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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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TABLE OF CONTENTS

October 10, 2008 Volume 32, Issue 41

PROPOSED RULES

COMMERCE COMMISSION, ILLINOIS
 Licensure of Retail Electric Agents, Brokers, and Consultants
 83 Ill. Adm. Code 45416291

POLLUTION CONTROL BOARD
 Water Use Designations and Site Specific Water Quality Standards
 35 Ill. Adm. Code 30316303

REVENUE, DEPARTMENT OF
 Income Tax
 86 Ill. Adm. Code 10016309

TRANSPORTATION, DEPARTMENT OF
 Illinois Cycle Rider Safety Training Rules (Repealer)
 92 Ill. Adm. Code 45516327

 Illinois Cycle Rider Safety Training Program
 92 Ill. Adm. Code 45516345

ADOPTED RULES

AUDITOR GENERAL
 Code of Regulations
 74 Ill. Adm. Code 42016372

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
HIGHER EDUCATION
 Procurement Rules of the Chief Procurement Officer for Public
 Institutions of Higher Education
 44 Ill. Adm. Code 52616388

COMMUNITY COLLEGE BOARD, ILLINOIS
 Administration of the Illinois Public Community College Act
 23 Ill. Adm. Code 150116396

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL
OF ILLINOIS
 General Program
 35 Ill. Adm. Code 150016406

EDUCATION, STATE BOARD OF
 Requirements for Accounting, Budgeting, Financial Reporting, and
 Auditing
 23 Ill. Adm. Code 10016439

 Student Records
 23 Ill. Adm. Code 37516475

HUMAN RIGHTS, DEPARTMENT OF
 Procedures Applicable to All Agencies
 44 Ill. Adm. Code 75016484

RACING BOARD, ILLINOIS

Illinois Racing Board	
11 Ill. Adm. Code 200	16493
Security and Admissions	
11 Ill. Adm. Code 1325	16498
Regulations for Meetings (Thoroughbred)	
11 Ill. Adm. Code 1424	16502
SECRETARY OF STATE	
Illinois Safety Responsibility Law	
92 Ill. Adm. Code 1070	16507
STATE UNIVERSITIES RETIREMENT SYSTEM	
Universities Retirement	
80 Ill. Adm. Code 1600	16515
PEREMPTORY RULES	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	16591
JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
October Agenda.....	16634
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	16639
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER	
ENVIRONMENTAL PROTECTION AGENCY	
Notice of Public Information.....	16640
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
Gubernatorial Proclamation	
2008-373.....	16641
Graduate Education Week	
2008-374.....	16641
Compassion In Action Day	
2008-375.....	16642
Breast Cancer Awareness Month and Mammography Day	
2008-376.....	16643
Mitochondrial Disease Awareness Week	
2008-377.....	16644
National Family Week	
2008-378.....	16645
Staff Sgt. Jason A. Vazquez	
2008-379.....	16646
Pfc. Leonard J. Gulczynski	
2008-380.....	16647

Sgt. Joshua W. Harris	
2008-381.....	16647
Diabetes Awareness Month	
2008-382.....	16648
National Martial Arts Day	
2008-383.....	16649
Lung Cancer Awareness Month	
2008-384.....	16650
A Day Of Remembrance of the Honorable Anna Langford	
2008-385.....	16651
Siri Guru Granth Sahib Day	
2008-386.....	16652
Sgt. Daniel M. Eshbaugh	
2008-387.....	16652
Worldwide Day of Play	
2008-388.....	16653
ENERGY STAR Change a Light Day	
2008-389.....	16654

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 second filing period for submitting Regulatory Agendas will start October 14, 2008 with the last day to file being January 2, 2009.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Licensure of Retail Electric Agents, Brokers, and Consultants
- 2) Code Citation: 83 Ill. Adm. Code 454
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
454.10	New Section
454.20	New Section
454.30	New Section
454.40	New Section
454.50	New Section
454.60	New Section
454.70	New Section
454.80	New Section
454.90	New Section
454.100	New Section
454.110	New Section
454.120	New Section
454.130	New Section
454.140	New Section
- 4) Statutory Authority: Implementing Section 16-115C of the Public Utilities Act [220 ILCS 5/16-115C] and authorized by Sections 16-115C and 10-101 of the Public Utilities Act [220 ILCS 5/16-115C and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: Section 16-115C of the Public Utilities Act was added to the Act by PA 95-0679. Section 16-115C establishes the regulation of agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties. It requires the Commission to create licensing requirements for those persons subject to that Section. The Part would establish the managerial, financial, and technical requirements for licensing, along with a code of conduct and reporting requirements.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 08-0548, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting requirements
- C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for these rules at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 454

LICENSURE OF RETAIL ELECTRIC AGENTS, BROKERS AND CONSULTANTS

Section

454.10	Purpose
454.20	Definitions
454.30	Applicability
454.40	Required Application Filings and Procedures
454.50	General Licensing Requirements
454.60	Managerial Licensing Requirements
454.70	Technical Licensing Requirements
454.80	Financial Licensing Requirements
454.90	Code of Conduct
454.100	Customer Records and Information
454.110	Reporting Requirements
454.120	Erroneous or Defective Reports
454.130	Complaint Procedures
454.140	Commission Oversight

AUTHORITY: Implementing Section 16-115C of the Public Utilities Act [220 ILCS 5/16-115C] and authorized by Sections 16-115C and 10-101 of the Public Utilities Act [220 ILCS 5/16-115C and 10-101].

SOURCE: Adopted at 33 Ill. Reg. _____, effective _____.

Section 454.10 Purpose

The purpose of this Part is to adopt licensing and code of conduct requirements pursuant to Section 16-115C of the Public Utilities Act.

Section 454.20 Definitions

"ABC" means *agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties* and has the same meaning as

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

defined in Section 16-115C(b) of the Public Utilities Act [220 ILCS 5/16-115C(b)].

"Act" means the Public Utilities Act [220 ILCS 5].

"Aggregate billing demand" means the total of the highest monthly billed demand of each of the retail customer's affiliated electric accounts during the past calendar year.

"Alternative retail electric supplier" or "ARES" has the same meaning as in Section 16-102 of the Act.

"Applicant" means a person or entity that seeks a license from the Illinois Commerce Commission pursuant to Section 16-115C of the Act.

"Attempts to procure" means assisting retail electric customers with the intent to procure on behalf of or sell retail electric service to an electric customer in the State, including the evaluation of pricing, terms and conditions and the comparison of offers extended by ARES.

"Commission" means the Illinois Commerce Commission.

"Licensee" means an applicant that has applied for and received a license under this Part.

"License bond" or "permit bond" means an obligation of a surety to pay the monies that the licensee owes the State of Illinois for violations of the duties and obligations imposed on it as an ABC.

"Procure" means purchasing or entering into a contract to purchase the services of an ARES on behalf of a retail electric customer.

"Qualifying surety" means a surety or insurer that is authorized by the U.S. Department of the Treasury pursuant to 31 USC 9305. A qualifying surety or insurer may not underwrite more than the amount specified by the U.S. Department of the Treasury on a single bond. (Department of the Treasury's Listing of Approved Sureties (Department Circular 570; <http://www.fms.treas.gov/c570/c570.html>))

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

"Retail customer", as used in this Part, has the same definition as in Section 16-102 of the Act.

"Retail Electric Supplier" or "RES" means an ARES or an electric utility providing electric power and energy to retail customers outside the utility's service area pursuant to Section 16-116 of the Act.

Section 454.30 Applicability

- a) The requirements of this Section shall apply to the following:
 - 1) Each ABC that receives a commission, salary or other remuneration from an RES for selling retail electric supply on behalf of the RES.
 - 2) Any ABC that receives a commission, salary or other remuneration from retail customers for procuring retail electric services on behalf of retail customers or attempting to procure retail electric services on behalf of retail electric customers
- b) The requirements of this Section shall not apply to the following:
 - 1) Any entity licensed as an alternative retail electric supplier pursuant to 83 Ill. Adm. Code 451 offering retail electric service on its own behalf;
 - 2) Any person acting exclusively on behalf of a single alternative retail electric supplier on condition that exclusivity is disclosed in writing to any third party contracted in the capacity of agent;
 - 3) Any person or entity representing a municipal power agency, as defined in Section 11-119.1-3 of the Illinois Municipal Code [65 ILCS 5/11-119.1-3];
 - 4) Any person or entity that is attempting to procure retail electric service on behalf of, or sell retail electric service to, a third party that has an aggregate billing demand of all of its affiliated electric service accounts in Illinois of greater than 1,500 kw;
 - 5) A retail customer that operates or manages, either directly or indirectly, any facilities, equipment or property used or contemplated to be used to

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

distribute electric power or energy if that retail customer is a political subdivision or public institution of higher education of this State; or

- 6) Any corporation, company, limited liability company, association, joint-stock company or association, firm, partnership or individual, or their lessees, trusts or receivers appointed by any court whatsoever that are owned or controlled by the political subdivision or public institution of higher education, or are operated by any of its lessees or operating agents.

Section 454.40 Required Application Filings and Procedures

- a) The Commission shall issue an order granting or denying an application filed under this Section within 90 days after the date on which a complete application has been filed. The Commission may extend the time for considering an application filed under this Section by up to 90 days and can schedule a hearing on the application if:
 - 1) A party to the application proceeding has formally requested that the commission hold hearings in a pleading that contains a verified prima facie showing that one or more of the allegations or certifications in the application is false or misleading; or
 - 2) Other facts or circumstances exist that will necessitate additional time or evidence in order to determine whether a license should be issued.
- b) All applications for licensing under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- c) The applicant shall provide the following:
 - 1) Description of the applicant's business;
 - 2) A certification that the applicant is licensed to do business in the State of Illinois and is in compliance with all other applicable laws, regulations and Commission rules and orders; and
 - 3) The name, address, telephone number, any facsimile number and any e-mail address of the agent registered with the Illinois Secretary of State.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

This information shall be kept current and any change regarding the licensee shall be reported within 15 days after the change occurs. The required information shall be filed with the Chief Clerk of the Commission at its Springfield office.

- d) Itemized Filing Requirements
 - 1) At the time an applicant files an application for licensing under this Part, the applicant shall also file its statement in support of the application, supporting documents, and schedules containing information showing that the applicant meets the requirements of Section 16-115C of the Act.
 - 2) The applicant shall certify compliance with all terms and conditions required by Section 16-115C of the Act.
 - 3) The applicant shall certify that any person who acts on behalf of the entity will comply with all Sections of this Part applicable to the function or functions to be performed.
- e) Contents of documents shall be consistent with Subpart B of the Commission's Rules of Practice (83 Ill. Adm. Code 200)

Section 454.50 General Licensing Requirements

An ABC shall remain in compliance with the provisions of the Act and this Part.

Section 454.60 Managerial Licensing Requirements

- a) An applicant shall be deemed to possess sufficient managerial capabilities to provide agency, brokering or consulting services if the applicant can demonstrate that it has had at least one year of management experience with a business enterprise.
- b) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to satisfy the requirements of this Section.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- c) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of persons indicated in subsection (a) of this Section.

Section 454.70 Technical Licensing Requirements

- a) An applicant shall be deemed to possess sufficient technical capabilities to provide agency, brokering or consulting services if the applicant can demonstrate that it has had experience in the electric industry of at least one year.
- b) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to satisfy the requirements of this Section.

Section 454.80 Financial Licensing Requirements

- a) The applicant shall execute and maintain a license or permit bond issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois. The amount of the bond shall equal \$5,000. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ABC and shall be valid for a period of not less than one year. The cost of the bond shall be paid by the applicant. The applicant shall file this bond as part of its application for certification.
- b) In the event that a license or permit bond is cancelled, expires or is drawn upon, the ABC shall execute and maintain an additional or replacement bond such that the cumulative value of all outstanding bonds never falls below the amount required in subsection (a) of this Section. The ABC shall file a copy of the additional or replacement bond with the Chief Clerk of the Commission and provide a copy to the Manager of the Financial Analysis Division or his or her successor at least 15 days in advance of the effective date of the bond. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the ABC as it appears in the most recent Commission order granting the ABC certification.
- c) In the event that a license or permit bond is modified, the ABC shall file a copy of the modified bond with the Chief Clerk of the Commission and provide a copy of that bond to the Manager of the Financial Analysis Division or his or her

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

successor at least 15 days in advance of the effective date of the modification. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the ABC as it appears in the most recent Commission order granting the ABC certification.

Section 454.90 Code of Conduct

Any person or entity required to be licensed pursuant to this Part shall:

- a) Disclose in plain language in writing the nature of the services offered;
- b) Disclose in plain language in writing to all persons it solicits the total anticipated remuneration to be paid to it by any third party over the period of the proposed underlying customer contract. Any such disclosure must be made prior to entering into the contract and signed by the customer;
- c) Not hold itself out as independent or unaffiliated with any supplier, or both, or use words calculated to give that impression, unless the person offering service under Section 16-115C of the Act has no contractual relationship with any retail electricity supplier or its affiliates regarding retail electric service in Illinois;
- d) Not utilize false, misleading, materially inaccurate, defamatory or otherwise deceptive language or materials in the soliciting or providing of its services;
- e) Maintain copies of all marketing materials disseminated to third parties for a period of not less than three years;
- f) Maintain copies of all disclosure statements required in subsections (a) and (b) for a period of not less than three years;
- g) Not present electricity pricing information in a manner that favors one supplier over another, unless a valid pricing comparison is made utilizing all relevant costs and terms; and
- h) Comply with the requirements of Sections 2EE, 2FF, 2GG and 2HH of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE, 2FF, 2GG and 2HH].

Section 454.100 Customer Records and Information

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- a) The licensee shall ensure that authorizations received from customers, and all other applicable records, are retained for a period of not less than three calendar years after the calendar year in which they were created.
- b) The licensee shall preserve the confidentiality of its customers' data.

Section 454.110 Reporting Requirements

- a) By March 31 of each year, each licensee shall submit a report identified with the name of the ABC as it appears in the most recent Commission order granting the ABC a license and shall be titled "ABC Annual (year) Recertification Report under 83 Ill. Adm. Code 454". All reports required under this Section shall be under oath and shall be filed with the Chief Clerk of the Commission with copies to the Director of the Commission's Energy Division, the Director of the Financial Analysis Division, and the Director of the Consumer Services Division.
- b) A verified report regarding electric service in Illinois listing any RES that the licensee had any contractual relationship with during the prior calendar year shall contain the following information:
 - 1) The type of contractual relationship (such as subcontractor, affiliate, commission compensated);
 - 2) The number of non-residential customers to which the licensee sold retail electric supply on behalf of each ARES;
 - 3) The number of residential customers to whom the licensee sold retail electric supply on behalf of each ARES;
 - 4) The number of non-residential customers for which the licensee procured retail electric service on behalf of the customer or attempted to procure on behalf of the customer; and
 - 5) The number of residential customers on whose behalf the licensee procured or attempted to procure retail electric service.
- c) The verified report under this Section shall not contain customer identifying information.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- d) The licensee shall file a copy of its verified financial statement for the previous fiscal period.
- e) The licensee shall file a verified statement of any changes to the original licensure qualifications and notice of continuing compliance with all requirements.

Section 454.120 Erroneous or Defective Reports

When any report is erroneous or defective or appears to the Commission to be erroneous or defective, the Commission shall notify the ABC to amend the report within 30 days and correct deficiencies or errors.

Section 454.130 Complaint Procedures

Before the Commission allows the filing of a formal complaint, an informal complaint shall be filed with the Commission's staff. An informal complaint may be presented in writing and shall contain a concise statement of the facts involved, the specific relief requested, and the name, address and telephone number of the complaining person and each person against whom complaint is made. Complaints will not be docketed and will not initiate a formal proceeding. The Commission, acting through its staff, will attempt to resolve informal complaints without formal action. The presentation of an informal complaint shall be without prejudice to the right to file a formal complaint. Nothing in this Section shall prohibit the Commission from proceeding on its own motion on the basis of an informal complaint.

Section 454.140 Commission Oversight

- a) Upon complaint or on the Commission's own motion, the Commission may conduct an investigation of a licensee's actions under any Section of this Part. The Commission's findings of a violation of this Section after notice and hearing shall result in a progressive disciplinary scale as specified in Section 16-115C(g) of the Act.
- b) *For a first violation, the Commission shall suspend the license of the licensee so disciplined for a period of no less than one month. For a second violation within a 5-year period, the Commission shall suspend the license of the disciplined licensee for a period of not less than 6 months. For a third or subsequent violation within a 5-year period, the Commission shall suspend the license of the*

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

disciplined licensee for a period of not less than 2 years. [220 ILCS 5/16-115C(g)]

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Number: 303.446 Proposed Action:
New Section
- 4) Statutory Authority: 415 ILCS 5/27
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking see the Board's September 4, 2008 opinion and order in Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power (CWLP) and Springfield Metro Sanitary District (District) From 35 Ill. Adm. Code Section 302.208(g). (R09-08) This site specific rule would authorize an alternative water quality standard for boron from the point of discharge at the District's Spring Creek Sanitary Treatment Plant to the Sangamon River and then to the confluence with the Illinois River, and in the Illinois River 100 yards downstream from the confluence with the Sangamon River. The rule is proposed to enable the Spring Creek Sanitary Treatment Plant to accept a pretreated industrial effluent stream from the CWLP's power station. CWLP's power plant is a critical power supply for the City of Springfield and surrounding communities; the site-specific water quality standard for boron is necessary to enable CWLP to operate its power plant in compliance with its National Pollutant Discharge Elimination System Permit and State and Federal air pollution Regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No published studies, reports and sources of underlying data were used to compose this rulemaking.
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2004)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R09-08 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

For more information contact Marie Tipsord at 312/814-4925 or email at tipsordm@ipcb.state.il.us.
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking is site-specific and applies only to CWLP. However, it would have a positive economic impact on CWLP's customers including the City of Springfield's residents, businesses, not-for-profit organizations and surrounding small municipalities.
 - B) Reporting, bookkeeping or other procedures required for compliance: This proposed rulemaking includes numerous reporting requirements as mandated by P.A. 94-849.
 - C) Types of Professional skills necessary for compliance: Compliance with this rulemaking may require the skills of an attorney, chemist, and/or engineer.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in the Board's regulatory agenda because: as the Board was unaware of the rulemaking until the rule was filed on August 29, 2008.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 303
WATER USE DESIGNATIONS AND SITE-SPECIFIC
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

- Section
- 303.100 Scope and Applicability
- 303.101 Multiple Designations
- 303.102 Rulemaking Required

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

- Section
- 303.200 Scope and Applicability
- 303.201 General Use Waters
- 303.202 Public and Food Processing Water Supplies
- 303.203 Underground Waters
- 303.204 Secondary Contact and Indigenous Aquatic Life Waters
- 303.205 Outstanding Resource Waters
- 303.206 List of Outstanding Resource Waters

SUBPART C: SPECIFIC USE ~~DESIGNATIONS~~DESIGNATIONS AND SITE
SPECIFIC WATER QUALITY STANDARDS

- Section
- 303.300 Scope and Applicability
- 303.301 Organization
- 303.311 Ohio River Temperature
- 303.312 Waters Receiving Fluorspar Mine Drainage
- 303.321 Wabash River Temperature
- 303.322 Unnamed Tributary of the Vermilion River
- 303.323 Sugar Creek and Its Unnamed Tributary
- 303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
- 303.331 Mississippi River North Temperature

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

303.341	Mississippi River North Central Temperature
303.351	Mississippi River South Central Temperature
303.352	Unnamed Tributary of Wood River Creek
303.353	Schoenberger Creek; Unnamed Tributary of Cahokia Canal
303.361	Mississippi River South Temperature
303.400	Bankline Disposal Along the Illinois Waterway/River
303.430	Unnamed Tributary to Dutch Creek
303.431	Long Point Slough and Its Unnamed Tributary
303.441	Secondary Contact Waters
303.442	Waters Not Designated for Public Water Supply
303.443	Lake Michigan Basin
303.444	Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
303.445	Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
303.446	Springfield Metro Sanitary District Spring Creek Treatment Plant Boron Discharge

SUBPART D: THERMAL DISCHARGES

Section	
303.500	Scope and Applicability
303.502 501	Lake Sangchris Thermal Discharges
303.APPENDIX A	References to Previous Rules
303.APPENDIX B	Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. _____, effective _____.

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
SPECIFIC WATER QUALITY STANDARDS

Section 303.446 Springfield Metro Sanitary District Spring Creek Treatment Plant Boron Discharge

The general use water quality standard for boron set forth in Section 302.208(g) shall not apply to waters of the State that receive discharge from Outfall 007 of the Spring Creek Treatment Plant located at 3017 North 8th Street, Springfield, Illinois, owned by the Springfield Metro Sanitary District. Boron levels in those waters must meet the water quality standard for boron as set forth in this Section:

- a) 11.0 mg/L in an area of dispersion within the Sangamon River from Outfall 007 to 182 yards downstream from the confluence of Spring Creek with the Sangamon River;
- b) 4.5 mg/L from 182 yards downstream of the confluence of Spring Creek with the Sangamon River to the confluence of Salt Creek with the Sangamon, a distance of 39.0 river miles;
- c) 1.6 mg/L from the confluence of Salt Creek with the Sangamon River to the confluence of the Sangamon River with the Illinois River, a distance of 36.1 river miles; and
- d) 1.3 mg/L in the Illinois River from the confluence of the Illinois River with the confluence of the Sangamon River to 100 yards downstream of the confluence of the Illinois River with the Sangamon River.

(Source: Added at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2310 Proposed Action:
Amendment
- 4) Statutory Authority: 35 ILCS 5/207 and 5/1401
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides guidance on the amendments to Section 207 of the Illinois Income Tax Act made by Public Act 95-233, which require taxpayers, who are required to reduce their federal net operating loss carryovers by the amount of any discharge of indebtedness income excluded from taxation because the taxpayer is insolvent or in bankruptcy, to make a corresponding reduction in any Illinois net loss.
- 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>
100.2406	New Section	31 Ill. Reg. 15240; November 16, 2007
100.7040	Amendment	32 Ill. Reg. 12164; August 1, 2008
100.7300	Amendment	32 Ill. Reg. 12164; August 1, 2008
100.7310	Amendment	32 Ill. Reg. 12164; August 1, 2008
100.7320	Amendment	32 Ill. Reg. 12164; August 1, 2008
100.7325	New Section	32 Ill. Reg. 12164; August 1, 2008
100.7330	Amendment	32 Ill. Reg. 12164; August 1, 2008
100.7350	New Section	32 Ill. Reg. 12164; August 1, 2008
100.7360	New Section	32 Ill. Reg. 12164; August 1, 2008
100.7370	New Section	32 Ill. Reg. 12164; August 1, 2008
100.3371	New Section	32 Ill. Reg. 16037; October 3, 2008

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel – Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses conducted as partnerships or corporations will receive guidance on the application of the new statutes. Sole proprietorships are not affected.
 - 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 2008

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Section 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section

100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)
100.3370	Sales Factor (IITA Section 304)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
- 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
- 100.5040 Innocent Spouses
- 100.5050 Frivolous Returns
- 100.5060 Reportable Transactions
- 100.5070 List of Investors in Potentially Abusive Tax Shelters
- 100.5080 Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

Section

- 100.5100 Composite Returns: Eligibility
- 100.5110 Composite Returns: Responsibilities of Authorized Agent
- 100.5120 Composite Returns: Individual Liability
- 100.5130 Composite Returns: Required forms and computation of Income
- 100.5140 Composite Returns: Estimated Payments
- 100.5150 Composite Returns: Tax, Penalties and Interest
- 100.5160 Composite Returns: Credits for Resident Individuals
- 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART P: COMBINED RETURNS

Section	
100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section	
100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section	
100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART S: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300 Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310 Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320 Time for Filing Returns (IITA Section 704)
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section
100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)
100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section

100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings (IITA Section 914)
100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section

100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

100.9700 Unitary Business Group Defined (IITA Section 1501)
100.9710 Financial Organizations (IITA Section 1501)
100.9720 Nexus
100.9730 Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

100.9900 Tax Shelter Voluntary Compliance Program

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

100.TABLE B Example of Unitary Business Apportionment for Groups Which
Include Members Using Three-Factor and Single-Factor Formulas

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

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

OCCURRING ON OR AFTER DECEMBER 31, 1986

Section 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)

- a) The amount of the Illinois net loss deduction allowed by IITA Section 207 for any taxable year is the aggregate of the Illinois net loss carryovers and Illinois net loss carrybacks to such taxable year. The steps to be taken in determining the amount of the deduction are as follows:
 - 1) Compute the Illinois net loss in accordance with Section 100.2320 [\(adjusted as may be required under subsection \(c\) of this Section\)](#) for any preceding or succeeding taxable year from which a net loss may be carried.
 - 2) Compute the Illinois net loss carryovers and carrybacks from such preceding or succeeding taxable years in accordance with Section 100.2330 [\(adjusted as may be required under subsection \(c\) of this Section\)](#).
 - 3) Add the Illinois net loss carryovers and carrybacks.
- b) Every taxpayer claiming an Illinois net loss deduction for any taxable year shall file, in accordance with the tax return instructions for such year, a concise statement in such form as the Department shall require setting forth the amount of the net loss deduction claimed and all material and pertinent facts required by the instructions. The Illinois net loss for any taxable year shall be determined under the law applicable to that year.
- c) [Adjustment in the Case of Discharge of Indebtedness Income. Under IRC section 108\(a\), income from discharge of indebtedness may be excluded from gross income in certain circumstances. When discharge of indebtedness income is excluded under this provision, IRC section 108\(b\) requires the taxpayer to reduce certain "tax attributes", including net operating losses incurred in the year of the discharge or carried over to that year, basis in assets, and net capital losses incurred in the year of discharge or carried over to that year. These reductions generally have the effect of including the discharge of indebtedness income in gross income at some later time. This effective inclusion of the discharge of indebtedness income in gross income automatically causes the discharge of](#)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

indebtedness income to be included in base income, except in the case of reductions in net operating losses incurred in taxable years ending on or after December 31, 1986, by taxpayers other than individuals. In those cases, the taxpayer would never include the discharge of indebtedness income in its base income because the IITA did not allow deduction of federal net operating losses, but instead provided for computation and carryover of Illinois net losses under IITA Section 207 and, prior to the enactment of Public Act 95-0233, that Section had no provision for reduction of net losses when a taxpayer had discharge of indebtedness income. IITA Section 207(c) provides that a taxpayer required to reduce a federal net operating loss or federal net operating loss carryover under IRC section 108(b)(2)(A), on account of discharge of indebtedness income excluded from gross income under IRC section 108(a) with respect to a taxable year ending on or after December 31, 2008, must reduce its Illinois net loss incurred in the year of the discharge or any Illinois net losses carried over to that year, to the extent provided in this subsection.

1) Amount of Reduction

- A) Illinois Net Loss. A taxpayer must reduce any Illinois net loss incurred in a taxable year under Section 100.2320 by an amount equal to the amount of the reduction to the taxpayer's federal net operating loss under IRC section 108(b)(2)(A) for the same taxable year that is allocable to Illinois.
- B) Illinois Net Loss Carryover. A taxpayer must reduce any Illinois net loss carryover to a taxable year under Section 100.2330 by an amount equal to the amount of the reduction to the taxpayer's federal net operating loss carryover under IRC section 108(b)(2)(A) for the same taxable year that is allocable to Illinois.
- C) The Illinois net losses or net loss carryovers may not be reduced below zero.

2) Attribute Reduction Allocable to Illinois. For purposes of subsection (c)(1), the portion of the reduction to a federal net operating loss or federal net operating loss carryover allocable to Illinois shall be determined by multiplying the reduction required to that loss or loss carryover under IRC section 108(b)(2)(A) by a fraction, the numerator of which is the amount of income excluded from gross income for the taxable year under IRC

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

section 108(a) that would have been allocated to Illinois and the denominator of which is the total income excluded from gross income under IRC section 108(a) for the taxable year. The amount of income excluded from gross income under IRC section 108(a) that would have been allocated to Illinois shall be determined by applying the provisions of Article 3 of the IITA as if that income had not been excluded from gross income.

3) Ordering Rules

A) Reduction Required after Determination of Tax. The reduction required under this subsection (c) shall be made after the determination of the tax imposed under the IITA for the taxable year of the discharge. Accordingly, any Illinois net loss carryover available for the taxable year in which income is excluded under IRC section 108(a) is taken into account in computing the Illinois net loss deduction for that taxable year under subsection (a), and only the amount of the loss remaining to carry forward to the next taxable year, if any, is reduced under this subsection (c).

B) Any reduction required under this subsection (c) to Illinois net loss carryovers shall be made first to the net loss carryover whose carryforward period will expire first, then to the carryover that will expire next, and so forth, until the entire reduction is made or until all carryforwards are reduced to zero.

4) Partnerships and Subchapter S Corporations. Under IRC section 108(d)(6), the provisions of IRC section 108(a), (b), (c) and (g) are applied at the partner level. Accordingly, a partnership does not exclude discharge of indebtedness income and is not required to make any reduction under this subsection (c). Under IRC section 108(d)(7), the provisions of IRC section 108(a), (b), (c) and (g) are applied at the corporate level in the case of a Subchapter S corporation, including by treating any loss or deduction that is disallowed for the taxable year of the discharge under IRC section 1366(d)(1) as a net operating loss for that taxable year. Accordingly, a Subchapter S corporation may be required to make a reduction under this subsection (c).

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 5) Examples. The provisions of this subsection may be illustrated by the following examples.
- A) EXAMPLE 1. For its taxable year ending December 31, 2008, Taxpayer has \$50,000 of discharge of indebtedness income excluded from gross income under IRC section 108(a). Under Article 3 of the IITA, but for the exclusion the entire \$50,000 would have been included in the Taxpayer's business income and a total of \$10,000 of the income would have been apportioned to Illinois. The Taxpayer has a federal net operating loss of \$40,000 for its December 31, 2008 taxable year, and an Illinois net loss of \$8,000. Under IRC section 108(b)(2)(A), Taxpayer is required to reduce its federal net operating loss from \$40,000 to \$0. Under this subsection, Taxpayer is required to reduce its Illinois net loss from \$8,000 to \$0 ($\$8,000 - [\$40,000 \times (\$10,000/\$50,000)]$).
- B) EXAMPLE 2. Assume the same facts as Example 1, except that the Taxpayer makes an election under IRC section 108(b)(5) to reduce its basis in depreciable property, with the result that no reduction is made to the taxpayer's federal net operating loss. No reduction is required under this subsection (c) to the Taxpayer's Illinois net loss.
- C) EXAMPLE 3. For its taxable year ending December 31, 2009, Taxpayer has \$200,000 of discharge of indebtedness income excluded from gross income under IRC section 108(a). Under Article 3 of the IITA, but for the exclusion the entire \$200,000 would have been included in the Taxpayer's business income and a total of \$100,000 of that income would have been apportioned to Illinois. The Taxpayer has \$50,000 of federal taxable income for its December 31, 2009 taxable year before application of a federal net operating loss carryover in the amount of \$75,000 from its December 31, 2006 taxable year, leaving \$25,000 of that loss to carry forward to 2010. In addition, the Taxpayer has an Illinois net loss for its December 31, 2009 taxable year of \$10,000, but no Illinois net loss carryovers to that year. Under IRC section 108(b)(4)(A) and (b)(2)(A), the Taxpayer is required to reduce its 2006 federal net operating loss remaining to carry forward to 2010 from \$25,000 to \$0. Since no reduction is made to a federal net

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

operating loss incurred in 2009 under IRC section 108(b)(2)(A), no reduction is required to be made to the Taxpayer's 2009 Illinois net loss under this subsection (c).

- D) EXAMPLE 4. Assume the same facts as in Example 3, except that the Taxpayer has \$25,000 of Illinois net income for its December 31, 2009 taxable year and has Illinois net loss carryovers of \$20,000 from its December 31, 2007 taxable year and \$20,000 from its December 31, 2008 taxable year. Under subsection (c)(3)(B), the \$20,000 Illinois net loss carryover from 2007 and \$5,000 of the 2008 Illinois net loss carryover are first applied to reduce Taxpayer's Illinois net income to \$0 for its December 31, 2009 taxable year. The remaining \$15,000 Illinois net loss carryover from 2008 is reduced under this subsection to \$2,500 ($\$15,000 - [\$25,000 \times (\$100,000/\$200,000)]$). Reduction is required even though the Taxpayer's federal net operating loss carryover relates to its December 31, 2006 taxable year while the Illinois net loss carryover is from Taxpayer's December 31, 2008 taxable year.
- E) EXAMPLE 5. For its taxable year ending December 31, 2009, Taxpayer has \$200,000 of discharge of indebtedness income excluded from gross income under IRC section 108(a). Under Article 3 of the IITA, but for the exclusion the entire \$200,000 would have been included in the Taxpayer's business income and a total of \$100,000 of that income would have been apportioned to Illinois. The Taxpayer has a \$50,000 federal net operating loss for the 2009 taxable year and federal net operating loss carryovers of \$25,000 from its December 31, 2006 taxable year and \$75,000 from its December 31, 2007 taxable year. Taxpayer has an Illinois net loss of \$25,000 for its December 31, 2009 taxable year, and Illinois net loss carryovers of \$6,000 from its December 31, 2006 taxable year and \$30,000 from its December 31, 2007 taxable year. Under IRC section 108(b)(2)(A), Taxpayer's \$50,000 federal net operating loss for 2009 and \$25,000 net operating loss carryover from 2006 are each reduced to \$0. In addition, the \$75,000 net operating loss carryover from 2007 is reduced to \$50,000. Under this subsection, the Taxpayer's Illinois net loss is reduced to \$0 ($\$25,000 - [\$50,000 \times (\$100,000/\$200,000)]$). In addition, the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Taxpayer's Illinois net loss carryover from 2006 is reduced to \$0, and its Illinois net loss carryover from 2007 is reduced to \$11,000. Under subsection (c)(3)(B), the \$25,000 reduction to the Taxpayer's Illinois net loss carryover is first applied to reduce the carryover from 2006 from \$6,000 to \$0, and the remaining reduction is applied to reduce the carryover from 2007 from \$30,000 to \$11,000.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Illinois Cycle Rider Safety Training Rules
- 2) Code Citation: 92 Ill. Adm. Code 455
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
455.101	Repeal
455.102	Repeal
455.103	Repeal
455.104	Repeal
455.105	Repeal
455.106	Repeal
455.107	Repeal
455.108	Repeal
- 4) Statutory Authority: Implementing and authorized by Sections 1 through 5 of the Cycle Rider Safety Training Act (Ill. Rev. Stat. 1981, ch. 95½, pars. 801-805)
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to replace it with a new Part that updates and revises the Illinois Cycle Rider Safety Training Program.
- 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 proposed repealer contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes
- 11) Statement of Statewide Policy Objectives: Since the Department is simultaneously proposing a new Part to replace the repealed Part upon adoption, this proposed repealer will have no effect on local municipalities.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- 12) Time, Place and Manner in which interested persons may comment on this proposed repealer: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

217/785-1181

By Messenger or Inter-Agency Mail:

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

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

Ms. Christine Caronna-Beard, Rules Manager
Office of Chief Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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

- 13) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- A) Types of small businesses affected: This proposed repealer will not affect small businesses for the same reason stated at question #10.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 455

ILLINOIS CYCLE RIDER SAFETY TRAINING RULES [\(REPEALED\)](#)

Section

455.101	Reference to Rules
455.102	Administration of Act
455.103	Definitions
455.104	Program Requirements
455.105	Contracts
455.106	Cycle Rider Safety Training Course
455.107	Pilot Course
455.108	Reimbursement

AUTHORITY: Implementing and authorized by Sections 1 through 5 of the Cycle Rider Safety Training Act (Ill. Rev. Stat. 1981, ch. 95½, pars. 801-805).

SOURCE: Adopted at 7 Ill. Reg. 16034, effective December 2, 1983; repealed at 33 Ill. Reg. _____, effective _____.

Section 455.101 Reference to Rules

These rules shall be known and may be referred to as the Cycle Rider Safety Training Rules.

Section 455.102 Administration of Act

The "Cycle Rider Safety Training Act" shall be administered by the Department.

Section 455.103 Definitions

"Chief Instructor" – A person who is authorized to train and certify Motorcycle Safety Foundation instructors.

"Cycle" – a motorcycle, motor driven cycle or a motorized pedalcycle as they are defined in Sections 1-147, 1-148 and 1-148.2 of "The Illinois Vehicle Code" (Ill. Rev. Stat. 1981, ch. 95½, pars. 1-147, 1-148 and 1-148.2).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

"Cycle Rider" – Every person who rides and is in actual physical control of a cycle.

"Cycle Rider Safety Training Courses" and "Courses" – Courses of instruction in the use and operation of cycles, including instruction in the safe on-road operation of cycles, the rules of the road and the laws of this State relating to motor vehicles, which courses must meet the minimum requirements of these rules and which have been approved by the Department as meeting such requirements.

"Department" – The Illinois Department of Transportation.

"Driver's License" – Any license or permit to operate a motor vehicle under the laws of this State.

"Instructor" – A person who holds a valid Motorcycle Safety Foundation instructor's certificate, who may teach both on-range and classroom sessions in cycle safety courses.

"Motorcycle Safety Foundation" – Motorcycle Safety Foundation, Inc., a national, private, not-for-profit organization sponsored by motorcycle manufacturers whose goal is the reduction of motorcycle accidents and injuries through research, licensing improvement programs and rider education.

"Pilot Courses" – Experimental courses designed by the Department to broaden the scope of the Cycle Rider Safety Training Program with the intent of pursuing new objectives in cycle rider safety training, e.g., safety training of riders of cycles other than motorcycles or safety training for experienced cycle riders in improving rider skills.

"Project Coordinator" – A person designated by the Regional Center who meets the Department's criteria as an instructor and who has the responsibility for the management of the day-to-day operation of the program.

"Project Director" – A person designated by the Regional Center to have the overall responsibility for program management within the Region.

"Range Aide" – A person who has successfully completed a Cycle Rider Safety Training Course, who is responsible for preparing the range, cycles and other

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

equipment for on-range instruction and for maintaining program cycles in safe operating condition.

"Refresher Training Course" – A course designed for instructors who already hold a Motorcycle Safety Foundation certificate, including those from out-of-state, to review the basic curriculum being taught in the current season.

"Regional Cycle Rider Safety Training Center" or "Regional Center" – Any state or community college, state university or community agency designated by the Department which can demonstrate that it meets all of the requisite standards to properly operate a Cycle Rider Safety Training Program through the various training sites established within its regional boundaries.

Section 455.104 Program Requirements

- a) **Regional Centers.** The Department shall designate certain state or community colleges, state universities or community colleges, state universities or community agencies throughout the State to act as Regional Centers for the purpose of administering Cycle Rider Safety Training Programs within regional boundaries selected by the Department. A program may be offered at the Regional Center designated by the Department and/or at any of the training sites within the regional boundaries selected for training purposes. Each Regional Center so designated shall meet the Department's standards, as set forth in these rules, for the operation and administration of a Cycle Rider Safety Training Program.
 - 1) **Regional Boundaries.** The Regional Boundaries will be established by assignment of one or more of the following territories to the Regional Centers. The major factors that the Department considers in the assignment of territories are proximity to a Regional Center, ability to meet Department standards, and willingness to participate in the Cycle Rider Safety Training Program.

Territory A – Boone, Carroll, DeKalb, Jo Daviess, Kane, Lee, McHenry, Ogle, Stephenson, Whiteside and Winnebago Counties.

Territory B – Lake County.

Territory C – DuPage County.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Territory D – Cook County, north of the Madison Street address base line.

Territory E – Cook County, south of the Madison Street address base line.

Territory F – Kankakee and Will Counties.

Territory G – Champaign, Douglas, Ford, Iroquois, Macon, Piatt and Vermilion Counties.

Territory H – Dewitt County.

Territory I – Sangamon County.

Territory J – Christian, Clark, Coles, Crawford, Cumberland, Edgar, Effingham, Jasper, Moultrie and Shelby Counties.

Territory K – Fayette County.

Territory L – Bureau, Grundy, Kendall and LaSalle Counties.

Territory M – Livingston, Logan, Marshall, McLean, Peoria, Putnam, Stark, Tazewell and Woodford Counties.

Territory N – Cass, Fulton, Hancock, Henderson, Henry, Knox, Mason, McDonough, Menard, Mercer, Rock Island, Schuyler and Warren Counties.

Territory O – Adams, Brown, Morgan, Pike and Scott Counties.

Territory P – Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Marion, Monroe, Montgomery and St. Clair Counties.

Territory Q – Clay County.

Territory R – Richland and Lawrence Counties.

Territory S – Alexander, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Jackson, Massac, Perry, Pope, Pulaski, Randolph,

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Saline, Wabash, Washington, Wayne, White, Williamson and Union Counties.

- 2) Project Director. Each Regional Center shall designate a person as the director of the project who shall be responsible for overall project management. He should be experienced in project management, including fiscal management, personnel management and preparation of proposals and should have technical understanding of the program.
- 3) Project Coordinator.
 - A) Each Regional Center shall provide a project coordinator who shall manage the day-to-day operation of the project and shall be approved by the Department. He shall be a chief instructor or shall become certified as a chief instructor within 18 months of appointment. In appointing a project coordinator, consideration shall be given to knowledge of motorcycle safety, administrative and personnel management experience and teaching qualifications and experience. The project coordinator shall teach at least one Cycle Rider Safety Training Course annually.
 - B) Responsibilities of the project coordinator include the training, supervision and evaluation of instructors; selecting and equipping training sites; development and distribution of course schedules; procurement and management of cycles and related equipment needed for training purposes; and the preparation of reports necessary for course evaluation and documentation for reimbursement purposes.
- b) Training Sites. Training courses may be conducted at various training sites established as needed throughout the Region. The project coordinator shall select the training sites on the basis of an analysis of cycle accidents, the incidence of cycle registrations and the number of requests for courses.
- c) Training Facilities. All training facilities shall be approved by the Department prior to use. Each facility shall include:
 - 1) Range Area. A paved range area with a minimum size of 150 feet by 300 feet. The Department may approve exceptions to these dimensions based

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

upon an on-site evaluation of the range. Safety conditions to be considered during such an evaluation shall include, without limitation, whether the area provides adequate room to conduct all training maneuvers, is safe from street traffic, and is safe from surface obstructions such as posts and rails. A drawing to scale or a photograph with an identifying scale shall be submitted to the Department prior to use which identifies potential hazards on or around the proposed range area.

- 2) Classroom Facility. A properly equipped classroom facility which is easily accessible to the range area and storage facility. Equipment shall include a desk with writing space for each student, a desk or podium and chair for the instructor, a table for audio-visual equipment and blackout window furnishings.
 - 3) Storage Facility. A secure storage facility with adequate storage space, which is sufficient for the storage of cycles and related training equipment.
- d) Training Equipment. For courses designated by the Department, the Regional Centers shall furnish the cycles and helmets used during training. Cycle size and type shall be designated by the Department. For other courses, the student may be required to furnish a helmet, a motorcycle, or both. All helmets shall meet or exceed State standards (must have a Snell 1957, American National Standards Institute (ANSI) Z90.1 1960, or United States Department of Transportation (US DOT) (49 CFR 571.218) 1974 label) and shall be worn by instructors, range aides and students at all times when on a cycle with motor running or wheels turning.
- 1) Helmet Standards. The Department accepts the following standards:
 - A) Helmet standards developed by the Snell Memorial Foundation, a not-for-profit research organization established to research helmet construction and effectiveness.
 - B) Helmet standards developed by the American National Standards Institute.
 - C) Standard for helmets developed by the National Highway Traffic Safety Administration (NHTSA). This US DOT standard is Federal Motor Vehicle Safety Standard 218 (FMVSS 218 or 49 CFR 571.218).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- 2) Cycle Acquisition. Cycles may be obtained through:
 - A) Dealer-Loan Agreements within the Region,
 - B) Department authorized purchase of reserve cycles by a Region or
 - C) The student may be required to provide a cycle.

- e) Instructor Qualifications. Instructors shall have successfully completed a Motorcycle Safety Foundation Instructor training course, or a refresher training course, conducted by the Regional Centers and hold a valid Motorcycle Safety Foundation instructor's certificate issued upon completion of the course. Persons selected to instruct the courses shall have and show evidence of the following qualifications:
 - 1) A safe riding and driving record. A person has a "safe riding and driving record" for purposes of this section if he has no more than 2 convictions for offenses against traffic regulations governing the movement of vehicles committed within a 12 month period and that person's license could be suspended by the Illinois Secretary of State.
 - 2) A valid Class M Illinois drivers license or the equivalent license of another State;
 - 3) As a minimum, a valid Basic Red Cross First Aid card earned by successfully completing the 8-hour multi-media course;
 - 4) Completed a student teaching assignment, either by attending a complete Cycle Rider Safety Training Course for novice riders taught by 2 instructors certified by the Motorcycle Safety Foundation and therein successfully teaching at least 2 hours of classroom work and 2 hours of range lessons or by assisting in a minimum of 2 Cycle Rider Safety Training Courses for novice riders under the supervision of a chief instructor;
 - 5) Riding ability by passing either the Motorcycle Operator Skills Tests I or II (MOST I or MOST II) or the Alternate Motorcycle Operator Skills Test (AL-MOST), all developed through cooperative efforts of the National

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Highway Traffic Safety Administration, the Motorcycle Safety Foundation and a private research institute, or by passing the Cycle Rider Safety Training Course skills test for novice riders to the satisfaction of the project director;

- 6) Knowledge of and ability to perform basic cycle maintenance; and
 - 7) Ability to operate a 5-pound (minimum) dry-chemical (type A, B, or C) fire extinguisher.
- f) Range Aide Qualifications. Candidates for selection as Range Aides shall have successfully completed the Cycle Rider Safety Training Course for novice riders and shall have and show evidence of a valid Class M Illinois drivers license or Class L Illinois drivers license or an equivalent license of another state, and have knowledge of and ability to perform basic cycle maintenance and repair.
- g) Insurance.
- 1) For courses designated by the Department, the Regional Center shall provide insurance for each cycle in the program. The Department will reimburse each Regional Center for the cost of providing insurance pursuant to these rules. Minimum limitations and coverages shall be:
 - A) Bodily Injury Liability. \$100,000 per person and \$300,000 per accident.
 - B) Property Damage Liability. \$10,000 per accident.
 - C) Comprehensive and Collision. \$200 deductible actual-cash-value per accident.
 - D) Medical Expenses. \$25 deductible \$5,000 per accident.
 - E) Uninsured Motorist. \$15,000 per person and \$30,000 per accident.
 - 2) The insured shall be the Regional Center, the Department, the owners of selected training sites and participating cycle dealers. A Certificate of Insurance shall be submitted to the Department prior to execution of the contract between the Regional Center and the Department. Each

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Certificate shall contain a 30-day written notice of cancellation clause.

- h) **Public Relations.** Each Regional Center shall implement a multi-media public relations program. Appropriate opportunities to receive free promotion through any news media shall be fully utilized.
- i) **Logo.** The Department shall issue specifications for the official logo and only the official logo may be used on materials produced by the Regional Centers as part of this training program. Program materials may also carry the official logo of the Regional Center.
- j) **Record Retention.** Other than fiscal records which shall be retained by the Regional Center, all records and reports completed by a Regional Center while under contract to the Department shall become and shall remain the property of the Department.
 - 1) **Fiscal Records.** Fiscal records shall be retained by the Regional Center for a period of 3-years after the final reimbursement claim has been paid by the Department, and any fiscal records which are the subject of an auditing dispute shall be preserved for the term of that dispute.
 - 2) **Record Accessibility.** The Department or its representative shall have access to all books, documents, papers and records of the Regional Center to make audits, examinations, excerpts and transcripts.
- k) **Audits.** The costs of all items for which the Regional Center is reimbursed by the Department are subject to audit by the Department or an authorized agent of the Department upon receipt of the final claim for reimbursement. The audit procedure may include on-site inspection of all applicable project records. All Regional Centers will be audited. As a general rule each Regional Center will be audited every two years. The Department reserves the right to conduct audits on a random basis to test compliance with these rules. The Regional Center shall return any reimbursement determined by the Department to be unauthorized or improperly documented.

Section 455.105 Contracts

- a) **Contract Award.** *The Department is authorized to and shall award contracts out of appropriations to the Department from the Cycle Rider Safety Training Fund to*

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

qualifying Regional Cycle Rider Safety Training Centers for the conduct of approved Cycle Rider Safety Training Courses. No contract may be executed without a Certificate of Insurance.

