any application for grant funds:

- a) For shared use facilities with a school:
  - 1) The collection development policy of the library;
  - 2) The personnel management plan for the operation of the library indicating who the library personnel will report to and be paid by;

## SECRETARY OF STATE

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- 3) The intended operational hours of the library upon completion of the project, including the hours of operation during the time periods when the school is not in session;
  - 4) An indication on any architectural drawings of the entrances for the library and the school;
  - 5) The plans for sharing utility and upkeep costs associated with the building;
  - 6) A signed agreement between the school board and the library board that delineates responsibilities of each to the library;
  - 7) A contingency plan in the event the school portion of the building is closed or no longer used as a school.
- b) For shared use facilities other than a school:
- 1) The personnel management plan for the operation of the library, indicating who the library personnel will report to and be paid by and if the library personnel will have any duties not associated with the library;
  - 2) The intended operational hours of the library upon completion of the project, including the hours of operation during the time periods when the facility partner is not open to the public;
  - 3) An indication on any architectural drawings of the entrances for the library and the other public part of the building;
  - 4) If a district library, the plans for sharing utility and upkeep costs associated with the building;
  - 5) If a district library, a signed agreement between the library board and the facility partner that delineates the responsibilities of each to the library;
  - 6) A contingency plan in the event the facility partner's portion of the building is closed or no longer used.

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

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**Section 3035.490 Disbursement of Grant Funds**

- a) For grants under this Subpart, the State Library shall make a lump sum payment upon the signing of the grant contract with the Secretary of State.
- b) Throughout the course of the project, the grantee shall submit the following:
  - 1) A copy of all applicable local bidding ordinances;
  - 2) A revised project budget after bids have been accepted;
  - 3) A revised construction schedule after bids have been accepted;
  - 4) A copy of the building permit issued by the appropriate corporate authority;
  - 5) Copies of each contract signed, including:
    - A) general contractor;
    - B) prime contractor;
    - C) any contracts for which separate bids were advertised and received (e.g., carpeting, equipment);
    - D) subcontractors (if contracts are to be signed later, copies can be sent as signed but prior to the start of the subcontractor's work);
  - 6) Notification of the erection on the construction site of a sign stating that library construction funds administered by the Secretary of State are being used for the construction;
  - 7) Quarterly narrative and financial reports to date;
  - 8) Letter of notification as to the official date of actual construction start. Construction should begin within 140 days after the effective date of the contract with the Illinois State Library, according to Section 3035.435(f);

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NOTICE OF ADOPTED AMENDMENTS

- 9) Submission of any projected project expenditure changes, including identification in detail of how the grant is to be spent.
- c) Upon completion of the project, the grantee shall submit for approval the close-out reports and audit to the Illinois State Library as specified in Section 3035.450(b)(2)(P).

(Source: Added at 32 Ill. Reg. 9666, effective June 23, 2008)

## SECRETARY OF STATE

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Public Library Construction Grants
- 2) Code Citation: 23 Ill. Adm. Code 3060
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3060.100	Repeal
3060.200	Repeal
3060.400	Repeal
3060.500	Repeal
3060.600	Repeal
3060.700	Repeal
3060.800	Repeal
3060.900	Repeal
3060.1000	Repeal
3060.1050	Repeal
3060.1110	Repeal
3060.2000	Repeal
3060.APPENDIX A	Repeal
- 4) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8]
- 5) Effective Date of repealer: June 23, 2008
- 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 and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: March 14, 2008; 32 Ill. Reg. 3667
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Difference between proposal and final version: None

## SECRETARY OF STATE

## NOTICE OF ADOPTED REPEALER

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? No agreements were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of repealer: This Part is being repealed and moved to Subpart D of 23 Ill. Adm. Code 3035 (Illinois State Library Grant Programs).
- 16) Information and questions regarding this adopted repealer shall be directed to:

Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
Springfield, IL 62701-1796

217-558-4185  
jnatale@ilsos.net



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JULY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Electronic Commerce Security Act (14 Ill. Adm. Code 105)
- 1) Rulemaking:
- A) Description: Under the current rule, in accordance with the Electronic Commerce Security Act, the Department serves as the single certification authority that may issue digital signature technology for State agencies. Due to the increasing use of this technology, and at the request of JCAR, the Department is adding a section that will identify and recognize use of digital technology by State agencies.
- B) Statutory Authority: Authorized by the Electronic Commerce Security Act [5 ILCS 175]
- C) Scheduled meeting/hearing dates: Not yet scheduled
- D) Date agency anticipates First Notice: Not yet scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Gina Wilson  
Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
217/785-1793
- G) Related rulemakings and other pertinent information: None

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Information, Rulemaking, Organization and Personnel, 2 Ill. Adm. Code 2675.230
- 1) Rulemaking:
- A) Description: This rulemaking will make express the Executive Director's authority to issue certifications of representatives, certifications of the results of elections, and dismissals of representation petitions.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- b) Part(s) (Heading and Code Citation): Representation Procedures, 80 Ill. Adm. Code 1110.70
- 1) Rulemaking:
- A) Description: This rulemaking will create the same window period for bargaining units containing and not containing professional instructional personnel.

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- B) Statutory Authority: 115 ILCS 5/5(i), 5/9
  - C) Scheduled meeting/hearing dates: None are currently scheduled.
  - D) Date agency anticipates First Notice: November 1, 2008
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:  
  
Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
  - G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- c) Part(s) (Heading and Code Citation): Freedom of Information, 2 Ill. Adm. Code 2676.20
- 1) Rulemaking:
    - A) Description: This rulemaking will include affidavits submitted in unfair labor practice cases as confidential and exempt from disclosure under the Freedom of Information Act.
    - B) Statutory Authority: 115 ILCS 5/5(i)
    - C) Scheduled meeting/hearing dates: None are currently scheduled.
    - D) Date agency anticipates First Notice: November 1, 2008
    - E) Effect on small businesses, small municipalities or not for profit corporations: None

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov

G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.d) Part(s) (Heading and Code Citation): Representation Procedures, 80 Ill. Adm. Code 1110.105

## 1) Rulemaking:

A) Description: This rulemaking will provide that a hearing will not be conducted on unit appropriateness or exclusion issues in majority interest cases if no issues of material fact are raised.

B) Statutory Authority: 115 ILCS 5/5(i), 5/9

C) Scheduled meeting/hearing dates: None are currently scheduled.

D) Date agency anticipates First Notice: November 1, 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- e) Part(s) (Heading and Code Citation): General Procedures, 80 Ill. Adm. Code 1100.70
- 1) Rulemaking:
- A) Description: This rulemaking will provide for subpoena requests and motions to revoke subpoenas to be filed with the hearing officer or Administrative Law Judge rather than the Chief Administrative Law Judge. This rulemaking will also provide for the cost of seeking subpoenas that are enforced to be borne by the party unsuccessfully resisting the requests for subpoenas.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- f) Part(s) (Heading and Code Citation): General Procedures, 80 Ill. Adm. Code 1100.30
- 1) Rulemaking:

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- A) Description: This rulemaking will delete the three days added to time periods when service is by first-class mail.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov

- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

- g) Part(s) (Heading and Code Citation): Representation Procedures, 80 Ill. Adm. Code 1110.100, 1110.105, 1110.150, 1110.160; Unfair labor practice proceedings, 80 Ill. Adm. Code 1120.30, 1120.50, 1120.80; Fair share fee objections, 80 Ill. Adm. Code. 1125.40, 1125.80

- 1) Rulemaking:

- A) Description: This rulemaking will provide for documents to be filed based on the date of receipt of a document rather than the date the original document is sent.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- h) Part(s) (Heading and Code Citation): Unfair Labor Practice Proceedings, 80 Ill. Adm. Code 1120.70
- 1) Rulemaking:
- A) Description: This rulemaking will provide that a compliance investigation will be conducted if a party asserts that compliance has not occurred. This rulemaking will provide that the Executive Director or his designee may order mediation of compliance disputes and that the agency will provide the mediator. This rulemaking will also provide that the Executive Director or his designee shall order a compliance hearing when compliance has not occurred or there is an issue of law or material fact as to whether compliance has occurred. This rulemaking will provide that the compliance hearing will be conducted in accordance with the Board's Rules for hearing procedures in contested cases and that testimony may be presented. This rulemaking provides for the Complainant to present a specification of the amount of backpay due but for the subpoena power to continue during compliance proceedings. This rulemaking will allow the 30-day period for issuance of the Recommended Decision and Order in a compliance case to be extended on agreement of the parties. This rulemaking will eliminate the exclusion of factual issues turning

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

exclusively on witnesses' demeanor from the issues to be resolved in the Recommended Decision and Order.

- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Susan Willenborg  
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Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov

- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

i) Part(s) (Heading and Code Citation): Representation Procedures, 80 Ill. Adm. Code 1110.90

1) Rulemaking:

- A) Description: This rulemaking will provide for notice to be provided to bargaining members through agreed-upon alternative means if the posting would occur during a period when a substantial number of bargaining unit members are not working.
- B) Statutory Authority: 115 ILCS 5/5(i), 5/9
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008



## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
  
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Chicago, Illinois 60601  
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E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- j) Part(s) (Heading and Code Citation): Representation Procedures, 80 Ill. Adm. Code 1110.105
- 1) Rulemaking:
- A) Description: This rulemaking will provide procedures in majority interest cases in cases where the proposed unit includes professional and non-professional or craft and non-craft employees and the employee organization has not demonstrated majority status in each group but has demonstrated majority status in a combined unit.
- B) Statutory Authority: 115 ILCS 5/5(i), 5/9
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
  
Susan Willenborg

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

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E-mail: Susan.Willenborg@illinois.gov

- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- k) Part(s) (Heading and Code Citation): Representation Procedures, 80 Ill. Adm. Code 1110.105
- 1) Rulemaking:
- A) Description: This rulemaking will provide procedures in majority interest self-determination cases.
- B) Statutory Authority: 115 ILCS 5/5(i), 5/9
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
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160 N. LaSalle Street, Suite N-400  
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E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- l) Part(s) (Heading and Code Citation): General Procedures, 80 Ill. Adm. Code 1100.120;

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

Unfair labor practice proceedings 80 Ill. Adm. Code 1120.50

1) Rulemaking:

- A) Description: This rulemaking will move the rule on oral argument before the Board from the unfair labor practice proceedings section to the general procedures section.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
  
Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
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Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

m) Part(s) (Heading and Code Citation): University of Illinois Bargaining Units, 80 Ill. Adm. Code. 1135.20

1) Rulemaking:

- A) Description: This rulemaking will provide presumptively appropriate bargaining units for faculty at the University of Illinois that are consistent with the statute.
- B) Statutory Authority: 115 ILCS 5/5(i), 5(9)

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- n) Part(s) (Heading and Code Citation): Representation Procedures, 80 Ill. Adm. Code. 1110.40
- 1) Rulemaking:
- A) Description: This rulemaking will provide that voluntary recognition procedures may not be used when another employee organization has lawfully attained representation rights.
- B) Statutory Authority: 115 ILCS 5/5(i), 5(9)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
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Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov

- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- o) Part(s) (Heading and Code Citation): Hearing Procedures, 80 Ill. Adm. Code. 1105.20, 1105.100
- 1) Rulemaking:
- A) Description: This rulemaking will provide that the parties shall participate in mediation at a Board Agent's direction.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
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Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- p) Part(s) (Heading and Code Citation): Representation Procedures, 80 Ill. Adm. Code. 1110.100
- 1) Rulemaking:
- A) Description: This rulemaking will provide that the Executive Director or the hearing officer may direct an election when the only issues remaining between the parties are logistical.
- B) Statutory Authority: 115 ILCS 5/5(i), 5(9)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- q) Part(s) (Heading and Code Citation): General Procedures, 80 Ill. Adm. Code. 1100.130
- 1) Rulemaking:
- A) Description: This rulemaking will allow Rules to be waived under certain conditions with the consent of the parties.
- B) Statutory Authority: 115 ILCS 5/5(i)

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- r) Part(s) (Heading and Code Citation): Representation Procedures, 80 Ill. Adm. Code. 1110.105
- 1) Rulemaking:
- A) Description: This rulemaking will provide that when there is a vote on whether there should be a combined professional-nonprofessional unit or a combined craft-noncraft unit in a majority interest case, the Board is not required to certify the exclusive representative within 30 days after receipt of the petition.
- B) Statutory Authority: 115 ILCS 5/5(i), 5(9)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- s) Part(s) (Heading and Code Citation): Public Information, Rulemaking, Organization and Personnel, 2 Ill. Adm. Code 2675. APPENDIX A
- 1) Rulemaking:
- A) Description: The staff organization chart will be updated.
- B) Statutory Authority: 115 ILCS 5/5(i), 5 ILCS 100/5-15(a)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov



## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- t) Part(s) (Heading and Code Citation): Collective Bargaining and Impasse Resolution, 80 Ill. Adm. Code 1130.80
- 1) Rulemaking:
- A) Description: This rulemaking will provide that the Board may appoint an individual to the Mediation Roster and that Board staff will review the applicant's qualifications and present the applicants to the Board for acceptance.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- u) Part(s) (Heading and Code Citation): General Procedures, 80 Ill. Adm. Code 1100.20
- 1) Rulemaking:

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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- A) Description: This rulemaking will provide that documents sent by United States mail shall be considered filed on the date that they are postmarked. This rulemaking will also provide for filing by e-mail with a receipt, and that documents filed by e-mail shall be considered to have been filed on the date that the Board receives them.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- v) Part(s) (Heading and Code Citation): Hearing Procedures, 80 Ill. Adm. Code 1105.80
- 1) Rulemaking:
- A) Description: This rulemaking will correct a citation to the Rule stating time limits for issuing hearing officers' decisions in representation cases.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JULY 2008 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
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160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
- w) Part(s) (Heading and Code Citation): Unfair Labor Practice Proceedings, 80 Ill. Adm. Code 1120.60
- 1) Rulemaking:
- A) Description: This rulemaking will provide for and set the standards for granting stays of Board orders. This rulemaking will provide for requests for enforcement.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date agency anticipates First Notice: November 1, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
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ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2008 REGULATORY AGENDA

Chicago, Illinois 60601  
Telephone: 312/793-3170  
E-mail: Susan.Willenborg@illinois.gov

- G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JULY 2008 REGULATORY AGENDA

- a) Part: Practice in Administrative Hearings (89 Ill. Adm. Code 104)
- 1) Rulemaking:
- A) Description: The Department may propose an amendment to the definition of "Estate" relating to long-term care insurance coverage under the Long Term Care Partnership.
- B) Statutory Authority: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25(D) and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25(D) and 12-13].
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
- Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield, Illinois 62763-0002  
217/557-7157
- G) Related rulemakings and other pertinent information: None
- b) Part: Medical Assistance Programs (89 Ill. Adm. Code 120)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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1) Rulemaking:

- A) Description: Proposed amendments are planned to provide policy changes that comply with federal law concerning transfers of assets and the treatment of assets at initial eligibility. A new rule is also planned on the treatment of annuities. The Department may propose rules or amendments in conjunction with other State agency partners, including Insurance, DHS-DRS and Aging, regarding eligibility under the Long Term Care Partnership relating to long term care insurance coverage. These changes would be to implement recent federal changes under the Deficit Reduction Act.