- b) **Contract Termination.** The Department may terminate its contract with any Regional Center at any time by giving 30-days written notice of such termination. The Regional Center may also terminate its contract by giving the Department 30 days written notice. In either case, any classes scheduled by the Regional Center during the 30-day notification period may be completed and the Department shall reimburse the Regional Center for students trained or authorized costs expended.
- c) **Nondiscrimination.** In compliance with guidelines set forth by the State Comptroller relating to the requirements of contracts, the following paragraphs shall be included in all Cycle Rider Safety Training Program contracts:
 - 1) The Regional Center "agrees not to commit unlawful discrimination in employment in Illinois as that term is used in Article 2 of the Illinois Human Rights Act (Ill. Rev. Stat. 1981, ch. 68, par. 1-101 et seq.) and further agrees to take affirmative action to ensure that no unlawful discrimination is committed."
 - 2) The Regional Center "agrees to comply with 'An Act to prohibit discrimination and intimidation on account of race, creed, color, sex, religion, physical or mental handicap unrelated to ability, or national origin in employment under contracts for public buildings or public works', approved July 8, 1933, as amended. The provisions of this Act are made a part of this contract by reference as though set forth in full herein." (Ill. Rev. Stat. 1981, ch. 29, par. 17, et seq.)

Section 455.106 Cycle Rider Safety Training Course

- a) **Curriculum.** The curriculum for the Cycle Rider Safety Training Course for the novice rider shall be based upon the Motorcycle Safety Foundation's 20-hour Motorcycle Rider Course. The Department shall make such modifications or additions to the course as it deems warranted for safety purposes or to improve the effectiveness or efficiency of the training. The textbook shall be the Motorcycle Safety Foundation's current basic rider course textbook.
- b) **Student Eligibility.** To participate in the Cycle Rider Safety Training Program a

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

student must be a resident of the State of Illinois, at least 16 years of age and hold a valid driver's license. A student is considered a resident of the State of Illinois if he records an Illinois address for either the "Present Mailing Address" or the "Permanent Address" on the Student Registration Form. Any student under 18 years of age must have written consent of a parent or guardian on a form to be supplied by the Department. The student must sign a waiver approved by the Department stating that he will not hold the Department liable for any injury or harm occurring during his participation in the program. The Regional Center shall retain the waiver form for a minimum of 4 years following the student's completion of the program.

- c) Instructor's Manual. Each Regional Center shall compile and print an Instructor's Manual for distribution to each instructor teaching courses within the Region. The Manual shall detail such information as the instructors may need to train students in cycle rider safety. The Manual which may be revised from time to time shall be in accordance with these rules and shall be submitted to the Department for approval prior to each training season. The Manual shall include:
- 1) Introduction. A brief history of the cycle safety program which, since 1976, has been sponsored by the Department in cooperation with the Regional Centers.
 - 2) Procedure. The following Sections of these rules:
 - 455.104(e) Instructor Qualifications
 - 455.104(f) Range Aide Qualifications
 - 455.106(d) Class Size and Instructor/Range Aide Requirements
 - 455.106(e) Safety Regulations.
 - 3) Regional Boundaries. An identification of the area to be served by the Regional Center. Include the address and telephone number of each Regional Center.
 - 4) Public Relations. An explanation of the importance of a strong public relations program together with examples of established and suggested public relations materials and procedures.
 - 5) Cycle Use. An explanation of the proper use of program cycles.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- 6) **Conduct.** Guidelines for the proper conduct of instructors and students. The instructor shall have the authority to eject from the instruction period or from the course any student showing conduct that endangers himself or any other person or who is disrupting the course.
- 7) **Duties.** An explanation of the duties of the chief instructor, instructor and range aid.
- 8) **Student Status.** A definition of student eligibility as provided in Section 455.106(b) and the criteria for passing the course as provided in Section 455.106(c)12.
- 9) **Course Paperwork.** Samples of forms for:

Waiver, Release and Indemnification

Student Registration

Attendance Record
- 10) **Coding System.**
 - A) An explanation of the 7-digit code for use on Student Registration Forms. Digits represent:

No. 1	Regional Center
Nos. 2 & 3	Training Site
Nos. 4-7	Student Identification
 - B) The Regional Center and Training Site numbers shall be included in each Instructor's Manual.
- 11) **Method of Compensation.** An explanation of the method of instructor and range aide compensation.
- 12) **Passing Criteria.** A student is considered to have passed the course if he has attended 80% of the course, passed the appropriate skills test and satisfied the instructor that he has reached a level of achievement in knowledge, awareness and competence that meets program standards.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- 13) Remedial Instruction. If an instructor deems it to be advantageous and in a student's best interest, he may make arrangements to give the student remedial instruction.
 - 14) Completion Card. Students who have successfully completed the course shall be presented with an official Student Completion Card.
 - 15) Illinois Department of Transportation (IDOT) Questionnaire. Information on IDOT questionnaire. The instructor shall inform each student that he may receive a questionnaire from the Department concerning the course.
- d) Class Size and Instructor/Range Aide Ratios.
- 1) Class Size. A minimum of 9 enrolling students is required to establish a class and the maximum number of students enrolling shall be limited to 27. Exceptions may be considered by the Department on a case-by-case basis as the Department deems appropriate. The Department will base exceptions on such factors as the financial feasibility of training a smaller class and the availability of:
 - A) Instructors to maintain the required student/instructor ratios and
 - B) Adequate, safe training facilities for classes granted an exception to maximum class size.
 - 2) Student/Instructor Ratio. Student/instructor ratio for range training shall not be greater than 9 to 1, with a preferred ratio of 6 to 1. Every range session shall have a minimum of 2 qualified persons (either an instructor and a range aide or two instructors) present at all times in accordance with the required student/instructor ratio. A range aide is recommended for all range sessions.
- e) Safety Regulations.
- 1) Protective Equipment.
 - A) Protective equipment shall be worn by the instructors, range aides and students at all times when on a cycle with motor running or

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

wheels turning.

- B) Protective equipment includes a helmet which meets or exceeds State standards as identified in Section 455.104(d)1; gloves; long-sleeved clothing; long pants; low-heeled, over-the-ankle boots and eye protection.
- 2) Emergency Equipment. There must be available and accessible at the training facility during training sessions a fully-charged 5-pound (minimum) dry-chemical (Type A, B or C) fire extinguisher, a fully-stocked industrial quality first aid kit, specific procedures to follow in the event of an accident (including telephone numbers) and a telephone.
- 3) Telephone. A telephone must be available within easy access of the training facility.
- 4) Accident Reporting. When an accident on the range requires professional medical attention, the Regional Center shall inform the Department as soon as possible but not later than the following working day and in writing within 10 working days.
- f) Accreditation. Each Regional Center's Cycle Rider Safety Training Program shall be in accordance with these rules and shall be approved in advance by the Department.

Section 455.107 Pilot Course

The Department may develop pilot courses to broaden the scope of the Cycle Rider Safety Training Program. Pilot courses will be developed based on the Department's judgment of need and on the availability of resources to design and conduct the courses. Since pilot courses are experimental, the curriculum will be selected by the Department to establish the best instructional techniques and course materials for the purpose for which the particular course is designed. Course structure and reimbursement procedures shall be determined by the Department.

Section 455.108 Reimbursement

- a) Minimum Completion Requirements.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- 1) Reimbursement Criteria. For purposes of reimbursement a student is considered to have completed the course if he has attended more than 10 hours of classroom and/or range instruction in the cycle rider safety training course for novice riders or has attended more than half of the pilot course.
 - 2) Make-up Time. A student who is unable to complete all of the course to which he is assigned may, at the discretion of the project director, complete the course in a subsequent program. Reimbursement may be claimed for one course only.
 - 3) Completion Forms. The Regional Center shall require every student who attends any portion of the course to complete a Student Registration Form. The instructor shall attach the completed form to the appropriate completed Illinois Cycle Rider Safety Training Course Attendance Record, submitting them together to the Department to document the student's completion of the course.
- b) Method of Payment. The Department shall reimburse the Regional Center for expenses incurred upon the following basis:
- 1) Claim for Reimbursement. Upon completion of the course, the Regional Center shall submit to the Department a claim for reimbursement containing the documentation required in Section 455.108(a)3 for each student completing the course that began within the contract period. For actual cost items specified in the contract, the Regional Center shall submit with their claim for reimbursement cost documentation such as copies of invoices and other records indicating proof of payment.
 - 2) Reimbursement Payments. Reimbursement to the Regional Centers for the costs of providing safety training courses will be made according to either established fee per student rates, actual costs or a combination of both. The method of reimbursement shall be established by the Department and shall be set forth in the contract between the Department and the Regional Center.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois Cycle Rider Safety Training Program
- 2) Code Citation: 92 Ill. Adm. Code 455
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
455.10	New Section
455.20	New Section
455.30	New Section
455.40	New Section
455.50	New Section
455.60	New Section
455.70	New Section
455.80	New Section
455.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by Section 1 through 7 of the Cycle Rider Safety Training Act [625 ILCS Act 35]
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department, through its Division of Traffic Safety, is proposing a new, updated Part on the Illinois Cycle Rider Safety Training Program while simultaneously proposing a repealer of the current rules, notice and text of which appear elsewhere in this issue of the *Illinois Register*. Among the significant changes between the new and the old Parts:

At Section 455.40, Incorporation by Reference, the Department is incorporating by reference the most recent editions of the Motorcycle Safety Foundation's *RiderCoach Guide* and *RiderCourse Suite* as the curricula used for beginner and advanced cycle rider safety training courses. The Department is also incorporating by reference the most recent edition of the Federal Motor Vehicle Safety Standard that governs motorcycle helmets (49 CFR 571.218). All helmets used in the Program must conform to or exceed 49 CFR 571.218.

At Section 455.50, Program Requirements, the Department is updating the regional boundaries that determine which counties are served by which Regional Center; clarifying the responsibilities of the Program Coordinator and the Assistant Coordinator; adding additional criteria for determining where training sites are located throughout the State; clarifying the Division's criteria for approving training facilities; updating training equipment requirements; updating instructor qualification requirements; updating insurance requirements for Regional Centers and students; adding a requirement that

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Regional Centers seek approval from the Division regarding the use of the official logo; and amending the record retention requirements for Regional Centers.

At Section 455.60, Contracts, the Department is summarizing the content of the contracts that are entered into with the Regional Centers.

At Section 455.70, Cycle Rider Safety Training Courses, the Department is adding a new subsection that contains statutory language regarding a registration fee for the training courses; updating language regarding the eligibility of students under the age of 18 (but at least 16 years old); adding a subsection that requires Regional Centers to utilize the current course curricula chosen by the Division; updating the content requirements for the instructor's manual; amending passing criteria to require students to attend 100% of the course; updating the class size and student/instructor ratio requirements; updating requirements for safety equipment used during the training courses; adding a subsection that prohibits training cycles from being ridden to or from the cycles' storage site to the course range; adding a subsection regarding when training will not be conducted due to inclement weather; updating subsections regarding crash and incident reporting; adding a subsection that details the pass/fail/drop criteria for students; and adding a subsection regarding the student completion card.

At Section 455.80, Reimbursement Process, the Department is updating claim procedures that the Regional Centers must follow to receive reimbursement from the Division.

At Section 455.Appendix A, the Department is adding a listing that provides the address, phone number and website for each Regional Center. Counties assigned to each Regional Center are also listed with each counties' Regional Center designation.

- 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? Yes

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed rules. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

217/785-3031

By Messenger or Inter-Agency Mail:

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

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

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking will not affect small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Not applicable
 - C) Types of professional skills necessary for compliance: Not applicable
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 455

ILLINOIS CYCLE RIDER SAFETY TRAINING PROGRAM

Section

455.10	Purpose and Authority
455.20	Applicability
455.30	Definitions
455.40	Incorporations by Reference
455.50	Program Requirements
455.60	Contracts
455.70	Cycle Rider Safety Training Courses
455.80	Reimbursement Process
455.APPENDIX A	Regional Centers and Counties

AUTHORITY: Implementing and authorized by Sections 1 through 7 of the Cycle Rider Safety Training Act [625 ILCS 35].

SOURCE: Old Part repealed at 33 Ill. Reg. _____, and new Part adopted at 33 Ill. Reg. _____, effective _____.

Section 455.10 Purpose and Authority

The purpose of this Part is to prescribe the requirements for administering the Illinois Cycle Rider Safety Training Program that promotes safety for persons and property connected with the use and operation of motorcycles, motor driven cycles and motorized pedalcycles as authorized by the Cycle Rider Safety Training Act [625 ILCS 35]. The Illinois Department of Transportation has the power, duty and authority to administer the Act. (See Section 3 of the Act.)

Section 455.20 Applicability

This Part applies to:

- a) Regional Cycle Rider Safety Training Centers and staff; and

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- b) Students in the Program.

Section 455.30 Definitions

"Act" means the Cycle Rider Safety Training Act [625 ILCS 35].

"Advanced Course" means a course designed to develop advanced braking and steering skills while the student is astride his/her own cycle. Classroom materials cover cycle handling dynamics and traction management.

"Beginner Course" means a training course that includes both classroom and on-cycle instruction. The course is designed to reduce the likelihood and severity of cycle crash involvement by teaching essential street riding skills and developing riding strategies.

"Assistant Coordinator" means the person who assists the Program Coordinator with day-to-day operations of the Program.

"Chief Instructor" means the person who is qualified under this Part to train and certify Program instructors.

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Contract" means an annual written agreement between the Illinois Department of Transportation, Division of Traffic Safety, and each Regional Center. The contract year begins December 1 and ends the following November 30. A contract will specify the requirements of the Program and the amount of money provided from the Cycle Rider Safety Training Fund to implement the Program as provided in Section 6 of the Act.

"Cycle" means a motorcycle, motor driven cycle or motorized pedalcycle as defined in the Illinois Vehicle Code. (Section 2.01 of the Act)

"Cycle Rider" means every person who rides and is in actual physical control of a cycle. (Section 2.02 of the Act)

"Cycle Rider Safety Training Courses" or "Courses" means beginner and advanced courses of instruction in the use and operation of cycles, including instruction in the safe on-road operation of cycles, the rules of the road and the

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

laws of Illinois relating to motor vehicles. These courses must meet the minimum requirements of the Act and this Part and must be approved by the Department as meeting those requirements. (See Section 2.03 of the Act.)

"Department" means the Illinois Department of Transportation. (Section 2.04 of the Act)

"Division" means the Illinois Department of Transportation, Division of Traffic Safety.

"Driver's License" means any license or permit to operate a motor vehicle under the laws of Illinois. (Section 2.05 of the Act)

"Instructor" means the person or persons qualified under this Part to teach both on-cycle and classroom sessions of the Program. Instructors must successfully complete an Instructor Training Course prior to performing the duties of an instructor.

"Instructor Update Seminar" means an annual seminar conducted at a Regional Center that Program instructors must attend annually to update and review curriculum and other issues related to the Program.

"Motor Driven Cycle" means every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles. (Section 1-145.001 of the Code)

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor. (Section 1-147 of the Code)

"Program" means the Illinois Cycle Rider Safety Training Program.

"Program Coordinator" means the person employed at a Regional Center who is responsible for the day-to-day management of the Program within a Region. The Program Coordinator must meet the Division's Chief Instructor criteria within 18 months after becoming a Program Coordinator.

"Program Director" means the person employed by the State college or community college, the State university or the community agency designated by

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

the Department to have the overall responsibility for management of the Program within a Region.

"Range" means the paved area that is used to conduct the "on-cycle" portion of the training course.

"Range Aide" means the person employed at a Regional Center who is responsible for preparing the range, cycles and other equipment for on-cycle instruction and for maintaining cycles in a safe operating condition. Range Aides must successfully complete a beginner course instructor program under Section 455.50 prior to employment.

"Region" means the geographic area made up of a group of counties that constitutes an area served by each Regional Cycle Rider Safety Training Center.

"Regional Cycle Rider Safety Training Center" or "Regional Center" means any State college or community college, a State university or a community agency selected by the Division to administer the Program within a defined Region.

"Training Site" means the physical location of the training range or ranges, the classroom or classrooms and the storage facility. Each Region may have more than one training site. A training site may have more than one training range and/or classroom. All training sites shall be selected by the Program Coordinator and approved by the Division prior to use. (See Section 455.50(b) for criteria used to approve training site.)

"USDOT" means the United States Department of Transportation.

Section 455.40 Incorporations by Reference

- a) The Department incorporates by reference the Motorcycle Safety Foundation's RiderCoach Guide, as it was in effect as of April 2008, as the curriculum for the beginner courses. No later amendments to or editions of the Motorcycle Safety Foundation's RiderCoach Guide are incorporated. Copies of the appropriate material are available from the Division of Traffic Safety, 3215 Executive Park Drive, 3rd Floor, Springfield, Illinois 62703 or by calling (217)785-1181.
- b) The Department incorporates by reference the Motorcycle Safety Foundation's Experienced RiderCourse Suite, as it was in effect as of May 2003, as the

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

curriculum for the advanced courses. No later amendments to or editions of the Motorcycle Safety Foundation's Experienced RiderCourse Suite are incorporated. Copies of the appropriate material are available from the Division of Traffic Safety, 3215 Executive Park Drive, 3rd Floor, Springfield, Illinois 62703 or by calling (217)785-1181.

- c) Every helmet used in the Program must conform to the applicable provisions of 49 CFR 571.218 (Motorcycle helmets) of the Federal Motor Vehicle Safety Standard (FMVSS). Those applicable provisions of the FMVSS are incorporated by reference as that part of the FMVSS was in effect on October 1, 2007. No later amendments to or editions of 49 CFR 571.218 are incorporated. Copies of the above materials incorporated by reference are available for inspection at the Division of Traffic Safety, 3215 Executive Park Drive, 3rd Floor, Springfield, Illinois 62703 or by calling (217)785-1181. The federal standards are available on the National Archives and Records Administration's website at <http://ecfr.gpoaccess.gov>. The Division of Traffic Safety's rules are available on the Department's website at <http://www.dot.il.gov/safety.html>.

Section 455.50 Program Requirements

- a) **Regional Centers**

The Division will enter into an annual contract with a State college or a community college, a State university or a community agency of its choice to act as a Regional Center for purposes of administering the Program. Training courses will be offered at a Regional Center or at any of the training sites within a Region. Regional Centers shall administer and operate the Program in compliance with this Part.

 - 1) **Regional Boundaries**

Regional boundaries are established by the Division through the assignment of counties to a specific Region. Factors used to determine which Region a county is assigned to include the county's proximity to a Regional Center as well as population factors within the State. (See Appendix A for county assignments.) The designated Regions and county assignments are also available on the Department's internet site at <http://www.dot.il.gov/cycle.html>.
 - 2) **Program Directors**

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Each State college or community college, State university or community agency shall appoint a Program Director who shall be responsible for the overall management of the Program. The Program Director shall be experienced in program management, including fiscal management, personnel management and preparation of contract proposals and shall have a technical understanding of the Program.

- 3) Program Coordinators and Assistant Coordinators
 - A) Each Regional Center shall employ a Program Coordinator to manage the day-to-day operations of the Program. Each Regional Center may appoint an Assistant Coordinator to assist the Program Coordinator. The Program Coordinator (and the Assistant Coordinator, if applicable) must successfully complete a beginner course instructor program under this Section. The Program Coordinator shall be a chief instructor or shall become a chief instructor within 18 months after becoming a Program Coordinator. The Program Coordinator shall be knowledgeable of cycle safety as well as administrative and personnel management issues. The Program Coordinator must have the ability to effectively teach the concepts and lessons of the Program. The Program Coordinator (and Assistant Coordinator, if applicable) must teach at least one beginner course annually.
 - B) Responsibilities of the Program Coordinator include, but are not limited to:
 - i) Preparation of contract proposals;
 - ii) Management of program costs;
 - iii) Training activities;
 - iv) Supervision and evaluation of instructors;
 - v) Selection and equipping of training sites;
 - vi) Development and distribution of course schedules;

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- vii) Procurement and management of cycles and related training equipment;
 - viii) Preparation of reports; and
 - ix) Documentation of costs for reimbursement purposes.
- 4) Beginner Course Instructor Qualifications
Instructors of the beginner course shall meet the following requirements:
- A) Possess a Student Completion Card (see Section 455.70(i));
 - B) Possess a valid Class M driver's license (i.e., motorcycle (150 or more cubic centimeters displacement)) or the equivalent license of another state;
 - C) Possess a valid Red Cross Basic First Aid Card or Division-approved equivalent (e.g., military first aid training, Green Cross, emergency medical technician);
 - D) Be knowledgeable of and able to perform basic cycle maintenance;
 - E) Be able to operate a 5 pound (minimum) dry-chemical (Type A, B or C) fire extinguisher;
 - F) Successfully complete an instructor training course that meets the standards of the Division-approved curriculum and demonstrate riding ability to the satisfaction of the Chief Instructor (See Section 455.40 for Division-approved curriculum.);
 - G) Successfully practice teach designated portions of a beginner course under the supervision and in the presence of a Chief Instructor;
 - H) Maintain instructor certification in accordance with the curriculum; and
 - I) Attend an annual Instructor Update Seminar conducted by a Regional Center.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 5) **Advanced Course Instructor Qualifications**
Instructors of the advanced course shall meet the following requirements:
 - A) Maintain beginner course instructor certification in accordance with the curriculum;
 - B) Complete a one-day advanced instructor course taught by a qualified Chief Instructor; and
 - C) Complete an annual Instructor Update Seminar conducted by a Regional Center.

- 6) **Range Aide Qualifications**
Persons employed as Range Aides shall meet the following requirements:
 - A) Possess a Beginner Course Student Completion Card (see Section 455.70(i));
 - B) Possess a valid Class M Illinois driver's license or Class L driver's license (i.e., motor driven cycle (under 150 cubic centimeters displacement)) or the equivalent license of another state; and
 - C) Be knowledgeable of and able to perform basic cycle maintenance and repair.

- b) **Training Sites**
Courses may be conducted at various training sites established as needed throughout a Region. The Program Coordinator shall consider the following factors when selecting a training site: cycle crash data by county, cycle registrations by county, the number of requests for courses, and the availability of an acceptable site.
 - 1) All training sites shall be approved by the Division prior to use. The Division will approve a training site when the requirements of subsections (b)(1)(A) through (b)(1)(C) are met.
 - A) Range Areas

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- i) A range area shall be a paved surface free from street traffic and surface obstructions. All range areas must be approved by the Division. Adequate room must be provided on the range to conduct maneuvers. A range drawing indicating the location, area dimensions and exercise layouts specified shall be submitted to the Division two weeks prior to use and shall indicate any potential hazards on or adjacent to the range. Potential hazards may include, but are not limited to, light poles, fences, raised medians, or parking blocks. If the range or adjacent area changes, an updated drawing shall be submitted to the Division at the following address within one week after the Program Coordinator's knowledge of the change.

Manager, Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
3215 Executive Park Drive
Springfield IL 62794-9212

- ii) The paved range area must meet standards established by the Division in subsection (b)(1)(A)(i). The Division may approve exceptions to the standards based on an on-site evaluation of the range. Exceptions may include reduced range size and changes to layouts and exercise areas due to potential hazards such as those listed in subsection (b)(1)(A)(i).

B) Classroom Facilities

The classroom shall be a room that is usually within walking distance of the range area. The classroom shall be equipped with desks that provide a writing space for each student. A desk or podium and chair shall be provided for the instructor, along with a table to accommodate any audio-visual equipment.

C) Storage Facilities

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

A locked storage facility shall be provided with space adequate for the storage of cycles and related training equipment kept at the site overnight (e.g., helmets, course cones).

2) Training Equipment

For a beginner course, the Regional Centers shall furnish the cycles and helmets used during the course. Cycle size and type shall be determined by the Division. For an advanced course, the student will be required to furnish a helmet and a cycle.

A) Helmet Standards

All helmets shall meet or exceed FMVSS 218.

B) Cycle Acquisition

Cycles may be acquired through dealer loan agreements or the Division may purchase cycles for each Regional Center. Cycles are usually purchased from funds deposited into the Cycle Rider Safety Training Fund as authorized in Section 6 of the Act. Cycles are sometimes donated by cycle manufacturers, dealers, clubs, organizations and/or individuals. The Division may also authorize a Regional Center to purchase cycles used in its Region.

c) Insurance

1) The Regional Center shall obtain liability insurance for each cycle used by a beginner course student in the Program.

2) Minimum insurance limitations and coverages shall be:

A) Bodily injury and property damage liability;

B) A combined single limit of \$1,000,000 for each occurrence and \$2,000,000 aggregate;

C) \$100 deductible per crash (paid by the Regional Center);

D) Actual cash value comprehensive and collision; and

E) Excess medical coverage in the amount of \$10,000 per person.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 3) Proof of insurance shall be submitted to the Division by the Regional Center prior to the start of any beginner or advanced course. The insurance policy shall contain a 30-day written notice of cancellation clause. Insured entities shall include:
 - A) the Regional Center;
 - B) the Department, the Division, their guests, officers and employees;
 - C) the owners of selected training sites; and
 - D) the participating cycle dealers (if applicable).
 - 4) All advanced course students must provide their own cycle or have the owner's written permission to use a borrowed cycle. All cycles used by advanced course students must be properly registered and insured for liability damage.
 - 5) Regional Centers carry excess medical insurance coverage for students enrolled in the Program. If a student is injured while participating in the Program, he/she must first submit the medical bills to his/her own insurance carrier. The Regional Center's coverage is considered a secondary policy. If the student does not have medical insurance, the Regional Center's medical coverage will be the primary insurer for the claim, up to the limit of its coverage.
- d) **Public Relations**
A Regional Center may implement a multi-media public relations program. Regional Centers are encouraged to secure free promotional opportunities through any news media.
- e) **Logo**
The Division will approve an official Program logo. The official logo must be used on all Program materials (e.g., course schedules, informational brochures, web sites) used by Regional Centers. Each Regional Center may adopt a unique logo specific to its Region. The Regional logo may be used in addition to the Program logo. All Regional logos and Program materials shall be approved by the Division prior to use.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- f) **Record Retention**
All records and reports completed by a Regional Center while under contract with the Division are the property of the Division.
- 1) **Fiscal Records**
Fiscal records shall be retained by the Regional Center for a period of three years after the final reimbursement claim of the contract year has been paid by the Division. All fiscal records that are subject to an audit finding shall be maintained until the finding is resolved.
- 2) **Record Accessibility**
The State of Illinois or its representatives shall have access to all Program-related records, documents or reports generated at the Regional Center.
- g) **Audits**
All contract costs are subject to audit by the State of Illinois or its representative. Audits will be conducted after receipt of the final reimbursement claim for a contract year. The audit procedure may include an on-site inspection of all applicable Program records. The Division reserves the right to conduct audits on a random basis to verify compliance with this Part. Regional Centers will be required to reimburse the Division for any unauthorized or improperly documented expenditures.

Section 455.60 Contracts

The Department will award annual contracts out of appropriations to the Department from the Cycle Rider Safety Training Fund to be used by the Regional Centers to conduct approved Cycle Rider Safety Training Courses. (See Section 7 of the Act.) An approved contract executed by the Department is required before the State is bound.

- a) **Content of Contracts**
Each contract must include provisions defining a sound and complete agreement, including the:
- 1) Nature and scope of the work to be performed;
- 2) Time frame for performance;

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 3) Contract termination/cancellation provisions;
 - 4) Total cost for the contract; and
 - 5) Certifications.
- b) **Contract Termination/Cancellation**
The obligation of the State will cease immediately without penalty or further payment being required if, in any fiscal year, the General Assembly fails to appropriate or otherwise make funds available for contracts. A contract may be terminated by either party upon 30 days written notice. Failure to carry out the conditions set forth in the contract and this Part will constitute a breach of the contract and may result in termination of the contract. Upon termination, the Regional Center will be reimbursed for work satisfactorily completed prior to the date of termination.

Section 455.70 Cycle Rider Safety Training Courses

- a) **Course Cost**
The Cycle Rider Safety Training courses may be offered as credit or non-credit courses, but no fee shall be charged except for a nominal registration fee that shall be refunded upon completion of the course. (See Section 4 of the Act.) Students may donate the registration fee to the Regional Center.
- b) **Student Eligibility**
To participate in the Cycle Rider Safety Training Program, a student must:
 - 1) be a resident of the State of Illinois;
 - 2) be at least 16 years of age;
 - 3) hold a valid driver's license or permit; and
 - 4) show current proof of liability insurance (advanced course students only).
- c) Every student must sign a "Waiver or Release of Liability" form stating that he/she will not hold the Department liable for any injury or harm that may have occurred during his/her participation in the Program. This form is retained by the Regional Center for a minimum of seven years following the student's completion

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

of the course. Any student under 18 years of age must have the written consent of a parent or guardian to participate in the Program. The parent or guardian's signature must be included on the "Waiver or Release of Liability" form.

- d) **Course Curricula**
The curricula for beginner and advanced courses is selected by the Division. Either the Division or the Program Coordinator may make modifications to the curricula to improve the safety, effectiveness or efficiency of the Program. An example of a modification is changing the direction of the cycles' flow due to geographical logistics of the range. Any proposed modification made by a Program Coordinator must be pre-approved by the Division. The proposed modification must be submitted in writing to the Division at the address provided in Section 455.50(b)(1)(A)(i) at least two weeks prior to implementation.
- e) **Instructor's Manual**
Each Regional Center shall compile and print an Instructor's Manual for distribution to each instructor teaching courses within the Region. The Manual shall detail information instructors will need to train students in the Program. The Manual may be revised as needed. All revisions shall be made in accordance with this Part and shall be submitted to the Division for approval at the address provided in Section 455.50(b)(1)(A)(i) at least two weeks prior to use. The Manual shall include:
- 1) **An introduction**
A brief history of the Cycle Rider Safety Training Program shall be included. (History information is available by contacting the Division at the address provided in Section 455.50(b)(1)(A)(i).)
 - 2) **Procedures**
The following Sections of this Part:

Section 455.50(a)(4) Beginner Course Instructor Qualifications
Section 455.50(a)(5) Advanced Course Instructor Qualifications
Section 455.50(a)(6) Range Aide Qualifications
Section 455.70(f) Class Size and Instructor/Range Aide Ratios
Section 455.70(g) Safety Regulations.
 - 3) **Regional Boundaries**

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

An identification of the counties to be served by the Regional Center. The address, telephone number and website address of each Regional Center shall be listed in the Manual.

- 4) **Public Relations**
An explanation of the importance of a strong public relations program, together with examples of established and suggested public relations materials and procedures.
- 5) **Cycle Use**
An explanation of the proper use of Program cycles (e.g., not allowing the cycle to be operated for personal use).
- 6) **Conduct**
Guidelines for the proper conduct of instructors, range aides and students. The instructor shall have the authority to evict any student from the instruction period or from the course if the student disrupts the course or if the student displays conduct that may endanger himself/herself or any other person.
- 7) **Duties**
An explanation of the duties of chief instructors, instructors and range aides. Instructions shall also be included that require the instructor to attach completed Student Registration Forms to Program Attendance Records and submit them to the Regional Center as soon as practicable after the completion of a course. Both documents are to be maintained at the Regional Center for at least five years.
- 8) **Student Status**
A definition of student eligibility as provided in subsection (b) of this Section and the criteria for passing the course as provided in subsection (e)(12).
- 9) **Course Documents**
Examples of forms provided in the manual shall include:

Waiver or Release of Liability
Student Registration
Attendance Record

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Crash/Incident Report (Instructor and Student)
Claim Form for Reimbursable Costs.

- 10) Student Identification Number (SIN)
An explanation of the criteria used to develop the SIN shall be provided.
- A) Each student who attends any portion of a course must complete and sign a Student Registration form and is assigned a SIN. The SIN is a nine digit number that identifies all students enrolled in the Program.
- B) An explanation of the nine-digit SIN used on the Student Registration form is as follows:
- Field 1: Year (two digits)
Field 2: Regional Center and Training Site (three digits)
Field 3: Course number (two digits)
Field 4: Student number (two digits).
- C) The Regional Center and training site numbers assigned to the Region and training site shall be included in each Instructor's Manual.
- 11) Compensation
A statement of the pay rates used to compensate instructors and range aides.
- 12) Passing Criteria
An explanation of the criteria used to determine if a student passes a beginner or advanced course shall be included in the manual.
- A) A student is considered to have passed the course if he/she has attended 100% of the course and passed the appropriate skills and written test (for beginner course only). (Also see subsections (h)(1) and (h)(2) of this Section for pass/fail criteria.)
- B) Students who successfully pass the course shall be issued a Student Completion Card either at the completion of the course or by U.S. mail following the completion of the course.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- C) The instructor shall have the authority to fail any student from a course if the student displayed unsafe conduct that may have endangered him/herself or any other person.
- 13) **Division Questionnaire**
The instructor shall inform each student that he/she may receive a questionnaire from the Division concerning the course. The student will be provided a self-addressed stamped envelope and will be requested to return the questionnaire within 14 business days after completion of the course.
 - 14) **Instructional Plan**
A plan that outlines the lessons normally taught during each course session. The plan also details instructor course requirements (e.g., how early instructors should arrive before each session).
- f) **Class Size and Instructor/Range Aide Ratios**
 - 1) **Beginner Courses**
 - A) A minimum of eight registered students and a maximum of 12 registered students at the first course session is required to conduct a beginner course.
 - B) Regional Centers may be required to limit the number of students in a beginner course if the Regional Center cannot provide a cycle for each student registered to take the course.
 - C) Student/instructor ratio for beginner course range training shall not be greater than six to one. Every range session shall have a minimum of two qualified persons (either an instructor and range aide or two instructors) present at all times.
 - 2) **Advanced Courses**
 - A) A minimum of eight registered students and a maximum of 12 registered students at the first course session is required to conduct an advanced course.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- B) Student/instructor ratios shall not be greater than six to one. Every range session shall have at least two advanced course instructors.
- g) Safety Regulations
- 1) Protective equipment shall be worn by the instructors, range aides and students at all times when students are sitting on a cycle. Instructors and range aides are not required to wear protective equipment when starting Program cycles. Protective equipment includes:
 - A) A helmet that meets or exceeds the requirements of Section 455.50(b)(2)(A);
 - B) Full-fingered gloves;
 - C) Long-sleeved clothing (i.e., jacket or shirt);
 - D) Long pants;
 - E) Sturdy over-the-ankle footwear (not cloth or canvas); and
 - F) Eye protection (i.e., glasses, goggles or helmet visor).
 - 2) The following emergency equipment must be present and readily available at all training sites:
 - A) A fully-charged 5-pound (minimum) dry-chemical (Type A, B or C) fire extinguisher;
 - B) A fully-stocked industrial-quality first aid kit; and
 - C) Specific procedures to follow in the event of a crash (including 911 (if applicable) and additional telephone numbers).
 - 3) A telephone must be available within easy access of all training sites.
 - 4) If training cycles are stored away from the range, they shall not be ridden to or from the range.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 5) Training will not be conducted during a thunderstorm, snowstorm or windstorm. Training will also not be conducted when ice is present on the range or if the instructor or instructors determine that the students' safety is at risk.
- 6) Crash and Incident Reporting
 - A) When any crash occurs during a training session, the instructor shall complete a Motorcycle Crash/Incident Report (MCIR) form. The student involved in the crash shall also complete a Student MCIR form explaining his/her version of the crash. The instructor shall submit both MCIRs to the Regional Center within two working days after the crash. The Regional Center shall submit both MCIRs to the Division within two working days after receiving the forms.
 - B) If any crash occurs during a training session that requires emergency medical attention, the instructor shall notify the Regional Center by telephone within 24 hours after the crash. The Regional Center shall inform the Division by telephone within 24 hours after being notified by the instructor. The instructor shall complete and submit the Instructor MCIR to the Regional Center within two working days after the crash. The student involved shall also complete a Student MCIR and submit it to the Regional Center as soon as possible. The Regional Center shall submit both MCIR forms to the Division within two working days after receiving the forms.
 - C) If any damage occurs to a cycle, the instructor shall complete an MCIR and submit it to the Regional Center as soon as practicable. The Regional Center shall submit the form to the Division within 20 working days after receiving it.
- h) Student Status at Course Completion
Each registered student will be classified as a Pass, Fail or Drop at course completion based on the following:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 1) Pass – Student attended 100% of the course, passed the skills and written tests (for beginner course only), and was certified by the instructor as having reached the general level of knowledge, awareness and competence expected of graduates of the course.
 - 2) Fail – Student attended at least 50% but less than 100% of the course; failed the skills and/or written tests (written test for beginner course only) or the student displayed unsafe conduct that endangered himself/herself or any other person.
 - 3) Drop – Student attended less than 50% of the course.
- i) Student Completion Card
Those students who pass a beginner or advanced course shall be issued an official Student Completion Card. Replacement cards shall only be issued by the Regional Center to students who request a replacement card within three calendar years from the date of course completion.

Section 455.80 Reimbursement Process

- a) The Division shall reimburse the Regional Center for actual costs incurred that are necessary to administer the Program as specified in the Program contract. All actual costs must be considered eligible expenses as predetermined by the contract.
- b) Actual costs to be claimed shall be documented on the Regional Center's Claim Form for Reimbursable Costs. The Claim Form must identify the:
 - 1) Vendor;
 - 2) Amount Paid;
 - 3) Transaction Date; and
 - 4) Budget Line Item for Each Cost.
- c) Receipts (original or copies) that document Program costs listed in subsection (b) shall either be attached to the Claim Form and submitted to the Division at the address provided in Section 455.50(b)(1)(A)(i) or maintained at the Regional

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Center for at least three years after the final reimbursement claim for a contract year has been paid. Receipts maintained at the Regional Center must be available for inspection by the Division during normal business hours.

- d) If a Regional Center has not complied with all provisions of this Section, the Department may require a Regional Center to submit all future receipts with its Claim Form.
- e) Actual costs for monthly expenditures shall be claimed within 60 calendar days after the month the course was completed. A final claim that documents any costs that were unresolved or pending may be submitted to the Division within 90 days after the expiration of the annual contract.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 455.APPENDIX A Regional Centers and Counties

Region A	Northern Illinois University Motorcycle Safety Project Division of Continuing Education DeKalb, Illinois 60115-2854 (800)892-9607 (815)753-1683 www.outreach.niu.edu/mcycle/	Boone, Carroll, DeKalb, DuPage, JoDaviess, Kane, Lake, Lee, McHenry, Ogle, Stephenson, Whiteside, Winnebago
Region B	Illinois State University Health Science Department 5221 Motor Cycle Safety Program Normal, Illinois 61790-5221 (800)322-7619 (309)438-2352 www.ilstu.edu/depts/mcsafety/	Bureau, Cass, DeWitt, Fulton, Grundy, Hancock, Henderson, Henry, Kendall, Knox, LaSalle, Livingston, Logan, Macon, Marshall, Mason, McDonough, McLean, Menard, Mercer, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Stark, Tazewell, Warren, Woodford
Region C	University of Illinois Motorcycle Rider Program Department of Community Health #4 Gerty Drive Champaign, Illinois 61820 (800)252-3348 (217)333-7856 www.mrc.uiuc.edu	Champaign, Cook, Ford, Iroquois, Kankakee, Vermilion, Will

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Region D

Southern Illinois University Carbondale
Motorcycle Rider Program
Center for Injury Control and
Work Site Health Promotion
Carbondale, Illinois 62901-6731
(800)642-9589
(618)453-2877
www.siu.edu/~cycle

Adams, Alexander,
Bond, Brown, Calhoun,
Christian, Clark, Clay,
Clinton, Coles,
Crawford, Cumberland,
Douglas, Edgar,
Edwards, Effingham,
Fayette, Franklin,
Gallatin, Greene,
Hamilton, Hardin,
Jackson, Jasper,
Jefferson, Jersey,
Johnson, Lawrence,
Macoupin, Madison,
Marion, Massac,
Monroe, Montgomery,
Morgan, Moultrie, Perry,
Pike, Pope, Pulaski,
Randolph, Richland, St.
Clair, Saline, Scott,
Shelby, Union, Wabash,
Washington, Wayne,
White, Williamson

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Code of Regulations
- 2) Code Citation: 74 Ill. Adm. Code 420
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
420.320	Amend
420.620	Amend
420.630	Amend
420.640	Amend
- 4) Statutory Authority: Subpart D implementing and authorized by Section 3-6 of the Illinois State Auditing Act [30 ILCS 5/3-6]; Subpart G implementing and authorized by Section 3-7, 3-8(a), and 3-11 of the Illinois State Auditing Act [30 ILCS 5/3-7, 5/3-8(a) and 5/3-11]
- 5) Effective Date of Rulemaking: October 10, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 8194; June 6, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Minor editing changes were made at the recommendation of the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: The Code of Regulations is being updated to incorporate by reference the latest revision to Government Auditing Standards and to make other minor changes as necessary or desirable for the efficient operation of the Office.
- 16) Information and questions regarding these adopted amendments may be directed to:

Rebecca Patton
Office of the Auditor General
740 E. Ash Street
Springfield, IL 62703

217/782-6698 or 888/261-2887 (TTY)

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

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER III: AUDITOR GENERALPART 420
CODE OF REGULATIONS

SUBPART A: STANDARDS OF CONSTRUCTION FOR REGULATIONS

Section	
420.10	Introduction
420.20	General Provisions

SUBPART B: DEFINITIONS

Section	
420.110	Introduction
420.120	General Provisions
420.130	Abbreviations
420.140	Specific Definitions

SUBPART C: INVESTIGATIONS

Section	
420.210	Introduction
420.220	General Particulars
420.230	Right to Information
420.240	Investigative Personnel
420.250	Investigation Procedures and Reports

SUBPART D: STANDARDS APPLICABLE TO AUDITS AND ATTESTATION
ENGAGEMENTS OF ILLINOIS STATE GOVERNMENTAL ORGANIZATIONS
AND PROGRAMS AND TO AUDITS AND ATTESTATION ENGAGEMENTS
CONDUCTED BY STATE AGENCIES OF LOCAL AND PRIVATE AGENCIES

Section	
420.310	Introduction
420.320	General Provisions
420.330	Examination and Evaluation Standards (Repealed)
420.340	Reporting Standards (Repealed)

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: FREQUENCY OF MANDATORY FINANCIAL AUDITS,
COMPLIANCE AUDITS OR OTHER ATTESTATION ENGAGEMENTS

Section	
420.410	Introduction
420.420	General Provisions
420.430	Miscellaneous Provisions

SUBPART F: REVIEW OF RECEIPT OR COLLECTION
OF STATE REVENUE BY STATE AGENCIES

Section	
420.510	Introduction (Repealed)
420.520	Review of Receipt or Collection of State Revenues by State Agencies (Repealed)
420.530	Miscellaneous Provisions (Repealed)

SUBPART G: MAINTENANCE OF INFORMATION

Section	
420.610	Introduction
420.620	General Provisions
420.630	Confidential Information
420.640	Disclosure and Dissemination of Information

SUBPART H: CONSULTATIONS AND RESPONSES TO FINDINGS

Section	
420.710	Introduction
420.720	Consultations with Heads of Agencies and Individuals

AUTHORITY: Subparts A and B implementing and authorized by Section 3-7 of the Illinois State Auditing Act [30 ILCS 5/3-7]; Subpart C implementing and authorized by Sections 3-8(b), 3-8(c), and 3-8(d) of the Illinois State Auditing Act [30 ILCS 5/3-8(b), 3-8(c), and 3-8(d)]; Subpart D implementing and authorized by Section 3-6 of the Illinois State Auditing Act [30 ILCS 5/3-6]; Subpart E implementing and authorized by Section 3-8 of the Illinois State Auditing Act [30 ILCS 5/3-8]; Subpart G implementing and authorized by Sections 3-7, 3-8(a), and 3-11 of the Illinois State Auditing Act [30 ILCS 5/3-7, 3-8(a) and 3-11]; Subpart H implementing and authorized by Sections 3-7, 3-8(c), and 3-8(d) of the Illinois State Auditing

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

Act [30 ILCS 5/3-7, 3-8(c) and 3-8(d)].

SOURCE: Rules and Regulations of the Auditor General filed March 8, 1976, effective March 18, 1976, and amended: effective April 15, 1976; effective September 1, 1976; amended at 3 Ill. Reg. 5, p. 865, effective January 27, 1979; amended at 3 Ill. Reg. 5, p. 868, effective January 27, 1979; amended at 3 Ill. Reg. 15, p. 107, effective April 12, 1979; amended at 3 Ill. Reg. 34, p. 99, effective August 20, 1979; amended at 3 Ill. Reg. 48, p. 138, effective November 29, 1979; amended at 4 Ill. Reg. 40, p. 49, effective September 19, 1980; codified at 5 Ill. Reg. 10575; amended at 6 Ill. Reg. 2587, effective March 10, 1982; amended at 7 Ill. Reg. 1216, effective February 5, 1983; amended at 7 Ill. Reg. 6475, effective May 15, 1983; amended at 7 Ill. Reg. 6481, effective May 15, 1983; amended at 8 Ill. Reg. 7214, effective May 25, 1984; amended at 8 Ill. Reg. 17244, effective September 15, 1984; amended at 14 Ill. Reg. 15327, effective September 10, 1990; amended at 15 Ill. Reg. 3429, effective March 1, 1991; amended at 20 Ill. Reg. 701, effective January 31, 1996; amended at 30 Ill. Reg. 2260, effective February 20, 2006; amended at 32 Ill. Reg. 16372, effective October 10, 2008.

SUBPART D: STANDARDS APPLICABLE TO AUDITS AND ATTESTATION
ENGAGEMENTS OF ILLINOIS STATE GOVERNMENTAL ORGANIZATIONS
AND PROGRAMS AND TO AUDITS AND ATTESTATION ENGAGEMENTS
CONDUCTED BY STATE AGENCIES OF LOCAL AND PRIVATE AGENCIES

Section 420.320 General Provisions

General Standards.

- a) Scope.
 - 1) The full scope of an audit and/or attestation engagement conducted by the Auditor General may encompass:
 - A) An examination of financial transactions, accounts and reports;
 - B) An examination of compliance with applicable laws and regulations and conformity with applicable fiscal and business practices;
 - C) A review of efficiency and economy in the use of resources and soundness of managerial and other operational aspects;

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

- D) A review to determine whether intended program results are effectively achieved; and
 - E) A review of the controls and integrity associated with computerized information systems.
- 2) The scope for a particular audit and/or attestation engagement conducted by the Auditor General shall include:
- A) That prescribed by Section 1-13 of the Illinois State Auditing Act for compliance audits and other attestation engagements conducted pursuant to the provisions of Sections 3-1 and 3-2 of the Illinois State Auditing Act;
 - B) That prescribed by Section 1-13.5 of the Illinois State Auditing Act for financial audits conducted pursuant to the provisions of Sections 3-1 and 3-2 of the Illinois State Auditing Act;
 - C) That specified by an authorizing resolution approved by the Legislative Audit Commission or by either house of the General Assembly for engagements conducted pursuant to the provisions of Sections 3-2 and 3-4 of the Illinois State Auditing Act;
 - D) That specified by the terms of the agreement for reimbursable federal audits conducted pursuant to the provisions of Section 3-3A of the Illinois State Auditing Act;
 - E) That specified by the Auditor General in a notice provided to the Legislative Audit Commission for engagements conducted pursuant to Section 3-3 of the Illinois State Auditing Act;
 - F) That prescribed by Section 1-13.5 of the Illinois State Auditing Act for engagements conducted pursuant to Section 2-3.17a of the School Code [105 ILCS 5/2-3.17a]; and
 - G) That specified by the terms of the engagement for change-over engagements conducted pursuant to Section 3-2.1 of the Illinois State Auditing Act.

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

- 3) The scope for a particular audit or attestation engagement conducted by a State agency (other than the Office of the Auditor General) of a local or private agency shall be that specified by the terms of the agreement making the grant or award of funds to the local or private recipient agency. However, all such audits or attestation engagements shall, at a minimum, comply with the requirements of subsection (b) of this Section.
- b) General, Fieldwork and Reporting Standards. All audits and attestation engagements subject to the provisions of the Illinois State Auditing Act and regulations issued under that Act shall be conducted in accordance with standards applicable to the engagement, which may include: generally accepted auditing standards (GAAS) issued by the American Institute of Certified Public Accountants, Inc. (AICPA) and other relevant Statements on Auditing Standards (SAS) issued by the Auditing Standards Executive Committee; Statements on Standards for Attestation Engagements (SSAE) issued by senior technical bodies of the AICPA; generally accepted government auditing standards, as embodied in Government Auditing Standards (~~July 2007~~2003 Revision) (GAS) issued by the Comptroller General of the United States; and the federal Single Audit Act Amendments of 1996 (31 USC 7501-7507), and circulars implementing that Act issued by the Office of Management and Budget (OMB), including Circular A-133 establishing requirements for audits of States, Local Governments and Non-Profit Organizations. Copies of GAAS, SSAE and SAS may be ordered on the internet at www.cpa2biz.com or by calling 1-888-777-7077. Copies of GAS may be downloaded from the internet at www.gao.gov/govaud/ybk01.htm www.gao.gov/govaud/yb2003.pdf. Print copies may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office at 202-512-1800 or by visiting the GPO website at <http://bookstore.gpo.gov> (stock number ~~020-000-00288-3020-000-00284-1~~). Copies of OMB circulars may be obtained from the Office of Federal Financial Management, Office of Management and Budget, Washington, D.C. 20503 or downloaded from the internet at www.whitehouse.gov/omb/circulars. These incorporations by reference do not include any later amendments or editions.
- c) Specific standards for audits of regional offices of education and educational service centers conducted pursuant to Section 2-3.17a of the School Code [105 ILCS 5/2-3.17a]. By statute, this Section does not apply to an educational service center serving a school district in a city having a population exceeding 500,000.

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

- 1) "Books and records" as used in this subsection (c) means all financial statements, fiscal documents, vouchers for distributions, records of cash receipts, records of obligation and expenditure of funds, records of accounts and funds, journals, ledgers and subsidiary records of the ledgers, computer programs and data files integral to records of funds and accounts in the care, custody or control of the regional superintendent of schools or educational service center, and required for the purpose of enabling the Auditor General to perform the audits required by Section 2-3.17a of the School Code. The regional office of education and educational service center shall maintain records in accordance with this subsection (c), as applicable. Financial records shall be maintained on either a cash or accrual basis of accounting. However, supporting information must be maintained to allow preparation of an accrual statement as required by subsection (c)(2).
- 2) For audit purposes, each regional office of education and educational service center subject to audit by the Auditor General shall make available to the Auditor General or its designee all books and records during regular business hours on such days in each fiscal year as the Auditor General or its designee shall deem necessary to make and complete the required audits. ~~TheSuch~~ records shall be completed in auditable form by August 15 of the succeeding fiscal year. Financial reports are to be available no later than August 31 in order that the annual audit may be done by an independent auditor selected by the Auditor General. Annual financial statements are to be prepared on an accrual basis of accounting in accordance with generally accepted accounting principles.
- 3) Each regional office of education and educational service center subject to audit by the Auditor General shall make available the books and records necessary to make the required audit by providing to the Auditor General or its designee full, complete and unrestricted access to those books and records and to those persons who may have prepared, reviewed, reported on or otherwise have knowledge of them.
- 4) Each regional office of education and educational service center subject to audit by the Auditor General shall retain all books and records for a period of five years or until each required audit is resolved. This provision shall not be construed to shorten any record retention requirement otherwise applicable to ~~thesueh~~ records.

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 16372, effective October 10, 2008)

SUBPART G: MAINTENANCE OF INFORMATION

Section 420.620 General Provisions

- a) **AVAILABILITY OF INFORMATION.**
Except as provided in Section 420.630 of this Part, all information maintained by the Office of the Auditor General shall be public information and shall be available to the public as provided by this Subpart.
- b) **SUBPOENA OF EMPLOYEES.**
 - 1) Any employee or agent of the Office of the Auditor General who is served with a subpoena requiring the disclosure of information or the production of any document ~~that~~^{which} is classified confidential shall appear as required by the subpoena and shall respectfully decline to disclose the information or produce any document called for basing the refusal on the requirement of this Section, unless the person subpoenaed has a written authorization permitting the release of the information or production of the document requested.
 - 2) The authorization required by this Section may be issued only by the Auditor General, Deputy Auditor General, or the Chief Legal Counsel of the Office of the Auditor General. An authorization may be issued only if the release of the information:
 - A) would not contravene any statute;
 - B) would not interfere with an ongoing audit or investigation; or
 - C) would not unreasonably interfere with an individual's right of privacy.
 - 3) In addition, information of other agencies ~~that~~^{which} is confidential by or pursuant to law shall not be disclosed by the Office of the Auditor General, unless:

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

- A) the information is not available from the officially authorized custodian; and ~~B)~~ the officially authorized custodian consents to the release; ~~or:~~
- B) a court orders the disclosure of the documents.
- c) SUBPOENA OF CONTRACTORS.
- 1) Any Special Assistant Auditor or other contractor of the Office of the Auditor General who is served with a subpoena requiring the disclosure of information or the production of any document ~~thatwhich~~ is classified confidential and ~~thatwhich~~ was obtained or created in the exercise of audit authority delegated by the Auditor General pursuant to the ISAA shall appear as required by the subpoena and shall respectfully decline to disclose the information or produce any document called for basing the refusal on the requirement of this Section, unless the person subpoenaed has a written authorization permitting the release of the information or production of the document requested.
- 2) The authorization required by this Section may be issued only by the Auditor General, Deputy Auditor General, or the Chief Legal Counsel of the Office of the Auditor General. An authorization may be issued only if the release of the information:
- A) would not contravene any statute;
- B) would not interfere with an ongoing audit or investigation; or
- C) would not unreasonably interfere with an individual's right of privacy.
- 3) In addition, information that is confidential by or pursuant to law shall not be disclosed, unless:
- A) the information is not available from the officially authorized custodian and the officially authorized custodian consents to the release; or
- B) a court orders the disclosure of the documents.

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 16372, effective October 10, 2008)

Section 420.630 Confidential Information

- a) Statutory. All information maintained by the office ~~that~~which was confidential by or pursuant to law when secured by the Auditor General shall be maintained in accordance with Section 6-1 of the Illinois State Auditing Act [30 ILCS 5/6-1] and other applicable law.
- b) Information Related to Current Work.
 - 1) Information not otherwise confidential, but acquired or developed as part of an ongoing audit, attestation engagement, investigation, study, or inquiry shall be classified confidential until the conclusion of the audit, attestation engagement, investigation, study, or inquiry to which the information pertains. The Auditor General may release ~~thesueh~~that information only to:
 - A) persons or entities named in the audit, attestation engagement, investigation, study, or inquiry to which the information pertains;
 - B) governmental agencies with whom the Auditor General is jointly conducting or co-operating on an audit or attestation engagement, to the extent necessary for the conduct of the audit or attestation engagement;
 - C) prosecutorial offices, government agencies with investigatory powers and sworn law enforcement agencies if approved by the Auditor General but subject to subsection (b)(3) of this Section; and
 - D) current or potential contractors, but only on a need to know basis, for specific audit or engagement purposes.
 - 2) The issuance of the final report shall establish the conclusion of the audit, attestation engagement, investigation, study, or inquiry ~~that~~which is the subject of the report, and all information acquired or developed as part of ~~thesueh~~that audit, attestation engagement, investigation, study, or inquiry and

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

classified confidential by operation of this subsection (b) shall at that time become public information, unless the Auditor General provides otherwise pursuant to subsection (c) or Section 420.640(h) of this Part.

- 3) Prosecutorial [offices, government agencies with investigatory powers office](#) and law enforcement agencies shall not obtain through, or in conjunction with, the Office of the Auditor General, data, information, or evidence ~~that which~~ the prosecutorial office, [government agency with investigatory powers](#) or law enforcement agency could not lawfully obtain through its own authorities.
- c) Investigation. All information and documents pertaining to an investigation conducted pursuant to Section 3-4 ISAA may be classified as confidential and, if classified as confidential, may not be disclosed outside the office except as provided in Section 420.Subpart C of this Part or as declared in the resolution authorizing the investigation.
- d) Personnel Information. All personnel information of the Office of the Auditor General matchable to an individual concerning job performance evaluations, personal conduct, disclosure statements, personal characteristics and health shall be confidential, and may be released only as authorized by law or with the consent of the individual affected.
- e) Special Assistant Auditor Evaluations. Trade, business, and proprietary information concerning special assistant auditors and the performance evaluations of special assistant auditors shall be maintained confidential and may be disclosed to persons outside the office only as necessary to an authorized audit or inquiry concerning expenditures of our office. An audit or inquiry is authorized if it is required by law, by formal action of the General Assembly or the Legislative Audit Commission, or by request of a designated peer review committee reviewing the Office of the Auditor General's audit or attestation process.
- f) Audit and/or Attestation Engagement Selection Criteria.
 - 1) Any test, standard, or specification intended for use in an audit or attestation engagement may be maintained confidential if:
 - A) the test, standard, or specification under consideration is necessary or applicable to a future audit or attestation engagement and

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

disclosure would impair the validity or reliability of the test, standard, procedure or specification for future application; or

B) disclosure might impair auditor techniques or methods or procedures designed to detect fraud, abuse, or other illegal activity.

2) Any information declared confidential under this subsection (f) shall be disclosed jointly to the Chair and Co-Chair of the Legislative Audit Commission at the joint request of the Chair and Co-Chair.

(Source: Amended at 32 Ill. Reg. 16372, effective October 10, 2008)

Section 420.640 Disclosure and Dissemination of Information

- a) Information Confidential when Acquired. Information maintained in the office of the Auditor General ~~that~~ which was confidential by or pursuant to law when acquired may not be disseminated outside the office for any reason except by court order or as provided in Section 420.620(b) ~~or (c)~~ of this Part.
- b) Information Established Confidential by the Office of the Auditor General. Information maintained by the Office of the Auditor General ~~that~~ which the office of the Auditor General has established confidential by authority of the Illinois State Auditing Act or these regulations may be released to persons outside the Office of the Auditor General only by order of the Legislative Audit Commission pursuant to Section 3-11 ISAA, by court order, or as specifically provided in this Subpart.
- c) Dissemination of Other State Agency Information.
- 1) The Office of the Auditor General may decline to make available records or information ~~that~~ which is available or currently controlled by the originating or controlling State agency.
- 2) Records and information are considered "available" even if the agency or agent refuses to disseminate them, such as information ~~that~~ which may be withheld as an exception to the Illinois Freedom of Information Act [5 ILCS 140].
- d) Dissemination Procedures and Copies (Public Records).

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

- 1) All public records of the Office of the Auditor General stored in the Springfield or Chicago offices shall be available for inspection and copying at their respective office during regular working hours.
 - 2) All public records of the Office of the Auditor General stored at locations other than the Springfield or Chicago offices shall be available for inspection and copying, but only by request and appointment ~~through the office librarian or his or her designee.~~
 - 3) Any person requesting inspection or copying of public records stored at locations other than the Springfield or Chicago office may require that the records be made available at the Springfield office.
 - 4) The Auditor General may establish reasonable charges to defray the cost of any copies requested.
- e) Purging of Acquired Confidential Information – Memorandum.
- 1) Records supplied to the Office of the Auditor General ~~that~~which are confidential by or pursuant to law shall be destroyed or returned to the agency from which they were obtained no later than the time of the issuance of the final report for which the information constitutes work papers, unless the Auditor General provides otherwise pursuant to subsection (h) of this Section.
 - 2) However, if the records are confidential because they contain personally sensitive information ~~that~~which is matchable to individuals, ~~the~~such records need not be destroyed if all means of matching ~~the~~such information to its corresponding individuals has been destroyed. In such cases, the destruction of the means of matching the information to its corresponding individuals shall occur no later than the time of the issuance of the final report for which the information constitutes work papers.
 - 3) The person destroying work papers pursuant to this Section shall place among the work papers a list of the number and type of records destroyed, identification of the source from which the records came, and an affidavit certifying how and when the records were destroyed and the fact that they were so destroyed. The affidavit shall be signed by the person destroying

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

the workpapers and countersigned by ~~a person~~ ~~an auditor~~ who witnessed the destruction. Each affidavit shall be submitted to an Audit Manager for review.

- f) Purging of Records Generally. The Auditor General may destroy any records five years after the release of the audit to which the records pertain unless a longer retention period is required by law. The Auditor General may establish schedules for the destruction and type of storage for all records relating to the Office of the Auditor General.
- g) Maintenance and Reproduction of Permanent Records. Permanent records of the Office of the Auditor General may be kept on microform, optical image, or other reliable media. The Auditor General shall maintain suitable devices for reading and copying all permanent records.
- h) Exceptions to Purging and Disclosure of Workpapers.
 - 1) If the Auditor General or Deputy Auditor General determines, in a written document certified by the Auditor General or Deputy Auditor General, that the establishment of the working papers of a particular audit as public records or the purging of confidential information contained in the work papers of a particular audit would:
 - A) impair the reporting or defending of the audit;
 - B) impair future or follow-up audit work;
 - C) compromise the integrity of the audit process; or
 - D) disclose confidential information, because of the postponement of the purging of confidential information pursuant to the Auditor General's authority under this subsection [\(h\)](#),
 - 2) then the Auditor General, [or his or her designee](#), may postpone the implementation of the requirements of Section 420.630(b)(2) of this Part or subsection (e) for up to five years following release of the audit to which the information pertains. After that time period, the postponement shall lapse and may be renewed, for up to 12 months at a time, only if the Legislative Audit Commission shall specifically approve [the such](#) renewal.

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 16372, effective October 10, 2008)

CHIEF PROCUREMENT OFFICER FOR PUBLIC
INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education
- 2) Code Citation: 44 Ill. Adm. Code 526
- 3) Section Number: 526.2020 Adopted Action:
Amended
- 4) Statutory Authority: 30 ILCS 500/20-20
- 5) Effective Date of Amendment: September 24, 2008
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file and available for public inspection in the agency's principal office at the following address:

Higher Education Chief Procurement Officer Support
208 Henry Administration Building
506 South Wright Street
Urbana, IL 61801
- 9) Notice of Proposed Amendment Published in Illinois Register: 32 Ill. Reg. 9101; June 27, 2008
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were proposed by JCAR.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

CHIEF PROCUREMENT OFFICER FOR PUBLIC
INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: The Chief Procurement Officer has amended the rule to implement the change in the small purchase maximums proposed by the Procurement Policy Board on May 6, 2008.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Robert C. Baker
Director, Higher Education Chief Procurement Officer Support
208 Henry Administration Building
506 South Wright Street
Urbana, IL 61801

Telephone: 217/333-1352
E-Mail: rbaker@uillinois.edu
Facsimile: 217/239-6760

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

CHIEF PROCUREMENT OFFICER FOR PUBLIC
INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS
AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER II: CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

PART 526

PROCUREMENT RULES OF THE CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

SUBPART A: GENERAL

Section	
526.01	Title
526.03	Authority
526.05	Policy
526.08	Implementation of This Part
526.10	Application
526.15	Definition of Terms Used in This Part
526.25	Property Rights

SUBPART B: PROCUREMENT RULES

Section	
526.525	Rules

SUBPART C: PROCUREMENT AUTHORITY

Section	
526.1005	Procurement Authority of State Purchasing Officers
526.1010	Appointment of State Purchasing Officers
526.1011	Procurement Authority of the CPO
526.1030	Other Procurement Authority of the Universities
526.1080	Illinois Mathematics and Science Academy

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	
526.1501	Higher Education Volume of Illinois Procurement Bulletin

CHIEF PROCUREMENT OFFICER FOR PUBLIC
INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 526.1510 Publication of Higher Education Bulletin
- 526.1525 Bulletin Content
- 526.1545 Supplemental Notice
- 526.1550 Error in Notice
- 526.1580 Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

- 526.2005 General Provisions
- 526.2010 Competitive Sealed Bidding
- 526.2012 Multi-Step Sealed Bidding
- 526.2015 Competitive Sealed Proposals
- 526.2020 Small Purchases
- 526.2025 Sole Economically Feasible Source Procurement
- 526.2030 Emergency Procurements
- 526.2035 Competitive Selection Procedures for Professional and Artistic Services
- 526.2036 Other Methods of Source Selection
- 526.2037 Tie Bids and Proposals
- 526.2038 Modification or Withdrawal of Bids or Proposals; Mistakes
- 526.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

- 526.2043 Suppliers
- 526.2044 Vendor List/Required Use
- 526.2045 Prequalification
- 526.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section

- 526.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

CHIEF PROCUREMENT OFFICER FOR PUBLIC
INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

526.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section
526.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
526.2060 Duration of Contracts – General

SUBPART K: PROCUREMENT FILES

Section
526.2080 Written Determinations; Other Procurement Records

SUBPART L: CONTRACT WORKING CONDITIONS

Section
526.2560 Prevailing Wage
526.2570 Equal Employment Opportunity; Affirmative Action

SUBPART M: CONSTRUCTION AND CONSTRUCTION RELATED SERVICES

Section
526.3005 Construction and Construction Related Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
526.4005 Applicability
526.4010 Authority
526.4015 Method of Source Selection
526.4020 Request for Information
526.4025 Lease Requirements
526.4030 Purchase Option
526.4035 Rent Without Occupancy

CHIEF PROCUREMENT OFFICER FOR PUBLIC
INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

526.4040 Local Site Preferences

SUBPART O: PREFERENCES

Section

- 526.4505 Procurement Preferences
- 526.4510 Resident Vendor Preference
- 526.4530 Correctional Industries
- 526.4535 Sheltered Workshops for the Disabled
- 526.4540 Gas Mileage
- 526.4545 Small Business
- 526.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

Section

- 526.5013 Conflicts of Interest Prohibited by the Code
- 526.5020 Exemptions
- 526.5023 Other Conflicts of Interest
- 526.5030 Revolving Door Prohibition
- 526.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

Section

- 526.5325 Granting of Concessions/Reporting

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section

- 526.5520 Suspension
- 526.5530 Cancellation of Contracts
- 526.5540 Violation of Statute or Rule
- 526.5550 Protests

SUBPART S: GOVERNMENTAL JOINT PURCHASING

CHIEF PROCUREMENT OFFICER FOR PUBLIC
INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

Section

- 526.6500 General
526.6510 No Agency Relationship

SUBPART T: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section

- 526.7000 Severability
526.7005 Supply Inventory
526.7010 University Furnished Property
526.7015 Inspections
526.7020 Record Retention
526.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing, and authorized by Section 5-25 of, the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 13905, effective July 1, 1998, for a maximum of 150 days; amended by emergency rulemaking at 22 Ill. Reg. 19096, effective October 1, 1998, for a period to expire November 27, 1998; adopted at 22 Ill. Reg. 20964, effective November 20, 1998; amended at 32 Ill. Reg. 16388, effective September 24, 2008.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 526.2020 Small Purchases

a) Application

- 1) Individual procurements of ~~\$50,000~~\$25,000 or less for supplies or services (including printing), other than professional and artistic, and ~~\$70,000~~\$30,000 or less for construction, may be made using the method of source selection determined by the SPO to be most appropriate to the circumstances. These small purchase maximums shall be subject to the annual cost of living increases set forth in subsection (a)(3) of this Section.
- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the SPO to be most

CHIEF PROCUREMENT OFFICER FOR PUBLIC
INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

appropriate to the circumstances.

- 3) The CPO shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter. That percentage change shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.
- b) In determining whether a contract is under the limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith, shall be utilized. Where the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small if it has a not-to-exceed limit applicable to the type of procurement (see subsection (a) ~~above~~).
- d) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- e) If there is a repetitive need for small procurements of the same type, the University should consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended at 32 Ill. Reg. 16388, effective September 24, 2008)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Number: 1501.303 Adopted Action:
Amendment
- 4) Statutory Authority: 110 ILCS 805/2-12(h)
- 5) Effective Date of Amendment: September 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 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 Illinois Register: 32 Ill. Reg. 1029; January 25, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Minor grammatical and formatting changes were suggested and accepted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No substantive changes were recommended.
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Illinois (K-12) School Code 105 ILCS 5/27-3 (from Ch. 122, par. 27.3) requires that all students graduating from a public school be required to receive instruction and pass an examination on American patriotism, principles of representative government, proper use and display of the American flag, and the Australian ballot voting system. The Illinois Community College Board has interpreted this requirement to be inclusive of community college graduates.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

Several years ago, the Illinois Board of Higher Education abandoned the requirement, except for education majors. Given the ever increasing diversity of our student population at Illinois community colleges, this requirement has become burdensome and impractical. Students who have met the specifics of the requirement in other states may not use their high school diploma as evidence since it is not from the state of Illinois. Similarly, the successful completion of the constitution test required during the citizenship process does not provide validation of the article requirements. Additionally, this requirement may hinder the opportunity for Illinois community colleges to offer online educational programs outside of the state of Illinois.

- 16) Information and questions regarding this adopted rulemaking may be directed to:

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield, Illinois 62701-1711

217/785-0053

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section

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

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section

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

SUBPART C: PROGRAMS

Section

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS

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

SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Student Tuition
1501.506	Published Financial Statements
1501.507	Credit Hour Claims
1501.508	Special Populations Grants (Repealed)
1501.509	Workforce Preparation Grants (Repealed)
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grant (Repealed)
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants (Repealed)
1501.518	Uncollectible Debts
1501.519	Special Initiatives Grants
1501.520	Lincoln's Challenge Scholarship Grants

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

- 1501.521 Technology Enhancement Grants
- 1501.522 Deferred Maintenance Grants (Repealed)
- 1501.523 Foundation Matching Grants

SUBPART F: CAPITAL PROJECTS

Section

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

SUBPART G: STATE COMMUNITY COLLEGE

Section

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

SUBPART H: PERSONNEL

Section

- 1501.801 Definition of Terms
- 1501.802 Sabbatical Leaves

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

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

SUBPART C: PROGRAMS

Section 1501.303 Program Requirements

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

- a) Comprehensive Program. The programs of each college shall be comprehensive and shall include: pre-baccalaureate, occupational, and general studies curricula, and public service programs.
- b) Degrees and Certificates. A college shall award associate degrees and certificates in accordance with units of instruction approved by the ICCB. This authority is not extended to administrative units of the college.
- c) Honorary Degrees. Honorary degrees awarded by a ~~board~~Board shall be limited to the associate degree.
- d) Review and Evaluation of Programs.
 - 1) Each college shall have ~~and implement~~ a systematic, college-wide program review process for evaluating ~~all of its~~both instructional, student services, and academic support programs at least once within a five-year cycle. ~~If the college's special circumstances indicate a longer cycle would be beneficial, the college may request an exception by submitting an explanation of the special circumstances and the college's plan for program review based on a longer cycle to the ICCB. The ICCB will grant the exception when a longer evaluation cycle had been established previous to FY 1984 or if the college has more than ten (10) programs to evaluate. A written response to the request for the exception will be submitted to the college within thirty (30) days of receipt of the request.~~
 - 2) The minimum review criteria for program review shall be program need, program cost, and program quality, as defined by each college.
 - 3) Each college shall develop a schedule that shows when each program will be reviewed during each five-year cycle. Occupational programs shall be scheduled in the year following their inclusion in the ICCB follow-up study unless the college obtains an exception in writing from the ICCB. The review of general education objectives of the academic programs shall be scheduled annually, but may focus each year on areas specified by the Illinois Board of Higher Education and ICCB. Each college shall keep on file a copy of the process adopted and individual program review for ICCB Recognition purposes.
 - 4) The ICCB may request the college to include special reviews of programs

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

that have been identified as a result of State-level analyses, legislative resolutions, or Illinois Board of Higher Education policy studies by notifying the college of this request prior to January 1 of the year the special review is to be conducted. Each college shall submit to ICCB a list of programs to be reviewed in the following year and a summary report of the previous years' program review results by August 1 each year.

- 5) Each college shall keep on file for ICCB recognition purposes a copy of its current program review process, its five-year schedule for program review, and complete reports of program reviews conducted during the past five years.
- 6) Each college shall submit to the ICCB by August 1 each year a summary report of its previous year's program review results in a format designated by the ICCB and a copy of its current five-year schedule of program reviews.

e) Academic Calendar.

- 1) A college shall operate on an academic calendar thatwhich provides at least two academic terms consisting of at least 15 weeks (at least 75 days of instruction each), three academic terms consisting of at least 10 weeks (at least 50 days of instruction each) or a different combination of academic terms consisting of at least 30 weeks (at least 150 days of instruction).
- 21) The days of instruction prescribed in subsection (e)(1) above shall include all days when there is a full schedule of classes and support services, but will exclude holidays, Saturdays, Sundays, and days scheduled exclusively for registration, orientation, college-wide placement or assessment testing, faculty workshops, and final examinations.
- 32) Colleges may include terms during the summer or any other time during the year, in addition to the ones identified in subsection (e)(1).
- 43) Courses/classes may be scheduled between academic terms, spanning academic terms, for a shorter time frame than the academic term, or for a longer time frame than the academic term, if the schedule provides sufficient duration and contact hours to meet the requirements in Sections

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

1501.309(b) and 1501.507(b)(10).

- [54](#)) If an emergency such as a fire, flood, or strike makes it necessary for the college to shorten one of its academic terms, the college may request the ICCB ~~President/CEO~~[Executive Director](#) to approve a shorter term. In such cases, the length of the term may be shortened, but only to the extent that enables all courses to meet the contact hours specified in Section 1501.309(b).
- [65](#)) If a college entered into a contract with its faculty regarding the length of the academic calendar in compliance with subsection (e)[\(1\)](#) prior to the effective date of this revision, it may continue to operate under the provisions of that contract until that contract is renegotiated or expires.
- f) Preparation of Professional Staff. Professional staff shall be educated and prepared in accordance with generally accepted standards and practices for teaching, supervising, counseling and administering the curriculum or supporting system to which they are assigned. Such preparation may include collegiate study and professional experience. Graduate work through the master's degree in the assigned field or area of responsibility is expected, except in ~~those~~[such](#) areas in which the work experience and related training is the principal learning medium.
- g) Library. Each college shall maintain a library or learning resource center with a collection of reference works and other learning resources to meet the specific needs of its curricula and students. This collection shall be kept up to date through a planned program of acquisition and deletion.
- h) Supplies and Equipment. Classrooms, laboratories, and shops shall be provided with equipment and supplies ~~that~~[which](#) are adequate for effective teaching and learning.
- i) General Education. Organized curricula leading to an associate degree shall include general education courses designed to contribute to the liberal education of each student.
- j) Apprenticeships. A college ~~that~~[which](#) participates in apprenticeships coordinated by the Bureau of Apprenticeship Training, U.S. Department of Labor and/or other programs related to business, industrial, or trade groups or organizations shall meet applicable federal, ~~State~~[state](#), and local governmental rules, regulations, and

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

guidelines.

- k) ~~Examination of Patriotism, Principles of Representative Government, Proper Use and Display of the American Flag, and Method of Voting. The examination on American patriotism, principles of representative government, proper use and display of the American flag, and the Australian ballot voting system may be satisfied in one of the following ways:~~
- ~~1) The student may pass an appropriate examination at the college;~~
 - ~~2) The student may complete, with a passing grade, a specified course that includes all subject matter identified above; or~~
 - ~~3) The college may accept as evidence that the student has previously met the examination requirement a diploma earned from an Illinois high school or an Illinois high school equivalency certificate for the successful completion of the Test of General Education Development (GED). Such evidence authorizes the college to make an appropriate notation on the student's transcript.~~

(Source: Amended at 32 Ill. Reg. 16396, effective September 23, 2008)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Program
- 2) Code Citation: 35 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1500.30	Amendment
1500.40	Amendment
1500.50	Amendment
1500.60	Amendment
- 4) Statutory Authority: 415 ILCS 135(20)
- 5) Effective Date of Amendments: September 26, 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 at the Third Party Administrator of the Drycleaner Council's office located at 1000 Tower Lane, Suite 140, Bensenville, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: April 14, 2008; 32 Ill. Reg. 6268
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending to this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking prescribes the requirements for the retention of records by an owner or operator of a drycleaning facility for licensing, insuring, filing claims and filing appeals with the Fund. This rulemaking also defines the

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

insurance claim settlement process and modifies the delivery requirement for hydrocarbon-based drycleaning solvents.

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

H. Patrick Eriksen
Administrator
Drycleaner Environmental Response Trust Fund Council of Illinois
PO Box 480
Bensenville, IL 60106-480

630/741-0022

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

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS
SUBTITLE N: DRYCLEANING
CHAPTER V: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS

PART 1500
GENERAL PROGRAM

Section	
1500.10	General
1500.20	Definitions
1500.30	Drycleaning Facility License
1500.40	Drycleaner Remedial Account
1500.50	Drycleaner Facility Insurance Account
1500.55	Drycleaning Solvent Tax
1500.60	Appeals
1500.70	Forms

AUTHORITY: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 307, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 10162, effective June 26, 2000; amended at 28 Ill. Reg. 9051, effective June 21, 2004; amended at 30 Ill. Reg. 7939, effective April 13, 2006; amended at 30 Ill. Reg. 19631, effective December 12, 2006; amended at 31 Ill. Reg. 5756, effective March 27, 2007; amended at 32 Ill. Reg. 16406, effective September 26, 2008.

Section 1500.30 Drycleaning Facility License

- a) *On and after January 1, 1998, every active drycleaning facility must obtain a license from the Council. No person shall operate a drycleaning facility in this State without a license issued by the Council for that facility. (Section 60(a) of the Act)*
- b) *The Council shall issue initial and annual renewal licenses to an active drycleaning facility upon an applicant's submission of a completed application*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

prescribed by the Council (see Section 1500.60(a)) and proof of payment of the required fee to the Department of Revenue (Section 60(b) of the Act) by submittal of the DS-3 Form (prescribed by the Department of Revenue) subject to the following:

- 1) The annual license period is January 1 through December 31.
 - 2) The license fee and the DS-3 Form must be submitted to the Department of Revenue 60 days prior to issuance of a license.
 - 3) The Department of Revenue will return the applicant's copy of the DS-3 Form to confirm receipt of the appropriate license fee.
 - 4) The original DS-3 Form returned from the Department of Revenue must be submitted to the Council with the license application or renewal application. Applications submitted without the original DS-3 Form will be returned to the applicant.
 - 5) Upon receipt of a properly completed license application and an original DS-3 Form indicating the appropriate license fee has been received by the Department of Revenue, the Council will process the license application.
 - 6) License fees are non-refundable.
 - 7) Any drycleaning facility that begins operation on or after January 1, 2000 must obtain a license prior to operating the facility.
- c) *On or after January 1, 2007, the required annual fee for a license is as follows:*
- 1) *\$1,500 for a facility that uses:*
 - A) *50 gallons or less of chlorine-based or green drycleaning solvents annually; or*
 - B) *250 or less gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *500 gallons or less annually of hydrocarbon-based drycleaning*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

solvents in a drycleaning machine without a solvent reclaimer.
(Section 60(c)(1) of the Act)

- 2) \$2,250 for a facility that uses:
 - A) *more than 50 gallons but not more than 100 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 250 gallons but not more than 500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 500 gallons but not more than 1,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(2) of the Act)
- 3) \$3,000 for a facility that uses:
 - A) *more than 100 gallons but not more than 150 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 500 gallons but not more than 750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 1,000 gallons but not more than 1,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(3) of the Act)
- 4) \$3,750 for a facility that uses:
 - A) *more than 150 gallons but not more than 200 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 750 gallons but not more than 1,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- C) *more than 1,500 gallons but not more than 2,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(4) of the Act)*
- 5) \$4,500 for a facility that uses:
 - A) *more than 200 gallons but not more than 250 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,000 gallons but not more than 1,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 2,000 gallons but not more than 2,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(5) of the Act)*
- 6) \$5,000 for a facility that uses:
 - A) *more than 250 gallons but not more than 300 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,250 gallons but not more than 1,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 2,500 gallons but not more than 3,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(6) of the Act)*
- 7) \$5,000 for a facility that uses:
 - A) *more than 300 gallons but not more than 350 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,500 gallons but not more than 1,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- C) *more than 3,000 gallons but not more than 3,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(7) of the Act)*
- 8) \$5,000 for a facility that uses:
- A) *more than 350 gallons but not more than 400 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 1,750 gallons but not more than 2,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 3,500 gallons but not more than 4,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(8) of the Act)*
- 9) \$5,000 for a facility that uses:
- A) *more than 400 gallons but not more than 450 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,000 gallons but not more than 2,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 4,000 gallons but not more than 4,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(9) of the Act)*
- 10) \$5,000 for a facility that uses:
- A) *more than 450 gallons but not more than 500 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,250 gallons but not more than 2,500 gallons annually of hydrocarbon-based solvents used in a drycleaning machine*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

equipped with a solvent reclaimer; or

- C) *more than 4,500 gallons but not more than 5,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(10) of the Act)*

11) \$5,000 for a facility that uses:

- A) *more than 500 gallons but not more than 550 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,500 gallons but not more than 2,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 5,000 gallons but not more than 5,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(11) of the Act)*

12) \$5,000 for a facility that uses:

- A) *more than 550 gallons but not more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,750 gallons but not more than 3,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 5,500 gallons but not more than 6,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(12) of the Act)*

13) \$5,000 for a facility that uses:

- A) *more than 600 gallons of chlorine-based or green drycleaning*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

solvents annually; or

- B) *more than 3,000 gallons but not more than 3,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 6,000 gallons of hydrocarbon-based drycleaning solvents annually in a drycleaning machine without a solvent reclaimer. (Section 60(c)(13) of the Act)*
- 14) \$5,000 for a facility that uses:
- A) *more than 3,250 gallons but not more than 3,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine with a solvent reclaimer. (Section 60(c)(14) of the Act)*
 - B) *more than 3,500 gallons but not more than 3,750 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(15) of the Act)*
 - C) *more than 3,750 gallons but not more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(16) of the Act)*
- 15) \$5,000 for a facility that uses more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(17) of the Act)
- 16) If an applicant submits a license application to operate a facility beginning during a license year, the license fee for the first year shall be prorated as follows:
- A) For a license with an effective date on or after January 1 and before April 1, 100% of the fee is required.
 - B) For a license with an effective date on or after April 1 and before July 1, 75% of the fee is required.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- C) For a license with an effective date on or after July 1 and before October 1, 50% of the fee is required.
 - D) For a license with an effective date on or after October 1 and before January 1 of the following year, 25% of the fee is required.
- d) *For purposes of this Section, the quantity of drycleaning solvents used annually shall be determined as follows:*
- 1) *In the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this subsection (d)(1) is subject to audited adjustment for that year; or*
 - 2) *In the case of a renewal applicant, the quantity of drycleaning solvents actually used in the preceding license year. (Section 60(c) of the Act) If the amount of drycleaning solvents actually used in the preceding license year cannot be readily calculated, the quantity of drycleaning solvents purchased in the preceding year shall be used to determine the annual license fee. The method used to determine the initial renewal license fee must be used for all subsequent license renewals.*
 - 3) In the case of an applicant who uses both chlorine-based and hydrocarbon-based solvents, the quantity of drycleaning solvents used annually shall be determined as follows:
 - A) using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents for facilities not using a drycleaning machine equipped with a solvent reclaimer.
 - B) using a multiplier of 5 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 5 gallons of hydrocarbon-based drycleaning solvents for facilities using a drycleaning machine equipped with a solvent reclaimer.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 4) In the case of an applicant who uses hydrocarbon-based solvents at a facility that has both drycleaning machines with and without a solvent reclaimer, the total usage will be determined by applying the number of drycleaning machines with a solvent reclaimer to the total number of drycleaning machines at the facility to arrive at a percentage of drycleaning machines with a solvent reclaimer. This percentage will be applied to the total gallons of hydrocarbon-based solvent used and multiplied by a factor of 2 to convert the gallonage to the equivalent of a drycleaning machine without a solvent reclaimer.
- e) *The Council may adjust licensing fees annually based on the change in the published Consumer Price Index – All Urban Consumers, U.S. city average, all items (CPI-U) for the 12 months preceding the month the Council adjusts the licensing fee or as otherwise determined by the Council. (Section 60(c) of the Act)*
- f) *A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the Department of Revenue in accordance with subsections (b) and (c). At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:*
 - 1) *notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and*
 - 2) *submit a license fee payment form to the licensed operator of each drycleaning facility. (Section 60(d) of the Act)*
- g) *An operator of a drycleaning facility who is required to pay a license fee under the Act and fails to pay the license fee when the fee is due may be assessed a penalty of \$5 for each day after the license fee is due and until the license fee is paid. (Section 60(g) of the Act) Penalties totaling \$1,000 or more may be paid in 12 equal monthly installments upon execution by the drycleaner operator of a Council presented agreement. The Council may waive the late payment penalty, taking into consideration the following:*
 - 1) For calendar years 1998, 1999, and 2000, if the drycleaner owner/operator

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

did not receive one of the initial license notification mailings sent by the Illinois Department of Revenue or the Fund during the period of 1997 through 1999;

- 2) If additional license fees are owed due to the incorrect calculation of the annual solvent usage or purchase information and the understatement of the solvent volume was not significant, and the additional license fee is paid in a reasonable time frame; or
 - 3) Other reasonable factors.
- h) A license can be transferred from the drycleaning facility operator to a new operator of the same drycleaning facility upon completion of a license transfer form prescribed by the Council and signed by the license holder and transferee. If the drycleaning facility has an active insurance policy issued by the Council, the license can only be transferred if the insurance policy is also transferred.
 - i) If a drycleaning facility operator terminates the operation of a licensed drycleaning facility at a specific location, the operator can be re-licensed for a new drycleaning facility location without payment of an additional license fee provided the existing drycleaning facility license is terminated.
 - j) Recordkeeping. Owners and operators of drycleaning facilities must maintain all records required to obtain a license from the Council for a minimum of 3 years from the date of initial or renewal licensure. These records include the application, licensing fee payment documentation, solvent invoices, solvent logs, ownership information, late fee payments and any other information that may have been needed to issue and renew the license.

(Source: Amended at 32 Ill. Reg. 16406, effective September 26, 2008)

Section 1500.40 Drycleaner Remedial Account

The Council shall have the authority *to provide reimbursement to eligible claimants for remedial action associated with the release of drycleaning solvents from the claimant's drycleaning facility.* (Section 40(a) of the Act)

- a) *The following claimants are eligible for reimbursement from the remedial action*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

account:

- 1) *The owner or operator of an inactive drycleaning facility who was also the owner or operator of that drycleaning facility when it was an active drycleaning facility.*
 - 2) *The owner or operator of an active drycleaning facility which is licensed by the Council under the Drycleaner Environmental Response Trust Fund Act at the time of application for remedial action benefits. (Section 40(b) of the Act)*
- b) To be eligible for reimbursement, a claimant must demonstrate that drycleaning solvent contaminated soil, groundwater or both exceeds Illinois Environmental Protection Agency (Agency) tiered approach to corrective action objectives and all of the following:
- 1) *The source of the release is from the claimant's drycleaning facility. (Section 40(c)(1) of the Act)*
 - 2) *At the time the release was discovered, the claimant and the drycleaning facility were in compliance with all the Agency reporting and technical operating requirements. (Section 40(c)(2) of the Act)*
 - 3) *The claimant reported the release in a timely manner to the Agency in accordance with the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100]. (Section 40(c)(3) of the Act)*
 - 4) *The claimant has not filed for bankruptcy on or after the date of the discovery of the release. (Section 40(c)(4) of the Act)*
 - 5) *The release must have been discovered on or after July 1, 1997 and before July 1, 2006. (Section 40(c)(7) of the Act)*
 - 6) *The claimant must submit a completed application form as provided by the Council (see Section 1500.70(c)) by June 30, 2005. (Section 40(d) of the Act)*
 - 7) *If the claim is for reimbursement of remedial action expenses at an active*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

drycleaning facility, the claimant must demonstrate continuous financial assurance for environmental liability coverage in the amount of at least \$500,000 beginning the date of award of benefits under the Act or July 1, 2000, whichever is earlier. An uninsured drycleaning facility that has filed an application for insurance with the Fund by January 1, 2004, obtained insurance through that application, and maintained that insurance coverage continuously shall be considered to have conformed with the requirements of this subsection (b)(7). To conform with this requirement, the applicant must pay the equivalent of the total premiums due for the period beginning June 30, 2000 through the date of application plus a 20% penalty of the total premiums due for that period and the claimant must provide to the Council proof of implementation and maintenance of the following pollution prevention measures: (Section 40(c)(5) and (6) of the Act)

- A) *Management of all drycleaning solvent wastes in accordance with applicable State waste management laws and rules in accordance with the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 722. (Section 40(c)(5)(A) of the Act)*
- B) *A prohibition on the discharge of wastewater from drycleaning machines or of drycleaning solvent from drycleaning operations to a sanitary sewer or septic tank or to the surface or to groundwater. (Section 40(c)(5)(B) of the Act)*
- C) *Installation of a containment dike or other containment structure around each machine which is capable of containing a capacity of 110 percent of the drycleaning solvent in the largest tank or vessel in the machine for any leak, spill, or release of drycleaning solvent from that machine.*
- D) *Installation of a containment dike or other containment structure around each item of equipment or drycleaning area in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of each item of equipment or area for any leak, spill, or release of drycleaning solvent from that item. (Section 40(c)(5)(C)(I))*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- E) *Installation of a containment dike or other containment structure around each portable waste container in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of the largest portable waste container, or at least 10 percent of the total volume of the portable waste containers stored within the containment device, whichever is greater, for any leak, spill, or release of drycleaning solvent from that item. The portable waste container and containment dike should be located within the drycleaning facility. If the portable waste container is not located within the drycleaning facility, then the portable waste container and the containment device must be located in a structure designed to prevent unauthorized access and prevent exposure to natural elements and provide safety to human health and the environment. (Section 40(c)(5)(C)(I) of the Act)*
- F) *Petroleum underground storage tank systems that are upgraded in accordance with USEPA upgrade standards pursuant to 40 CFR 280 (1998) for the tanks and related piping systems and use a leak detection system approved by USEPA or the Agency are exempt from this secondary containment requirement. (Section 40(c)(5)(C)(I) of the Act)*
- G) *All diked floor surfaces on which a drycleaning solvent may leak, spill or otherwise be released must be sealed or otherwise rendered impervious to drycleaning solvents. (Section 40(c)(5)(C)(II) of the Act)*
- H) *Chlorine-based drycleaning solvents shall be delivered to the drycleaning facility by means of closed, direct-coupled delivery and vapor recovery systems. (Section 40(c)(5)(D) of the Act)*
- I) ~~All petroleum based drycleaning solvents shall be delivered to the drycleaning facility by means of a direct-coupled delivery system with proper vent lines for receiving the product.~~

- c) Subject to Fund limitations, eligibility requirements, prioritization and

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

reimbursement limitations, the Council may reimburse up to but not to exceed *\$300,000 per active drycleaning facility and \$50,000 per inactive drycleaning facility*. (Section 40(f)(1) of the Act)

- d) *An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first \$5,000 of eligible focused site investigation costs and for the first \$15,000 of eligible remedial action costs incurred in connection with the release from the drycleaning facility and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of the Act.* An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first \$5,000 of eligible focused site investigation costs and for the first \$10,000 of eligible remedial action costs incurred in connection with the release from the drycleaning facility if the focused site investigation is completed and accepted by the Agency and a remedial action plan has been prepared and submitted to the Agency by January 1, 2008, and is only eligible for reimbursement for costs that exceed those amounts subject to any other limitations of the Act. (Section 40(e)(1) of the Act)
- e) *An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first \$10,000 of eligible focused site investigation costs and for the first \$15,000 of eligible remedial action costs incurred in connection with the release from that drycleaning facility, and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of the Act.* An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first \$10,000 of eligible focused site investigation costs and for the first \$10,000 of eligible remedial action costs incurred in connection with the release from that drycleaning facility if the focused site investigation is completed and accepted by the Agency and a remedial action plan has been prepared and submitted to the Agency by January 1, 2008, and is only eligible for reimbursement for costs that exceed those amounts subject to any other limitations of the Act. (Section 40(e)(2) of the Act)
- f) For the purpose of claimant reimbursement, eligible expenses are limited subject to the following:
- 1) For remedial action activities that occurred on or after July 1, 1999, only those costs that are pre-approved by the Council are eligible for reimbursement unless an emergency exists. In the case of an emergency,

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

the Council may reimburse reasonable expenses for remediation services required to mitigate the emergency conditions.

- 2) For remedial action activities that occurred prior to July 1, 1999, the Council may reimburse costs that the Council determines were reasonable and necessary.
- 3) To be pre-approved for reimbursement, remedial action activities must be required under the site remediation program. Only services required to obtain a no further remediation letter for the drycleaning solvent of concern, based upon continued land use as a drycleaning facility, are reimbursable.
- 4) *A contract in which one of the parties to the contract is a claimant, for goods or services that may be payable or reimbursable from the Council, is void and unenforceable unless and until the Council has found that the contract terms are within the range of usual and customary rates for similar or equivalent goods or services within this State and has found that the goods or services are necessary for the claimant to comply with Council standards or with the site remediation program. (Section 40(f)(2) of the Act)*
- 5) *The Council may require a claimant to obtain and submit 3 bids and may require that the bids contain specific terms and conditions consistent with the requirements of the site remediation program and the site specific characteristics of the drycleaning facility for which budget approval is requested. Approval of a bid will be both price and scope specific. (Section 40(f)(4) of the Act)*
- 6) *If a claimant has pollution liability insurance coverage other than coverage provided by the insurance account under the Act, that coverage shall be primary. Reimbursement from the remedial account shall be limited to the deductible amounts under the primary coverage and the amount that exceeds the policy limits of the primary coverage, subject to the deductible amounts of the Act. If there is a dispute between the claimant and the primary insurance provider, reimbursement from the remedial action account may be made to the claimant after the claimant assigns all of his or her interests in the insurance coverage to the Council.*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

(Section 40(f)(9) of the Act)

- 7) Reimbursement of any amount from the Fund for remedial action shall be subject to the Council acquiring by subrogation the rights of any claimant or other person to recover the costs of remedial action for which the Fund has compensated the claimant.
- 8) If, for any reason, the Council determines that an excess payment has been paid from the Fund, the Council may take steps to collect the excess amount.
- 9) *Cost recovery; enforcement.*
 - A) *The Council may seek recovery from a potentially responsible party liable for a release that is the subject of a remedial action and for which the Fund has expended moneys for remedial action. The amount of recovery sought by the Council shall be equal to all moneys expended by the Fund for and in connection with the remediation, including but not limited to reasonable attorneys' fees and costs of litigation expended by the Fund in connection with the release. (Section 50(a) of the Act)*
 - B) *Except as provided in subsections (f)(9)(C) and (D):*
 - i) *The Council shall not seek recovery for expenses in connection with remedial action for a release from a claimant eligible for reimbursement except for any unpaid portion of the deductible. (Section 50(b)(1) of the Act)*
 - ii) *A claimant's liability for a release for which coverage is admitted under the insurance account shall not exceed the amount of the deductible, subject to the limits of insurance coverage. (Section 50(b)(2) of the Act)*
 - C) *Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant has not complied with the Environmental Protection Act [415 ILCS 5] and*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

its rules or with the Act and its rules. (Section 50(c) of the Act)

- D) *Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant received reimbursement from the Fund through misrepresentation or fraud, and the claimant shall be liable for the amount of the reimbursement. (Section 50(d) of the Act)*
- E) *Upon reimbursement by the Fund for remedial action under the Act, the rights of the claimant to recover payment from a potentially responsible party are assumed by the Council to the extent the remedial action was paid by the Fund. A claimant is precluded from receiving double compensation for the same injury. A claimant may elect to permit the Council to pursue the claimant's cause of action for an injury not compensated by the Fund against a potentially responsible party, provided the Attorney General or his or her designee determines the representation would not be a conflict of interest. (Section 50(e) of the Act)*
- F) *This subsection (f)(9) does not preclude, limit, or in any way affect any of the provisions of or causes of action pursuant to Section 22.2 of the Environmental Protection Act [415 ILCS 5/22.2]. (Section 50(f) of the Act)*
- 10) Upon receipt of a signed, written request from the claimant and verification that the applicable deductibles have been paid by the claimant, the Council will directly pay to the primary service provider the amount of reimbursement due the claimant from the Fund for remedial action activities. The claimant must submit to the Fund a copy of cancelled checks supporting that the applicable deductibles have been paid, along with a signed, written statement from the primary service provider verifying the applicable deductibles have been paid. This request will remain in effect until:
- A) it is rescinded in writing by the claimant; or

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- B) the Fund has reimbursed the maximum benefit allowed; or
 - C) the claim is closed and the Fund has reimbursed the total amount approved for remedial action activities performed at the facility.
- 11) Upon enrollment in the Agency's site remediation program and receipt of a signed, written request from the claimant, the Fund may pay the Agency directly, on eligible claims, the cost incurred by the Agency in its oversight of the drycleaning facility with respect to which the claimant obtained a No Further Remediation letter. This request will remain in effect until:
- A) the Fund has reimbursed the maximum benefit allowed; or
 - B) the claim is no longer eligible for benefits from the Fund; or
 - C) the facility has completed the project with the Agency and all related oversight costs have been paid in full to the Agency.
- g) Prioritization based upon Fund limitations.
- 1) The liability of the Fund is further limited by the monies made available to the Fund, and no remedy shall be provided that would require the Fund to exceed its then current funding limitations to satisfy an award or that would restrict the availability of monies for higher priority sites. *The Council may prioritize the expenditure of funds from the remedial action account whenever it determines that there are not sufficient funds to settle all current claims. In prioritizing, the Council may consider the following:*
- A) *The degree to which human health is affected by the exposure posed by the release (Section 25(c)(1) of the Act);*
 - B) *The reduction of risk to human health derived from remedial action compared to the cost of the remedial action (Section 25(c)(2) of the Act);*
 - C) *The present and planned uses of the impacted property (Section*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

25(c)(3) of the Act).