The Department will propose amendments to the Home and Community Based Services Waiver for Medically Fragile, Technology Dependent Disabled Persons Under age 21, to reflect the requirement of an individual assessment of medical needs be used in the determination of eligibility and medical appropriateness for the waiver and to determine the level of care necessary to maintain a child in the home if determined eligible for the waiver. These changes will reflect those made in the renewal of the waiver.

- B) Statutory Authority: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13], Public Act 94-1043 and Public Act 94-0847.
- C) Schedule of meeting or hearing dates: The Department has established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JULY 2008 REGULATORY AGENDA

comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/557-7157

G) Related rulemakings and other pertinent information: None2) Rulemaking:

- A) Description: The Department will propose an amendment for Health Benefits for Workers with Disabilities (HBWD) that will disregard retirement accounts that the person or spouse cannot access without penalty before age 59 1/2 and medical savings accounts established pursuant to 26 USC 220. The state will disregard an additional \$23,000 in non-exempt assets.
- B) Statutory Authority: Authorized by P.A. 095-0546 and [305 ILCS 5/5-2.11-11d].
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JULY 2008 REGULATORY AGENDA

comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/557-7157

G) Related rulemakings and other pertinent information: None3) Rulemaking:

- A) Description: The Department will propose rule that will target persons who applied for Aged, Blind and Disabled (AABD) medical when they were between ages 60 through 64 and their income and/or assets caused them to be ineligible or placed in Spenddown. This program is being implemented to determine if providing medical coverage to these persons would decrease the likelihood of them becoming institutionalized and not being able to maintain their home in the community.
- B) Statutory Authority: Authorized by P.A 95-0248 and [305 ILCS 5/5-2.4].
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written



## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JULY 2008 REGULATORY AGENDA

comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/557-7157

G) Related rulemakings and other pertinent information: Nonec) Part: Childrens Health Insurance Program (89 Ill. Adm. 125)1) Rulemaking:

- A) Description: The Department will propose minor modifications to the rule governing the former KidCare Program under CHIPA to make it consistent with the rule at Ill. Adm. Code 123 that implements the All Kids Covered Health Insurance Program Act.
- B) Statutory Authority: Implementing and authorized by 215 ILCS 106.
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JULY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Tamara Tanzillo Hoffman  
Chief of Staff  
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217/557-7157

G) Related rulemakings and other pertinent information: Rules promulgated at 89 Ill. Adm. Code 123.d) Part: Medical Payment (89 Ill. Adm. Code 140)1) Rulemaking:A) Description: Upon awarding of the contract pursuant to the NETSPAP Request for Proposal, Reference Number 2008-29-001, the Department will be making changes to applicable rules, including, but not limited to, Section 140.490 Medical Transportation.

An amendment will be proposed to expand the definition of "management responsibility" to include persons who act as a billing agent and that an entity that has been terminated, suspended, or barred by the Department may not, while such sanction remains in effect, serve as a billing agent of a vendor.

An amendment will be proposed to permit the Department to seek termination from the Medical Assistance Program those vendors who are convicted of murder or a Class X felony.

A new rule will permit the Department to temporarily withhold Medicaid payments to a vendor upon receipt of reliable evidence that the circumstances giving rise to the need for the withholding may involve fraud or willful misrepresentation.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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A new provision will describe the minimum requirements for documentation that vendor pharmacies must maintain for prescriptions received by telephone.

A rule amendment will be proposed to permit corporations registered with the Illinois Secretary of State and whose shares of ownership are publicly traded in a recognized stock exchange within the United States of America to be an alternated payee for individual practitioners.

A proposed amendment and a new rulemaking will establish that all providers of a non-emergency medi-car and service car must maintain documentation that every driver and employee attendant has successfully completed a safety program prior to transporting the patient except for providers that receive federal funding under 49 U.S.C. 5307 and 5311.

A rule amendment will be proposed to permit the Department to deny an application to participate in the Medical Assistance Program if the applicant, its owners or management has a legally enforceable debt owed to the Department.

A new rulemaking will allow the Department, in its discretion, to utilize available, recognized computer software programs (including, but not limited to, Geographic Information System programs) when verifying the billed mileage for reimbursement to non-emergency transportation providers.

- B) Statutory Authority: Section 1915(c) of the Social Security Act (42 USC 1396n(c)) (Federal Waiver Authority) and 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, the Alternative Health Care Delivery Act [210 ILCS 3/35], and the Illinois Children's Mental Health Act [305 ILCS 5/5-5.23]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:  
Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/557-7157
- G) Related rulemakings and other pertinent information: None
- 1) Rulemaking:
- A) Description: The Department plans to propose rulemaking to establish the criteria and reimbursement for intensive community-based mental health services for participants over age 21.
- The Department plans to propose rulemaking to establish limitations on the reimbursement criteria for group psychotherapy.
- The Department plans to propose rulemaking to establish case management services for individuals, identified through the screening process specified in Section 140.642, when transitioning from a nursing facility into residence in the community.
- The Department plans to propose rulemaking to allow for developmental testing of infants and risk assessment screenings for perinatal depression.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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The Department plans to propose a rulemaking to require tamper-resistant prescription pads in compliance with federal law. Further, technical changes will be made to the rules on pharmacy.

The Department plans to propose a rulemaking for telemedicine and telepsychiatry. These rules will establish the Department's policy for these services.

The Department plans to propose a rulemaking to allow an individual practitioner to designate the provider/owner of the business as the payee.

The Department plans to propose a rulemaking to clarify the coverage of preventive services for podiatrists.

- B) Statutory Authority: Section 1915(c) of the Social Security Act (42 USC 1396n(c)) (Federal Waiver Authority) and 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, the Alternative Health Care Delivery Act [210 ILCS 3/35], and the Illinois Children's Mental Health Act [305 ILCS 5/5-5.23]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

Tamara Tanzillo Hoffman

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JULY 2008 REGULATORY AGENDA

Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/557-7157

- G) Related rulemakings and other pertinent information: None
- e) Part: Specialized Health Care Delivery systems (89 Ill. Adm. Code 146)
- 1) Rulemaking:
- A) Description: The Department plans revisions to the Supportive Living Program rules. The revision will include clarifications to current provisions as well as the addition of new requirements.
- B) Statutory 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 and 5/5-5.01a], Health Care Worker Background Check Act [225 ILCS 46] and the Alternative Health Care Delivery Act [210 ILCS 3/35]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The changes concerning the Supportive Living Program will have an impact on supportive living facilities as small businesses and/or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JULY 2008 REGULATORY AGENDA

Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/557-7157

- G) Related rulemakings and other pertinent information: None
- f) Part: Hospital Services (89 Ill. Adm. Code 148)
- 1) Rulemaking:
- A) Description: The Department intends to propose a new Subpart E to set forth the process by which the Department shall identify hospitals that are Institutions for Mental Disease (IMDs) or that are at risk of becoming IMDs, the preventive measures to be taken to avoid classification of a hospital as an IMD, and the actions to be taken if a hospital is identified as an IMD.
- The Department plans to propose rulemaking to establish criteria and reimbursement for inpatient mental health services for participants over age 21.
- The Department intends to propose changes related to the elimination of the long term care Exceptional Care Program, as it has been replaced with a new reimbursement methodology.
- The Department intends to propose changes regarding Trauma Center Payments, regarding qualifications for such payments.
- B) Statutory 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 and VI and 12-13] and the Budget Implementation Act
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JULY 2008 REGULATORY AGENDA

- D) Date agency anticipates First Notice: The Department anticipates filing all three-rule proposals in early 2007.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
- Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/557-7157
- G) Related rulemakings and other pertinent information: None

g) Part: Child Support Enforcement (89 Ill. Adm. Code 160)

1) Rulemaking:

- A) Description: Section 160.5 is revised to clarify "Date of Collection" definition to state when the Department may actually distribute unemployment benefits offset as a child support payment. HFS is unable to distribute payments received from the Department of Employment Security until they are actually deposited into the Department's account. HFS cannot distribute support payments based on a collection date that is prior to the availability of the funds.