- 2) If the Council determines that there are not sufficient funds to settle all current claims and that prioritization is necessary, the Council will provide notice to all eligible claimants of the need for prioritization and the prioritization schedule. The Council may designate cash reserves to pay for focused site investigations performed through June 30, 2006 and to pay for unknown remediation costs associated with claims that have been prioritized. The Council shall designate funding up to \$800,000 per year for 3 consecutive years to complete the focused site investigation at eligible drycleaning facilities that should be able to obtain a No Further Remediation letter from the Agency using institutional controls with minimal funding. The initial claim prioritization will include all eligible claims as of the prioritization date set by the Council. Subsequent claim prioritizations will include all eligible claims as of the prioritization date set by the Council, excluding all claims that have previously been prioritized. All claims in the initial prioritization must be funded before conducting subsequent prioritizations. This funding methodology will apply to all subsequent prioritizations.
- 3) The prioritization schedule is as follows:
 - A) First priority will be the abatement of emergency conditions that present an immediate threat to human health and safety, such as explosive vapors in basements or utility conduits and migration of free products into the water supply line or to the off site property.
 - B) Second priority will be the drycleaning facilities located in a township without a groundwater ordinance and when the drycleaning solvent contamination of soil and groundwater of such facilities is likely to cause an immediate adverse effect on human health by contaminating potable water resources.
 - C) Third priority will be the drycleaning facilities with drycleaning solvent contaminants of soil and groundwater where migration of these contaminants to neighboring properties seems imminent or immediate, which can result in more costly and complicated remediations in the future.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- D) Fourth priority will be drycleaning facilities at which soil and/or groundwater contamination is at concentration higher than soil saturation limits of drycleaning solvents, according to TACO regulations of the Agency. Active remediation is required to address free product drycleaning solvent contamination.
- E) Fifth priority will be the drycleaning facilities in which soil and/or groundwater contamination is higher than the TACO Tier II level but less than the TACO soil saturation limit. Active remediation may be required or a No Further Remediation letter may be achieved through installation of an engineering barrier and/or through the use of institutional controls.
- F) When the Council determines it necessary to prioritize the claims, each individual claim will be ranked using the following numerical ranking system:

$$\text{Ranking Score} = (S1 \times 20) + (S2 \times 10) + (S3 \times 8) \\ + (S4 \times 6) + (S5 \times 4) + (S6 \times 2)$$

Where:

- S1 = Emergency condition
- S2 = Potable water resources contamination
- S3 = Migration of contaminants through groundwater or through soil/rock fractures to the neighboring properties
- S4 = Facilities with free product solvents
- S5 = Facilities with higher than the TACO Tier II level of solvent contamination
- S6 = Facilities with less than the TACO Tier II level of solvent contamination

- i) Emergency condition (S1)
Toxic fumes or explosion possibility, i.e., free product migration, etc.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Points: 5

- ii) Potable water resources contamination (S2)
Imminent or immediate risk to public water resources such as public wells, rivers, and surface water reservoirs and lakes

Distance	Points
Within 500 feet	5
Within ¼ mile	4
Within ½ mile	3
Within 1 mile	2
Within 1½ miles	1

- iii) Migration of contaminants with groundwater or through soil/rock fractures to the neighboring properties (S3)
Time period for the migration of contaminants to the neighboring property given seepage velocity of groundwater and size and location of contamination plume

Time	Points
Within 6 months	5
Within 1 year	4
Within 1½ years	3
Within 2 years	2
Within 2½ years	1

- iv) Facilities with free product solvents (S4)
The soil at the facility is contaminated with drycleaning solvent higher than TACO soil saturation limits (i.e., PCE > 240 ppm and TCE > 1300 ppm) and/or free product was discovered in on-site wells

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Groundwater Ordinance	Points
Rejected or not available	5
Only approved by the township	4
Approved by the Agency and township	3

- v) Facilities with higher than the TACO Tier II level of solvent contamination (S5)
Facilities with higher than the TACO Tier II level of solvent contamination but less than soil saturation limits

Groundwater Ordinance	Points
Rejected or not available	5
Only approved by the township	4
Approved by the Agency and township	3

- vi) Facilities with less than the TACO Tier II level of solvent contamination (S6)
Facilities with higher than the TACO Tier I level but less than Tier II level of solvent contamination (i.e., Tier I for PCE & TCE \geq 60 ppb for Class I and 300 ppb for Class II)

Groundwater Ordinance	Points
Rejected or not available	5
Only approved by the township	4
Approved by the Agency and township	3

- G) The highest ranked claims will receive priority funding, subject to an analysis of the claimant's ability to pay for remediation costs that are anticipated to exceed the Fund's maximum benefit cap.

4) Ability to Pay Remediation Costs

- A) The final step in the prioritization process is to analyze each claimant's ability to pay for remedial action costs that are

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

anticipated to exceed the Fund's maximum benefit cap for the facility. This analysis will be done at the completion of the remedial action plan or, in the case of substantial soil and groundwater contamination, at the completion of the focused site investigation.

- B) If it is apparent that the cost of remedial action will exceed the benefits available to an eligible drycleaning facility, the Administrator will contact the claimant and ask that the claimant respond in writing as to whether it has the financial resources and is willing to expend those resources to remediate the facility.
- C) If the claimant states that it chooses to remediate the facility, the following mechanisms would be deemed acceptable in order to ensure that the claimant has the necessary resources to complete the remedial action once the Fund's maximum benefits have been expended:
 - i) Escrow 100% of the estimated remedial action costs that will exceed the Fund's remedial benefit cap. Cash or cash equivalents, such as a certificate of deposit, marketable bonds, etc., would be acceptable for escrow; or
 - ii) A letter of credit from a federally insured financial institution for 100% of the estimated remedial action costs that will exceed the Fund's remedial benefit cap; or
 - iii) Personal or corporate guarantees for 100% of the estimated cleanup costs that will exceed the Fund's remedial benefit cap. The guarantees would need to be collateralized by liquid assets.
- D) Any eligible claimant who determines that it has neither the financial resources nor the desire to spend its resources on remediation of the facility will be moved to a new and separate prioritization pool. Funding for these claims will only be made available once the cleanups have been completed on all of the other eligible claims that do not exercise these funding limitations.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 5) Once a claim has been prioritized, it cannot be removed from the prioritized listing unless the claim becomes ineligible for benefits from the Fund or the claimant refuses to remediate the facility in a timely manner.
 - 6) If the claimant does not obtain and submit to the Council cost proposals for beginning the remedial action process within 120 days after being notified that his/her remedial claim has been prioritized for funding, the claim will be removed from the prioritization list and the next highest ranked claim will be added to the list. Any claim removed from the prioritization list due to non-timely remedial action by the claimant will be included in the next prioritization pool.
- h) Remedial claim benefits for a specific drycleaning facility can be transferred to a successor drycleaning facility operator or owner upon execution of a remedial benefits transfer form prescribed by the Council and signed by the original claimant and the successor claimant and approved by the Council.
- i) Recordkeeping.
- 1) Owners and operators that submit a report, plan, budget, application for payment or any other data or document under this Part must maintain all books, records, documents and other evidence directly pertinent to the report, plan, budget, application for payment, data or document, including but not limited to all financial information and data used in the preparation or support of applications for payment. All books, records, documents and other evidence must be maintained in accordance with accepted business practices and appropriate accounting procedures and practices.
 - 2) Owners or operators must maintain the books, records, documents and other evidence set forth in subsection (i)(1) of this Section and make them available to the Council until the latest of the following:
 - A) The expiration of 3 years after the date the Agency issues a No Further Remediation letter;
 - B) For books, records, documents or other evidence relating to an appeal, litigation or other dispute or claim, the expiration of 3

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

years after the date of the final disposition of the appeal, litigation or other dispute or claim; or

C) The expiration of any other applicable record retention period.

(Source: Amended at 32 Ill. Reg. 16406, effective September 26, 2008)

Section 1500.50 Drycleaner Facility Insurance Account

The owner or operator of an active drycleaning facility shall be eligible for up to \$500,000 financial assurance per drycleaning facility from the Council subject to the following limitations:

- a) To apply for financial assurance coverage, the owner or operator of an active drycleaning facility must submit a completed application provided by the Council (see Section 1500.70(b)). The Council will not determine who must submit the application. Any insurance policy issued must identify both the owner and the operator and both will be named insureds.
- b) Prior to the submission of an insurance application and no later than June 30, 2006 for a drycleaning facility that is active on June 30, 2006, an applicant must have a focused site investigation completed that is designed to identify soil and groundwater contamination resulting from the release of drycleaning solvents at the facility based upon the continued use of the facility as a drycleaning facility, consistent with 35 Ill. Adm. Code 740.430 and 435.
- c) *The drycleaning facility is participating in and meets all requirements of a drycleaning compliance program approved by the Council. (Section 45(d)(2) of the Act)*
- d) Applications must include the annual premium for financial assurance coverage as follows:
 - 1) *For the year July 1, 1999 through June 30, 2000, \$250 per drycleaning facility (Section 45(e)(1) of the Act);*
 - 2) *For the year July 1, 2000 through June 30, 2001, \$375 per drycleaning facility (Section 45(e)(2) of the Act);*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 3) *For the year July 1, 2001 through June 30, 2002, \$500 per drycleaning facility (Section 45(e)(3) of the Act);*
- 4) *For the year July 1, 2002 through June 30, 2003, \$625 per drycleaning facility (Section 45(e)(4) of the Act);*
- 5) *For subsequent years, the applicant applying for coverage shall pay an annual actuarially sound insurance premium as determined by the Council. The Council shall take into consideration risk factor adjustments to reflect the range of risk presented by:*
 - A) *the type of drycleaning system*
 - B) *the type of monitoring system*
 - C) *drycleaning volume*
 - D) *risk management practices. (Section 45 (e)(5) of the Act)*
- e) *If coverage is purchased for any part of a year, the purchaser shall pay the full annual premium for that year. The insurance premium is fully earned upon issuance of the insurance policy. (Section 45(f) of the Act) The insurance premium may be paid in semiannual installments for policies issued on or after June 30, 2003.*
- f) *All insurance policies shall include a \$10,000 deductible (Section 45(g) of the Act).*
- g) *Coverage shall be limited to remedial action costs associated with soil and groundwater contamination resulting from a release of drycleaning solvent at an insured drycleaning facility including third-party liability for soil and groundwater contamination, consistent with the terms of the Council's insurance policy. (Section 45(c) of the Act)*
- h) *Coverage is not provided for a release that occurred before the date of coverage (Section 45(c) of the Act). It is the responsibility of the insured to prove the release occurred after the date of coverage.*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- i) The Council does not have the duty or obligation to defend a claim made against a named insured listed on a Council issued insurance policy.
- j) If a Council insured drycleaning facility ceases drycleaning operations during the policy period, coverage shall automatically cancel 60 days after the last day of active drycleaning operations at the facility. No cancellation notice need be issued by the Council to effect this cancellation.
- k) Except as noted in subsection (j), an insurance policy issued by the Council may be cancelled by mailing or delivering to the first named insured listed on the declarations page of the insurance policy written notice of cancellation at least:
 - 1) Ten days before the effective date of cancellation if the Council cancels for non-payment of premiums or misrepresentation; or
 - 2) Sixty days before the effective date of cancellation if the Council cancels for any other reason.
- l) Insurance coverage issued under this Section shall expire one year after the date of issuance unless cancelled in accordance with subsection (j) or (k) and may be renewed on reapplication to the Council and submission of the appropriate premium in accordance with subsection (d). At least 30 days before the insurance policy is to expire, the Council will mail a renewal application and premium billing notice to the address of the first named insured on the policy. Failure to complete the renewal application and pay the appropriate premium shall result in expiration of the insurance policy.
- m) An insurance policy issued by the Council for a specific drycleaning facility location can be transferred to a successor drycleaning facility operator or owner upon execution of a policy transfer form prescribed by the Council and signed by the policy holder and transferee. The insurance policy cannot be transferred unless the drycleaning facility license is also transferred.
- n) Settlement of a claim.
 - 1) A notice of a release of drycleaning solvent must be made to the Council within 24 hours after the release. A notice of claim must be submitted in writing to the Council as soon as is reasonably possible after a notice of a

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

release of drycleaning solvent has been reported to the Council.

- 2) To be eligible for reimbursement, a claimant must demonstrate that drycleaning solvent contaminated soil, groundwater or both exceeds Agency tiered approach to corrective action objectives.
- 3) For purposes of claimant reimbursement, eligible expenses are limited to the following:
 - A) Only costs that are pre-approved by the Council are eligible for reimbursement unless an emergency exists. In the case of an emergency, the Council may reimburse reasonable expenses for remediation services required to mitigate the emergency conditions.
 - B) To be pre-approved for reimbursement, remedial action activities must be required under the site remediation program. Only services required to obtain a No Further Remediation letter for the drycleaning solvent of concern, based upon continued land use as a drycleaning facility, are reimbursable.
- 4) If, for any reason, the Council determines that an excess payment has been paid from the Fund, the Council may take steps to collect the excess amount.
- 5) Upon receipt of a signed, written request from the claimant and verification that the applicable deductibles have been paid by the claimant, the Council will pay directly to the primary service provider the amount of reimbursement due the claimant from the Fund for remedial action activities. The claimant must submit to the Council a copy of cancelled checks supporting that the applicable deductibles have been paid, along with a signed, written statement from the primary service provider verifying the applicable deductibles have been paid. This request will remain in effect until:
 - A) it is rescinded in writing by the claimant; or
 - B) the Fund has reimbursed the maximum benefit allowed; or

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- C) the claim is closed and the Fund has reimbursed the total amount approved for remedial action activities performed at the facility.
- 6) Upon enrollment in the Agency's site remediation program and receipt of a signed, written request from the claimant, the Fund may pay the Agency directly, on eligible claims, the cost incurred by the Agency in its oversight of the drycleaning facility with respect to which the claimant obtained a No Further Remediation letter. This request will remain in effect until:
 - A) the Fund has reimbursed the maximum benefit allowed; or
 - B) the claim is no longer eligible for benefits from the Fund; or
 - C) the facility has completed the project with the Agency and all related oversight costs have been paid in full to the Agency.
- 7) Third party claims will be settled in accordance with the terms of the insurance policy.
- o) Recordkeeping. Owners and operators of drycleaning facilities must maintain all records required to obtain an insurance policy from the Fund for a minimum of 3 years from each initial issuance and each policy renewal. These records include the application, insurance fees, repair and maintenance logs, compliance program participation certificates, continuing education credits, site inspection reports, ownership information and any other information that may have been needed to issue and renew the insurance coverage. Owners and operators must also maintain records of each repair performed on the drycleaning machine for the remaining operating life of the drycleaning machine. For regulated underground storage tanks at drycleaning facilities, records must be retained as required by 41 Ill. Adm. Code 170, Subpart B (Underground Storage Tanks – Technical Requirements).

(Source: Amended at 32 Ill. Reg. 16406, effective September 26, 2008)

Section 1500.60 Appeals

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- a) Only a person who is the owner or operator of a drycleaning facility as defined by the Act shall have standing to appeal final decisions under the Act. Any written decision issued by the Administrator of the Council shall be considered a final decision. Any written decision issued by the Administrator may be appealed to the Council. Any decision by the Council may be appealed to the Council's administrative hearing officer (see subsection (h)).
- b) The person who is the owner or operator of a drycleaning facility shall notify the Administrator in writing of his/her intention to appeal a decision of the Administrator within 180 days after receipt of the written action that is to be appealed.
- c) The Administrator will review the appeal and respond in writing to the person who is the owner or operator of a drycleaning facility within 30 days after receipt of the appeal.
- d) If the person who is the owner or operator of a drycleaning facility still disagrees with the Administrator's decision, that person may request further review by sending to the Council a written appeal within 60 days after the written action of the Administrator that is to be appealed. The notice shall be delivered to the Administrator for delivery to the Council.
- e) The Administrator *shall deliver notice of the appeal to the person who is the owner or operator of a drycleaning facility and the Council within 30 days after receipt of notice of the appeal. The Council shall set a hearing within 180 days after filing of the notice of appeal. A decision by the Council shall be issued no later than 120 days following a hearing by the Council.* (Section 20(g) of the Act)
- f) The person who is the owner or operator of a drycleaning facility shall notify the Council of his/her intention to appeal the Council decision within 60 days after receipt of the written action of the Council that is to be appealed.
- g) The Council shall deliver notice of the appeal to the person who is an owner or operator of a drycleaning facility and the Council's administrative hearing officer within 30 days after receipt of notice of the appeal by that person.
- h) The appeal shall be with an administrative hearing officer as determined by the

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Council. The administrative hearing officer may be the Council's legal counsel or an attorney licensed to practice law in Illinois. The administrative hearing officer may be disqualified from hearing the appeal for bias or conflict of interest. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.

- i) A hearing with the administrative hearing officer shall be held within 180 days after the filing of the notice of the appeal.
- j) A final decision by the administrative hearing officer shall be issued no later than 120 days following the close of the hearing before the administrative hearing officer.
- k) The time restrictions in this appeal procedure may be waived by mutual agreement of the parties.
- l) The decision of the administrative hearing officer shall be subject to judicial review in accordance with the Administrative Review Law [735 ILCS 5/Art. III].
- m) Unless displaced by a particular provision of this Section, the Administrative Hearings Article of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] shall apply.
- n) [Recordkeeping. Books, records, documents or other evidence relating to an appeal, litigation or other dispute must be maintained for 3 years after the expiration date of the final disposition of the appeal, litigation or other dispute.](#)

(Source: Amended at 32 Ill. Reg. 16406, effective September 26, 2008)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing
- 2) Code Citation: 23 Ill. Adm. Code 100
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
100.20	Amendment
100.70	Amendment
100.TABLE A	Amendment
100.TABLE C	Amendment
100.TABLE E	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1
- 5) Effective Date of Amendments: September 24, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Section 100.20.
- 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 Illinois Register: May 2, 2008; 32 Ill. Reg. 7051
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements were issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking responds primarily to P.A. 95-675, which established the School Facility Occupation Tax as an additional source of

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

revenue for school districts. Additions have been made to Tables A and C to accommodate this new source, as well as adding codes for funds that may be received by districts under the federal Safe Routes to School program or the "Grow Your Own" Teacher Education Initiative.

Further, the newest version of the Government Auditing Standards published by the Comptroller General of the United States has been incorporated into the definition of "generally accepted governmental auditing standards" (Section 100.20). Some school districts are subject to this version in any case due to the amounts of federal funding they receive, and incorporating this version into Part 100 not only has the obvious advantage of keeping current with professional standards but also ensures that the same requirements apply to all districts.

Other minor technical corrections are included to remedy errors in the version adopted last year.

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

Debbie Vespa
School Business and Support Services Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/785-8779

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER c: FINANCEPART 100
REQUIREMENTS FOR ACCOUNTING, BUDGETING,
FINANCIAL REPORTING, AND AUDITING

Section	
100.10	Purpose and Applicability
100.20	Definitions
100.30	General Requirements
100.40	Types of Funds, Basis of Accounting, and Recognition of Transactions
100.50	Intra-Fund and Inter-Fund Transactions
100.60	Capital Assets and Depreciation
100.70	Revolving Funds
100.80	Student Activity Funds
100.90	Submission of Budgets and Deficit Reduction Plans
100.100	Annual Financial Reports
100.110	Annual Audit Requirements
100.120	Provisions Related to Debt
100.TABLE A	Classification of Funds
100.TABLE B	Balance Sheet Accounts
100.TABLE C	Revenue Accounts
100.TABLE D	Expenditure Accounts
100.TABLE E	"Sources and Uses" Accounts; Miscellaneous
100.TABLE F	Expenditure Object Accounts

AUTHORITY: Implementing and authorized by Sections 2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1 of the School Code [105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1].

SOURCE: Old Part repealed at 10 Ill. Reg. 20507, effective December 2, 1986; new Part adopted at 31 Ill. Reg. 14874, effective October 19, 2007; amended at 32 Ill. Reg. 16439, effective September 24, 2008.

Section 100.20 Definitions

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"Basis of accounting" means either a cash basis or an accrual basis. For purposes of this Part, "cash basis" includes a modified cash basis, and "accrual basis" includes a modified accrual basis.

"Capital asset" means any parcel of land, building, improvement to land other than buildings, instrument, machine, apparatus, or set of articles that:

under normal conditions of use, including reasonable care and maintenance, can be expected to serve its principal purpose for longer than 12 months;

does not lose its identity through fabrication or incorporation into a different or more complex unit or substance;

is nonexpendable; that is, if it is damaged or some of its parts are worn out, it is more feasible to repair than replace;

retains its appearance and character through use; and

has a cost equal to or in excess of the capitalization threshold adopted by the school board.

"Capitalization threshold" means a dollar figure above which the cost of an item will be depreciated.

"CFDA" means the Catalog of Federal Domestic Assistance available on the U.S. General Services Administration's website at <http://12.46.245.173/cfda/cfda.html>.

"Class I county school unit" means a county with fewer than 2,000,000 inhabitants.

"Class I school district" means any school district located within a Class I county school unit.

"Class II county school unit" means a county with 2,000,000 or more inhabitants.

"Class IIA school district" means any school district that is located within a Class II county school unit but is not subject to the jurisdiction of the trustees of schools of any township in which the district is located.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"Class IIB school district" means any school district that is located within a Class II county school unit and is subject to the jurisdiction of the trustees of schools of any township in which the district is located.

"Construction in progress" means construction work undertaken but not yet completed.

"Depreciable land" means land that is owned by a school board and used for school bus storage or maintenance and on which depreciation is claimed in accordance with the provisions of 23 Ill. Adm. Code 120 (Pupil Transportation Reimbursement).

"Depreciation allowance" means an estimate of the annual cost of using an item that is based on its acquisition cost divided by its assumed or estimated useful life.

"Dimension" means a classification that is used to describe various characteristics of accounts (e.g., expenditures, revenues, and sources and uses of funds).

"Equipment (3-year schedule)" means repairs or modifications to a pupil transportation vehicle, pupil monitoring equipment installed on school buses, including video cameras, and computer equipment used exclusively in the food service program.

"Equipment (5-year schedule)" means vehicles used to transport students, driver education cars, vehicles or transportation equipment used exclusively in the food service program, and equipment necessary for the operation of a special educational facility.

"Equipment (10-year schedule)" means any capitalized equipment not included on the 3-year or 5-year schedule, including, but not limited to, other equipment used in the food service program, other equipment used in the driver education program, two-way transportation vehicle communication systems, pupil transportation equipment not installed in a vehicle, and service vehicles (such as tow trucks) used to service pupil transportation vehicles.

"Expenditures" means transactions involving the disbursement of cash or the establishment of an obligation without creating an asset or canceling a liability.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"Generally accepted governmental auditing standards" means the "Standards for Audit of Government Organizations, Programs, Activities and Functions" ~~(2007)~~(2003) published by the Comptroller General of the United States. No later amendments to or editions of these standards are incorporated by this Section.

"Non-capitalized equipment" means any item that would be a capital asset except for the fact that its cost is less than the capitalization threshold adopted by the school board.

"Non-depreciable land" means any land owned by a school board that does not qualify as depreciable under this Section.

"Operating Funds" means the Educational, Operations and Maintenance, Transportation, and Working Cash funds.

"Permanent buildings and building improvements" means buildings and additions, either existing or to be constructed, that are properly classified as real estate. Included are expenditures for installment or lease payments (exclusive of interest) under capitalized leases.

"Petty cash fund" means a fund in which a sum of cash is set aside for the purpose of making change or making immediate payments when the amounts involved are so small that processing through the school board's regular procedure would be uneconomical.

"Revenues" means transactions involving the receipt of cash without creating a liability or canceling an asset.

"Revolving fund" means a fund out of which disbursements can be made quickly, to address emergencies and other timing issues that prevent a district from following its regular procedures for disbursement.

"School board" means the board of education or board of directors of a school district or the governing board or board of control of a cooperative or joint agreement.

"Student activity funds" means funds owned, operated, and managed by organizations, clubs, or associations within the student body under the guidance and direction of one or more staff members for educational, recreational, or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

cultural purposes. (Examples: homeroom, yearbook, class year, choral or band group, class projects, student clubs, student council, student-sponsored bookstore)

"Supplies" means items of a consumable nature not classified as capital assets or non-capitalized equipment.

"Temporary buildings and building improvements" means buildings and additions, either existing or to be constructed, that are properly classified as personal property and are primarily characterized by the absence of a permanent foundation. Included are expenditures for installment or lease payments (exclusive of interest) under capitalized leases.

"Unbalanced budget" means a budget in which the direct revenues of the operating funds are less than the direct expenditures from those funds by an amount that is greater than one-third of the funds' ending fund balances.

(Source: Amended at 32 Ill. Reg. 16439, effective September 24, 2008)

Section 100.70 Revolving Funds

The requirements of this Section shall apply to revolving funds and petty cash funds established by a school board pursuant to Section 10-20.19(2) of the School Code [105 ILCS 5/10-20.19(2)].

- a) Each resolution shall establish the school board's policy as to the amounts and types of payments that shall be made from the fund, state the amount at which the fund shall be established, designate a custodian of the fund, and require that the fund be maintained in compliance with Section 10-20.19 of the School Code and all other applicable statutes.
- b) In the case of a petty cash fund:
 - 1) The resolution shall also authorize a check in the amount of the fund to be drawn payable to the designated custodian.
 - 2) Each disbursement shall be approved by the signature of a person other than the custodian.
 - 3) Each petty cash voucher shall be pre-numbered and each shall be accounted for as having been used, voided, or unused. Each petty cash

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

voucher shall also provide for the signature of the person to whom cash is paid.

- 4) The custodian shall attach to each petty cash voucher the receipt for the disbursement made and shall note the proper expenditure account code or provide sufficient descriptive information to allow assignment of the correct code.
 - 5) When the larger part of the cash on hand has been disbursed, the custodian shall take the paid petty cash vouchers to the person authorized to prepare and issue checks so that the fund can be replenished.
- c) In the case of any revolving fund other than a petty cash fund:
- 1) The resolution shall also provide that the fund shall be maintained in a bank.
 - 2) The total of all checks written since the last reimbursement plus the bank balance for the checking account shall equal the amount set aside for the revolving fund.
 - 3) No check shall be issued without presentation of pre-approved documentation for the expenditure, such as a signed voucher, a completed and approved travel request, an approved purchase requisition, an order, or an invoice. The record for each check written shall include the expense account code or sufficient descriptive information to allow assignment of the correct code.
 - 4) At regular intervals, the revolving fund shall be reimbursed up to its original amount. The check written for this reimbursement shall be included on the school board's monthly listing of bills, charging the appropriate expenditure accounts and indicating the recipient and explanation for each revolving fund check that was issued.
- d) If a school board has obtained and issued credit cards or procurement cards for the use of board members, the superintendent, or other district employees or officials to pay certain job-related expenses or to make purchases on behalf of the board or district or any student activity funds, or for purposes that would otherwise be

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

addressed through a conventional revolving fund, then the board shall adopt a written credit card policy that at least:

- 1) identifies the allowable types of purchases;
- 2) provides for the issuing bank to block the cards' use at unapproved merchants;
- 3) limits the amount a card-holder can charge in a single purchase or within a given month;
- 4) provides specific guidelines on purchases via telephone, fax, and the Internet;
- 5) indicates the consequences for unauthorized purchases;
- 6) requires card-holders to sign a statement affirming that they are familiar with the board's credit card policy;
- 7) requires review and approval of purchases by someone other than the card-holder or user;
- 8) requires submission of original receipts to document purchases; ~~and~~
- 9) forbids the use of a card to make purchases in a manner contrary to the requirements of Section 10-20.21 of the School Code [105 ILCS 5/10-20.21]; ~~and~~
- 10) [indicates how financial or material rewards or rebates are to be accounted for and treated.](#)

(Source: Amended at 32 Ill. Reg. 16439, effective September 24, 2008)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 100.TABLE A Classification of Funds

Label	Account Number	Notes; Source
Educational Fund	10	This is effectively the district's general fund. Each transaction not accommodated by another specific fund shall be processed through this fund. [105 ILCS 5/17-2]
Operations & Maintenance Fund	20	This fund is required if a tax is levied for purposes of operations and maintenance. [105 ILCS 5/17-2 and 17-7]
Debt Service Fund or Fund Group	30	This fund or fund group is required if taxes are levied to retire bond principal or to pay bond interest, or if other revenue, including revenue from School Facilities Occupation Tax proceeds , is pledged to pay principal, interest, or service charges on other long-term debt instruments. A separate fund shall be established for each issue, but the funds shall be aggregated for reporting purposes. [105 ILCS 5/Art. 19]
Transportation Fund	40	This fund is required if a district pays for transporting pupils for any purpose. All costs of transportation, other than those authorized by statute to be paid from another fund, shall be paid from this fund. Any funds received for transportation purposes must be deposited into this fund, with amounts due other funds appropriately transferred thereafter.
Municipal Retirement and Social Security Fund	50	This fund is required if a tax is levied to pay for contributions to municipal retirement systems, Social Security, or Medicare. [105 ILCS 5/17-1, 21-110, and 21-110.1]
Capital Projects Fund or Fund Group	60	This fund or fund group is required to account for proceeds resulting from each bond issue, receipts from other long term financing agreements (including impact fee agreements), receipts from School Facilities Occupation Tax proceeds , or construction or maintenance grants used to finance a capital project, capital lease, lease purchase agreement, or if a tax is levied in accordance with Section 17-2.3 of the School Code. A separate fund shall be

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

		established for each project or financing source, but aggregated for reporting purposes.
Working Cash Fund	70	This fund is required if a tax is levied or bonds are issued for working cash purposes. [105 ILCS 5/Art. 20]
Tort Immunity and Judgment Fund	80	This fund is required if taxes are levied or bonds are sold for tort immunity or tort judgment purposes.
Fire Prevention and Safety Fund or Fund Group	90	This fund or fund group is required if a tax is levied or bonds are issued for purposes of fire prevention, safety, energy conservation, or school security. A separate fund must be created for each project or bond issue. [105 ILCS 5/2-3.12 and 17-2.11]
Capital Asset Accounts or Fund Groups	95	This group of accounts records all the district's tangible fixed assets, including land, buildings, machinery, equipment, furniture, and fixtures, regardless of which fund provided the cash at the time of purchase.
Long-Term Debt Accounts or Fund Groups	97	This group of accounts records all the district's outstanding bonds and other long-term debt.
Agency Fund or Fund Group	99	These funds may include revolving funds, petty cash funds, and student activity funds, as needed. [105 ILCS 5/10-20.19; see also Sections 100.70 and 100.80 of this Part]

(Source: Amended at 32 Ill. Reg. 16439, effective September 24, 2008)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 100.TABLE C Revenue Accounts

Label	Account Number	Source; Notes
RECEIPTS/REVENUE FROM LOCAL SOURCES	1000	
AD VALOREM TAXES	1100	
Educational Purposes Levy	1110	105 ILCS 5/17-2 and 17-3.
Operations and Maintenance Purposes Levy	1111	105 ILCS 5/17-5.
Bond and Interest Purposes Levy	1112	105 ILCS 5/17-9.
Transportation Purposes Levy	1113	105 ILCS 5/17-4.
Municipal Retirement Purposes Levy	1114	40 ILCS 5/7-171.
Working Cash Purposes Levy	1115	105 ILCS 5/20-3.
Public Building Commission Rent Levy	1116	50 ILCS 20/18.
Capital Improvement Purposes Levy	1117	105 ILCS 5/17-2 and 17-2.3.
Fire Prevention & Safety Purposes Levy	1118	105 ILCS 5/17-2.11.
Emergency Financial Assistance Levy	1119	105 ILCS 5/1B-8 and 1F-62.
Tort Immunity/Judgment Purposes Levy	1120	745 ILCS 10/9-109.
Leasing Purposes Levy	1130	105 ILCS 5/17-2.2c.
Special Education Purposes levy	1140	105 ILCS 5/17-2.2a.
FICA and Medicare Only Levies	1150	Social Security taxes and the employer's share of Medicare Only payments; 40 ILCS 5/21-110, 110.1.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Area Vocational Construction Purposes Levy	1160	105 ILCS 5/17-2.4.
Summer School Purposes Levy	1170	105 ILCS 5/17-2 and 17-2.1.
Other Tax Levies	1190	Taxes received from other tax levies not specifically identified (describe and itemize).

PAYMENTS IN LIEU OF TAXES	1200	
Mobile Home Privilege Tax	1210	
Payments from Local Housing Authorities	1220	
Corporate Personal Property Replacement Taxes	1230	Amounts received to replace personal property tax revenues lost.
Other Payments in Lieu of Taxes	1290	

TUITION	1300	
Total Regular Tuition	1310	Amounts received for pupils attending the district's regular schools; 105 ILCS 5/10-20.12a.
Regular Tuition from Pupils or Parents (In-State)	1311	
Regular Tuition from Other Districts (In-State)	1312	
Regular Tuition from Other Sources (In-State)	1313	
Regular Tuition from Other Sources (Out-of-State)	1314	
Total Summer School Tuition	1320	Amounts received for pupils attending summer school.
Summer School Tuition from Pupils or Parents (In-State)	1321	

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Summer School Tuition from Other Districts (In-State)	1322	
Summer School Tuition from Other Sources (In-State)	1323	
Summer School Tuition from Other Sources (Out-of-State)	1324	
Total CTE Tuition	1330	Amounts received for pupils attending career and technical education programs.
CTE Tuition from Pupils or Parents (In-State)	1331	
CTE Tuition from Other Districts (In-State)	1332	
CTE Tuition from Other Sources (In-State)	1333	
CTE Tuition from Other Sources (Out-of-State)	1334	
Total Special Education Tuition	1340	Amounts received for pupils attending special education programs.
Special Education Tuition from Pupils or Parents (In-State)	1341	
Special Education Tuition from Other Districts (In-State)	1342	
Special Education Tuition from Other Sources (In-State)	1343	
Special Education Tuition from Other Sources (Out-of-State)	1344	
Total Adult Tuition	1350	Amounts received for pupils attending adult/continuing education programs.
Adult Tuition from Pupils or Parents (In-State)	1351	

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Adult Tuition from Other Districts (In-State)	1352	
Adult Tuition from Other Sources (In-State)	1353	
Adult Tuition from Other Sources (In-State)	1354	

TRANSPORTATION FEES	1400	
Total Regular Transportation Fees	1410	Amounts received for transporting pupils to and from school and school activities (regular school day).
Regular Transportation Fees from Pupils or Parents (In-State)	1411	
Regular Transportation Fees from Other Districts (In-State)	1412	
Regular Transportation Fees from Other Sources (In-State)	1413	
Regular Transportation Fees from Co-curricular Activities (In-State)	1415	
Regular Transportation Fees from Other Sources (Out-of-State)	1416	
Total Summer School Transportation Fees	1420	Amounts received for transporting pupils to and from summer school.
Summer School Transportation Fees from Pupils or Parents (In-State)	1421	
Summer School Transportation Fees from Other LEAs (In-State)	1422	
Summer School Transportation Fees from Other Sources (In-State)	1423	

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Summer School Transportation Fees from Other Sources (Out-of- State)	1424	
Total CTE Transportation Fees	1430	Amounts received for transporting pupils to and from career and technical education classes.
CTE Transportation Fees from Pupils or Parents (In-State)	1431	
CTE Transportation Fees from Other Districts (In- State)	1432	
CTE Transportation Fees from Other Sources (In- State)	1433	
CTE Transportation Fees from Other Sources (Out-of-State)	1434	
Total Special Education Transportation Fees	1440	Amounts received for transporting pupils to and from special education programs.
Special Education Transportation Fees from Pupils or Parents (In- State)	1441	
Special Education Transportation Fees from Other Districts (In-State)	1442	
Special Education Transportation Fees from Other Sources (In-State)	1443	
Special Education Transportation Fees from Other Sources (Out-of- State)	1444	
Total Adult Transportation Fees	1450	Amounts received for transporting pupils to and from adult/continuing education programs.
Adult Transportation Fees from Pupils or Parents (In-State)	1451	

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Adult Transportation Fees from Other Districts (In-State)	1452	
Adult Transportation Fees from Other Sources (In-State)	1453	
Adult Transportation Fees from Other Sources (Out-of-State)	1454	
EARNINGS ON INVESTMENTS	1500	
Interest on Investments	1510	
Gain or Loss on Sale of Investments	1520	Gains or losses realized from the sale of bonds.
FOOD SERVICE	1600	
Sales to Pupils – Lunch	1611	
Sales to Pupils – Breakfast	1612	
Sales to Pupils – A la Carte	1613	
Sales to Pupils – Other	1614	
Sales to Adults	1620	Amounts received from adults for sale of food products and services.
Other Food Service	1690	Amounts received from local sources for other food service activities.
DISTRICT/SCHOOL ACTIVITY INCOME	1700	
Admissions – Athletic	1711	Amounts received from school-sponsored athletic events.
Admissions – Other	1719	Amounts received from admissions to all other school-sponsored events except athletics (describe and itemize).
Fees	1720	Amounts received from pupils for fees such as towel fees, locker fees, and equipment fees (excludes transportation).
Book Store Sales	1730	
Other District/School Activity Revenue	1790	All other revenue from district or school activities not otherwise specified.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TEXTBOOK INCOME	1800	
Rentals – Regular Textbooks	1811	
Rentals – Summer School Textbooks	1812	
Rentals – Adult/Continuing Education Textbooks	1813	
Rentals – Other	1819	Describe and itemize.
Total Textbook Rentals	1810	105 ILCS 5/10-22.25.
Sales – Regular Textbooks	1821	
Sales – Summer School Textbooks	1822	
Sales – Adult/Continuing Education Textbooks	1823	
Sales – Other	1829	
Total Textbook Sales	1820	105 ILCS 5/28-8.
Textbooks Other	1890	Textbook revenues not provided for elsewhere in the 1800 series of accounts.

OTHER LOCAL REVENUES	1900	
Rentals	1910	Amounts received for rental of school property, real or personal.
Contributions and Donations from Private Sources	1920	Amounts received from a philanthropic foundation, private individual, or private organization for which no repayment or special service to the contributor is expected.
Impact Fees from Municipal or County Governments	1930	Amounts received from a city, town, village, or county government from impact fees assessed in accordance with local ordinances.
Services Provided to Other Districts	1940	Amounts received for services other than tuition and transportation services (e.g., data processing, purchasing, maintenance, accounting, cleaning, consulting, guidance).
Refund of Prior Years' Expenditures	1950	A refund of an expenditure charged to a prior fiscal year's budget.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Payments of Surplus Moneys from TIF Districts	1960	Amounts received from distributions from Tax Increment Financing districts.
Drivers' Education Fees	1970	105 ILCS 5/27-23.
Proceeds from Vendors' Contracts	1980	Proceeds received pursuant to contracts between the district and various vendors.
School Facility Occupation Tax Proceeds	1983	Amounts received from distributions of School Facility Occupation Tax proceeds.
Payment from Other Districts	1991	Amounts representing a district's share of special education or career and technical education building costs.
Sale of Vocational Projects	1992	Amounts representing gain from the sale of vocational projects.
Other Local Fees	1993	Amounts assessed or received from local sources for district programs not classified elsewhere (describe and itemize).
Other Local Revenues	1999	Amounts received from local sources not provided for elsewhere in the 1000 series of accounts.

FLOW-THROUGH RECEIPTS/REVENUE FROM ONE DISTRICT TO ANOTHER DISTRICT	2000	
FLOW-THROUGH REVENUE FROM STATE SOURCES	2100	State revenues that can be further subdivided to account for individual grants.
FLOW-THROUGH REVENUE FROM FEDERAL SOURCES	2200	Federal revenues that can be further subdivided to account for individual grants.
OTHER FLOW-THROUGH REVENUE	2300	Other revenues that can be further subdivided to account for individual grants (describe and itemize).

RECEIPTS/REVENUE FROM STATE SOURCES	3000	
General State Aid Section 18-8.05	3001	105 ILCS 5/18-8.05.
General State Aid Hold Harmless/Supplemental	3002	105 ILCS 5/18-8.05j.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Reorganization Incentives – Deficit Fund Balance	3005	105 ILCS 5/18-8.3.
Reorganization Incentives – Attendance	3010	105 ILCS 5/18-8.05i.
Reorganization Incentives – Salary Difference	3015	105 ILCS 5/18-8.2.
Reorganization Incentives – Certified Salary	3020	105 ILCS 5/18-8.5.
Reorganization Incentives – Feasibility Studies	3021	Amounts received pursuant to appropriations for this purpose.
GSA Fast Growth District Grants	3030	105 ILCS 5/18-8.10.
Emergency Financial Assistance Grants	3050	105 ILCS 5/1B-8 and 1F-62.
Tax Equivalent Grants	3055	105 ILCS 5/18-4.4.
GSA Transition Assistance	3095	Amounts received pursuant to appropriations for this purpose.
Other Unrestricted Grants-In-Aid from State Sources	3099	Amounts received pursuant to other appropriations (describe and itemize).
Special Education – Private Facility Tuition	3100	105 ILCS 5/14-7.02.
Special Education – Extraordinary	3105	105 ILCS 5/14-7.02a.
Special Education – Personnel	3110	105 ILCS 5/14-13.01.
Special Education – Orphanage – Individual	3120	105 ILCS 5/14-7.03.
Special Education – Orphanage – Summer	3130	105 ILCS 5/14-7.03.
Special Education – Summer School	3145	105 ILCS 5/18-4.3.
Philip J. Rock Center and School	3155	105 ILCS 5/14-11.02.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Educational Materials Center	3156	105 ILCS 5/14-11.01.
Special Education – Other	3199	Amounts received pursuant to other appropriations (describe and itemize).
Career and Technical Education (CTE) – Tech Prep	3200	105 ILCS 5/2-3.115.
CTE – Secondary Program Improvement (CTEI)	3220	105 ILCS 435.
CTE – WECEP	3225	105 ILCS 5/2-3.66a.
CTE – Agriculture Education	3235	105 ILCS 5/2-3.80.
CTE – Instructor Practicum	3240	105 ILCS 5/2-3.68.
CTE – Student Organizations	3270	Amounts received pursuant to appropriations for student organizations.
CTE – Other	3299	Amounts received pursuant to other appropriations (describe and itemize).
Bilingual Education – Downstate – TPI and TBE	3305	105 ILCS 5/14C-12.
Bilingual Education – Downstate – Transitional Bilingual Education	3310	105 ILCS 5/14C-12.
Gifted Education	3350	105 ILCS 5/Art. 14A.
State Free Lunch and Breakfast	3360	105 ILCS 125/2.
School Breakfast Initiative	3365	105 ILCS 125/2.5.
Driver Education	3370	105 ILCS 5/27-24.2.
Adult Education (from ICCB)	3410	Amounts received from the Community College Board; 105 ILCS 405.
Adult Education – Other	3499	Amounts received pursuant to other appropriations (describe and itemize).
Transportation – Regular/Vocational	3500	105 ILCS 5/29-5.
Transportation – Special Education	3510	105 ILCS 5/14-13.01b.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Transportation – ROE Bus Driver Training	3520	105 ILCS 5/3-14.23.
Transportation – Other	3599	Amounts received pursuant to other appropriations (describe and itemize).
Learning Improvement – Change Grants	3610	105 ILCS 5/2-3.25, 2-3.63, and 2-3.64.
National Board Certification	3651	105 ILCS 5/21-27.
Administrators Academy	3655	105 ILCS 5/2-3.53.
Scientific Literacy	3660	105 ILCS 5/2-3.94.
Truants' Alternative and Optional Education	3695	105 ILCS 5/2-3.66.
Regional Safe Schools	3696	105 ILCS 5/13A-8.
Early Childhood – Block Grant	3705	105 ILCS 5/1C-2 and 2-3.71.
Reading Improvement Block Grant	3715	105 ILCS 5/2-3.51.
Reading Improvement Block Grant – Reading Recovery	3720	Amounts received from the 2% set-aside under 105 ILCS 5/2-3.51.
Continued Reading Improvement Block Grant	3725	105 ILCS 5/2-3.51a.
Continued Reading Improvement Block Grant	3726	Amounts received from the 2% set aside under 105 ILCS 5/2-3.51a.
ROE/ISC Operations	3730	Amounts received pursuant to 105 ILCS 5/2-3.63, 3-14.23, and 18-6.
ROE Supervisory Expense	3745	Amounts received pursuant to 105 ILCS 5/18-6.
Chicago Teachers Academy for Math & Science (TAMS)	3765	Amounts received pursuant to an appropriation for TAMS.
Chicago General Education Block Grant	3766	105 ILCS 5/1D-1.
Chicago Educational Services Block Grant	3767	105 ILCS 5/1D-1.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

School Safety and Educational Improvement Block Grant	3775	105 ILCS 5/2-3.51.5.
Technology – Learning Technology Centers	3780	105 ILCS 5/2-3.117.
Illinois Government Intern Program	3804	Funds distributed as a grant to Springfield School District 186 to support administration of this program.
State Charter Schools	3815	105 ILCS 5/Art. 27A.
Extended Learning Opportunities (Summer Bridges)	3825	105 ILCS 5/10-20.9a.
Infrastructure Improvements – Planning/Construction	3920	105 ILCS 230/5-35.
School Infrastructure – Maintenance Projects	3925	105 ILCS 230/5-100.
Regular Orphanage Tuition (18-3)	3950	105 ILCS 5/18-3.
Tax Equivalent Grants	3955	105 ILCS 5/18-4.4.
After-School Programs – Mentoring & Student Support	3960	Amounts received pursuant to appropriation.
Advanced Placement Classes	3961	Amounts received pursuant to appropriations.
Arts Education	3962	Amounts received pursuant to appropriations.
Grants to Local Governments, Community Organizations, Not-for-Profit Organizations, and Educational Facilities	3963	Amounts received pursuant to appropriations.
ISBE Special Purpose Trust Fund	3970	105 ILCS 5/2-3.127a.
Class Size Reduction Pilot Project	3981	105 ILCS 5/2-3.136.
The "Grow Your Own" Teacher Education Initiative	3983	110 ILCS 48.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Children's Mental Health Partnership	3990	105 ILCS 405/49-15.
Teacher Mentoring Pilot Project	3982	105 ILCS 5/21A-25.
State "On-behalf" Payments	3998	Reserved for on-behalf payments by the State.
Emergency Financial Assistance Grant	3999	105 ILCS 5/1B-8.
Temporary Relocation Expense Grant	3999	105 ILCS 5/2-3.77.
Other Restricted Revenue from State Sources	3999	Amounts received pursuant to other appropriations (describe and itemize).

RECEIPTS/REVENUE FROM FEDERAL SOURCES	4000	
Federal Impact Aid	4001	ESEA Title VIII – Impact Aid (CFDA 84.041).
Other Unrestricted Grants-In-Aid Received Directly from the Federal Government	4009	Amounts received pursuant to other unrestricted appropriations; describe and itemize.
Total Unrestricted Grants Received Directly from the Federal Government	4010	
Head Start	4045	Community Opportunities, Accountability, Training, and Educational Services Act of 1998, Title I (CFDA 93.600).
Construction (Impact Aid)	4050	ESEA, Title VIII (Impact Aid – Facilities Maintenance) (CFDA 84.040).
Magnet	4060	ESEA, Title V, Part C (Magnet Schools Assistance) (CFDA 84.165).
Other Restricted Grants-In-Aid Received Directly from the Federal Government	4090	Amounts received pursuant to other restricted appropriations; describe and itemize.
Total Restricted Grants Received Directly from the Federal Government	4095	

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TOTAL GRANTS RECEIVED DIRECTLY FROM THE FEDERAL GOVERNMENT	4099	Amounts received pursuant to other appropriations.
Title V – Innovation and Flexibility Formula	4100	NCLB, Title V, Part A – State Grants For Innovative Programs (CFDA 84.298).
Title V – SEA Projects	4105	NCLB, Title V, Part A – State Grants For Innovative Programs (CFDA 84.298).
Title V – Rural and Low-Income Schools (REI)	4107	NCLB, Title VI, Part B – Rural Education (CFDA 84.358).
Title V – Other	4199	Amounts received pursuant to other appropriations (describe and itemize).
Breakfast Start-up	4200	Child Nutrition Act – School Breakfast Program for Start-Up (CFDA 10.553).
National School Lunch Program	4210	Child Nutrition Act – National School Lunch Program (CFDA 10.555).
Special Milk Program	4215	Child Nutrition Act – Special Milk Program for Children (CFDA 10.556).
School Breakfast Program	4220	Child Nutrition Act – School Breakfast Program (CFDA 10.553).
Summer Food Service Admin/Program	4225	Child Nutrition Act – Summer Food Service Program for Children (CFDA 10.559).
Child Care Commodity/SFS 13 – Adult Day Care	4226	Child Nutrition Act – Child Care and Adult Food Service Program (CFDA 10.558).
SAE Nutrition Ed. Loan/TNT	4227	Child Nutrition Act of 1966 (42 USC 1771 et seq.) (CFDA 10.574).
Child Nutrition Commodity/Salvage	4250	Child Nutrition Act of 1966 (CFDA 10.550).
Cash in Lieu of Commodities	4255	Amounts received in lieu of commodities in the food service program.
Food Service – Other	4299	Amounts received pursuant to other appropriations from the U.S. Department of Agriculture for nutrition programs (describe and itemize).
Title I – Low Income	4300	No Child Left Behind Act of 2001 (NCLB; 20 USC 6301 et seq.), Title I, Part A – Improving Academic Achievement of the Disadvantaged (CFDA 84.010).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Title I – Low Income – Neglected, Private	4305	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – Low Income – Delinquent, Private	4306	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – Neglected and Delinquent Juvenile and Adult Corrections (formerly only juvenile)	4315	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – Comprehensive School Reform	4332	NCLB, Title I, Part F – Comprehensive School Reform (CFDA 84.332).
Title I – Reading First	4334	NCLB, Title I, Part B-1 – Reading First (CFDA 84.357).
Title I – Even Start	4335	NCLB, Title I, Part B-3 – Even Start (CFDA 84.213).
Title I – Reading First SEA Funds	4337	NCLB, Title I, Part B-1 – Reading First SEA Funds (CFDA 84.357).
Title I – Migrant Education	4340	NCLB, Title I, Part C – Education of Migrant Children (CFDA 84.011).
Title I – Other	4399	Amounts received pursuant to other appropriations under Title I of NCLB (describe and itemize).
Title IV – Safe and Drug-Free Schools – Formula	4400	NCLB, Title IV, Part A – Safe and Drug Free Schools (CFDA 84.186).
Title IV – Safe & Drug-Free Schools – State-Level Program	4415	NCLB, Title IV, Part A – Safe and Drug Free Schools (CFDA 84.186).
Title IV – 21 st Century	4421	NCLB, Title IV, Part B – 21 st Century Community Learning Centers (CFDA 84.287).
Title IV – Other (Describe & Itemize)	4499	Amounts received pursuant to other appropriations under Title IV of NCLB (describe and itemize).
Federal Special Education Preschool Flow-Through	4600	IDEA, Part B – Preschool (CFDA 84.173).
Federal Special Education Preschool Discretionary	4605	IDEA, Part B – Preschool (CFDA 84.173).
Federal Special Education – IDEA Flow-Through/Low Incident	4620	IDEA, Part B (CFDA 84.027).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Federal Special Education – IDEA Room and Board	4625	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA Discretionary	4630	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA – Part D – Improvement	4631	IDEA, Part D – State Program Improvement Grants for Children with Disabilities (CFDA 84.323).
Federal Special Education – IDEA Title VI C – Deaf/Blind	4635	IDEA, Part D – Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities (CFDA 84.326).
Federal Special Education – IDEA – Other	4699	Amounts received pursuant to other appropriations under IDEA (describe and itemize).
CTE – Perkins Title III E – Tech Prep	4770	
CTE – Other	4799	Amounts received pursuant to other appropriations from federal sources (describe and itemize).
Federal – Adult Education	4810	Adult Education State Grant Program (CFDA 84.002).
Advanced Placement Fee/International Baccalaureate	4904	ESEA, Title I, Part G – Advanced Placement Program (CFDA 84.330).
Emergency Immigrant Assistance	4905	NCLB, Title III – English Language Acquisition Grants – Immigrant Assistance Grants (CFDA 84.365).
Title III – English Language Acquisition	4909	NCLB, Title III – English Language Acquisition Grants (CFDA 84.365).
Learn & Serve America	4910	National and Community Service Act of 1990 – Learn & Serve America (CFDA 94.004).
Refugee Children School Impact Grants	4915	Refugee Education Assistance Act of 1980, Refugee and Entrant Assistance Discretionary Grants (CFDA 93.576).
McKinney Education for Homeless Children	4920	NCLB, Title X – Education for Homeless Children (CFDA 84.196).
Title II – Teacher Quality	4932	NCLB, Title II, Part A, and ESEA, Title II, Part C, Subpart 1, Chapter B (CFDA 84.350).
Title II – Teacher Quality	4935	ESEA, Title II, Part A – Improving Teacher Quality State Grants (CFDA 84.367).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Title II – Math and Science Initiative	4936	ESEA, Title II, Part B – Math and Science Partnerships (CFDA 84.366).
Federal Charter Schools	4960	NCLB, Title V, Part B – Public Charter Schools.
Title II – Technology – Enhancing Education Formula Grants	4971	ESEA, Title II, Part D, Subparts 1 and 2, as amended – Education Technology State Grants (CFDA 84.318).
Title II – Technology – Enhancing Education Competitive Grants	4972	ESEA, Title II, Part D, Subparts 1 and 2 – Education Technology State Grants (CFDA 84.318).
Safe Routes to School	4980	Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (P.L. 109-59)
Medicaid Matching Funds – Administrative Outreach	4991	Social Security Act, Title XIX – Medicaid Matching – Administrative Outreach (CFDA 93.778).
Medicaid Matching Funds – Fee-for-Service Program	4992	Social Security Act, Title XIX – Medicaid Matching – Fee for Service Programs (CFDA 93.778).
Hurricane Emergency Relief	4995	Hurricane Emergency Relief Act.
Other Restricted Grants Received from Federal Government through State	4998	Amounts received pursuant to other federal appropriations (describe and itemize).

(Source: Amended at 32 Ill. Reg. 16439, effective September 24, 2008)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 100.TABLE E "Sources and Uses" Accounts; Miscellaneous

Label	Account Number	Description
SOURCES OF FUNDS	7000	
Transfers from Various Funds	7100	
Abolishment or Abatement of Working Cash Fund	7110	The transfer to the Educational Fund when the Working Cash Fund is abolished or abated. [105 ILCS 5/20-8, 20-9]
Permanent Transfer of Working Cash Fund Interest	7120	The permanent transfer of interest from the Working Cash Fund. [105 ILCS 5/20-5]
Permanent Transfer Among Funds	7130	The permanent transfer among funds. [105 ILCS 5/17-2A]
Permanent Transfer of Interest	7140	The permanent transfer of interest. [105 ILCS 5/10-22.44]
Transfer from Capital Projects to O & M Fund	7150	The transfer of bond proceeds remaining in the Debt Service Fund to the Operations and Maintenance Fund. [105 ILCS 5/10-22.14]
Transfer of Excess FP & S Tax & Interest Proceeds	7160	The transfer of tax proceeds remaining in the Fire Prevention and Safety Fund. [105 ILCS 5/17-2.11]
Transfer of Excess FP & S Bond & Interest Proceeds	7170	The transfer of bond proceeds remaining in the Fire Prevention and Safety Fund. [105 ILCS 5/17-2.11]
Proceeds from the Sale of Bonds	7200	
Principal on Bonds Sold	7210	Amounts received from the sale of bonds representing principal.
Premiums on Bonds Sold	7220	Amounts received from the sale of bonds representing a premium.
Accrued Interest on Bonds Sold	7230	Amounts received from the sale of bonds representing accrued interest.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Sale or Compensation for Loss of Fixed Assets	7300	
Sale of Equipment	7310	Amounts received for the sale of equipment or other personal property (but not land or buildings).
Sale of Buildings or Grounds	7320	Amounts received for the sale of land or buildings.
Compensation for Loss of Fixed Assets	7330	Amounts received as compensation for the loss of capital assets.

Transfers from Other Funds to Pay Principal on Capital Leases	7400	
Taxes Pledged to Pay Principal on Capital Leases	7410	Amounts received from transfers of taxes pledged to pay principal on capital leases.
Grants & Reimbursements Pledged to Pay Principal on Capital Leases	7420	Amounts received from transfers of grants and reimbursements pledged to pay principal on capital leases.
Other Revenues Pledged to Pay Principal on Capital Leases	7430	Amounts received from other revenues pledged to pay principal on capital leases.
Fund Balance Transfers Pledged to Repay Debt	7440	Amounts received from transfers of other fund balances pledged to pay principal on capital leases.

Transfers from Other Funds to Pay Interest on Capital Leases	7500	
Taxes Pledged to Pay Interest on Capital Leases	7510	Amounts received from taxes pledged to pay interest on capital leases.
Grants & Reimbursements Pledged to Pay Interest on Capital Leases	7520	Amounts received from grants and reimbursements pledged to pay interest on capital leases.
Other Revenues Pledged to Pay Interest on Capital Leases	7530	Amounts received from transfers from other revenues pledged to pay interest on capital leases.
Fund Balance Transfers Pledged to Pay Interest on Capital Leases	7540	Amounts received from fund balance transfers pledged to pay interest on capital leases.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Transfers from Other Funds to Pay Principal on Revenue Bonds	7600	
Taxes Pledged to Pay Principal on Revenue Bonds	7610	Taxes pledged to pay principal on revenue bonds.
Grants & Reimbursements Pledged to Pay Principal on Revenue Bonds	7620	Grants and reimbursements pledged to pay principal on revenue bonds.
Other Revenues Pledged to Pay Principal on Revenue Bonds	7630	Other revenues pledged to pay principal on revenue bonds.
Fund Balance Transfers Pledged to Pay Principal on Revenue Bonds	7640	Fund balance transfers pledged to pay principal on revenue bonds.

Transfers from Other Funds to Pay Interest on Revenue Bonds	7700	
Taxes Pledged to Pay Interest on Revenue Bonds	7710	Taxes pledged to pay interest on revenue bonds.
Grants & Reimbursements Pledged to Pay Interest on Revenue Bonds	7720	Grants and reimbursements pledged to pay interest on revenue bonds.
Other Revenues Pledged to Pay Interest on Revenue Bonds	7730	Other revenues pledged to pay interest on revenue bonds.
Fund Balance Transfers Pledged to Pay Interest on Revenue Bonds	7740	Fund balance transfers pledged to pay interest on revenue bonds.

Transfers from Other Funds for Capital Projects	7800	
Taxes Transferred to Pay for Capital Projects	7810	Taxes transferred to pay for capital projects.
Grants & Reimbursements Transferred for Capital Projects	7820	Grants and reimbursements pledged to pay for capital projects.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Other Revenues Transferred for Capital Projects	7830	Other revenues pledged to pay for capital projects.
Fund Balance Transfers for Capital Projects	7840	Fund balance transfers pledged to pay for capital projects.

ISBE Loan Proceeds	7900	
Charter School Revolving Loan	7903	Charter School Revolving Loan Program.
Technology Loan Program	7910	Technology Loan Program.
Transportation Start-up Loan	7920	Transportation Start-up Loan.
Temporary Emergency Relocation Loan	7930	Temporary Emergency Relocation Loan.
Emergency Financial Assistance Loan	7940	Emergency Financial Assistance Loan from ISBE or the Illinois Finance Authority.
Other ISBE Loan	7950	Other loan from ISBE.
Other Sources of Funds Not Classified Elsewhere	7990	Describe and itemize.

USES OF FUNDS	8000	
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Transfers to Various Funds	8100	Permanent transfers made from one fund to another fund, as authorized in the School Code and approved by the school board. These transfers are made with no expectation of repayment.
Abolishment or Abatement of Working Cash Fund	8110	The transfer to the Educational Fund when the Working Cash Fund is abolished or abated. [105 ILCS 5/20-8, 20-9]
Permanent Transfer of Working Cash Fund Interest	8120	The permanent transfer of interest to the Educational, the Operations and Maintenance, and the Transportation Funds from the Working Cash Fund. [105 ILCS 5/20-5]
Permanent Transfer Among Funds	8130	The permanent transfer to the Operations and Maintenance Fund of monies in restricted amounts by districts meeting certain conditions. [105 ILCS 5/17-2A]
Permanent Transfer of Interest	8140	Permanent transfer of interest. [105 ILCS 5/10-22.44]

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Transfer from Capital Projects to O & M Fund	8150	The transfer of bond proceeds remaining in the Capital Projects Site and Construction / Capital Improvements Fund to the Operations and Maintenance Fund after the purposes for which the bonds have been issued have been accomplished and paid in full. [105 ILCS 5/10-22.14]
Transfer of Excess FP & S Tax & Interest Proceeds	8160	The transfer of tax proceeds remaining in the Fire Prevention and Safety Fund to the Operations and Maintenance Fund after the purposes for which the taxes were levied have been accomplished and paid in full. [105 ILCS 5/17-2.11]
Transfer of Excess FP & S Bond & Interest Proceeds	8170	The transfer of bond proceeds remaining in the Fire Prevention and Safety Fund to the Debt Service Bond and Interest Fund after the purposes for which the bonds were levied have been accomplished and paid in full. [105 ILCS 5/10-22.14]
Transfers to Debt Service Fund to Pay Principal on Capital Leases	8400	Permanent transfers made to the Debt Service Fund to make principal payments on capital leases.
Taxes Pledged to Pay Principal on Capital Leases	8410	Permanent transfer of tax receipts to the Debt Service Fund to make principal payments on capital leases.
Grants & Reimbursements Pledged to Pay Principal on Capital Leases	8420	Permanent transfer of grants or reimbursements to the Debt Service Fund to make principal payments on capital leases.
Other Revenues Pledged to Pay Principal on Capital Leases	8430	Permanent transfer of other revenues to the Debt Service Fund to make principal payments on capital leases.
Fund Balance Transfers Pledged to Pay Principal on Capital Leases	8440	Permanent transfer of fund balances to the Debt Service Fund to make principal payments on capital leases.
Transfers to Debt Service Fund to Pay Interest on Capital Leases	8500	Permanent transfers made to the Debt Service Fund to make interest payments on capital leases.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Taxes Pledged to Pay Interest on Capital Leases	8510	Permanent transfer of tax receipts to the Debt Service Fund to make interest payments on capital leases.
Grants & Reimbursements Pledged to Pay Interest on Capital Leases	8520	Permanent transfer of grants or reimbursements to the Debt Service Fund to make interest payments on capital leases.
Other Revenues Pledged to Pay Interest on Capital Leases	8530	Permanent transfer of other revenues to the Debt Service Fund to make interest payments on capital leases.
Fund Balance Transfers Pledged to Pay Interest on Capital Leases	8540	Permanent transfer of fund balances to the Debt Service Fund to make interest payments on capital leases.

Transfers to Debt Service Fund to Pay Principal on Revenue Bonds	8600	Permanent transfers made to the Debt Service Fund to make principal payments on revenue bonds.
Taxes Pledged to Pay Principal on Revenue Bonds	8610	Permanent transfer of tax receipts to the Debt Service Fund to make principal payments on revenue bonds.
Grants & Reimbursements Pledged to Pay Principal on Revenue Bonds	8620	Permanent transfer of grants or reimbursements to the Debt Service Fund to make principal payments on revenue bonds.
Other Revenues Pledged to Pay Principal on Revenue Bonds	8630	Permanent transfer of other revenues to the Debt Service Fund to make principal payments on revenue bonds.
Fund Balance Transfers Pledged to Pay Principal on Revenue Bonds	8640	Permanent transfer of fund balances to the Debt Service Fund to make principal payments on revenue bonds.

Transfers to Debt Service Fund to Pay Interest on Revenue Bonds	8700	Permanent transfers made to the Debt Service Fund to make interest payments on revenue bonds.
Taxes Pledged to Pay Interest on Revenue Bonds	8710	Permanent transfer of tax receipts to the Debt Service Fund to make interest payments on revenue bonds.
Grants & Reimbursements Pledged to Pay Interest on Revenue Bonds	8720	Permanent transfer of grants or reimbursements to the Debt Service Fund to make interest payments on revenue bonds.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Other Revenues Pledged to Pay Interest on Revenue Bonds	8730	Permanent transfer of other revenues to the Debt Service Fund to make interest payments on revenue bonds.
Fund Balance Transfers Pledged to Pay Interest on Revenue Bonds	8740	Permanent transfer of fund balances to the Debt Service Fund to make interest payments on revenue bonds.

Transfers to Capital Projects Fund for Capital Projects	8800	Permanent transfers made to the Capital Projects Fund to pay for capital projects.
Taxes Transferred to Pay for Capital Projects	8810	Permanent transfer of tax receipts to the Capital Projects Fund to pay for capital projects.
Grants & Reimbursements Pledged to Pay for Capital Projects	8820	Permanent transfer of grants or reimbursements to the Capital Projects Fund to pay for capital projects.
Other Revenues Pledged to Pay for Capital Projects	8830	Permanent transfer of other revenue to the Capital Projects Fund to pay for capital projects.
Fund Balance Transfers Pledged to Pay for Capital Projects	8840	Permanent transfer of fund balances to the Capital Projects Fund to pay for capital projects.

Transfers to Debt Service Fund to Pay Principal on ISBE Loans	8910	Permanent transfers made to the Debt Service Fund to pay ISBE for various loans.
Technology Loan Program	8911	Permanent transfers made to the Debt Service Fund to pay ISBE for technology loans.
Transportation Start-up Loan	8912	Permanent transfers made to the Debt Service Fund to pay ISBE for transportation start-up loans.
Temporary Emergency Relocation Loan	8913	Permanent transfers made to the Debt Service Fund to pay ISBE for emergency relocation loans.
Emergency Financial Assistance Loan	8914	Permanent transfers made to the Debt Service Fund to pay ISBE for emergency financial assistance loans.
Other ISBE Loan	8915	Permanent transfers made to the Debt Service Fund to pay ISBE for other ISBE loans.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Other Uses of Funds Not Classified Elsewhere	8990	Other miscellaneous financing uses that cannot be classified elsewhere in the 8000 series of accounts. Describe and itemize.
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OTHER ECONOMIC RESOURCES	9000	
QZAB Tax Credits	9100	
E-rate Transactions	9200	
Donated Food Commodities	9300	
State Textbook Loan Program	9400	
Other Miscellaneous Accounts	9900	

(Source: Amended at 32 Ill. Reg. 16439, effective September 24, 2008)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Student Records
- 2) Code Citation: 23 Ill. Adm. Code 375
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
375.10	Amendment
375.75	Amendment
- 4) Statutory Authority: 105 ILCS 10 and 105 ILCS 5/2-3.13a
- 5) Effective Date of Amendments: September 29, 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 Illinois Register: May 9, 2008; 32 Ill. Reg. 7271
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The proposal and final version of the rules are identical.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes, a reference to Public Act 95-793 has been included in the notice pages.
- 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 Amendments: This rulemaking stems from the work of the Illinois College and Work Readiness Partnership and its efforts to develop a longitudinal data system linking elementary and secondary school data with postsecondary institutions through the State Board of Education's Student Information System (SIS) and various postsecondary data systems (particularly, the Illinois Community College Board's data

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

system and the Shared Enrollment and Graduation File). The purpose of the longitudinal data system is to create the capability to collect data and conduct research that will provide state policymakers, school districts and schools with information on high school graduates' outcomes in college and the workplace so as to prepare students to succeed in postsecondary learning and the workplace.

In order to establish the link necessary to collect data for research efforts, the rules require that a student's academic transcript (Section 375.10) and his or her "Official Transcript of Scholastic Records" (Section 375.75(f)) each contain the student's unique identifier assigned by and used in conjunction with the SIS. The academic transcript will be shared with postsecondary institutions when a student makes application or with a future employer, if required. The "Official Transcript of Scholastic Records" is shared among elementary and secondary school districts when a student transfers, and the unique student identifier on that will ensure that students are tracked throughout their elementary and secondary school experiences. Postsecondary institutions will input the unique student identifier into postsecondary data systems, thereby allowing linkages between these systems and the agency's SIS.

The student's unique identifier on the transcript or the scholastic records will not enable the recipient of either of those documents to access an individual student's records stored on the SIS. Rather, it only would allow for the merging of data between the postsecondary level and information stored in SIS so that research and analysis can be conducted. The merging of all data will be carried out in strict conformance with State and federal privacy protection laws. Further protection also is afforded by Section 6(12) of the Illinois School Student Records Act (105 ILCS 10), added by P.A. 95-793, effective January 1, 2009, which requires that the release, transfer, disclosure, or dissemination of a student's records or any information from those records is consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1221 et seq.).

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

Darren Reisberg
General Counsel
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777-0001

217/782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER k: SCHOOL RECORDS

PART 375

STUDENT RECORDS

Section

375.10	Definitions
375.20	Rights of Students
375.30	Notification
375.40	Maintenance
375.50	Cost for Copies of Records
375.60	Emergency Release of Information
375.70	Release of Information
375.75	Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80	Directory Information
375.90	Challenge Procedures
375.100	Implementation
375.110	Enforcement

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. 16202, effective October 21, 2002; amended at 29 Ill. Reg. 5467, effective March 29, 2005; amended at 32 Ill. Reg. 7143, effective April 17, 2008; amended at 32 Ill. Reg. 16475, effective September 29, 2008.

Section 375.10 Definitions

"Act" means the Illinois School Student Records Act [105 ILCS 10].

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act [105 ILCS 10/2(d)]:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;

Academic transcript, including grades, class rank, graduation date, grade level achieved, ~~and~~ scores on college entrance examinations, and the unique student identifier assigned and used by the Student Information System established pursuant to Section 1.75 of rules governing Public Schools Evaluation, Recognition and Supervision (see 23 Ill. Adm. Code 1.75);

Attendance record;

Accident reports and health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)]; and

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64(a)); and

May also consist of:

Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on the State assessment tests administered in the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a));

The completed home language survey form (see 23 Ill. Adm. Code 228.15);

Information regarding serious infractions (i.e., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction;

Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/8.6], as required by Section 2(f) of the Act [105 ILCS 10/2(f)]; and

Any biometric information that is collected in accordance with Section 10-20.40 or 34-18.34 of the School Code [105 ILCS 5/10-20.40 or 34-18.34]; and

May also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Other disciplinary information;

Special education files, including the report of the multidisciplinary staffing on which placement or nonplacement was based, and all records and tape recordings relating to special education placement hearings and appeals;

Any verified reports or information from non-educational persons, agencies or organizations; and

Other verified information of clear relevance to the education of the student.

"Substitute" means a person designated by the school to temporarily serve in the event of absence of a person employed by the school.

(Source: Amended at 32 Ill. Reg. 16475, effective September 29, 2008)

Section 375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students

- a) This Section implements Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a], Section 5 of the Missing Children Records Act [325 ILCS 50/5] and Section 5 of the Missing Children Registration Law [325 ILCS 55/5]. This Section is applicable to all public, private or nonpublic elementary and secondary schools in the State of Illinois.
- b) Within 14 days after enrolling a transfer student, an elementary or secondary school shall comply with the requirements of Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law regarding the records of such transfer student. The transfer of the record by a public school is subject to the prior notice to parents required by Section 375.70(a) of this Part.
- c) A request made pursuant to subsection (b) of this Section for a certified copy of a student's record shall satisfy the requirement of Section 2-3.13a(c) of the School Code regarding documentation of enrollment of a transfer student.
- d) If within 150 days after a student leaves a school, that school or school district has not received a request for the student's record, or been presented with other

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

documentation that the student has enrolled in another school, then the student shall be counted in the school's or school district's calculation of its annual dropout rate (see Section 2-3.13a(c) of the School Code).

- e) As used in this Section, "Unofficial Record of Student Grades" means written information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. Such records shall also include the name and address of the school, the name of the student to whom the records pertain, the name and title of the school official transmitting the records, and the date of transmittal.
- f) As used in this Section, "Official Transcript of Scholastic Records" means the formal record showing dates of enrollment; courses studied; grades, credits, and awards received; [and the unique student identifier assigned and used by the Student Information System](#); and bearing the signature and title of the certifying official, the seal of the school, if any, and the date of issue.
- g) As used in this Section, "Certified Copy of Student's Record" means:
 - 1) for public schools, the student's permanent and temporary record as defined in Section 375.10 of this Part; and
 - 2) for private and nonpublic schools, the individual student information maintained by such schools for all of their students. Such information may include:
 - A) Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;
 - B) Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;
 - C) Attendance record;
 - D) Accident reports and health record;
 - E) Honors and awards received; and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- F) Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.
- h) If the student has unpaid fines or fees and is transferring to a public school located in Illinois or any other state, the school may elect to include in the student's record transferred pursuant to this Section the unofficial record of the student's grades in lieu of the student's official transcript of scholastic records. If the school so elects, the school shall within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at its own expense forward the student's official transcript of scholastic records to the student's new school.
- i) If the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for any reason, then the transferring school shall include with the transferred records:
- 1) the date and duration of the period of any current suspension or expulsion; and
 - 2) whether the suspension or expulsion is for *knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 USC 8921 et seq.), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school.* (Section 2-3.13a of the School Code)

(Source: Amended at 32 Ill. Reg. 16475, effective September 29, 2008)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures Applicable to All Agencies
- 2) Code Citation: 44 Ill. Adm. Code 750
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
750.5	Amendment
750.110	Amendment
750.150	Amendment
750.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing Sections 2-105(A), 7-101(A), and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105]
- 5) Effective Date of Amendments: September 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 Illinois Register: June 13, 2008; 32 Ill. Reg. 8536
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were suggested by JCAR.
- 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 Amendments: Pursuant to Section 1-103(I) of the Illinois Human Rights Act ("Act")[775 ILCS/1-101(I)], the word "Handicap" has been replaced

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

with the word "Disability". The proposed amendments also make stylistic changes for consistency with other provisions in the Department's regulations.

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

David T. Rothal
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

312/814-6257 or 312/263-1579 (TTY)

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER X: DEPARTMENT OF HUMAN RIGHTS

PART 750
PROCEDURES APPLICABLE TO ALL AGENCIES

SUBPART A: DEFINITIONS

Section
750.5 Definitions

SUBPART B: EQUAL OPPORTUNITY CLAUSE

Section
750.10 Clause to be Included in All Contracts
750.20 Incorporation by Operation of the Regulation
750.30 Subcontracts
750.40 Contracts or Subcontracts with Religious Entities

SUBPART C: DUTIES OF PUBLIC CONTRACTORS AND SUBCONTRACTORS

Section
750.110 General
750.120 Identification of Underutilization
750.130 Affirmative Action Plans
750.140 Information and Reports
750.150 Recruitment of Employees
750.160 Segregated Facilities
750.170 Subcontracts

SUBPART D: BIDDING AND COMPLIANCE

Section
750.210 Eligibility for Public Contracts
750.220 Construction Employee Utilization Projection
750.230 Compliance Review; Enforcement

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

750.APPENDIX A Equal Employment Opportunity Clause

AUTHORITY: Implementing Sections 2-105(A), 7-101(A), and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; codified at 8 Ill. Reg. 17889; amended at 22 Ill. Reg. 11774, effective July 1, 1998; amended at 30 Ill. Reg. 18709, effective November 20, 2006; amended at 32 Ill. Reg. 16484, effective September 23, 2008.

SUBPART A: DEFINITIONS

Section 750.5 Definitions

Where used in this Part, unless the context otherwise clearly requires:

~~The term "Act" shall mean~~ the Illinois Human Rights Act [775 ILCS 5].

~~The term "Construction Contract" shall mean~~ any public contract as defined in this Section, for the rehabilitation, alteration, conversion, extension, landscaping, repair, maintenance or other improvements of buildings, highways or other real property.

~~The term "Contracting Agency" shall mean~~ any office, department, board, agency, commission, institution or other entity of the State ~~or~~; any of its political subdivisions or municipal corporations; who may enter into any public contract.

~~The term "Department" shall mean~~ the Department of Human Rights.

~~The term "Director" shall mean~~ the Director of the Department or a duly authorized designee.

~~The term "Eligible Bidder" shall have~~ the same meaning as in Section 2-101(J) of the Act ~~[775 ILCS 5/2-101(J)]~~.

~~The term "Number" shall mean~~ an Illinois Department of Human Rights

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

Eligibility Number provided pursuant to Section 750.210 of this Part.

~~The term "Person" – an entity described shall have the same meaning as prescribed~~ in Section 1-103 of the Act.

~~The term "Public Contract" – shall mean~~ any contract, purchase order, lease, or other agreement or understanding, written or otherwise, between the State of Illinois ~~or~~ any of its political subdivisions or municipal corporations or any agent thereof and any other person; for the procurement of any thing or service of value, such as, for example, any real or personal property, equipment, merchandise, goods, materials, labor or services for or by the State ~~or, such~~ political subdivision or municipal corporation. ~~;~~ ~~and~~ Public Contract further means any loan or grant by the State of Illinois ~~or~~ any of its political subdivisions or municipal corporations from which such a contract, purchase order, lease, or other agreement or understanding may be financed in whole or in part.

~~The term "Public Contractor" – shall mean~~ any person who bids for or who has been awarded a public contract by a contracting agency, either through a competitive bidding procedure or otherwise.

~~The term "Subcontract" – shall mean~~ any agreement, arrangement or understanding, written or otherwise, between a public contractor and any person under which any portion of the public contractor's obligations under one or more public contracts is performed, undertaken or assumed. ~~The; the~~ term "subcontract", however, shall not include any agreement, arrangement or understanding in which the parties stand in the relationship of an employer and an employee, or between a bank or other financial institution and its customers.

~~The term "Subcontractor" – shall mean~~ any person having a subcontract as defined in this Section.

(Source: Amended at 32 Ill. Reg. 16484, effective September 23, 2008)

SUBPART C: DUTIES OF PUBLIC CONTRACTORS AND SUBCONTRACTORS

Section 750.110 General

- a) No public contractor or subcontractor shall discriminate or permit discrimination against any applicant for employment, or in the terms or conditions of

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

employment of any employee, or in connection with any apprenticeship or other training program, because of race, color, religion, sex, marital status, national origin or ancestry, [citizenship status](#), age, physical or mental [disabilityhandicap](#) unrelated to ability, [sexual orientation, military status](#) or unfavorable discharge from military service.

- b) Each public contractor and subcontractor shall examine all its job classifications to determine if minority persons or women are underutilized in any [such](#) classifications (see Section 750.120 of this Part). If underutilization exists in any job classification, the contractor or subcontractor shall take appropriate affirmative action to rectify any [such](#) underutilization.
- c) If a public contractor or subcontractor hires additional employees in order to perform any contract or portion [of a contractthereof](#), it will determine the availability (see Section [750.120751.120](#) of [this Partthese Rules](#)) of minorities and women in the [areasarea\(s\)](#) from which it may reasonably recruit and will hire for each job classification in [such](#) a way that minorities and women are not underutilized.

(Source: Amended at 32 Ill. Reg. 16484, effective September 23, 2008)

Section 750.150 Recruitment of Employees

In all solicitations or advertisements for employees placed by it or on its behalf, each public contractor and subcontractor shall state that all applicants will be afforded equal employment opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, [citizenship status](#), age, physical or mental [disabilityhandicap](#) unrelated to ability, [sexual orientation, military status](#) or unfavorable discharge from military service. Contractors and subcontractors shall also advise in writing their personnel, their employee referral sources, and any labor organizations or representatives with which they have collective bargaining or other agreements or understandings, of the contractor's or subcontractor's obligations under the Act, this Part and any affirmative action plan. If any labor organization with which [asuch](#) contractor or subcontractor has an exclusive hiring or referral arrangement fails or refuses to refer minority or female applicants to the contractor or subcontractor in numbers sufficient for it to meet its obligations under this Part and any affirmative action plan, the contractor or subcontractor shall solicit and employ minority or female applicants from other sources. It shall be no excuse that the labor organization with which the contractor or subcontractor has such an agreement failed to refer sufficient minority or female employees.

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 16484, effective September 23, 2008)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

Section 750.APPENDIX A Equal Employment Opportunity Clause

EQUAL EMPLOYMENT OPPORTUNITY

In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the ~~Illinois Human Rights~~ Act or the Rules and Regulations of the ~~Illinois Department of Human Rights~~ ("~~Department~~"), the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and ~~such~~ other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

- 1) That ~~he or she~~ will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental ~~disability~~~~handicap~~ unrelated to ability, ~~sexual orientation~~, military status, or an unfavorable discharge from military service; and, further, that ~~he or she~~ will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any ~~such~~ underutilization.
- 2) That, if ~~he or she~~ hires additional employees in order to perform this contract or any portion ~~of this contract~~~~thereof~~, ~~he or she~~ will determine the availability (in accordance with the Department's Rules ~~and Regulations~~) of minorities and women in the areas from which ~~he or she~~ may reasonably recruit and ~~he or she~~ will hire for each job classification for which employees are hired in ~~such~~ a way that minorities and women are not underutilized.
- 3) That, in all solicitations or advertisements for employees placed by ~~him or her~~ or on ~~his or her~~'s behalf, ~~he or she~~ will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental ~~disability~~~~handicap~~ unrelated to ability, ~~sexual orientation~~, military status, or an unfavorable discharge from military service.
- 4) That ~~he or she~~ will send to each labor organization or representative of workers with which ~~he or she~~ has or is bound by a collective bargaining or other agreement or understanding, a notice advising ~~the~~~~such~~ labor organization or representative of the contractor's obligations under the ~~Illinois Human Rights~~ Act

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

and the Department's Rules [and Regulations](#). If any ~~such~~ labor organization or representative fails or refuses to cooperate with the contractor in [his or her](#)'s efforts to comply with ~~the~~[such](#) Act and Rules [and Regulations](#), the contractor will promptly ~~so~~ notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations [under the contract](#)~~thereunder~~.

- 5) That [he or she](#) will submit reports as required by the Department's Rules [and Regulations](#), furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the [Illinois Human Rights](#) Act and the Department's Rules [and Regulations](#).
- 6) That [he or she](#) will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the [Illinois Human Rights](#) Act and the Department's Rules [and Regulations](#).
- 7) That [he or she](#) will include verbatim or by reference the provisions of this clause in every subcontract ~~awarded~~[it awards](#) under which any portion of the contract obligations are undertaken or assumed, so that ~~the~~[such](#) provisions will be binding upon ~~the~~[such](#) subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by ~~such~~ subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply [with the provision](#)~~therewith~~. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

(Source: Amended at 32 Ill. Reg. 16484, effective September 23, 2008)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Racing Board
- 2) Code Citation: 11 Ill. Adm. Code 200
- 3) Section Number: 200.40 Adopted Action:
New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: October 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 8547; June 13, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 200.40(c), changed "shall be conducted between the hours of 7:00 a.m. and 1:00 a.m., shall be conducted in a reasonable period of time" to "shall be conducted in a reasonable period of time".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: In addressing the Board's ability to conduct warrantless searches on racetrack property, the separate harness and thoroughbred rules for racetrack inspections 1325.190 and 1424.20, respectively, are repealed and replaced by proposed rulemaking 200.40 in the combined rules section.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

The amendments to the Boards rule allowing warrantless searches on racetrack property address deficiencies noted by both State and Federal courts in a line of decisions challenging the IRB inspections rule from 1987 through 1994. Serpas v. Schmidt, 827 F.2d 23 (7th Cir. 1987)(holding that warrantless dormitory searches under rule 1425.20 are unconstitutional); People v. Strauss, 151 Ill. App.3d 191 (1st Dist, 1986)(holding that reasonable warrantless searches in a regulated industry fall within the administrative exception rule); Hansen v. Illinois Racing Board, 179 Ill.App.3d 353 (1st Dist. 1989)(holding that rule 1325.190 was unconstitutional on its face because it failed to limit the discretion of the inspection officers); Dimeo v., Griffin, 943 F.2d 679 (7th Cir. 1991)(holding that the Racing Board's random drug testing program was not in violation of the Fourth Amendment because Racing is a pervasively regulated industry); and LeRoy v., Illinois Racing Board, 39 F.3d 711 (7th Cir. 1994)(holding that rule 1325.190 was constitutionally sound as applied to an automobile search on the race track grounds.)

The adopted rulemaking addresses time, place and scope limits on the Board by specifying the permissible places of entry and search, which include stalls, tack rooms, barns sheds, horse trailers and vehicles in the immediate area where horses are kept. Warrantless searches of dormitories are prohibited. All searches require a reasonable suspicion standard and an impartial assessment of reasonableness prior to conducting a search of personal property or such areas, in the form of a written authorization signed by the stewards or the Executive Director.

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

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 200
ILLINOIS RACING BOARD

Section

200.10	All Races Governed by Rules and Regulations
200.20	Full Access to Track
200.30	Inspection of Tack
200.40	Inspections and Searches

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

SOURCE: Adopted at 25 Ill. Reg. 14521, effective November 1, 2001; amended at 32 Ill. Reg. 16493, effective October 1, 2008.

Section 200.40 Inspections and Searches

- a) The Illinois Racing Board or the State Stewards investigating for violations of law or the rules and regulations of the Board shall have the power to permit persons authorized by either of them to search:
 - 1) the person of all persons licensed by the Board, and of all employees and agents of any race track operator licensed by the Board, or to enter and search the jockey and drivers' rooms, paddocks, stables, stalls, tack rooms, barns, sheds, horse trailers, other vehicles related to the transportation of racehorses and/or the transportation of equipment used by or in the care of the racehorses, or other vehicles and equipment in the immediate stable area; and
 - 2) the person and/or property of all vendors who are permitted by the race track operator to sell and distribute their wares and merchandise within the race track enclosure; and

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 3) all public areas in the racetrack enclosure, in order to inspect and examine the personal effects or property of licensees and vendors.
- b) Dormitory rooms are excluded from searches conducted pursuant to this Section, but may be subject to search pursuant to a warrant.
- c) Searches conducted pursuant to this Section shall be based on reasonable suspicion of a violation of law or of the rules and regulations of the Board by the party whose premises or person is the subject of the search and shall be conducted in a reasonable period of time, and shall not be so frequent as to constitute harassment of a licensee. Searches of persons conducted pursuant to this Section shall consist of an external pat down and shall not be internally invasive. The policies of the Board in relation to administrative searches shall be posted at every racetrack under the Board's control.
- d) Each licensee, in accepting a license, releases all claims or possible actions for damages that he or she may have by virtue of any action taken under this Section. Each employee of a licensed operator, in accepting his or her employment, and each vendor who is permitted to sell and distribute merchandise within the race track enclosure, does thereby irrevocably consent to search under this Section and waive and release all claims or possible actions for damages resulting from any action taken under this Section. At the time a licensee applies for or renews his or her license, he or she shall receive a copy of the policies of the Board in relation to administrative searches, including relevant Sections of the Illinois Horse Racing Act. The consent to a search of premises or person pursuant to this Section shall be included on the license applications of all licensees. Any person who refuses to be searched pursuant to this Section may have his or her license suspended or revoked and may be ejected from the racetrack facilities.
- e) The Board delegates the authority to conduct inspections and searches pursuant to this Section to the Director of Security of the Illinois Racing Board and to Special Agents of the Illinois State Police, or other designees of the Department of State Police assigned, from time to time, to assist the Chief Investigator. Prior to conducting a search under this Section, a written authorization for administrative inspection shall be issued by either two stewards, the Executive Director of the Board, or a Member of the Board. The written authorization for administrative inspection shall include the name and title of the person or persons authorizing the search, the names of the persons conducting the search, the persons and/or areas to be searched, the date and time of the search, and the purpose of the search.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Should exigent circumstances arise, such as the flight of a suspect with items reasonably suspected of being contraband and/or other circumstances that make it impractical to obtain prior written authorization, the requirement of written authorization shall not apply.

- f) At least two personnel of the Board, or the State Stewards, or those authorized for such purposes, shall be present for any of the searches conducted pursuant to this Section. Any Board personnel, State Steward, or person authorized to conduct a search under this Section shall be provided with detailed instructions on how a particular search is to be conducted, including the information contained in the authorization for administrative inspection.

(Source: Added at 32 Ill. Reg. 16493, effective October 1, 2008)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Security and Admissions
- 2) Code Citation: 11 Ill. Adm. Code 1325
- 3) Section Number: 1325.190 Adopted Action:
Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: October 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 8552; June 13, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and Purpose of Rulemaking: In addressing the Board's ability to conduct warrantless searches on racetrack property, it is the Board's opinion that Section 1325.190 should be repealed. Proposed rulemaking Section 200.40 replaces Section 1325.190 with additional language to apply limits on the discretion of inspecting officers, to meet the concerns of the State and federal courts.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1325
SECURITY AND ADMISSIONS

Section	
1325.10	Stable Enclosures Fenced
1325.20	Report of Arrival and Departure of Horses
1325.30	Stable Area Security
1325.40	Policing of Premises
1325.50	Admission to Parts of Premises
1325.60	Identification Cards and Badges
1325.70	Admission Statements
1325.80	State Admissions Tax
1325.90	Admissions Records
1325.100	Board Approval of Tickets and Credentials
1325.110	Credential and Ticket Specimens
1325.120	Tax Exempt Credentials
1325.130	Tax Exempt Credentials Report (Repealed)
1325.140	Track Responsible for Credentials
1325.150	Board Access to Records
1325.160	Turnstiles and Electronic Scanning Devices
1325.170	Admission to Track
1325.180	Revocation of Credentials
1325.190	Inspections and Searches (Repealed)
1325.200	Investigative Authority

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

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 25, 1973, filed November 26, 1973; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10955; amended at 14 Ill. Reg. 17665, effective October 16, 1990; amended at 15 Ill. Reg. 5748, effective April 4, 1991;

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

amended at 31 Ill. Reg. 15099, effective November 1, 2007; amended at 32 Ill. Reg. 16498, effective October 1, 2008.

Section 1325.190 Inspections and Searches (Repealed)

- a) ~~The Illinois Racing Board or the state steward investigating for violations of law or the Rules and Regulations of the Board, shall have the power to permit persons authorized by either of them to search the person, or enter and search the stables, rooms, vehicles, or other places within the track enclosure at which a meeting is held, or other tracks or places where horses eligible to race at said race meeting are kept, of all persons licensed by the Board, and of all employees and agents of any race track operator licensed by said Board; and of all vendors who are permitted by said race track operator to sell and distribute their wares and merchandise within the race track enclosure, in order to inspect and examine the personal effects or property on such persons or kept in such stables, rooms, vehicles, or other places as aforesaid. Each of such licensees, in accepting a license, does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages that he may have by virtue of any action taken under this rule. Each employee of a licensed operator, in accepting his employment, and each vendor who is permitted to sell and distribute his merchandise within the race track enclosure, does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages they may have by virtue of any action taken under this rule. Any person who refuses to be searched pursuant to this rule may have his license suspended or revoked.~~
- b) ~~The Illinois Racing Board delegates the authority to conduct inspections and searches, under this rule, to the Chief Investigator of the Illinois Racing Board and to Special Agents of the Illinois Bureau of Investigation, or other designees of the Department of Law Enforcement assigned, from time to time, to assist the Chief Investigator in his duties.~~

(Source: Repealed at 32 Ill. Reg. 16498, effective October 1, 2008)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Regulations for Meetings (Thoroughbred)
- 2) Code Citation: 11 Ill. Adm. Code 1424
- 3) Section Number: 1424.40 Adopted Action:
Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: October 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 8556; June 13, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: In addressing the Board's ability to conduct warrantless searches on racetrack property, it is the Board's opinion that Section 1424.40 should be repealed. Proposed rulemaking Section 200.40 replaces Section 1424.40 with additional language to apply limits on the discretion of inspecting officers, to meet the concerns of the state and federal courts.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1424
REGULATIONS FOR MEETINGS
(THOROUGHBRED)

Section

1424.10	Illinois Racing Board Right of Entry
1424.20	Office for Racing Board
1424.25	Moving Offices (Repealed)
1424.40	Inspections and Searches (Repealed)
1424.45	Investigative Authority
1424.50	Allocation of Stalls
1424.55	AGID (Coggins) Test (Repealed)
1424.60	Distance Poles
1424.70	Arrivals, Departures and Stabling
1424.80	Departure Slips
1424.90	Horse Ambulance
1424.100	Races Per Day (Repealed)
1424.110	Extra Races
1424.120	Clockers
1424.125	Outriders
1424.140	Safety Rails
1424.150	Backstretch Paging System
1424.160	Camera
1424.170	Emergency Medical Services
1424.175	Manned Ambulance (Repealed)
1424.180	Policing of Premises
1424.190	Stable Area Security
1424.200	Stable Area Security
1424.210	Security Reports
1424.220	Night Patrol
1424.230	Telephones
1424.240	Calls Through Switchboard (Repealed)
1424.250	Races for Illinois Horses

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

1424.260	Breeder Awards
1424.270	Admission to Parts of Premises
1424.280	Stable Areas Fenced
1424.290	Merchandise Selling
1424.300	Tip Sheets
1424.310	Alcoholic Beverages
1424.320	Jockey Quarters
1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules
1424.355	Stall Availability Prior to Meet
1424.360	Notification of Change

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

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990; amended at 16 Ill. Reg. 7493, effective April 24, 1992; amended at 16 Ill. Reg. 11193, effective June 25, 1992; amended at 17 Ill. Reg. 3038, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7779, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13943, effective November 2, 1999; amended at 28 Ill. Reg. 6605, effective April 19, 2004; amended at 31 Ill. Reg. 16536, effective December 1, 2007; amended at 32 Ill. Reg. 16502, effective October 1, 2008.

Section 1424.40 Inspections and Searches (Repealed)

- a) ~~The Illinois Racing Board or the state steward investigating for violations of law or the Rules and Regulations of the Board, shall have the power to permit persons authorized by either of them to search the person, or enter and search the stables, rooms, vehicles, or other places within the track enclosure at which a meeting is~~

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

~~held, or other tracks or places where horses eligible to race at said race meeting are kept, of all persons licensed by the Board, and of all employees and agents of any race track operator licensed by said Board; and of all vendors who are permitted by said race track operator to sell and distribute their wares and merchandise within the race track enclosure, in order to inspect and examine the personal effects or property on such persons or kept in such stables, rooms, vehicles, or other places as aforesaid. Each of such licensees, in accepting a license, does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages that he may have by virtue of any action taken under this rule. Each employee of a licensed operator, in accepting his employment, and each vendor who is permitted to sell and distribute his merchandise within the race track enclosure, does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages they may have by virtue of any action taken under this rule. Any person who refuses to be searched pursuant to this rule may have his license suspended or revoked.~~

- b) ~~The Illinois Racing Board delegates the authority to conduct inspections and searches, under this rule, to the Chief Investigator of the Illinois Racing Board and to Special Agents of the Illinois Bureau of Investigation, or other designees of the Department of Law Enforcement assigned, from time to time, to assist the Chief Investigator in his duties.~~

(Source: Repealed at 32 Ill. Reg. 16502, effective October 1, 2008)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Number: 1070.110 Adopted Action:
Amendment
- 4) Statutory Authority: 625 ILCS 5/7-701 and 625 ILCS 5/2-104
- 5) Effective Date of Amendment: September 25, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notices of Proposed Published in Illinois Register: 32 Ill. Reg. 8890; June 20, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The initial statutory authority citation, 625 ILCS 5/6-521, listed on the Notice of Proposed Amendment has been changed to 625 ILCS 5/2-104, as reflected on this Notice Page.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number:</u> 1070.20	<u>Proposed Action:</u> Amendment	<u>Illinois Register Citation:</u> 32 Ill. Reg. 13838; August 22, 2008
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SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: This rulemaking establishes the process by which the Office of the Secretary of State suspends driver's licenses based on an administrative order from the Illinois Department of Human and Family Services.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Arlene J. Pulley
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1070
ILLINOIS SAFETY RESPONSIBILITY LAW

Section	
1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy
1070.110	Illinois Safety and Family Financial Responsibility Law

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective January 14, 2000; emergency amendment at 27 Ill. Reg. 14361, effective August 20, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18458, effective November 24, 2003; emergency amendment at 30 Ill. Reg. 7974, effective April 14, 2006, for a maximum of 150 days; emergency expired September 11, 2006; amended at 31 Ill. Reg. 6392, effective April 12, 2007; amended at 32 Ill. Reg. 16507, effective September 25, 2008.