Section 160.60 is revised to specify that retroactive support payments will be addressed when the IV-D client asks that such an order be entered.

As stated in the federal Deficit Reduction Act of 2005, Section 160.70 will be revised to allow federal tax offsets for all IV-D cases with a past due balance of at least \$150, even if the child is emancipated.



## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Further, Section 160.70 will be revised as a result of Public Act 95-0685 that allows the Department to work with municipalities with ordinances to immobilize and impound vehicles for non-payment of child support.

Section 160.70 will also be revised as a result of Public Act 95-0685, that allows for the Department's certification of pay-due support to the Illinois Secretary of State to administratively suspend a non-custodial parent's driver license for the non-payment of child support.

Section 160.75 will be revised as a result of Public Act 95-0468 which provides for entry of a judgment against a payor or an officer or employee of the payor as provided by law if that payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice even when the payor company has been dissolved or gone bankrupt.

Federal regulations authorize that changes may be made to 160.140 to decrease the frequency of notices sent to TANF (formerly AFDC) and former TANF clients for whom the Department receives child support payments after case cancellation. This action will be taken to reduce mailing costs incurred by the Department. The same information that is on the notice is available on demand by accessing the Department's website.

- B) Statutory Authority: Implementing and authorized by the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505.2], the Illinois Parentage Act of 1984 [750 ILCS 45/14], and the Illinois Public Aid Code [305 ILCS 5/10-17.12].
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JULY 2008 REGULATORY AGENDA

may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- F) Agency contact person for information:  
Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/557-7157
- G) Related rulemakings and other pertinent information: None

## HISTORIC PRESERVATION AGENCY

## JULY 2008 REGULATORY AGENDA

- a) Part(s): 17 Ill. Adm. Code 4160 (Public Use of Historic Sites and Properties)
- 1) Rulemaking: Section 4160.300 Union Square Park
- A) Description: Rules governing use of park facilities
- B) Statutory Authority: Historic Preservation Agency Act [20 ILCS 3405]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 14, 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- William L. Wheeler  
1 Old State Capitol Plaza, Springfield, IL 62701  
217/785-9045
- G) Related rulemakings and other pertinent information: None

## PROPERTY TAX APPEAL BOARD

## JULY 2008 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910.
- 1) Rulemaking
- A) Description: No rulemaking is anticipated.
- B) Statutory Authority: 35 ILCS 200/Art.7 and 35 ILCS 200/16-160 through 16-195.
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: None
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Steven M. Waggoner, Chief Hearing Officer  
Property Tax Appeal Board  
Rm. 402, Stratton Office Bldg.  
401 S. Spring St.  
Springfield, IL 62706  
217/782-6076
- G) Related rulemaking and other pertinent information:  
The Property Tax Appeal Board currently has a pending rulemaking that can be found at Volume 32, Issue 1, page 24, of the *2008 Illinois Register*, January 4, 2008.

## ILLINOIS RACING BOARD

## JULY 2008 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Self-Exclusion List, 11 Ill. Adm. Code 453
- 1) Rulemaking:
- A) Description: The purpose of the proposed rulemaking will be to create a new Part 453, Self-Exclusion List, to permit problem gamblers to voluntarily request that their names be placed on a list of self-excluded persons. As a result of the entry of a person's name on such list, that person would be prohibited from wagering on horse races and appearing at facilities licensed by the Illinois Racing Board (racetracks and off-track wagering facilities).
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Mickey Ezzo  
Illinois Racing Board  
100 W. Randolph Street  
Suite 7-701  
Chicago, IL 60601  
312-814-5017
- G) Related rulemaking and other pertinent information: None
- b) Part (Heading and Code Citation): Racing Rules, 11 Ill. Adm. Code 1318
- 1) Rulemaking:

## ILLINOIS RACING BOARD

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- A) Description: The purpose of the proposed rulemaking is to amend Section 1318.190, Open Stretch Racing.
  - B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
  - C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.
  - D) Date agency anticipates First Notice: Undetermined.
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:  
  
Mickey Ezzo  
Illinois Racing Board  
100 W. Randolph Street  
Suite 7-701  
Chicago, IL 60601  
312-814-5017
  - G) Related rulemaking and other pertinent information: None
- c) Part (Heading and Code Citation): General Licensee Rules, 11 Ill. Adm. Code 1313
- 1) Rulemaking:
    - A) Description: The purpose of the proposed rulemaking is to amend Section 1313.70, Horses in Paddock.
    - B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
    - C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.
    - D) Date agency anticipates First Notice: Undetermined.

## ILLINOIS RACING BOARD

## JULY 2008 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Mickey Ezzo  
Illinois Racing Board  
100 W. Randolph Street  
Suite 7-701  
Chicago, IL 60601  
312-814-5017
- G) Related rulemaking and other pertinent information: None
- d) Part (Heading and Code Citation): Hearings and Enforcement Proceedings, 11 Ill. Adm. Code 204
- 1) Rulemaking:
- A) Description: The purpose of the proposed rulemaking is to update the rules concerning hearings conducted by the Board.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Mickey Ezzo  
Illinois Racing Board  
100 W. Randolph Street

## ILLINOIS RACING BOARD

## JULY 2008 REGULATORY AGENDA

Suite 7-701  
Chicago, IL 60601  
312-814-5017

G) Related rulemaking and other pertinent information: None

e) Part (Heading and Code Citation): Procedures for License Hearings, 11 Ill. Adm. Code 205

1) Rulemaking:

A) Description: The purpose of the proposed rulemaking is to update the rules concerning hearings conducted by the Board.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.

D) Date agency anticipates First Notice: Undetermined.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mickey Ezzo  
Illinois Racing Board  
100 W. Randolph Street  
Suite 7-701  
Chicago, IL 60601  
312-814-5017

G) Related rulemaking and other pertinent information: None



## STATE UNIVERSITIES RETIREMENT SYSTEM

## JULY 2008 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Universities Retirement (80 Ill. Adm. Code 1600.140)

1) Rulemaking: No docket number presently assigned.

A) Description: A Section to set forth retention periods for the various categories of documents used by the System in business operations.

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign, IL 61820  
217/378-7516

G) Related rulemakings and other pertinent information:

b) Part(s) (Heading and Code Citation): Participation Requirements (80 Ill. Adm. Code 1600.200)

1) Rulemaking: No docket number presently assigned.

A) Description: A Section clarifying the definition of "employee" under Section 15-107 of the Illinois Pension Code, 40 ILCS 5/15-107.

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS

## STATE UNIVERSITIES RETIREMENT SYSTEM

## JULY 2008 REGULATORY AGENDA

5/15-177.

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign, IL 61820  
217/378-7516

G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citation): Disabled Child Survivors Insurance Beneficiaries (80 Ill. Adm. Code 1600.306)

1) Rulemaking: No docket number presently assigned.

A) Description: A Section regarding the timing and criteria used in making determinations of disability status for purposes of survivors insurance under Section 15-145(c) of the Illinois Pension Code, 40 ILCS 5/15-145(c).

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2008

## STATE UNIVERSITIES RETIREMENT SYSTEM

## JULY 2008 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
  
Albert J. Lee, Assistant General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign, IL 61820  
217/378-7516
- G) Related rulemakings and other pertinent information:
- d) Part(s) (Heading and Code Citation): Procedures to Be Followed in Medical Evaluation of Disability Claims (80 Ill. Adm. Code 1600.320)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: An amendment revising the disability claims review process by clarifying the necessary criteria for the award of disability benefits, establishing the role of the medical claims processor, and establishing procedures for the ongoing investigation of disability claims.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-150, 15-177.
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: July 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
  
Albert J. Lee, Assistant General Counsel

## STATE UNIVERSITIES RETIREMENT SYSTEM

## JULY 2008 REGULATORY AGENDA

State Universities Retirement System  
1901 Fox Drive  
Champaign, IL 61820  
217/378-7516

G) Related rulemakings and other pertinent information:

e) Part(s) (Heading and Code Citation): Commencement of Disability Benefits (80 Ill. Adm. Code 1600.325)

1) Rulemaking: No docket number presently assigned.

A) Description: A Section clarifying the System's interpretation of Section 15-151 of the Illinois Pension Code, 40 ILCS 5/15-151, as it relates to the "termination of payment of salary or sick leave."

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 15-177.

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign, IL 61820  
217/378-7516

G) Related rulemakings and other pertinent information:

f) Part(s) (Heading and Code Citation): Making Preliminary Estimated Payments (80 Ill.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## JULY 2008 REGULATORY AGENDA

1600.420)

- 1) Rulemaking: No docket number presently assigned.
  - A) Description: Revise the current rule on Making Preliminary Estimated Payments to include procedures for holding payments when the member has not responded to informational requests, and to terminate the benefit after a period of non-compliance with the request.
  - B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
  - C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
  - D) Date agency anticipates First Notice: July 2008
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:  
  
Albert J. Lee, Assistant General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign, IL 61820  
217/378-7516
  - G) Related rulemakings and other pertinent information:

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## JULY 2008 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

A) Description: The System is considering rule changes involving the cashing of benefit warrants and benefit suspensions.

B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].

C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Sandy Cochran  
Teachers' Retirement System  
Office of the General Counsel  
P.O. Box 19253  
2815 West Washington  
Springfield, Illinois 62794-9253  
217/753-0375

G) Related rulemakings and other pertinent information: None

## ILLINOIS WORKERS' COMPENSATION COMMISSION

## JULY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Pre-arbitration, 50 Ill. Adm. Code 7020 and Review, 50 Ill. Adm. Code 7040
- 1) Rulemaking:
- A) Description: The rulemaking would amend the Commission's arbitration and review procedures, including procedures relating to expedited hearings under Section 19(b) of the Workers' Compensation Act.
- B) Statutory Authority: 820 ILCS 305/16 and 19
- C) Scheduled meeting/hearing dates: No dates have been set.
- D) Date agency anticipates First Notice: No date has been set.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Kathryn A. Kelley  
Counsel  
Illinois Workers' Compensation Commission  
100 West Randolph Street  
Suite 8-272  
Chicago, IL 60601  
312/814-6559
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Arbitration, 50 Ill. Adm. Code 7030
- 1) Rulemaking:
- A) Description: The rulemaking would amend the Commission's arbitration procedures, including procedures relating to requesting arbitration decisions which include findings of fact and conclusions of law under Section 19(b) of the Workers' Compensation Act.

## ILLINOIS WORKERS' COMPENSATION COMMISSION

## JULY 2008 REGULATORY AGENDA

- B) Statutory Authority: 820 ILCS 305/16 and 19
  - C) Scheduled meeting/hearing dates: No dates have been set.
  - D) Date agency anticipates First Notice: No date has been set.
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:  
  
Kathryn A. Kelley  
Counsel  
Illinois Workers' Compensation Commission  
100 West Randolph Street  
Suite 8-272  
Chicago, IL 60601  
312/814-6559
  - G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Miscellaneous, 50 Ill. Adm. Code 7110
- 1) Rulemaking:
    - A) Description: The rulemaking would establish requirements for certification of vocational rehabilitation counselors in accordance with Section 8(a) of the Act.
    - B) Statutory Authority: 820 ILCS 305/8(a), 16 and 19
    - C) Scheduled meeting/hearing dates: No dates have been set.
    - D) Date agency anticipates First Notice: No dates have been set.
    - E) Effect on small businesses, small municipalities or not for profit corporations: None
    - F) Agency contact person for information:



## ILLINOIS WORKERS' COMPENSATION COMMISSION

## JULY 2008 REGULATORY AGENDA

Kathryn A. Kelley  
Counsel  
Illinois Workers' Compensation Commission  
100 West Randolph Street  
Suite 8-272  
Chicago, IL 60601  
312/814-6559

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Insurance Regulations, 50 Ill. Adm. Code 7100

1) Rulemaking:

A) Description: The rulemaking would amend the Commission's insurance procedures, including procedures relating to insurance compliance under Section 4 of the Workers' Compensation Act.

B) Statutory Authority: 820 ILCS 305/4, 16 and 19

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Kathryn A. Kelley  
Counsel  
Illinois Workers' Compensation Commission  
100 West Randolph Street  
Suite 8-272  
Chicago, IL 60601  
312/814-6559

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: 310.80 and 310.220
- 4) Date Peremptory published in Illinois Register: May 2, 2008; 32 Ill. Reg. 7154
- 5) Date Request for Expedited Correction to Adopted Rules published in Illinois Register: June 20, 2008; 32 Ill. Reg. 9071
- 6) Adoption Effective Date: April 17, 2008
- 7) Correction Effective Date: April 17, 2008. This is the effective date of the Peremptory Amendment (May 2, 2008; 32 Ill. Reg. 7154).
- 8) Reason for Approval of Expedited Correction: In Section 310.80, the capitalization of the word "step" is inconsistent and the numbering of the 4th level of subsection (d) does not meet the Secretary of State Style Manual guidelines. The numbering of the 4th level of subsection (d) is referenced in Section 310.220. The capitalization errors are not substantive and correction provides clarity in the reference of a particular step. The numbering errors are not substantive and create unintentional discrepancies between the adopted rule text and the text published in the Illinois Register. The expedited corrections are requested in order that the proposed amendments to the Pay Plan at 32 Ill. Reg. 4417, if the Joint Committee on Administrative Rules issues a "Certificate of No Objection," may be adopted effective July 1, 2008 without errors.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EXPEDITED CORRECTION

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
310.47	In-Hiring Rate
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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EXPEDITED CORRECTION

310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State Rate
310.295	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 and Bonuses
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 and Bonus 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	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EXPEDITED CORRECTION

310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
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)
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].

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EXPEDITED CORRECTION

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, 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; peremptory 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; peremptory 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; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory 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; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory 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; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory 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; peremptory

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EXPEDITED CORRECTION

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, 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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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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. 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;



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peremptory 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; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory 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; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective

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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. 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

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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 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; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

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peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008.