Section 1070.110 Illinois Safety and Family Financial Responsibility Law

- a) For purposes of this Section, the following definitions shall apply:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

"Administrative Order of Support" – an order for the support of dependent children issued by an administrative body of this or any other state.

"Cancellation" – the annulment or termination by formal action of the Secretary of State of a person's Family Financial Responsibility Driving Permit (FFRP) because of some error or defect in the FFRP or because the permittee is in some form of violation of any of the requirements contained in the Illinois Vehicle Code or Illinois Administrative Code.

"Certification" – the electronic transmission to the Department from the Illinois Department of Healthcare and Family Services when a person is 90 days or more delinquent in payment of support under an order of support entered by an administrative body of this or any other state.

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Healthcare and Family Services" or "HFS" – the Illinois Department of Healthcare and Family Services.

"Family Financial Responsibility Driving Permit" or "(FFRP)" – a document issued to persons who have had their full driving privileges suspended that which grants and specifies limited driving privileges as specified in IVC Section 7-702.1 of the Illinois Vehicle Code [625 ILCS 5/7-702.1].

"Illinois Vehicle Code", "Vehicle Code" or "IVC" – 625 ILCS 5.

"Invalidation" – to render a license or permit no longer valid for the purpose it was issued, as specified in IVC Section 6-301.3 of the Illinois Vehicle Code [625 ILCS 5/6-301.3].

"Law Enforcement" – a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath or, deposition, or a verification by certification, executed by a law enforcement officer, as specified in IVC Section 11-501.1(d) of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1(d)] and Section 1-

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

109 of the Code of Civil Procedure [735 ILCS 5/1-109].

"Received by the Department of Administrative Hearings" – a written request for an administrative hearing that is received and date-file stamped at the Department of Administrative Hearings or any formal hearing location located at Michael J. Howlett Building, 2nd Floor, Springfield, IL 62756 or 17 North State Street, Suite 1200, Chicago, IL 60602.

"Stay Order" – the temporary suspension of the regular order of proceeding in a cause, by direction or order of the court.

- b) The Department shall not enter an order of suspension pursuant to IVC for purposes of Section 7-702(a) or (b) of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-702] unless the authenticated report provided for in IVC Section 7-703 of the Illinois Safety and Family Financial Responsibility Law is complete. It must be on a form prepared or approved by the Secretary of State and include obligor's name and address, case number, driver's license number, date of birth, sex, the date the order was entered, court clerk or judge's signature or the signature of his/her designee, court seal or file stamp, court, court address, date certified, obligee's full name and attorney initiating action where applicable.
- c) The Department shall not enter an FFRP a Family Financial Responsibility Driving Permit pursuant to IVC for purposes of Section 7-702.1 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-702.1] unless the following conditions are met:
- 1) The Department receives a certified court order on a form prepared and approved by the Secretary of State from the court of jurisdiction.
 - 2) The order shall include: name and address of individual receiving permit, court case number, driver's license number, date of birth, and sex, employer and address if applicable, medical treatment if applicable, hours petitioner permitted to operate vehicle, route to be traveled, issue date, judge's signature or the signature of his/her designee, court seal and county.
- d) Upon receipt of one or more of the following documents from a circuit clerk's office, law enforcement agency or the Department of Administrative Hearings

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

within the Office of the Secretary of State, the Department shall invalidate an a FFRP:

- 1) a copy of a charging document for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 ~~of the Illinois Vehicle Code~~ or a similar provision of a local ordinance ~~[625 ILCS 5/11-501]~~, driving outside of restrictions of permit in violation of IVC Section 6-113(e) ~~of the Illinois Vehicle Code [625 ILCS 5/6-113(e)]~~, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401 ~~of the Illinois Vehicle Code [625 ILCS 5/11-401]~~, or drag racing in violation of IVC Section 11-504 ~~of the Illinois Vehicle Code [625 ILCS 5/11-504]~~. The law enforcement officer issuing a citation for any of the ~~above listed~~ offenses listed in this subsection (d)(1) shall confiscate the FFRP and forward it, along with the citation, to the clerk of the circuit court of the county in which the citation was issued. Whenever an a-FFRP is forwarded to a court, as a result of confiscation by a law enforcement officer, it shall be the duty of the clerk to forward ~~the such~~ FFRP and a facsimile of the officer's citation to the Secretary of State as expeditiously as possible.
 - 2) a report of any disposition of court supervision or convictions for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 ~~of the Illinois Vehicle Code~~ or a similar provision of a local ordinance ~~[625 ILCS 5/11-501]~~, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401 ~~of the Illinois Vehicle Code [625 ILCS 5/11-401]~~, or drag racing in violation of IVC Section 11-504 ~~of the Illinois Vehicle Code [625 ILCS 5/11-504]~~; or
 - 3) Law Enforcement Officer's Sworn Report.
- e) An FFRPA Family Financial Responsibility Driving Permit issued pursuant to IVC Section 7-702.1 ~~of the Illinois Family Financial Responsibility Law [625 ILCS 5/702.1]~~ shall be valid until it is invalidated, suspended, revoked or canceled, or as specified by the court~~Court~~.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- f) The Department shall invalidate ~~an a-~~FFRP, upon receipt of a court order indicating the permittee is no longer entitled to ~~thesueh~~ permit, in the same manner ~~thatas~~ a driver's license may be invalidated.
- g) The Department, upon receipt of authenticated documentation that the obligor is in compliance with the court order of support or that the order of suspension has been stayed, shall terminate the FFRP.
- h) In order to reinstate the privileges ~~suspended pursuant to IVC Section 7-702(a) or (b) under the Illinois Family Financial Responsibility Law~~, the Department must receive authenticated documentation on a form prepared or approved by the Secretary of State ~~that includes which must include~~ case number, driver's license number, name, address and county, date of birth, sex, notice of compliance or stay, signature of circuit clerk, issuing judge, circuit court, court seal, street and city.
- i) Any submitted authenticated report or Record of Nonpayment of Court-Ordered Child Support that ~~is may be~~ defective by not containing sufficient information or ~~has been~~ completed in error shall not be entered into the record, ~~but and~~ shall be returned to the court of jurisdiction, ~~and shall indicate indicating~~ why the order of suspension cannot be entered unless the necessary information is submitted.
- j) Any submitted court order that contains insufficient data or fails to comply with any provisions of this Part or Article VII of the ~~Illinois Vehicle Code Illinois Family Financial Responsibility Law [625 ILCS 5/Ch. 7, Art. VII]~~ shall be returned to the court of jurisdiction indicating why the ~~FFRP Family Financial Responsibility Driving Permit~~ cannot be issued at that time.
- k) The Secretary of State, upon receipt of a written request for administrative hearing that is received by the Department of Administrative Hearings prior to the effective date of the suspension, ~~on a form prescribed by the Secretary~~, shall stay the Family Financial Responsibility Suspension in accordance with ~~IVC Section 7-706 Family Financial Responsibility~~.
- l) The Secretary of State, upon receipt of an Order to Stay as listed on the Notice of Compliance prior to or after the effective date of the suspension, shall stay the Family Financial Responsibility Suspension in accordance with ~~IVC Section 7-704 of the Illinois Family Financial Responsibility Law [625 ILCS 5/7-704]~~.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- m) An obligor whose driving privileges have been suspended pursuant to [IVC Section 7-702](#) ~~of the Illinois Family Financial Responsibility Law~~ and possesses ~~an FFRPa Family Financial Responsibility Driving Permit~~ shall be required to renew his/her driving privileges in the same manner as set forth in [IVC Section 6-115](#) ~~of the Illinois Vehicle Code [625 ILCS 5/6-115]~~. Non-renewal of a driver's license pursuant to [IVC Section 6-115](#) will result in invalidation of the ~~FFRP Family Financial Responsibility Driving Permit~~.
- n) The fee collected by the Department for reinstatement of a driver's license following a suspension shall be as prescribed by [IVC Sections](#) ~~Section 6-118 of the Illinois Vehicle Code and Section 7-707 of the Illinois Family Financial Responsibility Law~~ and shall be charged for each suspension entered pursuant to [IVC Section 7-704](#) ~~of the Illinois Family Financial Responsibility Law [625 ILCS 5/6-118, 7-707 and 7-704]~~.
- o) The Department shall enter an order of suspension pursuant to IVC Section 7-702(c) when the Department of Healthcare and Family Services submits the certification to the Department when the person is 90 days or more delinquent in payment of support under an order of support issued by an administrative body of this or any other state. The certification shall include the person's name, address, date of birth, sex and case number.
- p) The Department shall enter a notice of compliance for purposes of IVC Section 7-702(c) when HFS electronically submits a certification of compliance to the Department when the person has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligations in a manner satisfactory to HFS. The certification of compliance must include the person's name, address, date of birth, sex and case number.
- q) Any electronic submission to the Department from HFS that contains insufficient data or fails to comply with any provisions of Ch. 7, Art. VII of the Illinois Vehicle Code shall be rejected and returned electronically to HFS.

(Source: Amended at 32 Ill. Reg. 16507, effective September 25, 2008)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1600.100	Amendment
1600.110	Amendment
1600.120	Amendment
1600.130	Amendment
1600.202	New Section
1600.203	New Section
1600.205	Amendment
1600.210	Amendment
1600.220	Amendment
1600.230	Amendment
1600.240	Amendment
1600.250	Amendment
1600.260	Amendment
1600.270	Amendment
1600.300	Amendment
1600.305	New Section
1600.310	Amendment
1600.320	Amendment
1600.400	Amendment
1600.410	Amendment
1600.420	Amendment
1600.430	Amendment
1600.431	New Section
1600.432	New Section
1600.440	Amendment
1600.450	Amendment
1600.500	Amendment
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) Effective Date of Amendments: September 25, 2008
- 6) Does this rulemaking contain an automatic repeal date? No

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the SURS office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: May 9, 2008; 32 Ill. Reg. 7280
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Grammatical changes that were suggested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Clarification of various rules.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Albert Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

217/378-7516 or 217/378-8838

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

Section	
1600.100	Definitions
1600.110	Freedom of Information Act
1600.120	Open Meetings Act
1600.130	Procurement

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section	
1600.202	Return to Employment
1600.203	Independent Contractors
1600.205	Compensation Subject to Withholding
1600.210	Crediting Interest on Participant Employee Contributions and Other Reserves
1600.220	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.230	Election to Pay Contributions Based upon Upon Employment that Which Preceded Certification as a Participant
1600.240	Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
1600.250	Sick Leave Accrual Schedule
1600.260	Part-time/Concurrent Service Adjustment
1600.270	Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

SUBPART C: CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section	
1600.300	Effective Beneficiary Designations
1600.305	Full-Time Student Survivors Insurance Beneficiaries
1600.310	Dependency of Beneficiaries
1600.320	Procedures to be Followed in Medical Evaluation of Disability Claims

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section

1600.400	Determination of Final Rate of Earnings Period
1600.410	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.420	Making Preliminary Estimated Payments
1600.430	Excess Benefit Arrangement
1600.431	Indirect Payments to Minors and Legally Disabled Persons
1600.432	Indirect Payments to Child Survivors Through the Surviving Spouse
1600.440	Voluntary Deductions from Annuity Payments
1600.450	Overpayment Recovery

SUBPART E: ADMINISTRATIVE REVIEW

Section

1600.500	Rules of Practice – Nature and Requirements of Formal Hearings
----------	--

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

1600.600	Definitions
1600.605	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.610	Curing Minor Deficiencies
1600.615	Filing a QILDRO with the System
1600.620	Modified QILDROs
1600.625	Benefits Affected by a QILDRO
1600.630	Effect of a Valid QILDRO
1600.635	QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.640	Alternate Payee's Address
1600.645	Electing Form of Payment
1600.650	Automatic Annual Increases
1600.655	Expiration of a QILDRO
1600.660	Reciprocal Systems QILDRO Policy Statement
1600.665	Providing Benefit Information for Divorce Purposes

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008.

SUBPART A: GENERAL

Section 1600.100 Definitions

Certain terms used frequently throughout this Part are defined in this Section. Unless the context requires a different meaning, other terms used in this Part shall be defined and interpreted in accordance with Article 15 of the Illinois Pension Code [40 ILCS 5/Art. 15]. The definition of a term under a specific Section or Subpart shall supercede, for the purposes of that Section or Subpart, this Section.

"Annuitant" – A person receiving a retirement, reversionary, survivors or beneficiary annuity or disability retirement annuity from the System. [40 ILCS 5/15-119]

"Annuity Payment Period" – The period beginning on the date specified by the participant submitting a written application, which shall not be prior to termination of employment or more than one year before the application is received by the Board of Trustees of SURS; however, if the participant is not an employee of an employer participating in SURS or in a participating system as defined in Article 20 of the Code on April 1 of the calendar year next following the calendar year in which the participant attains age 70½, the annuity payment

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

period shall begin on that date regardless of whether an application has been filed. [40 ILCS 5/15-135(b)]

"Board" – The Board of Trustees of the State Universities Retirement System as constituted under 40 ILCS 5/15-159.

"Claims Committee" – An appointed Board committee delegated with authority to hear cases and recommend findings of fact and conclusions of law according to Board policy and Section 1600.500.

"Code" or "Pension Code" – The Illinois Pension Code [40 ILCS 5].

"Effective Rate of Interest" – *The interest rate for all or any part of a fiscal year that is determined by the Board based on factors including the System's past and expected investment experience; historical and expected fluctuations in the market value of investments; the desirability of minimizing volatility in the effective rate of interest from year to year; and the provision of reserves for anticipated losses upon sales, redemptions, or other disposition of investments and for variations in interest experience. [40 ILCS 5/15-125(2)]*

"Employee" – A person defined as an "employee" under 40 ILCS 5/15-107.

"Employer" – An entity defined as an "employer" under 40 ILCS 5/15-106.

"Executive Director" – The chief administrative officer of SURS, appointed by the Board.

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

"General Counsel" – In-house legal counsel for SURS.

"IRS" – Internal Revenue Service of the U.S. Department of the Treasury.

"IRC" – Internal Revenue Code (26 USC 1 et seq.).

"Member" – A SURS participant or annuitant.

"Participant" – A person participating in SURS under Section 15-134 of the Code.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

"Participating Employee" – A participant who at the time is an employee.

"Prescribed Rate of Interest" – The rate of interest to be used in actuarial valuation and in development of actuarial tables. The prescribed rate of interest is determined by the Board on the basis of the probable average effective rate of interest on a long term basis. [40 ILCS 5/15-125(1)]

"Principal Office of SURS" – State Universities Retirement System, 1901 Fox Drive, Champaign IL 61820.

"SURS" or "System" – Illinois State Universities Retirement System created by Article 15 of the Code [40 ILCS 5/Art. 15].

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.110 Freedom of Information Act

- a) Purpose. This Section establishes policies and procedures specific to ~~the State Universities Retirement System (SURS)~~ concerning requests for information made under ~~FOIA the Freedom of Information Act (the Act)~~ [5 ILCS 140].
- b) Freedom of Information Officer. The Freedom of Information Officer is the staff member at SURS responsible for responding to all requests for information on behalf of SURS as the "public body" under ~~FOIA the Act~~ and is also responsible for maintaining all records required to be kept under ~~FOIA that Act~~ and this Section. The Freedom of Information Officer shall be designated by the Executive Director. Denials issued by the Freedom of Information Officer shall be appealed to the Executive Director as the "head of the public body" under ~~FOIA the Act~~.
- c) Fees. Subject to a waiver or reduction of the fee if warranted under Section 6 of ~~FOIA the Act [5 ILCS 140/6]~~, fees may be imposed on the requester to recover costs of document production or reproduction according to the following schedule:
 - 1) Photostatic copying of paper documents:
 - A) Black and white copies shall be charged at \$0.05 per page;

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- B) Color copies shall be charged at \$0.13 per page.
- 2) Printing of electronic documents or microfilmed/microfiched documents shall be charged at \$0.05 per page.
- 3) Physical shipping and facsimile transmission costs shall be charged to the extent those costs are incurred. Electronic transmission via e-mail shall be provided at no charge.
- d) Exemptions. Consistent with Section 7 of [FOIAthe Act](#), the following public records shall be exempt from inspection and copying: personal information that includes any personally identifying or identifiable information other than names or benefit amounts, including Social Security numbers and addresses of participants and annuitants, and names and Social Security numbers and addresses of beneficiaries.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.120 Open Meetings Act

- a) Introduction
- 1) The Illinois Open Meetings Act [5 ILCS 120] sets forth *the public policy of the State of Illinois that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. It is also the public policy of the State that its citizens be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way.*
- 2) *It is the intent of the [Open Meetings Act](#):*
- A) *to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly;*
- B) *to protect the citizen's right to know; and*
- C) *that provisions for exceptions to the open meeting requirements be strictly construed against closed meetings. [5 ILCS 120/1]*

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 3) By means of this Section, SURS has established procedures to conduct its business in accordance with the Open Meetings Act.

b) DefinitionDefinitions

- 1) ~~"Employee" – A person employed by SURS whose relationship with SURS constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor. [5 ILCS 120/2(d)]~~

2) ~~"Meeting" – Any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the Board of Trustees held for the purpose of discussing SURS business. [5 ILCS 120/1.02]~~ Unless the Board sets a quorum in excess of 5 members, a gathering of 3 or more members of the Board ~~of Trustees~~ for the purpose of discussing SURS business shall be considered a meeting. A quorum for a Board ~~of Trustees~~ committee is the least number more than one-half of the members of the committee. A quorum of the Board or of a Board committee must be physically present at the location of an open meeting of the Board ~~of Trustees~~ or the committee, respectively. If, however, an open meeting of the Board ~~of Trustees~~ or a Board ~~of Trustees~~ committee is held simultaneously at one of its offices and one or more other locations in a public building, which may include other of its offices, through an interactive video conference and public notice is provided as required under the Open Meetings Act for all locations, then members physically present in those locations all count towards determining a quorum. "Public building", as used in this Section, means any building or portion of a building owned or leased by any public body. The requirement that a quorum be physically present at the location of an open meeting shall not apply, however, to Board ~~of Trustees~~ committees that do not have authority to make binding recommendations or determinations or to take any other substantive action.

- 3) ~~"Public body" – The Board of Trustees of SURS. All references to the Board of Trustees shall also encompass any committees of the Board where the context so requires.~~

- 4) ~~"Quasi-adjudicative body" – An administrative body charged by law or~~

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

~~ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon. [5 ILCS 120/2(d)]
The Claims Committee shall be considered a quasi-adjudicative body.~~

- c) Attendance by a Means Other Than Physical Presence
- 1) If a quorum of the members of the Board ~~of Trustees~~ or a Board committee is physically present as required by subsection (b)(~~2~~), a majority of those physically present, or at least 3 physically present members of a committee consisting of 5 members, the quorum may allow a member of that body to attend the meeting by other means (video or audio conference) if the member is prevented from physically attending because of:
 - A) personal illness or disability;
 - B) employment purposes or the business of the public body; or
 - C) a family or other emergency.
 - 2) If a member wishes to attend a meeting by other means, the member must notify the recording secretary of the Board ~~of Trustees~~ or the Board committee before the meeting unless advance notice is impractical.
 - 3) A majority of the Board ~~of Trustees~~ or a committee may allow a member to attend a meeting by other means only in accordance with and to the extent allowed by this subsection (c).
 - 4) Except as provided in this subsection (c)(4), the limitations of this subsection (c) shall not apply to closed meetings of the Board ~~of Trustees~~ or the Executive Committee or to open or closed meetings of any other subsidiary body, including without limitation any committee other than the Executive Committee, that does not have authority to make binding recommendations or determinations or to take any other substantive action. If the limitations of this subsection (c) do not apply, any or all members of the Board ~~of Trustees~~ or a subsidiary body may attend a meeting by audio or video conference. An open meeting attended by audio or video conference will be broadcast at the properly noticed location of the meeting. Neither advance notice nor permission for such

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

means of attendance is required. No minimum number of members need by physically present at the noticed location of the meeting.

- d) Time and Place of Open Meetings
- 1) *All open meetings shall be held at specified times and places which are convenient and open to the public.*
 - 2) *No open meeting shall be held on a legal holiday unless the regular meeting day falls on that holiday. [5 ILCS 120/2.01]*
- e) Public Notice; Agenda; Schedule
- 1) Posting. *Public notice shall be given by posting a copy of the notice at the principal office of SURS, ~~1901 Fox Drive, Champaign.~~ [5 ILCS 120/2.02(a)]. Copies of the posted notice shall also be given to any news medium that has filed with the Executive Director ~~of SURS~~ an annual request for notice of meetings- [5 ILCS 120/2.02(b)].*
 - 2) News ~~Medium Request~~*medium request*. Any news medium may file with the Executive Director of SURS an annual request for public notice of all meetings of the Board of Trustees of SURS. The Executive Director shall maintain an updated list of all news media ~~that~~*which* have filed ~~such~~ annual requests and shall be responsible for seeing that ~~thesuch~~ news media receive the notices mandated by the Open Meetings Act and ~~this Section~~*by this policy*.
 - 3) Regular ~~Meetings~~*meetings*. *Public notice shall be given of the schedule of regular meetings at the beginning of each fiscal year, stating the regular dates, times, and places of each ~~such~~ meeting.*
 - A) *Agenda of ~~Regular Meetings~~regular meetings. An agenda for each regular meeting shall be posted in accordance with subsection (e)(1) at least 48 hours in advance of the holding of the meeting. However, this requirement shall not preclude the consideration of items not specifically set forth in the agenda. [5 ILCS 120/2.02(a)]*
 - B) *Schedule of ~~Regular Meetings~~regular meetings. At the beginning of each fiscal year, the Executive Director of SURS shall prepare*

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

and make available a schedule of all its regular meetings for ~~thatsueh~~ fiscal year, listing the times and places of ~~such~~ meetings.

- C) Change in ~~Regular Meeting Date~~~~regular meeting date~~. *If a change is made in a regular meeting date, at least 10 days' notice of ~~thesueh~~ change shall be given by publication in the official State newspaper. Notice of ~~thesueh~~ change shall also be posted at the principal office of SURS, 1901 Fox Drive, Champaign. Notice of ~~thesueh~~ change shall also be given to any news medium that has filed with the Executive Director of SURS an annual request for notice of meetings.* [5 ILCS 120/2.03]
- 4) Special ~~Meetings~~~~meetings~~. Public notice of any special meeting shall be given at least 48 hours before ~~thesueh~~ meeting.
- A) Agenda of ~~Special Meetings~~~~special meetings~~. *An agenda of a special meeting shall also be included with the public notice of ~~thesueh~~ meeting. However, the validity of any action taken by the Board ~~that of Trustees which~~ is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda.* [5 ILCS 120/2.02(a)]
- B) News ~~Medium Notice~~~~medium notice~~. *Any news medium ~~that which~~ has filed an annual request for notice shall be given the same notice of any special meeting in the same manner as is given to members of the Board ~~of Trustees~~, provided that ~~thesueh~~ news medium has given the Executive Director of SURS an address or telephone number within Illinois at which ~~such~~ notice may be given.* [5 ILCS 120/2.02(b)]
- 5) Rescheduled or ~~Reconvened Meetings~~~~reconvened meetings~~. *Public notice of any rescheduled or reconvened meeting shall be given at least 48 hours before ~~thesueh~~ meeting.*
- A) Exception to ~~Notice Requirement~~~~notice requirement~~. No public notice is required to be given of any reconvened meeting ~~when where~~ the meeting was open to the public and either:
- i) ~~thesueh~~ meeting is to be reconvened within 24 hours; or

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- ii) *an announcement of the time and place of the reconvened meeting is made at the original meeting and there is no change in the agenda.* [5 ILCS 120/2.02(a)]

- B) Agenda of ~~Rescheduled~~ rescheduled or Reconvened Meeting ~~reconvened meeting~~. *An agenda of a rescheduled or reconvened meeting shall also be included with the public notice of ~~the~~ such meeting. However, the validity of any action taken by the Board ~~that of Trustees which~~ is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda.* [5 ILCS 120/2.02(a)]

- C) News Medium Notice ~~medium notice~~. *Any news medium ~~that~~ which has filed an annual request for notice shall be given the same notice of any rescheduled or reconvened meeting in the same manner as is given to members of the Board ~~of Trustees~~, provided that ~~the~~ such news medium has given the Executive Director ~~of SURS~~ an address or telephone number within Illinois at which ~~such~~ notice may be given.* [5 ILCS 120/2.02(b)]

- 6) Emergency Meeting ~~meeting~~. *Notice of an emergency meeting shall be given as soon as is practicable. In any event, prior to an emergency meeting being held, notice shall be given to any news medium ~~that~~ which has filed an annual request for notice.* [5 ILCS 120/2.02(a)] *Any news medium ~~that~~ which has filed an annual request for notice shall be given the same notice of any emergency meeting in the same manner as is given to members of the Board ~~of Trustees~~, provided that ~~the~~ such news medium has given the Executive Director ~~of SURS~~ an address or telephone number within Illinois at which ~~such~~ notice may be given.* [5 ILCS 120/2.02(b)]

- f) Recording Meeting
 - 1) *Any person may record by tape, film or other means the proceedings at any open meeting, subject to ~~such~~ rules as may be prescribed by the Board of Trustees, and subject to subsection (f)(2) and the provisions of Section 8-701 of the Code of Civil Procedure [735 ILCS 120/8-701].* [5 ILCS 120/2.05]

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

2) *If any witness at any meeting required to be open under the Open Meetings Act refuses to testify on the grounds that he or she may not be compelled to testify if any portion of his or her testimony is to be broadcast or televised or if motion pictures are to be taken, then the authority holding the meeting shall prohibit any ~~such~~ recording during the testimony of the witness. Nothing in this subsection (f) shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of Section 8-701 of the Code of Civil Procedure. [5 ILCS 120/2.05]*

g) Closed Meetings

1) Subject. The Board ~~or a Board committee of Trustees~~ may hold closed meetings to consider [any subject permitted under Section 2\(c\) of the Open Meetings Act, including](#) the following subjects:

- A) *The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of SURS, including hearing testimony on a complaint lodged against an employee to determine its validity [5 ILCS 120/2(c)(1)];*
- B) *Collective negotiating matters between SURS and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees [5 ILCS 120/2(c)(2)];*
- C) *Evidence or testimony presented in open hearing, or in closed hearing ~~when~~~~where~~ specifically authorized by law, to a quasi-adjudicative body, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning [5 ILCS 120/2(c)(4)];*
- D) *The purchase or lease of real property for the use of SURS [5 ILCS 120/2(c)(5)];*
- E) *The setting of a price for sale or lease of real property owned by SURS [5 ILCS 120/2(c)(6)];*
- F) *The sale or purchase of securities, investments, or investment contracts [5 ILCS 120/2(c)(7)];*

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- G) *Emergency security procedures and the use of personnel and equipment to respond to actual danger to the safety of employees, staff, or public property, provided that a description of the actual danger shall be made a part of the motion to close the meeting [5 ILCS 120/2(c)(8)];*
- H) *Litigation, when an action against, affecting or on behalf of SURS has been filed and is pending before a court or administrative tribunal, or when the Board ~~or a Board committee of Trustees~~ finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting [5 ILCS 120/2(c)(11)];*
- I) *Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which SURS is a member [5 ILCS 120/2(c)(16)];*
- J) *The classification and discussion of matters classified as confidential or continued confidential by the State Employees Suggestion Award Board (see 20 ILCS 405/67.28) [5 ILCS 120/2(c)(20)]; and*
- K) *Discussion of minutes of closed meetings, whether for purposes of approval by the Board ~~or Board committee of Trustees~~ of the minutes, or for purposes of semiannual review of the minutes [5 ILCS 120/2(c)(21)].*
- 2) Procedure
- A) *Vote. Upon the majority vote of a quorum present of the Board ~~or Board committee of Trustees~~ at an open meeting, the Board may hold a meeting closed to the public or may close a portion of a meeting to the public. The motion to close a meeting, or a portion ~~of the meeting thereof~~, shall state a citation to the specific exemption set forth in Section 2 of the Open Meetings Act. The vote of each member shall be taken by roll call vote, shall be publicly disclosed, and shall be recorded and entered into the minutes of the meeting.*

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- B) Subject. *Only topics specified in the vote to close may be considered during the closed meeting.*
- C) Series of ~~Meetings~~meetings. *A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, provided each meeting in ~~thesuch~~ series involves the same particular matters and is scheduled to be held within no more than 3 months after the vote.*
[5 ILCS 120/2a]
- h) Minutes of Meetings
- 1) Open Meetings
- A) Content. The Board ~~or Board committee of Trustees~~ shall keep written minutes of all open meetings. The minutes shall include:
- i) the date, time and place of the meeting;
- ii) the members of the Board recorded as either present or absent, and whether the members were physically present or present by means of video or audio conference; and
- iii) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.
- B) Public ~~Inspection~~inspection. The minutes of any open meeting shall be available for public inspection within 7 days after the approval of ~~thesuch~~ minutes by the Board ~~or Board committee of Trustees~~.
- 2) Closed Meetings
- A) Content. The Board ~~or Board committee of Trustees~~ shall keep written minutes of all closed meetings. The minutes shall include:
- i) the date, time and place of the meeting;

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- ii) *the members of the Board recorded as either present or absent; and*
 - iii) *a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.*
- B) Public ~~Inspection~~~~inspection~~. *The minutes of any closed meeting shall be available for public inspection only after the Board of ~~Trustees~~ determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping ~~thesuch~~ minutes confidential.*
- C) Semiannual ~~Review~~~~review~~. *The Board of ~~Trustees~~ shall semiannually review minutes of all closed meetings. At ~~closedsuch~~ meetings, a determination shall be made, and reported in an open session, that either:*
- i) *the need for confidentiality still exists as to all or a part of those minutes; or*
 - ii) *the minutes or portions ~~of the minutes~~~~thereof~~ no longer require confidential treatment and are available for public inspection. [5 ILCS 120/2.06]*

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.130 Procurement

- a) Introduction. It is the policy of ~~SURS~~~~the State Universities Retirement System~~ to obtain goods and services in the most economical manner in order to guarantee the efficient utilization of ~~SURS~~~~System~~ resources. Resources of ~~SURS~~~~the System~~ shall be committed only with proper approval, as detailed in this Section.
- b) Purchase Orders. Employees requesting goods or services that cost more than \$500 and that are not part of a formal written contract shall complete a SURS purchase order form and receive written approval from the person designated by the Executive Director as the Procurement Officer prior to placing the order. Purchases of less than \$500 do not require a purchase order, but must be within the authority of the employee to purchase.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- c) Contract Policy. It is the policy of ~~SURS~~the State Universities Retirement System to standardize the form and content of its contracts with public and private bodies in order to ensure compliance with applicable State law, to ensure fairness to all parties, and to maximize uniformity of language.
- 1) Standard Addendum. In order to simplify the contracting process, SURS has developed a standard contract addendum that includes certifications considered advisable or required by State law. The standard addendum shall be completed and attached to (or incorporated within) all contracts and purchase orders entered into by ~~SURS~~the System, but shall not be required for purchase orders of \$10,000 or less. Any variation from the terms of the standard addendum shall be approved by ~~SURS~~the System's General Counsel. The standard addendum may be revised by the General Counsel from time to time.
- 2) Written Contracts-
- A) Execution Requirements. All expenditures in excess of \$10,000 ~~that, which~~ are not otherwise covered by any exemption stated in this Section, shall require a written contract reviewed and approved by legal counsel to SURS. Contracts in any amount shall be executed by the Executive Director or his or her designee, unless executed by the President of the Board ~~of Trustees~~. No goods or services may be acquired, nor work commenced (unless the vendor specifically assumes the risk of non-payment in the event no contract is entered into), prior to the execution of a contract as provided in this Section. A copy of each contract shall be retained by the Chief Financial Officer.
- B) Signature Requirements
- i) Except as provided in subsection (c)(2)(B)(ii), contracts ~~Contracts~~ in excess of \$250,000 require the signatures of the Executive Director, the Chief Financial Officer ~~Deputy Director of Finance~~ and the General Counsel.
- ii) In addition to the requirements of subsection (c)(2)(B)(i), ~~Notwithstanding the foregoing,~~ all contracts

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

with persons who are fiduciaries with respect to any investments of ~~SURS~~the System shall also be signed by the President of the Board, or his or her designee, except that the Executive Director's signature is sufficient with respect to investment management agreements or other contracts with Board-approved investment service providers and contract amendments with existing Board-approved investment service providers. The Executive Director shall provide a report of such execution, with a description of any contract or amendment executed, to the Investment Committee of the Board at the next regularly scheduled meeting.

~~No goods or services may be acquired, nor work commenced (unless the vendor specifically assumes the risk of non-payment in the event no contract is entered into), prior to the execution of a contract as provided in this Section. A copy of each contract shall be retained by the Deputy Director of Finance.~~

- d) Documentation and Bidding – Expenditures in Excess of \$25,000
- 1) Employees shall seek to obtain the best value for ~~SURS~~the System. Efforts to obtain the best value for ~~SURS~~the System shall be documented where possible and retained by ~~SURS~~the System. Expenditures in excess of \$25,000 require bids from at least three different sources, unless otherwise provided in this Section. Sole source procurements, or other procurements with fewer than three bids, for expenditures in excess of \$25,000 shall be justified and documented. If two or more identical bids are received, if an attempt to bribe an employee is made, or other irregularities are discovered by a SURS employee, the General Counsel and the Internal Auditor shall be notified.
 - 2) All procurements in excess of \$25,000, unless otherwise provided in this Section, shall be advertised in the official State newspaper, in the Illinois Procurement Bulletin, in SURS procurement bulletins, in appropriate media, or through electronic means such as the Internet. ~~Notice~~Such notice shall be published on at least 3 separate dates with a minimum of 14 days between the first and the last publication date.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 3) All procurements for goods and services in excess of \$25,000, unless otherwise provided in this Section, shall be awarded by competitive proposals. Each request for proposal shall set forth a description of the items or services being procured, the material contractual terms and conditions, and the criteria for evaluating proposals. Awards made pursuant to ~~such~~ competitive selection procedures shall be awarded to the responsible offeror whose proposal is determined to be most advantageous to SURS. SURS may directly negotiate with any offeror as to the terms of a proposal. Competitive proposals may be used to procure, but are not limited to, professional and artistic services, including legal, medical and related services, investment management and consulting, electronic data processing equipment, software and services, and telecommunications equipment, software and services.
- 4) The following procurements do not require advertising or the use of competitive proposals:
 - A) Individual contracts for goods, services or construction not exceeding \$25,000;
 - B) Emergency procurements, such as when there exists a threat to public health or safety, or when immediate expenditure is necessary in order to protect against loss of or damage to SURS property or interests, or to prevent or minimize disruption in SURS services, or when necessary to prepare for anticipated litigation, enforcement actions, or investigations, or to protect the integrity or confidentiality of SURS records. ~~A; provided that a~~ written determination ~~must beis~~ made that an emergency exists; and
 - C) Utilities and other sole-source items.
- e) Purchasing
 - 1) Employees are allowed to make purchases provided that the goods or services are budgeted for, and a purchase order (for purchases in excess of \$500) is completed and has written approval in advance of placing the order, or a formal contract (for purchases in excess of \$10,000) is executed, and the provisions of this Section are complied with. Employees other than those designated by the Executive Director are not

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

allowed to make purchases of office supplies, computer equipment, or software.

- 2) SURS shall not pay Illinois sales tax. Employees must direct the vendor to exclude ~~Illinois sales tax from any such charge on~~ invoices. Employees should also ask if discounted State rates are available for purchases.
- 3) Invoices should be approved for payment within 30 days after the receipt of the invoice. Approval should not be given for goods and services that do not conform to SURS' requirements. The vendor shall be promptly notified in writing if SURS does not approve an invoice for payment and ~~shall be~~ advised of the reason for the denial. If approval is made after 30 days, a full explanation should be attached to the invoice.
- 4) Advance payment for goods and services is discouraged. If advance payment is required, the employee shall complete a certification as specified in Section 9.05 of the State Finance Act [30 ILCS 105/9.05]. In the event that a voucher is submitted for advance payment, the voucher shall state on its face that the goods or services are being procured pursuant to a formal written contract the terms of which require advance payment. If it is not possible to execute a written contract, the voucher shall so state. The certification is not required for payment of conference fees, purchase of travel tickets, purchase of periodicals, and required deposits of less than \$500. The certification shall be in the following format:

"I certify that the goods or services specified on this contract or purchase order were for the use of this agency and that the expenditure for ~~thesesueh~~ goods or services was authorized and lawfully incurred; that ~~thesueh~~ goods or services meet all the required standards set forth in the purchase order or contract to which this certification relates; and that the amount shown on this voucher is correct and is approved for payment."

Insert following sentence in certification if applicable:

"It is not possible to execute a formal written contract."

Date

Signature

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section 1600.202 Return to Employment

Purpose. This Section defines terms used in Section 15-139 of the Code [40 ILCS 5/15-139] concerning annuitants who return to employment.

- a) For the purposes of Section 15-139 of the Code:
- 1) "Annuitant" means a person who is receiving a retirement annuity or who has received a lump-sum retirement benefit from SURS, or, if the retirement annuity payment or payments have not yet been paid due to SURS processing, a person whose retirement annuity payment period has commenced. However:
 - A) a person who has received a lump-sum retirement benefit is not an annuitant for purposes of Section 15-139(b) of the Code; and
 - B) a person who is receiving or who has received retirement benefits under the Self-Managed Plan is not an annuitant.
 - 2) "Retirement annuity payment period" means the annuity payment period beginning on the date specified by the participant submitting a written application, which date shall not be prior to termination of employment or more than one year before the application is received by the Board; however, if the participant is not an employee of an employer participating in this System or in a participating system as defined in Article 20 of the Code on April 1 of the calendar year next following the calendar year in which the participant attains age 70½, the annuity payment period shall begin on that date regardless of whether an application has been filed [40 ILCS 5/15-135(b)].
 - 3) "Employee" means an employee as defined by Section 15-107 of the Code.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 4) "Employment" means a relationship with any "employer" (as defined by Section 15-106 of the Code) that would qualify the annuitant as an employee, except for service as a member of the Illinois Educational Labor Relations Board.
- 5) "Compensation" means any remuneration paid by an employer that is reportable by the employer as "wages, tips, or other compensation" on Internal Revenue Service Form W-2, unless the remuneration is received for serving as a member of the Illinois Educational Labor Relations Board.
- b) For purposes of Section 15-139(c) of the Code only, "reemployed" means the annuitant has established a relationship with any employer that would qualify the annuitant as an employee under applicable law; except, the employment must be on a permanent and continuous basis or in a position in which the annuitant is expected to serve for at least 9 months.
- c) It shall be the duty of the employer and employee to notify SURS in a timely manner of any employment that could result in the cancellation or reduction of the retirement annuity under Section 15-139 of the Code.

(Source: Added at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.203 Independent Contractors

Any individual claiming to be an independent contractor exempt from participation in SURS as an employee under Section 15-107 of the Code or from the provision governing annuitants who return to employment or receive compensation from any employer as set forth in Section 15-139 of the Code must file Form SS-8 (Determination of Employee Work Status for Purposes of Federal Employment Taxes and Income Tax Withholding) with the IRS seeking confirmation of independent contractor status. An IRS Form SS-8 independent contractor determination must be filed with SURS before an individual can be considered to be exempt from SURS participation as an employee or reemployed employee. The individual shall file with SURS a copy of the IRS formal determination or information letter received in response to the Form SS-8, which may then be used in further consideration of the individual's independent contractor status.

(Source: Added at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.205 Compensation Subject to Withholding

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

Section 15-157 of the Illinois Pension Code requires every participating employee to make contributions of 8% of his or her pay to fund the benefits payable under ~~SURS~~ [the State Universities Retirement System](#). This contribution is deducted from the [participating](#) employee's pay on a pre-tax basis and remitted to SURS via payroll deduction. The contributions are made as a percentage of the [participating](#) employee's "earnings". Earnings are defined at Section 15-111 of the ~~Illinois Pension Code~~ [\[40 ILCS 5/15-111\]](#). This Section states SURS' interpretation of what items of compensation are includable as earnings for the purposes of Section 15-111. The following shall be used when determining whether certain payments to employees are subject to SURS withholding.

- a) Determination of the Purpose of the Payment
 - 1) If the payment is for services rendered, then the payment is subject to SURS withholding.
 - 2) If the payment is for a reason other than services rendered, it would not be subject to SURS withholding.
 - 3) Other Payments
 - A) Bonuses; Awards. Bonuses received by an employee that are related to services rendered for a specific period of time, not to exceed one academic year, shall be included in earnings subject to SURS withholding. Awards, such as longevity of service awards or outstanding employee awards, that are not associated with a particular time period are not subject to SURS withholding.
 - B) Retirement Payments or Incentives. Payments made to induce someone to retire, or not to retire, are not for services rendered, but are made in conjunction with an employee's retirement and are not subject to SURS withholding. These payments are also not includable in the final rate of earnings under Section 15-112.
 - C) Group Fringe Benefits. Group fringe benefits provided by the employer are not subject to SURS withholding. However, employer paid premiums on employer-provided group term life insurance in excess of \$50,000 are subject to SURS withholding.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- D) Housing Allowance. A housing allowance, whether in the form of a direct salary payment or as a residence in which the employee resides, is subject to SURS withholding.
 - E) Automobile Allowance. An automobile allowance in the form of a direct salary payment is subject to SURS withholding. However, neither business use nor personal use of an employer-provided automobile is subject to SURS withholding.
 - F) Non-Qualified Moving Expenses. Non-qualified moving expenses (see 26 USC 217) are not subject to SURS withholding as they are not furnished in lieu of salary.
 - G) Unused Sick Leave Paid at Termination of Employment. These payments are not subject to SURS withholding, except for collectively bargained payments made in accordance with Section 15-112 of the [Illinois Pension Code](#).
 - H) Overtime. Overtime is subject to SURS withholding.
 - I) Miscellaneous Other Benefits. Fringe benefits that are provided in lieu of salary are subject to SURS withholding. Items that are not provided in lieu of salary (such as reimbursement for out-of-pocket travel expenses, relocation expenses, etc.) are not subject to SURS withholding. Items such as country club dues, tuition waivers, tickets to athletic and performing arts events for family members of employees, and other items that are reported as taxable income on the employee's Form W-2 are not subject to SURS withholding, unless those items are a negotiated fringe benefit in lieu of salary.
- b) Earning History
Certain earnings may be excludable from the "final rate of earnings" determined under Section 15-112 of the [Illinois Pension Code](#). Earnings are always attributable to the period when earned, not when paid. SURS reserves the right to reallocate reported earnings to the period when earned, when this is necessary to accurately reflect the employee's earning history.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

Section 1600.210 Crediting Interest on ~~Participant Employee~~ Contributions and Other Reserves

- a) On the first of each month, ~~participant employee~~ contributions and all other reserves, except the reserves for undistributed interest and gains and losses on investments, shall be credited with interest at the effective rate in accordance with subsections (b) and (c) of this Section.
- b) The balance in the account at the end of the preceding fiscal year shall be credited with one-twelfth of one year of interest at the effective rate.
- c) A participant accepting a refund shall be entitled to interest to the first day of the month in which the refund is paid.
- d) The prescribed rate of interest shall be compounded annually, and the rate shall be determined periodically by the Board ~~of Trustees~~ based upon the probable average effective rate of interest on a long-term basis.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay

- a) A participant may elect to pay contributions covering leaves of absence at less than 50% pay, except military leave and periods of disability leave in excess of 60 days, if the participant pays the contributions required by the ~~Illinois Pension Code~~ in accordance with ~~this Section~~ rules prescribed by the Board upon the participant's basic compensation on the date the leave begins. In order to pay contributions covering such leaves of absence, the participant must:
 - 1) return to employment covered by ~~SURSthe State Universities Retirement System~~ at the expiration of the leave, or within 30 days after the termination of a disability ~~that~~which occurs during the leave, and continues this employment at a percentage of time equal to or greater than the percentage of time immediately preceding the leave of absence for at least 8 consecutive months or a period equal to the period of the leave, whichever is less; or
 - 2) be precluded from meeting the foregoing conditions because of disability

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

or death.

b) Immediate Payment

- 1) The election must be filed by the later of 30 days after the beginning date of the leave or, in the event of late notification of the leave by the employer, 30 days after the date the participant is sent the election form.
- 2) Payment of contributions must be received by 30 days after the last day of the month for which the contributions are payable. In the event of late notification of the payment schedule by ~~SURSthe System~~, the participant must catch up the past due contribution within 30 days after the date he or she is sent the payment schedule and the remainder of the contributions must be received within the required 30 days.

c) Subsequent Payment

If a participant fails to comply with the conditions set forth in subsection (b) ~~of this Section~~, he or she may purchase service and earnings credit for the leave by paying the contributions and interest on the contributions at the effective rate from the academic year-end in which the leave occurred. Payments under this subsection may not be made earlier than the date on which the participant fulfills the return from leave requirements found in Section 15-113.2 of the ~~Illinois Pension~~ Code.

- d) No payment may be made for service covering leaves of absence after the date the participant dies or begins receiving a retirement annuity or disability retirement allowance.
- e) If a participant purchases service credit covering a leave of absence but fails to meet the conditions set forth in the preceding subsections of this Section, the payment made shall be refunded without interest.
- f) Not more than 3 years of service credit for leaves of absence in any period of 10 years may be purchased.
- g) This Section is not applicable to a participant who is on special leave of absence for service with a teacher organization.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

Section 1600.230 Election to Pay Contributions Based upon ~~Upon~~ Employment that ~~Which~~ Preceded Certification as a Participant

- a) A participant who meets the conditions of the~~Under the provisions of the Illinois Pension Code, a participant~~ may elect to pay contributions plus interest on the contribution~~thereon~~ at the rate established by the ~~Illinois Pension Code~~ covering any period of employment:
- 1) after August 31, 1941, at one-half time or more for an employer covered by ~~SURS~~the State Universities Retirement System, which preceded the date that he or she became a participant; and
 - 2) any period of full-time employment with the United States government, the government of a state, a political subdivision of a state, or an agency or instrumentality of any of the foregoing, that~~which~~ preceded the date that he or she became a participant, ~~if he has met the conditions set forth in the Illinois Pension Code.~~
- b) The participant may purchase, during the fiscal year in which ~~his~~ employment terminates or in which ~~his~~ retirement annuity begins, not less than 1/4 year of additional service credit for not less than 1/4 year of the~~such~~ employment described in subsection (a). If ~~the participant~~he elects to purchase ~~such~~ credit described in subsection (a) prior to the fiscal year in which ~~his~~ employment terminates, he or she must purchase at least one year of additional service credit, unless the total service credit ~~which~~ he or she is entitled to purchase on ~~the~~ basis of this employment is less than one year. No payment may be accepted for this service after the beginning of the annuity payment period described in Section 15-135(b) of the Code~~date the participant begins receiving a retirement annuity.~~

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA

- a) Under Section 15-157(d) of the ~~Illinois Pension Code~~ ~~[40 ILCS 5/15-157(d)]~~, ~~if the Board, by rule permits~~, and subject to ~~such~~ conditions and limitations as may be specified in this Section~~those rules~~, a participant may make other additional contributions of such percentage of earnings or amounts as the participant shall

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

elect in a written notice received by the Board. Under Section 1-118 of the Code, SURS shall comply with the requirements imposed on it by the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) (38 USC 4301 et seq.).