## SUBPART A: NARRATIVE

**Section 310.80 Increases in Pay**

Except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Negotiated Rates (Appendix A) and the Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Appendix B), increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

- a) Satisfactory Performance Increase –
  - 1) Each employee who has not attained Step 8 of the relevant pay grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the pay grade after one year of creditable service in the same class. Step increases are suspended for non-union positions and employees.
  - 2) A satisfactory performance increase shall become effective on the first day of the month within which the required period of creditable service is reached.
  - 3) No satisfactory performance increase may be given after the effective date of separation.

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- b) Withholding Satisfactory Performance Increase – As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:
- 1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.
  - 2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services – It shall be reported upon completion of action required by subsection (b)(1), but not later than the submission of the payroll reflecting the denial of the increase.
- c) Redetermination – A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.
- d) Other Pay Increases –
- 1) Promotion –
    - A) Standard Procedures –
      - ~~i)(1)~~ From Other Than Step 8 – Normally, upon promotion, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.
      - ~~ii)(2)~~ From Step 8 – Effective March 27, 2008, when an employee represented by the American Federation of State, County, and Municipal Employees (AFSCME) is promoted

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from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least the dollar difference between ~~Step~~ 7 and ~~Step~~ 8 in the former pay grade. To compute this, add the dollar difference between ~~Step~~ 7 and ~~Step~~ 8 in the former pay grade to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. Otherwise, when an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount.

- B) Exception – Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services shall consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.

2) Reallocation –

A) Standard Procedures –

- ~~i)~~ From Other Than Step 8 – Normally, upon reallocation, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.
- ~~ii)~~ From Step 8 – When an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the

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targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one ~~step~~<sup>Step</sup> for the bargaining unit employees.

- B) Exception – Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one ~~step~~<sup>Step</sup> for the bargaining unit employees.
- 3) Reevaluation – If a higher pay grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade that represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately. The reevaluation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one ~~step~~<sup>Step</sup> for the bargaining unit employees.
- 4) Separation and Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a position in a higher pay grade, an increase shall be given under the conditions and requirements applicable to promotions.
- 5) Reclassification – If the class to which the position is being moved has a higher pay grade, the employee's base salary is advanced to the salary in

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the new pay grade that represents the least increase in pay. If this new salary is less than the difference between Step 7 and Step 8 in the new pay grade and the employee has been paid the base salary in Step 8 of the previous pay grade for longer than one year, the new salary is advanced one step from the salary in the new pay grade representing the least increase.

- e) Adjustment – An employee may receive an upward adjustment in the employee's base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The adjustment shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one ~~step~~Step for the bargaining unit employees. The effective dates for the 4% and 3% adjustment increases effective December 2, 2005 and January 1, 2007, respectively, are as stated.

(Source: Peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; Expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008)

## SUBPART B: SCHEDULE OF RATES

**Section 310.220 Negotiated Rate**

- a) The rate of pay for a class in any specific area or agency, or in a specific area for an agency, as established and approved by the Director of Central Management Services after having conducted negotiations for this purpose, or as certified as being correct and reported to the Director of Central Management Services by the Director of the Illinois Department of Labor for designated classifications.
- b) An employee occupying a position in a class normally subject to contract, but whose position is excluded from the bargaining unit, shall receive the contract rate and other compensation items specified by the contract, unless the Director of Central Management Services has established another specific provision. Subsection (b) is suspended for non-union positions and employees. Effective



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January 1, 2008, the non-union positions and employees are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D).

- c) As provided in certain collective bargaining agreements, an employee may be paid at an appropriate higher rate when assigned to perform the duties of a higher level position. Eligibility for and the amount of this pay will be as provided in the contract.
- d) Effective March 27, 2008, when an employee represented by the American Federation of State, County, and Municipal Employees (AFSCME) is promoted from Step 8, the employee shall be paid as provided in Section 310.80(d)(1)(A)([ii2](#)).
- e) The negotiated rates of pay for classifications in specified operating agencies, in specified agency facilities or with specified duties shall be as indicated in Appendix A of this Part.

(Source: Peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2007; Expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

NOTICE OF FAILURE TO REMEDY  
OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

- 1) Heading of Part: Reimbursement for Nursing Costs for Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Numbers: 147.150      147.175      147.200      147.TableA
- 4) Notice of Emergency Rulemaking Published in Illinois Register: 1/11/08; 32 Ill. Reg. 415
- 5) Summary of Rulemaking: The emergency rule retools the Minimum Data Set (MDS) reimbursement methodology for nursing homes and sets out new rates, variables to consider when administering care, and recordkeeping requirements.
- 6) JCAR Action: Objection and Suspension (2/13/08; 32 Ill. Reg. 3114)
- 7) Basis for JCAR Action: JCAR objected to HFS' use of emergency rulemaking to revise the MDS reimbursement methodology because no emergency existed requiring adoption of the entire amendment in less time than is required under general rulemaking procedures.
- 8) Agency Response: None
- 9) Basis for JCAR Determination of Failure to Remedy: HFS failed to respond to JCAR's Objection by the 5/18/08 statutory deadline. JCAR found that the agency's failure to respond did nothing to remedy the cause of the Objection.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## OBJECTION TO AND SUSPENSION OF EMERGENCY AMENDMENTS

## STATE BOARD OF EDUCATION

Heading of the Part: Special Education Facilities Under Section 14-7.02 of the School Code

Code Citation: 23 Ill. Adm. Code 401

Section Numbers: 401.10  
401.30  
401.210

Date Related Proposed Rulemaking Published  
in Illinois Register: 4/4/08  
32 Ill. Reg. 4705

Date Emergency Rule Published in the  
Illinois Register: 4/4/08  
32 Ill. Reg. 4843

At its meeting on June 17, 2008, the Joint Committee on Administrative Rules voted to object to and suspend the State Board of Education's emergency amendments titled Special Education Facilities Under Section 14-7.02 of the School Code (23 Ill Adm Code 401; 32 Ill. Reg. 4843) and to notify the Secretary of State of the suspension of the emergency rulemaking. The reasons for the suspension are as follows:

The Board has not shown the existence of any emergency situation that warrants by-passing the public notice and opportunity to comment afforded by the regular rulemaking process. It is not likely that the Board will remove approval of any facility based on the changes in policy made by the emergency amendments until the 2008-09 approval cycle, allowing sufficient opportunity to use the proposed rulemaking process. JCAR finds that this unnecessary use of emergency rulemaking constitutes a threat to the public interest.

The suspended emergency amendments may not be enforced by the State Board of Education for any reason, nor may the Board file with the Secretary of State any rule having substantially the same purpose and effect as these suspended rules.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYTHIRD WITHDRAWAL IN PART OF  
SUSPENSION OF EMERGENCY RULE

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

Code Citation: 89 Ill Adm Code 147

Section Numbers: 147.150(a), (b) (1), (b)(2), (b)(3), (c)(1)(A), (c)(1)(B), (c)(1)(C), (c)(1)(D), (c)(1)(E)(i), (c)(1)(E)(ii), (c)(1)(F), (c)(2), (c)(3)(A), (c)(3)(B), (c)(3)(C), (d), (e)(1), (e)(2), (e)(3), (e)(4);

147.175(a), (b), (c), (d)(1)(A), (d)(1)(B), (d)(2), (d)(3), (e)(1)(A), (e)(1)(B), (e)(2)(A), (e)(2)(B), (e)(2)(C), (e)(3), (f);