- b) "Military leave", as used in this Section, means periods during which a participating employee~~participant~~ is placed on leave by an employer for active duty in the uniformed services of the United States while a participating employee under SURS~~this System~~; and:
- 1) returns to employment covered by SURS within the time periods and in the manner required under 20 CFR 1002.115~~this System at the expiration of the leave~~, or within 30 days after the termination of a disability that occurs during the leave; or
 - 2) is precluded from meeting the conditions set forth in subsection (b)(1) because of disability or death.
- c) The participating employee~~A participant~~ may elect to make contributions to SURS~~the System~~ for any period of military leave or portion of the military leave~~thereof, as~~ designated by the participating employee~~participant~~. The contributions must be made at the rates provided in subsections (a) through (e) of Section 15-157(a) through (c) of the Illinois Pension Code [40 ILCS 5/15-157(a)-(e)]~~based upon the participant's rate of pay as determined under 20 CFR 1002.267~~basic compensation on the last date as a participating employee prior to the military leave.
- d) The participating employee~~participant~~ may make contributions while on military leave. No contributions may be made for military leave under this Section after the earliest of the following:
- 1) the beginning of the annuity payment period~~date of receipt of a retirement annuity~~;
 - 2) the date of receipt of a disability retirement allowance;
 - 3) the date of the participant's death; ~~or~~

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 4) [the date of separation from the post-military leave employment with the employer; or](#)
- 54) [the expiration of](#) a period beginning with the date of reemployment that is no longer than three times the period of military service, but not to exceed 5 years.
- e) If the participant makes a contribution under this Section, but is later found to have failed to meet the conditions set forth in this Section, the [contribution payment](#) made shall be refunded without interest.
- f) [Military Service Prior to July 12, 2005. If a participating employee fulfilled the applicable requirements of USERRA and subsection \(b\) prior to July 12, 2005, then he or she will be deemed to have returned to employment on July 12, 2005 for purposes of subsection \(d\)\(4\).](#)
- g) [Award of Service Credit. Service credit shall be granted as required under USERRA for military leave periods purchased under this Section.](#)
- h) [Self-Managed Plan Participants. Participating employees covered under the Self-Managed Plan may make contributions for qualifying periods of military leave for periods described under subsection \(b\) at rates provided under Sections 15-158.2\(h\) and 15-157 of the Code based upon the participating employee's rate of pay as determined under 20 CFR 1002.267 \(2008, no subsequent dates or editions\). The employer contributions shall be credited to the participant's account on a pro-rated basis relative to the amount of participant contributions paid and at the rate specified under Section 15-158.2\(h\) of the Code. The employer contributions shall be credited to the participant's account within the timeframes required under 20 CFR 1002.262 \(2008, no subsequent dates or editions\) following each contribution payment made under this Section.](#)

(Source: Amended at 32 Ill. Reg. 16515, effective September 25 ,2008)

Section 1600.250 Sick Leave Accrual Schedule

- a) Under Section 15-113.4 of the ~~Illinois Pension Code~~, [\[40 ILCS 5/15-113.4\]](#) SURS grants service credit for unused sick leave.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- b) A ~~participant~~~~member~~ who retires within 60 days immediately following his or her termination with an employer covered under ~~SURS~~~~the State Universities Retirement System~~ or other ~~reciprocal~~-system subject to the Retirement Systems Reciprocal Act [40 ILCS 5/20] is entitled to credit for service for that portion of unused and unpaid sick leave earned in the course of employment.
- c) The employer must certify the number of unused and unpaid sick days consistent with subsection (e) on the member's termination report provided to SURS, or other form acceptable to SURS.
- d) Service credit is granted for unused and unpaid sick leave verified by the employer in accordance with the following schedule:
- 1) 0-29 full calendar days and 0-19 full work days = no service credit
 - 2) 30-90 full calendar days and 20-59 full work days = 0.25 years of service credit
 - 3) 91-180 full calendar days and 60-119 full work days = 0.50 years of service credit
 - 4) 181-270 full calendar days and 120-179 full work days = 0.75 years of service credit
 - 5) 271 or more full calendar days and 180 or more full work days = 1 year of service credit
- e) Only uncompensated, unused sick leave earned in accordance with an employer's sick leave accrual policy generally applicable to employees or a class of employees will be taken into account in calculating service credit under this Section. Any sick leave granted by an employer to facilitate the hiring, retirement, termination, or other special circumstances of a participant ~~an employee~~ will not be taken into account in calculating service credit for retirement.
- f) If a participant transfers from one employer to another, the unused sick leave credited by the previous employer will be considered in determining service to be credited under this Section, even if the participant terminated prior to August 23, 1989 (the effective date of P.A. 86-272) ~~(August 23, 1989)~~, so long as the

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

subsequent employer did not credit the participant with that sick leave from the previous employer.

- g) ~~This Section is effective for all retirements after January 23, 2004. However, a participant who entered into a written retirement agreement, for example pursuant to a collective bargaining agreement, prior to January 23, 2004, with a retirement date not exceeding four years from January 23, 2004, will not be limited to the schedule set forth in subsection (d), provided that:~~
- 1) ~~the System is provided with documentation that, in the System's sole discretion, establishes that the retirement agreement was entered into prior to January 23, 2004; and~~
 - 2) ~~a copy of such written retirement agreement is filed with the System within 90 days after January 23, 2004.~~

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.260 Part-time/Concurrent Service Adjustment

This Section will clarify how the *percentage of time employed for each such year of employment* is determined for the service adjustment under Section 15-134.1(b) of the ~~Illinois Pension Code~~ ~~[40 ILCS 5/15-134.1(b)]~~. This percentage cannot exceed 100%.

- a) Determine the average monthly percent time worked.
 - 1) Establish the monthly full-time equivalent (FTE) earnings for each employer by dividing the monthly earnings from that employer by the percent time the participant worked for that employer for that month.
 - 2) Total the participant's earnings from all employers for that month and divide by the highest full-time equivalent.
 - 3) This results in the average monthly percent time worked.
 - 4) Example:

<u>Employer</u>	<u>Actual Monthly Earnings</u>	<u>Monthly % Time Worked</u>	<u>Monthly FTE</u>
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STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

Employer #1	\$200	20%	\$1,000
Employer #2	\$375	30%	\$1,250 (highest)
Employer #3	\$420	40%	\$1,050
Total Actual	\$995		

Average monthly percent time worked = 79.6% (\$995 divided by \$1,250)

- b) Determine the percentage of time employed for each ~~relevant~~ year of employment.
- 1) Total the average monthly percent time worked for each month in the academic year for which the participant had earnings.
 - 2) Divide this number by the total number of months during the academic year for which the participant had earnings.
 - 3) This calculation results in the percentage of time employed for each ~~such~~ year of employment.
 - 4) Example:

<u>Average monthly % time worked</u>	<u>Earnings in:</u>
79.6	September
67.5	October
54.3	November
78.5	December
35.2	February
38.9	March
44.5	April
37.5	May
Total 436.0	8 months of earnings

Percentage of time employed for ~~the each such~~ year of employment is 54.5% (436.0 divided by 8).

- c) Calculate ~~Annuity~~annuity.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 1) In calculating a retirement annuity, if the participant's "percentage of time employed for each ~~such~~ year of employment is 50% or less for 3 or more years after September 1, 1959, service is granted for ~~such~~ employment in excess of 3 years", in the proportion that the percentage of time employed for each ~~such~~ year of employment bears to the average annual percentage of time employed during the period on which the final rate of earnings is based. An example calculation for this subsection (c) is:

Year	Unadjusted Service	Percentage of Time Employed	Adjusted Service
1	1.00	25%	1.00
2	1.00	25%	1.00
3	1.00	30%	1.00
4	1.00	30%/57.50%	0.5217
5	1.00	45%/57.50%	0.7826
6	1.00	50%/57.50%	0.8696
7	1.00	55%	1.00
8	1.00	60%	1.00
9	1.00	65%	1.00
	9.00		8.1739

- 2) In this example, the final rate of earnings are based on years 6 through 9. The average annual percentage of time employed during the period on which the final rate of earnings is based is 57.5%. This is the sum of years 6 through 9 percentages divided by 4.
- 3) Years 1 through 6 have percentages of 50% or less and must be tested for adjustment. The participant ~~receives~~ receive 3 of these years without adjustment. To maximize the service that is used in the calculation of the retirement annuity, those years with the smallest percentages will be applied to the 3 years the participant receives without adjustment. In this example, that is years 1 through 3. Therefore, only years 4 through 6 require adjustment. To determine the adjusted service, divide the "percentage of time employed" by the "average annual percentage of time employed during the period on which the final rate of earnings is based", then multiply by the unadjusted service. If year 4's unadjusted service had been 0.50 year, the adjusted service would have been $30\%/57.5\% \times 0.50 = .2609$.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- d) The service credit adjustment in subsection (c) is not made in determining the participant's eligibility for a retirement annuity, disability benefits, additional death benefits, or survivors' insurance.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25 ,2008)

Section 1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

Purpose. This Section implements [Section 40 ILCS 5/15-155\(g\), \(h\), \(i\), \(j\), and \(k\) of the Code](#). [This Section shall not apply to benefits from other retirement systems or pension funds payable under the Retirement Systems Reciprocal Act \(Article 20 of the Code\)](#).

- a) Calculation of the Employer Cost. This calculation is made ~~when~~[where](#) a monthly benefit is calculated from the participant's final rate of earnings (FRE). The "present value of the increase in benefits" described in Section 15-155(g), called the "Employer Cost", will be calculated as follows:
- 1) The earnings, as defined in Section 15-111 [of the Code](#), for every academic year in the FRE period, as defined in Section 15-112 [of the Code](#), are adjusted on a full-time equivalent basis.
 - A) 48 Month FREs and Partial Academic Years. ~~When~~[Where](#) the final rate of earnings for a participant is the average annual earnings during the 48 consecutive calendar month period ending with the last day of final termination of employment, any partial academic year at the beginning of the final rate of earnings period will be disregarded.
 - B) Full-Time Equivalent (FTE) Basis
 - i) ~~SURS will~~[The System shall](#) adjust earnings from an employer in a manner consistent with the percent time employed reported by the employer.
 - ii) The FTE earnings of an academic year shall equal the total earnings in the academic year divided by the average percent time of employment.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- C) Earnings credited during periods of service purchased under Sections 15-113.1 through 15-113.7 of the Code shall be determined on a FTE basis.
- D) For the purpose of Section 15-155(g), earnings do not include payments made under a collective bargaining agreement for unused sick leave or payments made for unused vacation.
- 2) The FTE earnings of each academic year in the FRE period are limited to 106% of the previous academic year's FTE earnings to yield the "Capped FTE Earnings" of each academic year.
- 3) The Capped FTE Earnings of each academic year are multiplied by their respective average percent times of employment to yield the "Capped Earnings" for each academic year. The Capped Earnings shall be used to determine the "Capped FRE".
- 4) The "Benefit Increase" shall equal the difference between the FRE and the Capped FRE, multiplied by the number of years of service, and further multiplied by 2.2%.
- 5) The Employer Cost equals the actuarial present value of the Benefit Increase. This actuarial present value calculation will be made by using actuarial tables provided by SURS~~the System's~~ actuary from time to time. The actuarial table used will correspond with the type of monthly benefit that is provided to the participant. A single-life annuity table will be used when~~where~~ a traditional benefit package~~Traditional Benefit Package~~ participant has no eligible survivor at the time of retirement. If the participant had employment with more than one employer during the final rate of earnings period, the Employer Cost is calculated for each employer using only the earnings with that employer. However, no Employer Cost will be assessed among multiple, concurrent employers if the increase in total earnings for the concurrent academic year in the FRE period does not exceed 6% over the total earnings of the previous academic year.
- b) Employer Billing
- 1) Billing. *Whenever it determines that a payment is or may be required under Section 15-155(g), SURS will*~~the System shall~~ *calculate the amount*

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

of the payment and bill the employer for the amount. The bill ~~will~~shall specify the calculations used to determine the amount due.

- 2) Request for Recalculation. *If the employer disputes the amount of the bill, it may, within 30 days after receipt of the bill, apply to ~~SURS~~the System in writing for a recalculation. The application must specify the grounds of the dispute and, if the employer asserts the calculation is subject to Section 15-155(h) or ~~15-155(i)~~, must include an affidavit setting forth and attesting to all facts within the employer's knowledge that are pertinent to the applicability of Section 15-155(h) or ~~15-155(i)~~. Upon receiving a timely application for recalculation, ~~SURS will~~the System shall review the application and, if appropriate, recalculate the amount due.*
 - 3) Payment. *The employer contributions required under Section 15-155(g) may be paid in the form of a lump sum within 90 days after the receipt of the bill. If the employer contributions are not paid within 90 days after receipt of the bill, then interest will be charged at a rate equal to ~~SURS~~the System's prescribed rate of interest (~~defined under Section 15-125(1)~~) compounded annually from the 91st day after the receipt of the bill. Payments must be concluded within 3 years after the employer's receipt of the bill. [40 ILCS 5/15-155(g)]*
- c) Exclusions for ~~Earnings Increases Paid~~earnings increases paid on or after June 1, 2005, but before July 1, 2011, under Section 15-155(h)-
- 1) Grandfathering. *When assessing payment for any amount due under Section 15-155(g), ~~SURS will~~the System shall exclude earnings increases paid to participants required under contracts or collective bargaining agreements entered into, amended, or renewed before June 1, 2005. [40 ILCS 5/15-155(h)] Such contracts are "grandfathered". For the purposes of Section 15-155(h):*
 - A) A contract or collective bargaining agreement is "entered into, amended or renewed" on the earliest of the following:
 - i) the date the governing body of the employer voted to accept the contract or collective bargaining agreement;

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- ii) the date the contract or collective bargaining agreement was executed in final form by the parties; or
 - iii) the date the parties to the contract or collective bargaining agreement reached a tentative agreement regarding the terms of the contract or collective bargaining agreement, provided that the tentative agreement is subsequently approved by the governing body of the employer on or after June 1, 2005, without any changes to the terms that have the effects described under subsection (c)(1)(B)(i) or ~~(e)(1)(B)~~(ii).
- B) A contract or collective bargaining agreement will not exclude earnings increases paid under the contract or agreement if the contract or agreement is amended or renegotiated after June 1, 2005, to have the effect of:
- i) increasing the earnings usable for the FRE (except ~~when~~where the increase is the result of a salary reopener provision ~~that, which provision~~ was a part of the contract or collective bargaining agreement prior to June 1, 2005); or
 - ii) extending the expiration date of the contract (in ~~which such~~ case, the earnings will be excluded only through the original expiration date of the contract).
- C) Miscellaneous
- i) A contract exception made by an employer for an individual shall disqualify that individual's earnings increases from grandfathering but shall not invalidate the grandfathering for any other persons.
 - ii) A memorandum of understanding between the employer and the collective bargaining unit to increase the credit hours available shall not invalidate the contract, but any earnings increases because of the increased credit hours shall not be excluded from the calculation under subsection

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- (a) ~~of this Section~~, unless Section 15-155(h) or ~~15-155~~(i) applies.
- iii) When a member has given notice to the employer of ~~his or her~~ intent to retire pursuant to the terms of a grandfathered contract or collective bargaining agreement, earnings provided under the contract or collective bargaining agreement shall be excluded so long as the earnings are provided to the member within four years after the expiration date of the contract or collective bargaining agreement.
- iv) Notwithstanding the other provisions of this subsection (c)(1) above, earnings paid under a grandfathered contract on or after July 1, 2011 shall not be excluded from earnings under subsection (a).
- 2) Earnings 10 Years Prior to Retirement Eligibility. *When assessing payment for any amount due under Section 15-155(g), ~~SURS will the System shall~~ exclude earnings increases paid to a participant at a time when the participant is 10 or more years from retirement eligibility under Section 15-135 of the Code.* [40 ILCS 5/15-155(h)] Earnings increases paid in academic years preceding and including the academic year during which the participant was 10 years from attaining ~~his or her~~ earliest retirement eligibility shall be excluded.
- 3) Overloads and Overtime
- A) *Earnings increases resulting from overload work, including a contract for summer teaching, or overtime when the employer has certified to ~~SURS the System~~, and ~~SURS the System~~ has approved the certification, that:*
- i) *in the case of overloads:*
- the overload work is for the sole purpose of academic instruction in excess of the standard number of instruction hours for a full-time employee occurring during the academic year that the overload is paid; and*

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- *the earnings increases are equal to or less than the rate of pay for academic instruction computed using the participant's current salary rate and work schedule; and*
- ii) *in the case of overtime, the overtime was necessary for the educational mission. [40 ILCS 5/15-155(h)]*
- B) The certification shall be in the form adopted by ~~SURS~~the System and be signed by a duly authorized representative of the employer. The certification must be accompanied by supporting documentation as required by the form.
- C) The standard number of instruction hours for a full-time employee shall be consistent with employer policy in force for the academic year in which the overload earnings were earned.
- 4) Promotions
 - A) *When assessing payment for any amount due under Section 15-155(g), ~~SURS will~~the System shall exclude earnings increases resulting from:*
 - i) *a promotion for which the employee moves from one classification to a higher classification under the State Universities Civil Service System;*
 - ii) *a promotion in academic rank for a tenured or tenure-track faculty position; or*
 - iii) *a promotion that the Illinois Community College Board has recommended in accordance with Section 15-155(k).*
 - B) *The earnings increases referenced in subsection (c)(4)(A) shall be excluded only if the promotion is to a position that has existed and been filled by a member for no less than one complete academic year and the earnings increase as a result of the promotion is an increase that results in an amount no greater than the average salary paid for other similar positions. [40 ILCS 5/15-155(h)]*

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- C) The employer shall certify that the promotion is to a position that has existed and been filled by a member for no less than one complete academic year and the earnings increase as a result of the promotion is an increase that results in an amount no greater than the average salary paid for other similar positions. The certification shall be in the form adopted by [SURS~~the System~~](#) and be signed by a duly authorized representative of the employer. The certification must be accompanied by supporting documentation as required by the form.
- D) The phrase "an amount no greater than the average salary paid for other similar positions" shall mean the midpoint of the salary range for the position or similar positions as most recently approved by the Merit Board of the State Universities Civil Service [System](#) or the current average salary paid for tenured or tenure-track faculty positions in the same department, as the case may be.
- d) Exclusions for earnings increases described in Section 15-155(h) paid on or after July 1, 2011, but before July 1, 2014, under a contract or collective bargaining agreement entered into, amended, or renewed on or after June 1, 2005, but before July 1, 2011, under Section 15-155(i). For the purpose of Section 15-155(i), a contract or collective bargaining agreement is "entered into, amended or renewed" on the earliest of the following:
- 1) the date the governing body of the employer voted to accept the contract or collective bargaining agreement;
 - 2) the date the contract or collective bargaining agreement was executed in final form by the parties; or
 - 3) the date the parties to the contract or collective bargaining agreement reached a tentative agreement regarding the terms of the contract or collective bargaining agreement, provided that the tentative agreement is subsequently approved by the governing body of the employer on or after July 1, 2011; without any changes to the terms that have the effect of extending the expiration date.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- e) The exclusions under subsections (c) and (d) shall not apply to earnings increases paid after June 30, 2014.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

SUBPART C: CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section 1600.300 Effective Beneficiary Designations

Purpose. Under Section 15-120 of the ~~Illinois Pension~~ Code ~~[40 ILCS 5/15-120]~~, "beneficiary" is defined as a person or persons designated by the participant or annuitant in the last written designation on file with the Board or, if no person so designated survives or if no designation is on file, the estate of the participant or annuitant.

a) Definitions

- 1) "Last written designation", for the purposes of Section 15-120 of the ~~Illinois Pension~~ Code and this Section, shall mean the last valid beneficiary designation on file with ~~SURSthe System~~ up to and including the date of death of the participant or annuitant.
- 2) "On file", for the purposes of Section 15-120 of the ~~Illinois Pension~~ Code and this Section, shall mean a beneficiary designation that has been received and date stamped by ~~SURSthe System~~.
- 3) "Member", for the purposes of this Section, shall mean a participant or annuitant.
- 4) "Agent", for the purposes of this Section, shall mean a participant's or annuitant's agent expressly authorized to change beneficiaries pursuant to an effective power of attorney or guardianship.

- b) Original Signature and Supporting Documentation. A beneficiary designation shall be deemed valid only if the beneficiary designation received contains an original signature of the member or an agent. Beneficiary designations containing a copy of the member's or agent's signature, whether electronic or photographic, shall be invalid. A copy of the power of attorney or a certified copy of the guardianship order expressly authorizing the change of beneficiaries must accompany a beneficiary designation executed by an agent.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- c) Disputed Designations. If a dispute arises in the interpretation of the last written designation or, in the opinion of ~~SURS~~~~the System~~, the designation is ambiguous, then the contesting beneficiaries shall seek a court determination as to the designation's interpretation. If no beneficiary brings a court action within a reasonable time, depending on factors including, but not limited to, delays in obtaining paperwork and the extent to which the parties have attempted to resolve the dispute, SURS ~~then the System~~ may seek a court determination.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.305 Full-Time Student Survivors Insurance Beneficiaries

- a) For purposes of 40 ILCS 5/15-145(c), a full-time student shall be one who is enrolled in a course of study in an accredited educational institution (other than a program of study by correspondence), and who is carrying a full-time workload as determined by the educational institution during the regular school year for the course of study the student is pursuing.
- b) Accredited educational institutions include schools, colleges, universities and post-secondary vocational institutions whose courses of study are approved by appropriate state or federal educational accreditation authorities.
- c) A regular school year is the 8 to 9 months that includes two semester terms or three quarter terms (or their equivalent), excluding the summer term. Terms that begin after April 15 and end before September 16 are considered summer terms.
- d) Survivors benefits shall be payable during the period between regular school years, such as winter breaks or summer terms, if the benefit recipient carried a full-time workload in the preceding semester and is enrolled for a full-time workload in the following semester.
- e) To verify that an eligible child is a full-time student, SURS must receive a certification signed by an official of the educational institution confirming that the student is a full-time student as provided in subsection (a).

(Source: Added at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.310 Dependency of Beneficiaries

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- a) Section 15-141 of the ~~Illinois Pension~~ Code ~~[40 ILCS 5/15-141]~~ grants an additional death benefit to a beneficiary who, ~~under the rules of the Board,~~ was dependent upon the ~~participant employee~~ at the time of ~~his~~ death. For the purpose of this Section, a dependent is defined as one who bears toward the ~~participant employee~~ any one of the following relationships: spouse; son, daughter, or any other child toward whom the ~~participant employee~~ stands in loco parentis and who is under ~~18~~~~eighteen~~ years of age; or any person who, at the time of the ~~participant's employee's~~ death, was receiving at least one-half support from the ~~participant employee~~.
- b) If ~~a participant an employee~~ has designated two or more beneficiaries, and, at the time of the ~~participant's employee's~~ death, any of the beneficiaries are dependent as defined in subsection (a), the additional death benefit is payable, but only to the dependent beneficiaries.
- c) If a death benefit is payable to the estate or a trust of ~~a participant an employee~~, and one or more of the beneficiaries of the estate or trust are dependent as defined in subsection (a), it will be assumed that the estate or trust is a dependent for the purpose of determining the amount of the benefit payable.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.320 Procedures to be Followed in Medical Evaluation of Disability Claims

- a) Section 15-150 of the ~~Illinois Pension~~ Code ~~[40 ILCS 5/15-150]~~ provides that *a ~~participant an employee~~ shall be considered disabled only during the period for which the Board has received a written certificate by at least 2 licensed and practicing physicians appointed by the Board stating that the ~~participant employee~~ is disabled and unable to reasonably perform the duties of his or her assigned position and a written certificate by the employer that the ~~participant employee~~ is unable to perform the duties of his or her assigned position.*
- b) The ~~Illinois Pension~~ Code authorizes the Board to employ ~~such~~ medical services as shall be required for the efficient administration of ~~SUR~~~~the System~~.
- c) Appointment of Medical Director. The Board ~~of Trustees of the State Universities Retirement System~~ has appointed a Medical Director whose responsibility is to review the medical reports received from the examining

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

physicians, and to advise the Board as to whether the medical requirements of the ~~Illinois Pension~~ Code have been met.

d) Appointment of Examining Physicians

1) Unless otherwise authorized by the Executive Committee or the Board ~~of Trustees~~ on recommendation of the Medical Director, the following shall be the examining physicians:

A) The attending physician or physicians designated by the ~~participant employee~~; and

B) The ~~health officer~~ Health Officer of the employer or some other physician who is designated by the employer.

2) If the ~~participant employee~~ has not been examined by the employer's ~~health officer~~ Health Officer or by some other physician who is designated by the employer, the Medical Director shall appoint some other physician to conduct the examination and to submit a recommendation regarding the disability of the ~~participant employee~~.

3) If, in the opinion of the Medical Director, the nature of the disability or other circumstances justify the appointment of someone other than the ~~participant's employee's~~ attending physician or employer's ~~health officer~~ Health Officer as the examining physicians, ~~the Medical Director~~ shall appoint a special examining physician or physicians.

e) Determination of Disability. If the examining physicians certify that the ~~participant employee~~ is disabled, the ~~participant employee~~ shall be considered as disabled.

f) Disagreement among Examining Physicians. If the examining physicians are not in agreement as to whether the ~~participant employee~~ is disabled, the Medical Director shall appoint some other licensed and practicing physician to conduct a special medical examination and submit a recommendation as to whether the ~~participant employee~~ is able to perform the duties of his ~~or her~~ assigned position. If the special examining physician agrees that the ~~participant employee~~ is disabled, the Medical Director shall recommend that the claim be approved.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- g) Certification of Disability by the Employer. The ~~Illinois Pension~~ Code provides that ~~a participant an employee~~ may qualify for disability benefits only if the ~~employer Employer~~ certifies that the ~~participant Employee~~ is unable to perform the duties of his ~~or her~~ assigned position. This certification shall be completed by any officer authorized by the employer to make this certification. The certification of the employer may be based upon a medical examination given by the employer's ~~health officer Health Officer~~ or upon medical reports submitted to ~~the health officer him~~ by other examining physicians.
- h) Subsequent ~~Reexamination reexamination~~ of ~~Disabled Participants disabled employees~~
- 1) It shall be the responsibility of the Medical Director to secure from examining physicians, periodically, reports concerning the continued disability of the ~~participant employee~~. The date of reevaluation of the ~~participant's employee's~~ ability to perform his ~~or her~~ duties shall be determined by the Medical Director on the basis of the medical reports received previously, the nature of the disability, or other relevant information.
 - 2) In reevaluation of disability claims, the examining physician shall be the attending physician designated by the ~~participant employee~~, but, if, in the opinion of the Medical Director, the nature of the disability or other circumstances justify the appointment of someone other than the ~~participant's employee's~~ attending physician as the examining physician, ~~the Medical Director he~~ shall make ~~the such~~ appointment. The certification of disability by the employer may be based upon the medical reports received from the employer's ~~health officer Health Officer~~ or other physicians. All other procedures ~~that which~~ may be applicable in processing the initial claim for disability benefits shall be followed in reevaluation of the claim.
- i) Amendment or Repeal of Medical Evaluation Regulations. This Section is issued by the Board ~~of Trustees of the State Universities Retirement System~~ in accordance with the provisions of the ~~Illinois Pension~~ Code. The right is reserved to rescind or amend ~~this Section these regulations~~ in whole or in part at anytime. However, no rescission or amendment shall be effective, until the rescission or amendment has been filed with the Secretary of State. Amendment or repeal ~~of these regulations~~ will be made in accordance with the Illinois Administrative

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

Procedure Act [5 ILCS 100].

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section 1600.400 Determination of Final Rate of Earnings Period

- a) Section 15-112 of the ~~Illinois Pension~~ Code ~~[40 ILCS 5/15-112]~~ defines a ~~participant's~~ ~~an employee's~~ final rate of earnings by reference to average annual earnings over *either the last 48 months of consecutive service or the 4 consecutive academic years during which the ~~participant's~~ ~~employee's~~ earnings were highest.* This Section establishes a mechanism for determining the period of employment that is used to calculate a ~~participant's~~ ~~an employee's~~ final rate of earnings. This Section is not intended to provide guidance on any other aspect of determining the amount of the final rate of earnings.
- b) For all ~~participant~~ ~~employees~~, ~~SURS~~ ~~the System~~ will calculate the average annual earnings during the 4 consecutive academic years of service in which ~~the~~ ~~participant's~~ ~~his or her~~ earnings were the highest. The academic year for a ~~participant~~ ~~an employee~~ begins on the first day of the fall term of his or her employer and ends on the day before the first day of the next fall term. For example, if the first day of the employer's fall term is August 15, then the academic year begins on August 15 and ends: on the following August 14 if the next fall term begins August 15; August 12 if the next fall term begins August 13; or ~~on~~ the following August 17 if the next fall term begins August 18. If the employer does not have an academic program divided into terms, the academic year begins on September 1 and ends on the following August 31. For all ~~participant~~ ~~employees~~, except those identified in subsection (c) of this Section, the final rate of earnings will be that amount calculated under this subsection (b).
- c) For a ~~participant~~ ~~an employee~~ who is paid on an hourly basis or who receives an annual salary in installments during 12 months of each academic year, ~~SURS~~ ~~the System~~ will also calculate average annual earnings during the 48 consecutive calendar month period ending with the last day of final termination of employment. The final rate of earnings for a ~~participant~~ ~~an employee~~ identified under this subsection (c) will be the larger of the calculation under this subsection (c) or the calculation under subsection (b).

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- d) ~~A participant An employee~~ paid on an "hourly basis" is ~~a participant an employee~~ who is paid per hour worked.
- e) An "annual salary" is a salary paid over 12 months for work to be performed during all 12 months of the academic year. ~~SURS~~~~The System~~ will determine if ~~a participant an employee~~ receives an annual salary by looking at the period for which services were performed, not the period over which salary payments were received, and, in determining annual salary, will not consider payment for summer teaching or any additional contracts for summer school, overloads, or any other extra services. For example, an academic employee who receives a contract to teach 9 or 10 months of the academic year, but who chooses to be paid over 12 months, is not receiving an annual salary. For further example, an academic employee who receives a contract to teach less than 12 months of the academic year plus a contract to teach summer school is not receiving an annual salary even though he or she may perform work for 12 months and be paid over 12 months as a result of teaching summer school.
- f) In determining ~~a participant's an employee's~~ "earnings", the system allocates earnings to the period in which the corresponding work was performed. Earnings are not determined by when the payment is made. For example, ~~a participant an employee~~ has a 9-month contract to teach from September through May and will be paid \$90,000. The ~~participant employee~~ has the option of receiving payment over 9 months (September through May at \$10,000 per month) or over 12 months (September through August at \$7,500 per month). The payment method chosen does not change the ~~participant's employee's~~ earnings. If the ~~participant employee~~ chooses to receive payment over 9 months or over 12 months, the earnings and the period to which they are allocated does not change. For further example, the same ~~participant employee~~ receives a contract to teach summer school during the following June, July and August and will be paid \$15,000. The ~~participant employee~~ has earnings during each of those 3 months of \$5,000. If the ~~participant employee~~ was receiving the prior 9-month contract payments during the summer, as well as \$5,000 each month for the summer contract, the payments to the ~~participant employee~~ would be \$12,500 during June, July and August, but the earnings would be \$5,000 in each month. For further example, if the ~~participant employee~~ received a lump sum payment in October of \$15,000 for the summer contract, that payment is not "earnings" in October, but is "earnings" allocated to the summer months.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- g) This Section is effective beginning March 1, 2005. However, a participant who, on March 1, 2005, is within his or her final rate of earnings period prior to retirement may have his or her final earnings calculated under either subsection (b) or ~~subsection (c)~~, even if subsection (c) would not otherwise be applicable to that participant.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases

- a) Introduction. Public Act 90-65 added to Section 15-112 of the ~~Illinois Pension Code~~ a limitation on increases in earnings for the period of time covered under the calculation of final rate of earnings. This Section is promulgated to provide guidance and interpretation to the staff of ~~SURS~~the State Universities Retirement System in implementing Section 15-112 P.A. 90-65. The 20% limitation on increases in earnings shall consider basic compensation only to the extent actually paid in exchange for services rendered.
- b) All annual increases in earnings, as defined at Section 15-111 of the ~~Illinois Pension Code~~, by ~~a participant an employee~~ during the period used in determining the final rate of earnings of 20% or less shall be deemed to be includable in the calculation of the final rate of earnings. No further inquiry shall be necessary by the staff of ~~SURS~~the System.
- c) Except as otherwise provided in subsection (d), in~~In~~ the event that there is an annual increase in earnings by ~~a participant an employee~~ during the period used in determining the final rate of earnings of greater than 20%, ~~any such~~ increase in excess of 20% shall be disregarded in calculating the final rate of earnings.
- d) Regardless of subsection (c), the following shall not be subject to the 20% increase limitation:
- 1) a change in the percentage of time worked by the ~~participant employee~~ (except that time worked in excess of 100% per employer shall be subject to the limitation);
 - 2) a change from a nine-month position to a ~~12~~twelve-month position;
 - 3) overloads or extensions, so long as the overload for which payment is

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

received took place during the period used for calculating the final rate of earnings; and

- 4) supplemental contracts, so long as verifiable additional work is performed pursuant to the supplemental contract, such as the teaching of a course additional to the customary load, or performance of duties additional to, and not in replacement of, the participant's employee's regular duties.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.420 Making Preliminary Estimated Payments

- a) ~~The State Universities Retirement System of Illinois (SURS)~~ shall make a Preliminary Estimated Payment (PEP) to members who qualify for a retirement annuity and file an application for that annuity. The purpose of a PEP is to provide members with some of their retirement income while their retirement claim is still being processed.
- b) The amount of the PEP shall be based on the highest applicable Rule described in Section 15-136 of the Code~~[40 ILCS 5/15-136]~~.
- c) The PEP calculation will not consider unverified current year earnings, nor unverified current year vacation payments, nor unverified additional credit for unused and unpaid sick leave, nor unverified Reciprocal credits, nor Early Retirement Option payments, nor additional service credit purchased after the application for retirement annuity has been received by SURS. Applicable taxes and insurance premiums will be deducted from the PEP.
- d) Date of Payment
 - 1) If the application for retirement annuity is received at least 90 days before the member's effective retirement date, the PEP will be paid on the first working day of the month following the effective date of the annuity. It will be paid each month until the retirement claim is finalized.
 - 2) If the application for retirement annuity, or the decision of the member under subsection (d)(3), is received less than 90 days before the member's effective retirement date, the PEP will be paid as soon as practicable. It will be paid each month until the retirement claim is finalized.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 3) If the member is entitled to the election under Section 15-135.1 of the ~~Illinois Pension Code [40 ILCS 5/15-135.1]~~, the member must first make or decline that election before a PEP can be calculated.
- e) Amount of Payment. SURS shall pay a PEP amount pursuant to the following calculations applying the Rules in Section 15-136(a) of the Code:
 - 1) If the member has Reciprocal Service Credit, SURS will apply Rule 2 ~~(see 40 ILCS 5/15-136)~~.
 - A) If in a Reciprocal case Rule 1 is estimated to be highest, SURS will pay 100% of the Rule 2 amount.
 - B) If in a Reciprocal case Rule 2 is estimated to be highest, SURS will pay 80% of the Rule 2 amount.
 - 2) If the member has no Reciprocal credits, SURS will pay 90% of the estimated Rule 1 amount or 90% of the estimated Rule 2 amount, whichever is higher.
 - 3) If the member makes an election under Section 15-135.1 of the Code qualifies under P.A. 91-0395, SURS will pay 100% of the estimated Rule 2 amount.
 - 4) If the member qualifies under Section 15-136.3 of the ~~Illinois Pension Code [40 ILCS 5/15-136.3]~~, SURS will pay the higher of \$75 per month or 100% of the estimated Rule 2 amount.
 - 5) If the member qualifies for a retirement annuity under Rule 4, SURS will pay 90% of the Rule 4 amount.
 - 6) If the member applies for a retirement annuity under Rule 4, but the years of service as a police officer or firefighter~~Police/Firefighter~~ have not yet been verified by staff, SURS will pay 90% of the Rule 2 amount.
- f) Once the retirement claim has been finalized, the member will receive a check for the difference between the PEP payments and the actual monthly benefit amount that is due him or her, retroactive to the effective date of the member's annuity,

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

without interest. If the PEP payments result in an overpayment, SURS will recover the overpaid benefit from future benefits, without interest.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.430 Excess Benefit Arrangement

- a) The Excess Benefit Arrangement of the State Universities Retirement System of Illinois (Arrangement) is adopted effective January 1, 1995. The Arrangement is established and maintained by ~~the State Universities Retirement System of Illinois (SURS)~~ solely for the purpose of providing benefits for certain of its participants who participate in SURS in excess of the limitations on benefits imposed by ~~sectionSection~~ 415 of the Internal Revenue Code (26 USC 415) on plans to which that ~~sectionSection~~ applies.
- b) The Arrangement is adopted pursuant to the authority granted to SURS by Section 1-116 of the ~~Illinois Pension Code~~ ~~[40 ILCS 5/1-116]~~.
- c) This Arrangement is a portion of a governmental plan (as that term is defined in ~~IRC sectionSection~~ 414(d) ~~of the Internal Revenue Code of 1986, as amended,~~ and ~~sectionSection~~ 3(32) of the Employee Retirement Income Security Act of 1974, as amended (29 USC 1002)) and is administered as a qualified governmental excess benefit arrangement pursuant to the provisions of ~~IRC sectionInternal Revenue Code Section~~ 415(m).
- d) Accordingly, SURS ~~hereby~~ adopts the Arrangement pursuant to the terms and provisions set forth ~~in this subsection (d)~~ below:
 - 1) Definitions. Wherever used in this Section, the following terms shall have the meanings set forth in this subsection (d)(1):
 - A) ~~"Board" means the Board of Trustees of SURS.~~
 - B) ~~"Code" or "IRC" means the Internal Revenue Code of 1986, as amended from time to time, and any regulations relating thereto.~~
 - C) ~~"Employer" means an employer as defined at Section 15-106 of the Illinois Pension Code.~~

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- ~~AD~~) "Retirement Date" means the beginning date of the annuity payment period set forth in Section 15-135 of the [Illinois Pension Code](#).
- ~~E)~~ "~~Participant~~" ~~means a person as defined at Section 15-108 of the Illinois Pension Code.~~
- ~~BF~~) "Arrangement" means the Excess Benefit Arrangement of the State Universities Retirement System of Illinois.
- ~~CG~~) "Qualified Plan" means the SURS plan at [Sections 15-103.1 and 15-103.2](#) ~~Article 15~~ of the [Illinois Pension Code](#).
- ~~DH~~) "Qualified Plan Retirement Benefit" means the aggregate benefit payable to a ~~participant~~ [Participant](#) pursuant to the Qualified Plan.
- ~~EI~~) "Qualified Plan Surviving Spouse Benefit" means the aggregate benefit payable to the ~~surviving spouse~~ [Surviving Spouse](#) of a ~~participant~~ [Participant](#) pursuant to the Qualified Plan.
- ~~FJ~~) "Supplemental Retirement Benefit" means the benefit payable to a ~~participant~~ [Participant](#) pursuant to the Arrangement by reason of his ~~or her~~ termination of employment with any ~~employer~~ [Employer](#) for any reason other than death.
- ~~GK~~) "Surviving Spouse" means a person as defined at Section 15-127 of the [Illinois Pension Code](#).
- ~~HL~~) "Supplemental Surviving Spouse Benefit" means the benefit payable to a ~~surviving spouse~~ [Surviving Spouse](#) pursuant to the Arrangement.
- ~~IM~~) "Limitation Year" means that period for which all calculations and determinations of benefits and contribution limits will be made under IRC section 415 and ~~the~~ [this](#) Arrangement. The ~~limitation year~~ "[Limitation Year](#)" shall be the calendar year.
- ~~N)~~ ~~Words in the masculine gender shall include the feminine and the singular shall include the plural, and vice versa, unless qualified by the~~

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

~~context. Any headings used herein are included for ease of reference only, and are not to be construed so as to alter the terms hereof.~~

- 2) Eligibility. A ~~participant~~Participant who is eligible to receive a Qualified Plan Retirement Benefit, the amount of which is reduced by reason of the application of the limitations on benefits imposed by application of IRC section 415 ~~of the Code~~, as in effect on the date ~~of~~ commencement of the Qualified Plan Retirement Benefit, or as in effect at any time thereafter, to the Qualified Plan shall be eligible to receive a Supplemental Retirement Benefit. The ~~surviving spouse~~Surviving Spouse of a ~~participant~~Participant described in the preceding sentence shall be eligible to receive a Supplemental Surviving Spouse Benefit.
- 3) Supplemental Retirement Benefit
 - A) Amount. The amount described in subsections (d)(3)(A)(i) and (ii) shall be computed annually, based upon a ~~calendar year~~ limitation year. The Supplemental Retirement Benefit payable to an eligible ~~participant~~Participant shall be a monthly amount equal to the difference between subsections (d)(3)(A)(i) and (ii).
 - i) The monthly amount of the Qualified Plan Retirement Benefit to which the ~~participant~~Participant would have been entitled under the Qualified Plan if ~~the benefits such~~Benefit were computed without giving effect to the limitations on benefits imposed by ~~application of IRC~~ section 415 ~~of the Code~~ to plans to which that ~~section~~Section applies; LESS
 - ii) The monthly amount of the Qualified Plan Retirement Benefit actually payable to the ~~participant~~Participant under the Qualified Plan.
 - B) Form of Benefit. The Supplemental Retirement Benefit payable to a ~~participant~~Participant shall be paid in the same form under which the Qualified Plan Retirement Benefit is payable to the ~~participant~~Participant. The ~~participant's~~Participant's election under the Qualified Retirement Benefit (with the valid consent of ~~the~~surviving spouse when~~his Surviving Spouse where~~ required under

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

the Qualified Plan) shall also be applicable to the payment of ~~ahis~~ Supplemental Retirement Benefit.

- C) Commencement of Benefit. Payment of the Supplemental Retirement Benefit to a ~~participant~~Participant shall commence on the same date as payment of the Qualified Plan Retirement Benefit to the ~~participant~~Participant commences. Any election under the Qualified Plan made by the ~~participant~~Participant with respect to the commencement of payment of ~~ahis~~ Qualified Plan Retirement Benefit shall also be applicable with respect to the commencement of payment of ~~thehis~~ Supplemental Retirement Benefit.

4) Supplemental Surviving Spouse Benefit

- A) Amount. If a ~~participant~~Participant dies under circumstances in which a Qualified Plan Surviving Spouse Benefit is payable to his ~~or her surviving spouse~~Surviving Spouse, then a Supplemental Surviving Spouse Benefit is payable to ~~the surviving spouse~~his ~~Surviving Spouse~~ as ~~hereinafter~~ provided ~~in this subsection~~ (d)(4)(A). The monthly amount of the Supplemental Surviving Spouse Benefit payable to a ~~surviving spouse~~Surviving Spouse shall be equal to the difference between subsections (d)(4)(A)(i) and (ii).

- i) The monthly amount of the Qualified Plan Surviving Spouse Benefit to which the ~~surviving spouse~~Surviving Spouse would have been entitled under the Qualified Plan if ~~that benefit~~such Benefit were computed without giving effect to the limitations on benefits imposed by application of ~~IRC section~~Section 415 ~~of the Code~~ to plans to which that ~~section~~Section applies; LESS

- ii) The monthly amount of the Qualified Plan Surviving Spouse Benefit actually payable to the ~~surviving spouse~~Surviving Spouse under the Qualified Plan.

- B) Form and Commencement of Benefit. A Supplemental Surviving Spouse Benefit shall commence and be payable in the same manner as the Qualified Plan Surviving Spouse Benefit is paid.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 5) Administration of the Arrangement
- A) Administration by SURS. SURS shall be responsible for the general operation and administration of the Arrangement and for carrying out the provisions ~~of the Arrangement~~~~thereof~~. SURS shall have the authority to interpret ~~the~~~~this~~ Arrangement and to issue such policies with respect to ~~the~~~~this~~ Arrangement as it deems appropriate. SURS shall have the duty and responsibility to maintain records and to make calculations and determinations of benefits ~~under the Arrangement~~~~thereunder~~. SURS regulations, interpretations, determinations, and calculations shall be final and binding upon all persons and parties concerned.
- B) General Powers of Administration. All provisions set forth in the Qualified Plan with respect to the administrative powers and duties of SURS, expenses of administration, and procedures for filing claims shall also be applicable with respect to the Arrangement, including, but not limited to, the provisions of Sections 15-185, 15-186.1, 15-187, 15-190, and 15-191 ~~of the Code~~. SURS shall be entitled to rely conclusively upon all tables, valuations, certificates, opinions, and reports furnished by any actuary, accountant, controller, counsel, or other person employed or engaged by SURS with respect to the Arrangement.
- 6) Amendment or Termination
- A) Amendment or Termination. SURS reserves the right to amend or terminate the Arrangement when, in the sole opinion of SURS, ~~such~~ amendment or termination is advisable. Any ~~such~~ amendment or termination shall be made pursuant to a resolution of the Board and shall be effective as of the date set forth in the resolution.
- B) Effect of Amendment or Termination. No amendment or termination of the Arrangement shall directly or indirectly deprive any current or former ~~participant~~~~Participant~~ or ~~surviving spouse~~~~Surviving Spouse~~ of all or any portion of any Supplemental Retirement Benefit or Supplemental Surviving Spouse Benefit

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

payment that has commenced prior to the effective date of ~~the~~such amendment or termination or ~~that~~which would be payable if the ~~participant~~Participant terminated employment for any reason, including death, on ~~that~~such effective date.

7) General Provisions

- A) Funding. The Arrangement at all times shall be entirely unfunded and no provision shall at any time be made with respect to segregating any assets of SURS, of the State of Illinois, or of any ~~employer~~Employer for payment of any benefits under the Arrangement~~hereunder~~. No ~~participant~~Participant, ~~surviving spouse~~Surviving Spouse, or any other person shall have any interest in any assets of SURS, the State, or ~~of any employer~~Employer by reason of the right to receive a benefit under the Arrangement.
- B) General Conditions. Except as otherwise expressly provided in this Section~~herein~~, all terms and conditions of the Qualified Plan applicable to a Qualified Plan Retirement Benefit or a Qualified Plan Surviving Spouse Benefit shall also be applicable to a Supplemental Retirement Benefit or a Supplemental Surviving Spouse Benefit payable under the Arrangement~~hereunder~~. Any Qualified Plan Retirement Benefit or Qualified Plan Surviving Spouse Benefit, or any other benefit payable under the Qualified Plan, shall be paid solely in accordance with the terms and conditions of the Qualified Plan and nothing in ~~the~~this Arrangement shall operate or be construed in any way to modify, amend or affect the terms and provisions of the Qualified Plan.
- C) No Guaranty of Benefits. Nothing contained in the Arrangement shall constitute a guaranty by SURS, the State, any ~~employer~~Employer, or any other entity or person that the assets of any such entity will be sufficient to pay any benefit under the Arrangement~~hereunder~~.
- D) No Enlargement of ~~Participant Employee~~Participant Rights. No ~~participant~~Participant or ~~surviving spouse~~Surviving Spouse shall have any right to a benefit under the Arrangement except in

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

accordance with the terms of the Arrangement. Establishment of the Arrangement shall not be construed to give any ~~participant~~Participant the right to be retained in the service of any ~~employer~~Employer.

- E) Applicable Law. The Arrangement shall be construed and administered under the laws of the State of Illinois.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.431 Indirect Payments to Minors and Legally Disabled Persons

Purpose. Sections 15-145(c), 15-190 and 15-191 of the Code allow SURS to make indirect payments to minors and persons under legal disability. This Section provides clarification of terms used in the statutory provisions and sets forth the procedure for handling these indirect payments.

- a) Person Under Legal Disability. For purposes of Section 15-190 of the Illinois Pension Code:
- 1) A "person under legal disability" means a person age 18 or over who meets the definition of a "disabled person" under Section 11a-2 of the Illinois Probate Act of 1975 [755 ILCS 5/11a-2]. Any person acting or applying for benefits on behalf of the person under legal disability must provide SURS with a certified copy of a valid court order finding legal disability or an evaluation certifying legal disability signed by a licensed physician.
 - 2) "Guardian" means a person who has been appointed the guardian over the property of the person under legal disability, or the guardian's successor. Any person acting in the capacity of guardian must provide SURS with a certified copy of the letters of appointment.
- b) Minor Recipients. For purposes of Section 15-191 of the Illinois Pension Code:
- 1) "Minor" means an unmarried person under age 18.
 - 2) "Guardian" means a person who has been appointed the guardian over the person or property of the minor, or the guardian's successor, by a court.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

Any person acting in the capacity of guardian must provide SURS with a certified copy of the letters of appointment.