147.200(a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (b), (c), (d), (e), (f), (g)(1), (g)(2), (g)(3), (h)(1), (h)(2), (h)(3), (h)(4), (i)(1)(A), (i)(1)(B), (i)(1)(C), (i)(2), (i)(3), (i)(4), (i)(5), (i)(6), (i)(7), (i)(8), (i)(9), (i)(10), (i)(11), (i)(12), (i)(13), (i)(14), (i)(15), (i)(18), (i)(19), (j)(1), (j)(2), (j)(3), (k)(1), (k)(2), (k)(3), (k)(4), (l), (m), (n)(1), (n)(2), (n)(3), (n)(4), (n)(5), (n)(6), (o)(1), (o)(2), (o)(3), (o)(4), (o)(5), (p)(1), (p)(2), (p)(3), (p)(4), (q)(1), (q)(2), (q)(3), (q)(4), (q)(5), (q)(6), (q)(7), (q)(8), (q)(9), (q)(10), (q)(11), (r)(1), (r)(2), (s), (t), (u), (v), (w)(1), (w)(2), (w)(3), (w)(4), (x)(1), (x)(2), (x)(3), (x)(4), (x)(5), (y)(1), (y)(2), (y)(3), (y)(4), (y)(5), (z)(1), (z)(2), (aa)(1), (aa)(2), (aa)(3), (bb)(1), (bb)(2), (bb)(3), (bb)(4), (cc)(1), (cc)(2), (cc)(3), (cc)(4), (cc)(5), (cc)(6), (cc)(7), (dd)(1)(A), (dd)(1)(B), (dd)(1)(C), (dd)(1)(D), (dd)(1)(E), (dd)(2)(A), (dd)(2)(B), (dd)(2)(C), (dd)(2)(D), (dd)(2)(E), (dd)(3)(A), (dd)(3)(B), (dd)(3)(C), (dd)(4)(A), (dd)(4)(B), (dd)(5)(A), (dd)(5)(B), (dd)(6)(A), (dd)(6)(B), (dd)(6)(C), (dd)(6)(D), (dd)(6)(E), (dd)(7)(A), (dd)(7)(B), (dd)(7)(C), (ee), (ff) (1), (ff)(2), (ff)(3), (ff)(4), (ff)(5), (ff)(6), (gg)(1), (gg)(2), (gg)(3), (gg)(4), (gg)(5), (gg)(6), (gg)(7), (gg)(8), (gg)(9), (gg)(10), (gg)(11), (hh)(1), (hh)(2), (ii)(1), (ii)(2), (ii)(3), (ii)(4), (jj)(1), (jj)(2), (jj)(3), (jj)(4), (jj)(5), (jj)(6), (jj)(7), (kk)(1)(A), (kk)(1)(B), (kk)(1)(C), (kk)(1)(D), (kk)(1)(E), (kk)(1)(F), (kk)(2)(A), (kk)(2)(B), (kk)(3), (kk)(4)(A), (kk)(4)(B), (kk)(4)(C), (kk)(5), (kk)(6)(A), (kk)(6)(B), (kk)(6)(C), (kk)(6)(D), (ll)(1), (ll)(2), (ll)(3), (mm)(1), (mm)(2), (nn)(1), (nn)(2), (nn)(3), (nn)(4), (nn)(5);

147.TABLE A (a), (b), (c), (d), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6),

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYTHIRD WITHDRAWAL IN PART OF  
SUSPENSION OF EMERGENCY RULE

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

(e)(7), (e)(8); Base Social Work and Activity; Activities of Daily Living; Medical Services: Contenance Care, Pressure Ulcer Prevention, Ostomy Services, IV Therapy, Oxygen Therapy, Chemotherapy, Dialysis, Blood Glucose Monitoring, End Stage Care, Infectious Disease, Acute Medical Conditions, Pain Management, Discharge, Planning; Mental Health Services: Psychiatric Services Level I and II, Skills Training-Section-S; Dementia Services; Exceptional Care: Traumatic Brain Injury; Special Patient Need Factors

<u>Date Originally Published in Illinois Register:</u>	1/11/08 32 Ill. Reg. 415
<u>Date Suspension Published in Illinois Register:</u>	2/29/08 32 Ill. Reg. 3114
<u>Date Suspension Became Effective:</u>	2/13/08
<u>Date of First Withdrawal in Part of Suspension:</u>	2/27/08
<u>Date of Second Withdrawal in Part of Suspension:</u>	3/11/08
<u>Date of Third Withdrawal in Part of Suspension:</u>	6/17/08

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-125 of the Illinois Administrative Procedure Act and 1 Ill. Adm. Code 230.600(c)(6), the Joint Committee, at its meeting on 6/17/08, has withdrawn in part the Suspension on the above subsections and items of the emergency rule titled Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147; 32 Ill. Reg. 415). The Committee originally issued this Suspension at its 2/13/08 meeting.

The above-cited subsections and items of the emergency rule now become effective for the remainder of the 150-day period for which originally adopted.

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 June 17, 2008 through June 23, 2008 and have been scheduled for review by the Committee at its July 15, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
8/1/08	<u>Department of Central Management Services</u> , Local Government Health Plan (80 Ill. Adm. Code 2160)	4/25/08 32 Ill. Reg. 6820	7/15/08
8/1/08	<u>Illinois Commerce Commission</u> , Rules of Practice (83 Ill. Adm. Code 200)	12/21/07 31 Ill. Reg. 16616	7/15/08
8/1/08	<u>Illinois Commerce Commission</u> , Notice Requirements for Subcontractor's Identification for Water and Sewer Utilities (83 Ill. Adm. Code 602)	2/29/08 32 Ill. Reg. 2857	7/15/08
8/1/08	<u>Illinois Racing Board</u> , Superfecta (11 Ill. Adm. Code 311)	5/2/08 32 Ill. Reg. 7027	7/15/08
8/1/08	<u>Illinois Racing Board</u> , Exacta Double (11 Ill. Adm. Code 320)	5/2/08 32 Ill. Reg. 7032	7/15/08
8/2/08	<u>Department of Financial and Professional Regulation</u> , Corrective Orders (50 Ill. Adm. Code 1250)	2/22/08 32 Ill. Reg. 2633	7/15/08
8/2/08	<u>Teachers' Retirement System</u> , The Administration and Operation of the Teachers'	4/11/08 32 Ill. Reg.	7/15/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

	Retirement System (80 Ill. Adm. Code 1650)	5972	
8/3/08	<u>Department of Financial and Professional Regulation</u> , Accident and Health Reserves (50 Ill. Adm. Code 2004)	4/4/08 32 Ill. Reg. 4486	7/15/08
8/6/08	<u>Department of Employment Security</u> , Claims, Adjudication, Appeals and Hearings (56 Ill. Adm. Code 2720)	5/2/08 32 Ill. Reg. 6999	7/15/08
8/6/08	<u>Department of Employment Security</u> , Payment of Benefits (56 Ill. Adm. Code 2830)	5/2/08 32 Ill. Reg. 7005	7/15/08

## PROCLAMATIONS

**2008-249****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Knox and Madison counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 17, 2008

Issued: June 17, 2008

**2008-250****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Edgar and St. Clair counties as a State Disaster Area pursuant to the



## PROCLAMATIONS

provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 19, 2008

Issued: June 19, 2008

**2008-251****Riverside Baptist Church**

WHEREAS, Riverside Baptist Church began as a non-denominational Sunday school in the City of Decatur on the third Sunday of March, 1906; and

WHEREAS, on June 23, 1908, members of the Riverside Chapel officially became a Baptist congregation with 44 charter members and its first pastor a Millikin University student, Rev. James Lively; and

WHEREAS, ground was broken for a new building in 1917, however, because of World War I the building's completion was postponed until June 28, 1925, at which time the cornerstone was laid; and

WHEREAS, in 1935 Riverside Baptist Church joined the General Association of Regular Baptist Churches and, in 1937, church member Ethel Spitzer began a home missionary program which was responsible for the founding of Baptist Bible Church in Decatur in the late 1950's. Riverside sent out its first foreign missionary family, Earl and Kay Hamilton, in 1944; and in 1969, helped to establish Fellowship Baptist Church in Mt. Zion; and

WHEREAS, in 1955, Riverside Baptist Church began the AWANA Club children's program, now celebrating 53 years of presence in the community; and

WHEREAS, in 1980, Riverside Baptist Church moved to its current location at 1250 West Mound Road and is now partially supporting over 25 missionary families around the world under the leadership of Pastor John Norris:

## PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize the Riverside Baptist Church on the celebration of its 100th Anniversary.

Issued by the Governor June 13, 2008

Filed by the Secretary of State June 20, 2008

**2008-252****Infection Prevention Week**

WHEREAS, protecting the health of Americans includes providing every citizen with access to safe and effective healthcare; and

WHEREAS, Infection Prevention and Control Professionals are devoted to patient and healthcare worker safety and are committed to reducing the risk and occurrence of healthcare-associated infections; and

WHEREAS, the prevention of healthcare-associated infections is instrumental in achieving this goal; and

WHEREAS, every year Americans make more than 1 billion visits to their doctors' offices, emergency rooms, and hospital outpatient departments and more than 37 million are admitted to hospitals, with many undergoing medical procedures that have a risk of infectious complications; and

WHEREAS, healthcare-associated infections increase morbidity and mortality and add a significant financial burden to the cost of healthcare; and

WHEREAS, the Association for Professionals in Infection Control and Epidemiology (APIC), representing more than 12,000 Infection Prevention and Control Professionals, sponsors International Infection Prevention and Control Week with this year's theme being, "Infection Prevention is Everyone's Business":

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 19 - 25, 2008 as **INFECTION PREVENTION WEEK** in Illinois, and encourage all citizens to join in this worthy effort to prevent healthcare-associated infections.

Issued by the Governor June 16, 2008

Filed by the Secretary of State June 20, 2008

**2008-253****Mothers of Twins Week**

## PROCLAMATIONS

WHEREAS, according to the United States Census Bureau, expecting mothers have a 1 in 32 chance of delivering twins; and

WHEREAS, there are two kinds of twins: fraternal twins develop from two separate eggs that are fertilized at the same time, while identical twins develop from one fertilized egg that splits into two separate eggs; and

WHEREAS, twins and their mothers share a special bond, but often, twins can bring about unforeseen challenges and lifestyle adjustments; and

WHEREAS, for that reason, the Illinois Organization of Mothers of Twins Clubs was formed in 1962 to provide assistance and support to mothers of twins; and

WHEREAS, every third week of October, the Illinois Organization of Mothers of Twins Clubs hosts a convention that brings mothers of twins throughout the state together to share new information and engage in networking opportunities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 12 - 18, 2008 as **MOTHERS OF TWINS WEEK** in Illinois to recognize mothers of twins for the care and love they, like all mothers, provide to our children, and in support of the Illinois Organization of Mothers of Twins Clubs for all of their valuable work in this state.

Issued by the Governor June 16, 2008

Filed by the Secretary of State June 20, 2008

**2008-254****Operation Snowball Month**

WHEREAS, Operation Snowball is a program that encourages kids to stay substance-free by providing them with experiential learning; and

WHEREAS, over 50,000 young people participate in Operation Snowball, which is partnered with the Illinois Alcoholism and Drug Dependence Association. Operation Snowball currently has over 140 chapters and is continually expanding; and

WHEREAS, the program focuses on prevention messages that aim primarily at the high school age because many students of this age understand the idea behind prevention. Group learning sessions present facts about drug and alcohol use and help students to develop their own ideas about substances before they are faced with situations in their future lives; and

## PROCLAMATIONS

WHEREAS, Operation Snowball is continually expanding to include people of all ages into their program by creating Snowflake for junior high students and Snowflurry for elementary students. These programs teach kids the importance of living a substance-free lifestyle at an early age. There is also Segue for college students and Blizzards for families, helping to serve as role models for the younger children; and

WHEREAS, Operation Snowball gives young adults the opportunity to enhance their leadership skills as well as maintain their substance-free lifestyle by mentoring younger children and motivating them to live by the same standards:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as **OPERATION SNOWBALL MONTH** and encourage all youth and young adults to maintain a healthy, substance-free lifestyle.

Issued by the Governor June 16, 2008

Filed by the Secretary of State June 20, 2008

**2008-255****Chicago Defender Charities Bud Billiken Day**

WHEREAS, Chicago Defender Charities has a long tradition of helping Illinoisans in need through charitable aid, such as financial assistance and scholarships to students and gift baskets to public housing residents during the holiday season; and

WHEREAS, Chicago Defender Charities also sponsors the annual Bud Billiken Parade, which, for 78 years, has provided free, wholesome, and fun entertainment for hundreds of thousands of children and parents; and

WHEREAS, this year, the Bud Billiken Parade celebrates its 79<sup>th</sup> anniversary, and the theme, "Education: Your Passport to Success", emphasizes the importance of educating our children; and

WHEREAS, organizations and events such as Chicago Defender Charities and the Bud Billiken Parade promote community service and unity, which are vital to the strength and success of Illinois communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 9, 2008 as **CHICAGO DEFENDER CHARITIES BUD BILLIKEN DAY** in Illinois

## PROCLAMATIONS

in recognition of Chicago Defender Charities' goodwill and to encourage all citizens of the State to support their noble efforts.

Issued by the Governor June 17, 2008

Filed by the Secretary of State June 20, 2008

**2008-256****Wabash Ribberfest Barbecue Championship**

WHEREAS, Wabash Ribberfest is a Memphis Barbecue Network and Kansas City Barbecue Society nationally sanctioned barbecue cook-off; and

WHEREAS, held in Mt. Carmel, Illinois the first weekend after Labor Day, this contest draws teams and judges from all across the nation; and

WHEREAS, by proclaiming the Wabash Ribberfest Barbecue Championship as a state contest it will be eligible for entry into the Jack Daniel's World Championship Invitational Barbeque contest in Lynchburg, Tennessee; and

WHEREAS, this proclamation will bring more notoriety to the contest and to the City of Mt. Carmel, as well as promote tourism in Southern Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the **WABASH RIBBERFEST BARBECUE CHAMPIONSHIP** as a State Barbecue Contest in the State of Illinois.

Issued by the Governor June 17, 2008

Filed by the Secretary of State June 20, 2008

**2008-257****Indonesian Independence Day**

WHEREAS, it is my distinct pleasure to join the Indonesian American community in celebrating Indonesia's 63<sup>rd</sup> Anniversary of Independence; and

WHEREAS, Indonesian Independence marks the anniversary of perhaps the most significant event in the history of the nation of Indonesia; and

WHEREAS, following three and a half centuries of colonialism Indonesia proclaimed Independence after World War II; and

## PROCLAMATIONS

WHEREAS, now, over half a century later, Indonesians all across the globe gather to commemorate the birth of their freedom; and

WHEREAS, here in Illinois, the Indonesian American community is flourishing, and I am proud of the many significant contributions that they have made to the state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 17, 2008 as **INDONESIAN INDEPENDENCE DAY** in Illinois in recognition of Indonesia's 63<sup>rd</sup> Anniversary of Independence, and in tribute to all the Indonesian Americans who call Illinois their home.

Issued by the Governor June 18, 2008

Filed by the Secretary of State June 20, 2008

**2008-258****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Monroe, Randolph and Whiteside counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 22, 2008

Issued: June 23, 2008

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

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