(Source: Added at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse

Purpose. Section 15-145(c) of the Code authorizes SURS to pay the survivors insurance benefits of a child survivor to the surviving spouse if the child is "in care of" the surviving spouse. This Section defines the phrase "in care of". All references to "child" or "surviving child" in this Section assume that the child has fulfilled the applicable requirements under Section 15-145(c) of the Code and this Part to become eligible for survivor insurance benefits.

a) Surviving Child under Age 18

- 1) A surviving child under age 18 is "in care of" the surviving spouse if the child has been living with the surviving spouse for at least 30 days.
- 2) Except as provided in subsection (a)(3), a surviving child under age 18 who is living apart from the surviving spouse is "in care of" the surviving spouse if:
 - A) The child lived apart from the surviving spouse for not more than 4 months, or the current absence is not expected to last over 4 months;
 - B) The child is living apart from the surviving spouse because the child is attending school or because of the spouse's employment, but the surviving spouse makes contributions to the child's support that enable the spouse to claim the child as a dependent for federal income tax purposes or that provide at least 50% of the child's support; or
 - C) The child is living apart because of the child's physical or mental disability or because of a physical disability of the surviving spouse.
- 3) Notwithstanding subsection (a)(2), a surviving child who is living apart from the surviving spouse is not "in care of" a surviving spouse if:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- A) The child is living with his or her other parent;
 - B) The child is removed from the surviving spouse's custody and control by court order;
 - C) The surviving spouse has given the right to have custody and control of the child to someone else; or
 - D) The surviving spouse has been adjudicated by a court to be under a legal disability.
- b) Surviving Child Age 18 or Older
- 1) A surviving child between ages 18 and 22 who is a full-time student is "in care of" the surviving spouse if the surviving spouse makes contributions to the child's support that enable the spouse to claim the child as a dependent for federal income tax purposes or that provide at least 50% of the child's support.
 - 2) A surviving child of age 18 or older who was dependent upon the participant or annuitant by reason of a physical or mental disability that began prior to the date the child attained age 18 (age 22 if a full-time student) is "in care of" the surviving spouse if:
 - A) The child has been living with the surviving spouse for at least 30 days; however, the child is not "in care of" the surviving spouse if:
 - i) The child is 18 years old or older with a mental disability, but the surviving spouse does not actively supervise the child's activities and does not make important decisions about the child's needs; or
 - ii) The child is 18 years old or older with a physical disability, but it is not necessary for the surviving spouse to perform personal services for the child. Personal services are services such as dressing, feeding and managing money that the child cannot do alone because of a disability.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- B) [The surviving spouse makes contributions to the child's support that enable the spouse to claim the child as a dependent for federal income tax purposes or that provide at least 50% of the child's support.](#)

(Source: Added at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.440 Voluntary Deductions from Annuity Payments

Purpose. This Section implements procedures for voluntary deductions from annuities and disability benefits as authorized under Section 4 of the State Salary and Annuity Withholding Act (SSAWA) [5 ILCS 365/4] and Section 4.5 of the Voluntary Payroll Deductions Act of 1983 (VPDA) [5 ILCS 340/4.5]. The SSAWA allows a SURS annuitant receiving an annuity or disability benefit to authorize the withholding of a portion of his or her annuity or disability benefit for purposes enumerated in Section 4(1) through (13) of the SSAWA. In furtherance of Section 4(12) of the SSAWA, the VPDA allows a SURS annuitant receiving an annuity or disability benefit under Article 15 of the ~~Illinois Pension Code~~ [\[40 ILCS 5/Art. 15\]](#) to authorize the withholding of a portion of his or her annuity or disability benefit for contribution to a maximum of four organizations described in Section 3(b) and (c) of the VPDA. Upon written request of the annuitant, SURS may deduct from the annuity or disability benefit of the annuitant the amount specified in the voluntary deduction authorization to the entity designated by the annuitant.

- a) **Written Authorizations.** The written request for voluntary annuity or disability benefit deductions shall be made ~~either~~ by filling out and signing a SURS-prepared voluntary deduction authorization form, by written correspondence from the annuitant, or by a voluntary deduction authorization form prepared by an organization or entity authorized to solicit annuitants under the SSAWA and VPDA.
- b) **Form of Authorization.** The voluntary deduction authorization form or correspondence shall contain the following to be an effective authorization for voluntary deductions:
- 1) one or more of the following purposes authorized under the SSAWA, including the name and address of the organization or entity to receive the deduction:
 - A) *for purchase of United States Savings Bonds;*

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- B) subject to restrictions under the SSAWA, *for payment of premiums on: life or accident and health insurance, as defined in Section 4 of the Illinois Insurance Code [215 ILCS 5/4]; policies of automobile insurance as defined in Section 143.13 of the Illinois Insurance Code; and personal multiperil coverages commonly known as homeowner's insurance;*
- C) *for payment to any labor organization designated by the employee;*
- D) *for payment of dues to any association the membership of which consists of State employees and former State employees;*
- E) *for deposit in any credit union in which State employees are within the field of membership as a result of their employment;*
- F) *for payment to or for the benefit of an institution of higher education by an employee of that institution;*
- G) *for payment of parking fees at the underground facility located south of the William G. Stratton State Office Building in Springfield, the parking ramp located at 401 South College Street, west of the William G. Stratton State Office Building in Springfield, or the parking facilities located on the Urbana-Champaign campus of the University of Illinois;*
- H) *for voluntary payment to the State of Illinois of amounts then due and payable to the State;*
- I) *for investment purchases made as a participant in College Savings Programs established pursuant to Section 30-15.8a of the School Code [105 ILCS 5/30-15.8a];*
- J) *for voluntary payment to the Illinois Department of Revenue of amounts due or to become due under the Illinois Income Tax Act [35 ILCS 5];*
- K) *for payment of optional contributions to a retirement system subject to the provisions of the [Illinois Pension Code](#);*

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- L) *for contributions to organizations found qualified by the State Comptroller under the requirements set forth in the VPDA (this purpose must be accompanied by a deduction code issued by the State Comptroller);*
 - M) *for payment of fringe benefit contributions to employee benefit trust funds; (Section 4 of the SSAWA)*
- 2) the amount to be withheld from the annuity or disability benefit of the annuitant for each designated entity;
 - 3) the expiration date of the authorization, if applicable;
 - 4) the annuitant's current mailing address; and
 - 5) the annuitant's signature.
- c) **Effective Date of Authorization.** The voluntary deduction authorization shall be effective for annuities and disability benefits according to the following schedule. An authorization is deemed submitted when it is received and date stamped by SURS.
- 1) If a voluntary deduction authorization is submitted on or before the SURS monthly benefit processing date, the authorization shall be effective from the first day of the next calendar month for annuities and from the last day of the same calendar month for disability benefits.
 - 2) If a voluntary deduction authorization is submitted after the scheduled SURS monthly benefit processing date, the authorization shall be effective from the first day of the calendar month following the next calendar month for annuities and from the last day of the next calendar month for disability benefits.
- d) **Deduction Increases.** The annuitant may authorize in writing increases in amounts withheld by voluntary deduction without filing a new deduction authorization form (e.g., on account of increases in union dues). However, prior to an increase in withholding taking effect, written notice shall be given to SURS and to each affected annuitant by the entity to receive the increase.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- e) Termination and Reinstatement. Effective voluntary deduction authorizations may be terminated at any time by the annuitant by written request. Absent a written request for termination, an effective voluntary deduction authorization is automatically terminated upon reaching the date of expiration as indicated on the written request for voluntary deductions. If no expiration date is indicated, then the voluntary deduction authorization continues to be effective for each recurring annuity or disability benefit pay period until the annuity or disability benefit ceases. A reinstatement of a deduction subsequent to its termination as a result of a request for termination, expiration, or cessation of annuity or benefit must be authorized under a new voluntary deduction authorization as prescribed under subsection (b). However, a temporary suspension (such as a suspension due to the lack of a valid address verification) of an annuity or disability benefit, followed by its recommencement, does not require a new voluntary deduction authorization.
- f) Deduction Limits
- 1) In addition to the requirements under the SSAWA and VPDA, any organization or entity for which a deduction authorization is submitted must have received deduction authorizations from at least 50 SURS annuitants before the monthly benefit processing date of the previous month.
 - 2) Once SURS has received effective deduction authorizations for withholding on behalf of four organizations or entities that may receive deductions for any of the purposes stated under subsections (b)(1)(A) through (b)(1)(K) and (b)(1)(M) of this Section, SURS shall accept no further deduction authorization forms for those organizations or entities from that annuitant, unless a previously effective deduction authorization is terminated by the annuitant (or by the expiration of the stated term of the prior authorization).
 - 3) Once SURS has received effective deduction authorizations for withholding on behalf of four qualified organizations described under Section 3(b) and (c) of the VPDA for the purpose stated under subsection (b)(1)(L) of this Section, SURS shall accept no further deduction authorization forms for those organizations from that annuitant, unless a

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

previously effective deduction authorization is terminated by the annuitant (or by the expiration of the stated term of the prior authorization).

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

Section 1600.450 Overpayment Recovery

Purpose. Under Section 15-186.1 of the Code, SURS may recover amounts overpaid from the recipient, plus interest at the effective rate from the date of overpayment to the date of recovery, either directly or by deducting that amount from the remaining benefits payable to the recipient at a rate determined prudent and in the best interests of the System. This Section establishes procedures by which SURS' authority to collect overpayments under Section 15-186.1 is to be exercised.

- a) Demand and Statements. SURS will provide the overpaid recipient with a written demand upon discovery of the overpayment. The written demand shall specify the total amount of the overpayment, the month or months in which the overpayment occurred, a description of the nature of the overpayment, the interest rate to be assessed, and the option for installment payments or deduction from future benefits. The written demand shall also notify the recipient of the right to appeal and receive a hearing concerning the determination of overpayment status in accordance with Section 1600.500. SURS will send the recipient monthly statements indicating the overpayment balance and any installment balances and shall continue sending monthly statements until the total amount is fully repaid or SURS acts under subsection (c) of this Section.
- b) Interest. Interest will compound monthly at 1/12 the current effective rate of interest per month starting 30 days after the date of issuance of the written demand until collection is completed.
- c) Actions for Recovery. If the recipient has not begun repayment or has not filed an appeal within 30 days after the written demand, or a final non-appealable decision in favor of SURS issued subsequent to an appeal, SURS may take any, or any combination, of the following actions, as SURS deems appropriate and prudent, to collect the overpayment:
 - 1) Deduct from benefits, refunds and credits payable to the participant, annuitant or beneficiary. Under Section 15-185 of the Code, the Board may deduct from any benefit payable to participants, annuitants, survivors

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

and beneficiaries amounts owed to SURS due to the participant's service. SURS may recover overpayments from any benefit payable due to the participant's service, including annuity benefits, survivor benefits, separation refunds, disability benefits and death benefits. If anyone receiving a benefit due to the participant's service is overpaid, the overpayment may be recovered from any current or future benefits paid to the same person or any other person receiving benefits due to the participant's service;

- 2) Engage a private collections agent;
 - 3) Initiate proceedings to obtain a civil judgment by attorneys retained by SURS or through the Attorney General; and/or
 - 4) Refer the overpayment to the Debt Collection Bureau of the Illinois Department of Revenue.
- d) Maintenance of Records. Records of overpayments shall be maintained for at least 36 months, except as provided under subsection (e), and shall contain the following:
- 1) A description of the cause for the overpayment;
 - 2) Correspondence concerning attempts to collect the overpayment; and
 - 3) Evidence of notice given for a hearing and review of the overpayment and any final outcome of the hearing and review.
- e) Uncollectible Accounts Receivable. If SURS is unable to collect all or part of an overpayment after 36 months, SURS' staff may request the Board, or its duly authorized representative, to certify the overpayment balance as uncollectible and no longer to be maintained as an account receivable in SURS' records. The request shall include the documentation required under subsection (d) and confirmation that the certification would be in the best economic interest of SURS. In determining the best economic interest of SURS, staff shall determine whether the total collection cost expended or anticipated will exceed the recoupment reasonably expected. However, the following exceptions may apply:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 1) SURS' staff may deem an overpayment balance of \$100 or less to be uncollectible 6 months after the date of the demand without certification by the Board;
- 2) SURS' staff may request certification for an overpayment balance of more than \$100 but less than \$5,000 after collection efforts have elapsed for at least 12 months.
- f) Reopening Uncollectible Accounts Receivable. Overpayments certified by the Board as uncollectible may be reopened for collection if the SURS' staff determines that it is in the best economic interest of SURS to do so.
- g) Past Overpayments. Overpayments incurred prior to January 1, 2008 may be certified as uncollectible under subsection (e) notwithstanding the lack of any of the documentation required under subsection (d).
- a) ~~Under Section 15-185 of the Illinois Pension Code [40 ILCS 5/15-185], the Board of Trustees of the System may deduct from any benefit payable to participants, annuitants, survivors, and beneficiaries amounts owed to the System due to or because of the participant's service.~~
- b) ~~The System may recover overpayments from any benefit payable due to the participant's service in the System, including annuity benefits, survivor benefits, separation refunds, disability benefits and death benefits. If anyone receiving a benefit due to the participant's service is overpaid, the overpayment may be recovered from any current or future benefits paid to the same person or other person receiving benefits due to the participant's service.~~

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

SUBPART E: ADMINISTRATIVE REVIEW

Section 1600.500 Rules of Practice – Nature and Requirements of Formal Hearings

- a) Administrative Determination
The SURS administrative staff ~~of the System~~ shall be responsible for the daily claims-processing function of ~~SURS~~the System, including processing of all claims for benefits or service credit or any other claims against or relating to ~~SURS~~the System.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- b) Review by Deputy Director
Any participant, annuitant, or beneficiary adversely affected by the disposition of a claim by the administrative staff may file a written request for review by the appropriate Deputy Director of [SURSthe System](#). A request for review by the Deputy Director must be submitted within 30 days after the decision from which review is sought. The Deputy Director's review will be based upon all materials contained in the file, as well as any additional materials the claimant attaches to the written request for review filed with the Deputy Director pertaining to the claim.
- c) Hearing
- 1) Petition. Any participant, annuitant, or beneficiary adversely affected by the disposition of a claim by the Deputy Director may request, in writing, a [hearingHearing](#) before the Claims Committee. A request for a [hearingHearing](#) must be submitted to the General Counsel of [SURSthe System](#), or his or her designee, within 30 days after the decision from which review is sought.
 - 2) Statement of Claim. Upon filing a request for a [hearingHearing](#), the claimant shall be informed that he or she is required to file a Statement of Claim no later than 30 days in advance of [hearingHearing](#), which shall include: the claimant's name, social security number, and address; the name and address of the claimant's authorized representative, if any; a statement of the facts forming the basis for the appeal; any documents or other materials the claimant wishes to be considered in conjunction with the appeal; and an explanation of the relief sought.
 - 3) Notification. Upon scheduling of a [hearingHearing](#) before the Claims Committee, a claimant shall be *provided with written notice of: the date, time and place of the [hearingHearing](#); the subject matter of the [hearingHearing](#); and relevant procedural and substantive statutory and regulatory provisions* [5 ILCS 100/10-25]. Notice of the [hearingHearing](#) shall also inform the claimant that he or she will be afforded the opportunity to provide a statement of his or her position, present oral evidence, and conduct such examination and cross-examination of witnesses as is necessary for full and true disclosure of the facts. Notice shall be given to the claimant that he or she is required to provide written

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

confirmation, at least three days prior to the scheduled date of the ~~hearing~~Hearing, of his or her intent to appear at the ~~hearing~~Hearing, whether in person or by telephone conference call. The claimant is not required to appear at the ~~hearing~~Hearing. The claimant may appear at the hearing by telephone conference call. In the absence of the claimant, the Claims Committee will consider the claimant's Statement of Claim and such other matters as may be properly brought before it at the ~~hearing~~Hearing.

- 4) Pre-hearing Conference. Upon request of the General Counsel or upon the decision of the Hearing Officer, a pre-hearing conference shall be held for the purpose of simplification or definition of issues or procedures at the ~~hearing~~Hearing.
- 5) Representation. The claimant and ~~SURSthe System~~ may be represented by counsel or a designated spokesperson at the ~~hearing~~Hearing.
- 6) Burden of Proof. It shall be the burden of the claimant to establish a right to the benefit claimed, or the right to the continuation of the benefit claimed in cases of revocation of the benefit by ~~SURSthe System~~, by establishing ~~thatsueh~~ right by a preponderance of the evidence.

~~d)7)~~ Discovery. All discovery is at the discretion of the Hearing Officer. Requests to take discovery must be made in writing to the Hearing Officer with notice to the other party. Discovery may be taken with the prior permission of the Hearing Officer only upon good cause shown, that is, if the evidence sought is material and cannot be obtained in any other way. Failure to comply with orders of the Hearing Officer may be sanctioned by the Hearing Officer, by ~~meanssanctions~~ including, but not limited to, dismissal of a claim.

e) Depositions

- 1) The Hearing Officer may order the taking of evidence depositions, specifying the subject matter to be covered, of a person under oral examination or written questions, for use as evidence at the ~~hearing~~Hearing, provided:
 - A) The Hearing Officer has determined upon request that there is a need to preserve a person's testimony;

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- B) ~~The~~~~sueh~~ request is made on motion by a party who gives notice of ~~the~~~~sueh~~ motion to the other party; and
 - C) The Hearing Officer has determined that an evidence deposition containing ~~sueh~~ oral testimony will be necessary to the Claims Committee in determining the merits of the claim.
- 2) The taking of depositions shall be in accordance with the provisions for taking depositions in civil cases, and the order for the taking of a deposition may provide that any designated books, papers, documents, or tangible objects that are not privileged shall be produced at the same time and place.
 - 3) Any party to the ~~hearing~~~~Hearing~~ shall, during any deposition process, have the right to confront and cross-examine any witness whose deposition testimony is to be presented to the Claims Committee.
 - 4) Depositions shall be taken in the county of residence or employment of the witness, unless the witness waives ~~that~~~~sueh~~ right in writing.
 - 5) Depositions shall be taken at the cost of the party requesting the deposition.
- f) Subpoenas
- 1) The Hearing Officer may request the Secretary of the Board to issue a subpoena to compel the attendance of a witness at an evidence deposition or the production of documents when ~~the~~~~sueh~~ witness has, or such documents contain, relevant evidence. A party may also request the Hearing Officer to request the Secretary of the Board to issue a subpoena to compel the attendance of a witness at an evidence deposition or the production of documents. The request shall either be in writing or on the record and shall:
 - A) Identify the witness or document sought; and
 - B) State the facts that will be proven by each witness or document sought.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 2) The Hearing Officer shall grant or deny the request, either in writing or on the record. If the request for subpoena is granted, the Hearing Officer shall, if necessary, reschedule the hearing to a specific date. The request for subpoena shall be denied if the Hearing Officer finds that the evidence sought is immaterial, irrelevant, or cumulative. If the request for subpoena is denied, the specific reasons for denial of the request shall be made part of the record on appeal.
 - 3) If a witness fails to obey a subpoena, the party seeking enforcement of the subpoena shall prepare an application to the circuit court of the county in which the subpoenaed witness resides requesting enforcement of the subpoena, and shall present the application to the Hearing Officer, at the same time serving a copy of the application upon the other party. If satisfied that the subpoena was properly served and that the application is in proper form, the Hearing Officer shall sign a subpoena to be submitted with the application and the party seeking the subpoena may then file and prosecute the application to the circuit court, in the name of the Board ~~of Trustees of the System~~. The petitioner in the application shall be styled as "Name of Petitioner ex rel. Board of Trustees of the State Universities Retirement System of Illinois" unless the petitioner is ~~SURS~~~~the System~~, in which case the petition shall be brought in the name of the Board ~~of Trustees~~. In the event of an application being filed with the circuit court, the matter shall be continued pending the outcome of the application to enforce the subpoena.
 - 4) The fees of witnesses for attendance and travel shall be the same as fees of witnesses before the circuit courts of this State and shall be paid by the party seeking the subpoena.
- g) Conduct of the Hearing
- 1) Hearing Officer. The ~~hearing~~~~Hearing~~ shall be conducted by the Hearing Officer. Other members of the Claims Committee may, but are not required to, attend the hearing. The Hearing Officer shall have full power to conduct the ~~hearing~~~~Hearing~~ and the presence of any other members of the Claims Committee is not required. The Hearing Officer shall be one of the members of the Claims Committee chosen by them to be the Hearing Officer. The Claims Committee shall be composed of the

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

Executive Director of the System (the agency head) and two additional members chosen by the Board ~~of Trustees~~, at least one of whom shall be a Board member. The final member of the Claims Committee shall be selected from the membership of the Board ~~of Trustees~~, participants in ~~SURSthe System~~, or attorneys licensed to practice law in the State of Illinois. At a minimum, the members of the Claims Committee shall have a general familiarity with the provisions of the ~~Illinois Pension Code, this Part and the rules, regulations,~~ and policies of ~~SURSthe System~~.

- 2) Procedures. The Hearing Officer shall conduct a full and fair ~~hearingHearing~~, receive testimony of the claimant and admit exhibits into evidence, avoid delay, maintain order and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the Hearing Officer shall make all procedural and evidentiary rulings necessary for the conduct of the ~~hearingHearing~~. As a general matter, *the rules of evidence as applied in civil cases in the circuit courts of the State of Illinois shall be followed; however, evidence inadmissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Any part of the evidence may be received in written form, provided that the interests of the parties will not be prejudiced. Notice may be taken of generally recognized technical facts within SURS'the agency's specialized knowledge and SURS'the agency's experience, technical competence and specialized knowledge may be used in evaluation of the evidence.* [5 ILCS 100/10-40] The Hearing Officer, and any member of the Claims Committee attending the hearing, may ask questions necessary for better understanding of the facts or law. The Hearing Officer shall have the authority to impose reasonable time limits for each party to present its case and shall, in general, have the power to manage and control the ~~hearingHearing~~ process. The ~~hearingHearing~~ shall be open to the public unless the Hearing Officer, for good cause shown, determines otherwise.
- 3) Record of Proceedings. Two records of proceedings shall be kept that shall be in the form of:
 - A) a non-verbatim "bystander's report"; and
 - B) either a stenographic transcription or a tape recording. The

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

claimant may obtain a stenographic transcription or a copy of a tape recording of the [hearingHearing](#) by making a timely request and paying the actual cost entailed.

4) Disqualification; Ex Parte Communications

- A) Disqualification. *A Hearing Officer or other member of the Claims Committee may be disqualified on grounds of bias or conflict of interest. A motion to disqualify a Hearing Officer or other member of the Claims Committee for bias or conflict of interest should be made to the Hearing Officer by any party to the [hearingHearing](#) at least one week prior to the commencement of the [hearingHearing](#), with a copy of the motion to be simultaneously submitted to the General Counsel. The motion shall be heard, considered and ruled upon by the Hearing Officer at or prior to the commencement of the [hearingHearing](#). The movant shall have the burden of proof with respect to the motion to disqualify. Either an *adverse ruling* or the fact that a Hearing Officer or other member of the Claims Committee is an employee of [SURSthe System](#) or has a contract with [SURSthe System](#), standing alone, shall not constitute bias or conflict of interest. [5 ILCS 100/10-30]* The Executive Director may not be called as a witness unless it is demonstrated that the Executive Director has relevant noncumulative personal knowledge of facts bearing upon the claim. The Executive Director may not be disqualified as a member of the Claims Committee on the basis that the Executive Director is responsible for the overall administration of [SURSthe System](#). In the event that a Hearing Officer or other member of the Claims Committee is disqualified or is otherwise unable to serve, the Board President may appoint another person to the Claims Committee and shall appoint another person if the Claims Committee is reduced to fewer than two members, or the Claims Committee shall appoint another Hearing Officer from among its members, as the case may be.
- B) Ex Parte Communications Prohibited. *Except in the disposition of matters that [SURSthe System](#) is authorized by law to entertain or dispose of on an ex parte basis, the members of the Claims Committee shall not, after receiving notice of a [hearingHearing](#) in*

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

a contested matter, communicate, directly or indirectly, in connection with any issue of fact, with any party, or in connection with any other issue with any party, or the representative of any party, except upon notice and opportunity for all parties to participate. However, an employee of ~~SURSthe System~~ may communicate with other employees of ~~SURSthe System~~ and an employee of ~~SURSthe System~~ or member of the Claims Committee may have the aid and advice of one or more assistants. An ex parte communication received by any member of the Claims Committee shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received. Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications. [5 ILCS 100/10-60]

- 5) Recommendations and Decisions
 - A) Claims Committee Recommendation. Upon conclusion of all evidence and arguments, the Claims Committee shall privately deliberate and make a recommendation as to the disposition of the claim based on the evidence of record. The record of proceedings shall be completed upon conclusion of the hearing by the Hearing Officer, unless the Hearing Officer determines to re-open the proceedings. The Claims Committee shall make one of the following recommendations: affirmance of the administrative action, reversal of the administrative action, or remand of the case to the administrative staff for further consideration. The recommendation of the Claims Committee shall be made to the Executive Committee of the Board ~~of Trustees~~. The claimant may file a statement of exceptions to the findings of the Claims Committee and may file a brief in support of its statement of exceptions. The statement of exceptions and brief must be submitted to the General Counsel not less than 30 days prior to the date that the Executive Committee is scheduled to hear this claim, as set forth in written notice to the claimant. The notice shall be

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

given not less than 60 days prior to the meeting of the Executive Committee. ~~SURS~~The System may file a reply brief not less than 7 days prior to the date that the Executive Committee is scheduled to hear this claim. The recommended decision of the Claims Committee is a non-final decision, subject to the ultimate decision of the Executive Committee of the Board ~~of Trustees~~.

- B) Executive Committee Decision. The Executive Committee of the Board ~~of Trustees~~ shall make a decision on the claim following receipt of a recommended decision from the Claims Committee, any statement of exceptions or brief filed by the claimant, and any reply brief filed by ~~SURS~~The System. No oral argument shall be permitted before the Executive Committee unless otherwise determined by the Executive Committee. The Executive Committee shall consider the recommendation of the Claims Committee, any statement of exceptions or brief filed by the claimant, any reply brief of ~~SURS~~The System, and any permitted oral argument in making a decision for ~~SURS~~The System as to the disposition of the claim. The Executive Committee shall render one of the following decisions with respect to the claim: affirmance of the administrative action, reversal of the administrative action, or remand of the case to the administrative staff for further consideration. Remand of the case to the administrative staff shall not be considered a final decision of the Executive Committee. A decision by the Executive Committee either reversing or affirming the decision of the administrative staff shall constitute a final decision for the purpose of review under the Administrative Review Law [735 ILCS 5/Art. III]. *A final decision of the Executive Committee shall be in writing or stated in the record. A final decision of the Executive Committee shall include findings of fact and conclusions of law, separately stated.* The Executive Committee may adopt as its own the findings of fact and conclusions of law of the Claims Committee. *Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. All decisions of the Executive Committee shall specify whether they are final and subject to the Administrative Review Law.* [5 ILCS 100/10-50] Parties or their agents shall be notified either personally or by registered or certified mail of any

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

decision of the Executive Committee. Upon request, a copy of the decision shall be delivered or mailed to each party and to his or her attorney of record.

(Source: Amended at 32 Ill. Reg. 16515, effective September 25, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.APPENDIX A TABLE O	Amendment
310.APPENDIX A TABLE W	Amendment
310.APPENDIX A TABLE X	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table O to reflect the Memorandum of Understanding (MOU) between CMS and the American Federation of State, County, and Municipal Employees (AFSCME) that was signed September 18, 2008. The MOU assigns the Guard Supervisor title to the RC-028 bargaining unit and the pay grade RC-062-14 effective June 5, 2008. No position within the title is excluded by the Illinois Labor Relations Board from the bargaining unit representation.

CMS is amending Section 310.Appendix A Table W to reflect the two Memoranda of Understanding between CMS and AFSCME that were signed August 27 or August 29, 2008. The first MOU upgrades the Pension and Death Benefit Technician II title from pay grade RC-062-16 to the pay grade RC-062-19 effective September 1, 2008. The second MOU assigns the Staff Development Technician II title to the RC-062 bargaining unit and the pay grade RC-062-15 effective April 28, 2008. No position within the title is excluded by the Illinois Labor Relations Board from the bargaining unit representation.

CMS is amending Section 310.Appendix A Table X to reflect the MOU between CMS and AFSCME that was signed September 3, 2008. The MOU assigns the Public Service Administrator title option 8D (Special License - Federal Communications Commission License/National Association of Business and Educational Radio) to the RC-063 bargaining unit and the pay grade RC-063-23 effective February 6, 2008. No position within the title's option 8D is excluded by the Illinois Labor Relations Board from the bargaining unit representation.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: September 24, 2008

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table O, the Guard Supervisor title, its title code 17685, RC-028 bargaining unit and pay grade 14 are added to the title table.

In Section 310.Appendix A Table W, the pay grade 16 assigned to the Pension and Death Benefit Technician II title, title code 30962, is changed to 19 in the title table. The Staff Development Technician II title, its title code 41782, RC-062 bargaining unit and pay grade 15 are added to the title table.

In Section 310.Appendix A Table W, the Public Service Administrator title, its title code 37015, RC-063 bargaining unit and pay grade 23 are added to the title table. The option 8D is added to the Note after the title table.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: September 24, 2008
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these preemptory amendments shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Springfield IL 62706

217/782-7964

Fax: 217/524-4570

CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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 (Repealed)
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 PEREMPTORY AMENDMENTS

310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
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
310.415	Merit Compensation Salary Range Assignments
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 Equivalents
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' –

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	ISEA Local #2002)
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	VR-704 (Corrections, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
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 (Repealed)
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 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.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory 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; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory 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; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Administrative Assistant I	00501	RC-028	17
Administrative Assistant II	00502	RC-028	19
Apparel/Dry Goods Specialist III	01233	RC-028	12.5
Assistant Reimbursement Officer	02424	RC-028	08
Capital Development Board Media Technician	06525	RC-028	14
Child Development Aide	07184	RC-028	10
Clinical Laboratory Associate	08200	RC-028	07
Clinical Laboratory Technician I	08215	RC-028	10
Clinical Laboratory Technician II	08216	RC-028	12
Compliance Officer	08919	RC-028	14
Construction Supervisor I	09561	RC-028	13
Construction Supervisor II	09562	RC-028	16
Crime Scene Investigator	09980	RC-028	21
Data Processing Administrative Specialist	11415	RC-028	14
Data Processing Specialist	11430	RC-028	12
Data Processing Technician	11440	RC-028	09
Data Processing Technician Trainee	11443	RC-028	06
Dental Assistant	11650	RC-028	09
Dental Hygienist	11700	RC-028	13
Electroencephalograph Technician	13300	RC-028	08
Environmental Equipment Operator I	13761	RC-028	12
Environmental Equipment Operator II	13762	RC-028	14
Environmental Protection Technician I	13831	RC-028	08
Environmental Protection Technician II	13832	RC-028	10
Guard Supervisor	17685	RC-028	14
Health Information Associate	18045	RC-028	10
Health Information Technician	18047	RC-028	12
Hearing & Speech Technician I	18261	RC-028	06
Hearing & Speech Technician II	18262	RC-028	09
Housekeeper II	19602	RC-028	03.5
Inhalation Therapist	21259	RC-028	08
Inhalation Therapy Supervisor	21260	RC-028	11
Intermittent Unemployment Insurance	21690	RC-028	06H

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Technician (Hourly)			
Laboratory Assistant	22995	RC-028	04
Laboratory Associate I	22997	RC-028	10
Laboratory Associate II	22998	RC-028	12
Legal Research Assistant	23350	RC-028	13
Licensed Practical Nurse I	23551	RC-028	10.5
Licensed Practical Nurse II	23552	RC-028	11.5
Lock and Dam Tender	24290	RC-028	10
Lottery Commodities Distributor II	24402	RC-028	12
Natural Resource Technician I	28851	RC-028	10
Natural Resource Technician II	28852	RC-028	13
Office Administrative Specialist	29990	RC-028	12
Office Administrator IV	29994	RC-028	14
Office Administrator V	29995	RC-028	15
Office Specialist	30080	RC-028	11
Pharmacist Lead Technician	32007	RC-028	09
Pharmacist Technician	32008	RC-028	07
Public Aid Eligibility Assistant	35825	RC-028	08
Radiologic Technologist	37500	RC-028	11
Radiologic Technologist Program Coordinator	37507	RC-028	12
Ranger	37725	RC-028	13
Rehabilitation Counselor Aide I	38155	RC-028	09
Rehabilitation Counselor Aide II	38156	RC-028	11
Senior Ranger	40090	RC-028	14
Site Interpreter	41090	RC-028	10
Site Technician I	41131	RC-028	10
Site Technician II	41132	RC-028	12
Social Service Community Planner	41295	RC-028	11
State Police Crime Information Evaluator	41801	RC-028	11
State Police Evidence Technician I	41901	RC-028	12
State Police Evidence Technician II	41902	RC-028	13
Statistical Research Technician	42748	RC-028	11
Veterans Service Officer	47800	RC-028	14
Vocational Instructor	48200	RC-028	12
Waterways Construction Supervisor I	49061	RC-028	16

Effective July 1, 2007
Bargaining Unit: RC-028

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
03.5	B	2164	2215	2269	2321	2381	2441	2501	2559	2622	2735	2844
03.5	Q	2248	2301	2358	2413	2474	2539	2600	2659	2726	2843	2957
03.5	S	2307	2362	2417	2472	2536	2599	2660	2718	2787	2904	3020
04	B	2164	2215	2269	2321	2385	2448	2503	2574	2630	2743	2853
04	Q	2248	2301	2358	2413	2478	2543	2602	2675	2735	2851	2965
04	S	2307	2362	2417	2472	2539	2603	2664	2736	2793	2912	3028
06	B	2281	2336	2393	2451	2516	2583	2656	2723	2799	2917	3034
06	Q	2370	2427	2486	2545	2616	2686	2762	2834	2910	3034	3155
06	S	2429	2488	2545	2605	2676	2746	2823	2894	2971	3097	3221
06H	B	14.04	14.38	14.73	15.08	15.48	15.90	16.34	16.76	17.22	17.95	18.67
06H	Q	14.58	14.94	15.30	15.66	16.10	16.53	17.00	17.44	17.91	18.67	19.42
06H	S	14.95	15.31	15.66	16.03	16.47	16.90	17.37	17.81	18.28	19.06	19.82
07	B	2344	2399	2459	2516	2586	2663	2738	2812	2890	3022	3143
07	Q	2433	2494	2553	2616	2689	2770	2847	2925	3007	3147	3273
07	S	2495	2552	2614	2676	2750	2828	2907	2986	3066	3209	3337
08	B	2406	2466	2526	2586	2669	2748	2834	2912	2994	3136	3261
08	Q	2501	2562	2625	2689	2777	2856	2949	3027	3119	3266	3397
08	S	2561	2621	2684	2750	2835	2917	3010	3092	3182	3329	3462
09	B	2480	2541	2604	2669	2751	2840	2927	3021	3111	3257	3387
09	Q	2580	2642	2708	2777	2862	2955	3046	3145	3239	3394	3530
09	S	2639	2704	2768	2835	2922	3015	3109	3208	3302	3459	3597
09.5	B	2540	2603	2667	2735	2818	2914	3005	3106	3196	3350	3484
09.5	Q	2641	2707	2775	2843	2931	3030	3129	3236	3329	3494	3634

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

09.5	S	2703	2767	2834	2904	2992	3094	3191	3299	3393	3562	3704
10	B	2561	2622	2688	2754	2855	2940	3037	3133	3230	3395	3531
10	Q	2663	2726	2794	2866	2969	3060	3163	3263	3365	3544	3686
10	S	2720	2787	2854	2925	3029	3122	3225	3325	3432	3611	3755
10.5	B	2642	2708	2775	2846	2949	3046	3151	3254	3360	3564	3707
10.5	Q	2747	2816	2887	2959	3070	3174	3282	3392	3505	3722	3871
10.5	S	2809	2877	2947	3020	3133	3235	3344	3457	3571	3788	3940
11	B	2651	2717	2787	2856	2953	3049	3158	3263	3364	3542	3684
11	Q	2758	2826	2897	2971	3077	3178	3291	3401	3509	3699	3847
11	S	2819	2887	2957	3030	3138	3238	3353	3465	3576	3764	3915
11.5	B	2715	2783	2854	2926	3026	3121	3228	3337	3451	3640	3786
11.5	Q	2824	2895	2968	3044	3151	3251	3362	3479	3604	3800	3952
11.5	S	2881	2952	3026	3103	3213	3315	3429	3548	3673	3874	4029
12	B	2755	2824	2895	2971	3080	3182	3300	3408	3534	3723	3872
12	Q	2868	2938	3013	3093	3207	3314	3441	3558	3687	3888	4044
12	S	2927	2998	3075	3153	3269	3377	3507	3625	3756	3958	4116
12.5	B	2820	2891	2966	3042	3154	3264	3388	3504	3618	3817	3970
12.5	Q	2933	3008	3086	3168	3286	3403	3534	3659	3778	3989	4149
12.5	S	2994	3069	3149	3230	3349	3467	3604	3727	3847	4060	4222
13	B	2856	2928	3003	3083	3196	3318	3442	3568	3702	3907	4063
13	Q	2971	3048	3127	3211	3329	3460	3595	3726	3863	4083	4246
13	S	3030	3110	3190	3272	3393	3526	3663	3792	3934	4153	4319
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654

Effective January 1, 2008**Bargaining Unit: RC-028**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
03.5	B	2229	2281	2337	2391	2452	2514	2576	2636	2701	2817	2929
03.5	Q	2315	2370	2429	2485	2548	2615	2678	2739	2808	2928	3046
03.5	S	2376	2433	2490	2546	2612	2677	2740	2800	2871	2991	3111
04	B	2229	2281	2337	2391	2457	2521	2578	2651	2709	2825	2939
04	Q	2315	2370	2429	2485	2552	2619	2680	2755	2817	2937	3054
04	S	2376	2433	2490	2546	2615	2681	2744	2818	2877	2999	3119

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

06	B	2349	2406	2465	2525	2591	2660	2736	2805	2883	3005	3125
06	Q	2441	2500	2561	2621	2694	2767	2845	2919	2997	3125	3250
06	S	2502	2563	2621	2683	2756	2828	2908	2981	3060	3190	3318
06H	B	14.46	14.81	15.17	15.54	15.94	16.37	16.84	17.26	17.74	18.49	19.23
06H	Q	15.02	15.38	15.76	16.13	16.58	17.03	17.51	17.96	18.44	19.23	20.00
06H	S	15.40	15.77	16.13	16.51	16.96	17.40	17.90	18.34	18.83	19.63	20.42
07	B	2414	2471	2533	2591	2664	2743	2820	2896	2977	3113	3237
07	Q	2506	2569	2630	2694	2770	2853	2932	3013	3097	3241	3371
07	S	2570	2629	2692	2756	2833	2913	2994	3076	3158	3305	3437
08	B	2478	2540	2602	2664	2749	2830	2919	2999	3084	3230	3359
08	Q	2576	2639	2704	2770	2860	2942	3037	3118	3213	3364	3499
08	S	2638	2700	2765	2833	2920	3005	3100	3185	3277	3429	3566
09	B	2554	2617	2682	2749	2834	2925	3015	3112	3204	3355	3489
09	Q	2657	2721	2789	2860	2948	3044	3137	3239	3336	3496	3636
09	S	2718	2785	2851	2920	3010	3105	3202	3304	3401	3563	3705
09.5	B	2616	2681	2747	2817	2903	3001	3095	3199	3292	3451	3589
09.5	Q	2720	2788	2858	2928	3019	3121	3223	3333	3429	3599	3743
09.5	S	2784	2850	2919	2991	3082	3187	3287	3398	3495	3669	3815
10	B	2638	2701	2769	2837	2941	3028	3128	3227	3327	3497	3637
10	Q	2743	2808	2878	2952	3058	3152	3258	3361	3466	3650	3797
10	S	2802	2871	2940	3013	3120	3216	3322	3425	3535	3719	3868
10.5	B	2721	2789	2858	2931	3037	3137	3246	3352	3461	3671	3818
10.5	Q	2829	2900	2974	3048	3162	3269	3380	3494	3610	3834	3987
10.5	S	2893	2963	3035	3111	3227	3332	3444	3561	3678	3902	4058

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

11	B	2731	2799	2871	2942	3042	3140	3253	3361	3465	3648	3795
11	Q	2841	2911	2984	3060	3169	3273	3390	3503	3614	3810	3962
11	S	2904	2974	3046	3121	3232	3335	3454	3569	3683	3877	4032
11.5	B	2796	2866	2940	3014	3117	3215	3325	3437	3555	3749	3900
11.5	Q	2909	2982	3057	3135	3246	3349	3463	3583	3712	3914	4071
11.5	S	2967	3041	3117	3196	3309	3414	3532	3654	3783	3990	4150
12	B	2838	2909	2982	3060	3172	3277	3399	3510	3640	3835	3988
12	Q	2954	3026	3103	3186	3303	3413	3544	3665	3798	4005	4165
12	S	3015	3088	3167	3248	3367	3478	3612	3734	3869	4077	4239
12.5	B	2905	2978	3055	3133	3249	3362	3490	3609	3727	3932	4089
12.5	Q	3021	3098	3179	3263	3385	3505	3640	3769	3891	4109	4273
12.5	S	3084	3161	3243	3327	3449	3571	3712	3839	3962	4182	4349
13	B	2942	3016	3093	3175	3292	3418	3545	3675	3813	4024	4185
13	Q	3060	3139	3221	3307	3429	3564	3703	3838	3979	4205	4373
13	S	3121	3203	3286	3370	3495	3632	3773	3906	4052	4278	4449
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854

(Source: Peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17
Economic Development Representative II	12932	RC-062	19
Educator – Provisional	13105	RC-062	12
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Labor Conciliator	22750	RC-062	20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician II	30962	RC-062	1916
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Public Service Administrator, Options 8B and 8Y	37015	RC-062	23
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor (IL)	38369	RC-062	25
Revenue Audit Supervisor (states other than IL, CA or NJ)	38369	RC-062	27
Revenue Audit Supervisor (CA or NJ)	38369	RC-062	29
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25
Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
Staff Development Technician II	41782	RC-062	15
State Mine Inspector	42230	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: For the Revenue Audit Supervisor, Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

Effective July 1, 2007
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2480	2541	2604	2669	2751	2840	2927	3021	3111	3257	3387
09	Q	2580	2642	2708	2777	2862	2955	3046	3145	3239	3394	3530
09	S	2639	2704	2768	2835	2922	3015	3109	3208	3302	3459	3597
10	B	2561	2622	2688	2754	2855	2940	3037	3133	3230	3395	3531
10	Q	2663	2726	2794	2866	2969	3060	3163	3263	3365	3544	3686
10	S	2720	2787	2854	2925	3029	3122	3225	3325	3432	3611	3755
11	B	2651	2717	2787	2856	2953	3049	3158	3263	3364	3542	3684
11	Q	2758	2826	2897	2971	3077	3178	3291	3401	3509	3699	3847
11	S	2819	2887	2957	3030	3138	3238	3353	3465	3576	3764	3915
12	B	2755	2824	2895	2971	3080	3182	3300	3408	3534	3723	3872

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

12	Q	2868	2938	3013	3093	3207	3314	3441	3558	3687	3888	4044
12	S	2927	2998	3075	3153	3269	3377	3507	3625	3756	3958	4116
12H	B	16.95	17.38	17.82	18.28	18.95	19.58	20.31	20.97	21.75	22.91	23.83
12H	Q	17.65	18.08	18.54	19.03	19.74	20.39	21.18	21.90	22.69	23.93	24.89
12H	S	18.01	18.45	18.92	19.40	20.12	20.78	21.58	22.31	23.11	24.36	25.33
13	B	2856	2928	3003	3083	3196	3318	3442	3568	3702	3907	4063
13	Q	2971	3048	3127	3211	3329	3460	3595	3726	3863	4083	4246
13	S	3030	3110	3190	3272	3393	3526	3663	3792	3934	4153	4319
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
14H	B	18.30	18.76	19.27	19.78	20.54	21.34	22.26	23.08	23.96	25.35	26.37
14H	Q	19.05	19.56	20.07	20.62	21.41	22.28	23.25	24.12	25.05	26.50	27.56
14H	S	19.42	19.93	20.46	21.01	21.83	22.68	23.67	24.54	25.48	26.92	27.99
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518
18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	J	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270
21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	U	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654
22	B	4388	4521	4658	4796	5046	5292	5542	5799	6040	6416	6673
22	Q	4587	4725	4867	5011	5274	5533	5792	6059	6314	6704	6972
22	S	4657	4794	4937	5083	5341	5602	5859	6130	6385	6776	7047
23	B	4658	4796	4939	5086	5356	5631	5899	6171	6439	6843	7117
23	Q	4867	5011	5162	5319	5600	5887	6164	6449	6729	7150	7436
23	S	4937	5083	5233	5388	5668	5955	6234	6518	6797	7219	7508
24	B	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	J	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	Q	5178	5332	5494	5660	5961	6271	6572	6874	7185	7637	7942
24	S	5248	5402	5563	5729	6028	6339	6641	6945	7256	7706	8014
25	B	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	J	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	Q	5519	5685	5853	6029	6361	6694	7031	7366	7700	8193	8521
25	S	5592	5753	5927	6101	6431	6763	7099	7434	7767	8263	8594
26	B	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
26	U	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
27	B	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286
27	J	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286
27	U	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

29 U 6497 6691 6893 7239 7632 8035 8445 8838 9235 9832 10225

Effective January 1, 2008
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2554	2617	2682	2749	2834	2925	3015	3112	3204	3355	3489
09	Q	2657	2721	2789	2860	2948	3044	3137	3239	3336	3496	3636
09	S	2718	2785	2851	2920	3010	3105	3202	3304	3401	3563	3705
10	B	2638	2701	2769	2837	2941	3028	3128	3227	3327	3497	3637
10	Q	2743	2808	2878	2952	3058	3152	3258	3361	3466	3650	3797
10	S	2802	2871	2940	3013	3120	3216	3322	3425	3535	3719	3868
11	B	2731	2799	2871	2942	3042	3140	3253	3361	3465	3648	3795
11	Q	2841	2911	2984	3060	3169	3273	3390	3503	3614	3810	3962
11	S	2904	2974	3046	3121	3232	3335	3454	3569	3683	3877	4032
12	B	2838	2909	2982	3060	3172	3277	3399	3510	3640	3835	3988
12	Q	2954	3026	3103	3186	3303	3413	3544	3665	3798	4005	4165
12	S	3015	3088	3167	3248	3367	3478	3612	3734	3869	4077	4239
12H	B	17.46	17.90	18.35	18.83	19.52	20.17	20.92	21.60	22.40	23.60	24.54
12H	Q	18.18	18.62	19.10	19.61	20.33	21.00	21.81	22.55	23.37	24.65	25.63
12H	S	18.55	19.00	19.49	19.99	20.72	21.40	22.23	22.98	23.81	25.09	26.09
13	B	2942	3016	3093	3175	3292	3418	3545	3675	3813	4024	4185
13	Q	3060	3139	3221	3307	3429	3564	3703	3838	3979	4205	4373
13	S	3121	3203	3286	3370	3495	3632	3773	3906	4052	4278	4449
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14H	B	18.84	19.32	19.85	20.38	21.15	21.98	22.94	23.78	24.68	26.12	27.16
14H	Q	19.62	20.14	20.68	21.24	22.05	22.95	23.94	24.85	25.80	27.29	28.38
14H	S	20.00	20.52	21.07	21.64	22.49	23.37	24.38	25.28	26.24	27.72	28.83
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	J	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	U	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854
22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873
22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	J	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	J	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	U	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
27	B	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
27	J	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
27	U	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
29	U	6692	6892	7100	7456	7861	8276	8698	9103	9512	10127	10532

(Source: Peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	14
Environmental Protection Geologist II	13802	RC-063	16
Environmental Protection Geologist III	13803	RC-063	18
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Management Systems Specialist	25583	RC-063	21
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
Public Service Administrator, Options 3, 4, 6E and 8E	37015	RC-063	24
Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Options 8H and 9G	37015	RC-063	22
Public Service Administrator, Option 8O	37015	RC-063	21
Rehabilitation/Mobility Instructor	38163	RC-063	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	18
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated pay grade have the following options: 3; 4; 6E; [8D](#), 8H, 8O and 9G. See the definition of option in Section 310.50.

Effective July 1, 2007
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518
18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270
21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654
22	B	4388	4521	4658	4796	5046	5292	5542	5799	6040	6416	6673
22	Q	4587	4725	4867	5011	5274	5533	5792	6059	6314	6704	6972
22	S	4657	4794	4937	5083	5341	5602	5859	6130	6385	6776	7047
23	B	4658	4796	4939	5086	5356	5631	5899	6171	6439	6843	7117
23	Q	4867	5011	5162	5319	5600	5887	6164	6449	6729	7150	7436
23	S	4937	5083	5233	5388	5668	5955	6234	6518	6797	7219	7508
24	B	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	Q	5178	5332	5494	5660	5961	6271	6572	6874	7185	7637	7942
24	S	5248	5402	5563	5729	6028	6339	6641	6945	7256	7706	8014
25	B	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	Q	5519	5685	5853	6029	6361	6694	7031	7366	7700	8193	8521
25	S	5592	5753	5927	6101	6431	6763	7099	7434	7767	8263	8594
26	B	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
26	Q	5846	6022	6204	6454	6805	7165	7528	7880	8232	8765	9116
26	S	5903	6079	6262	6516	6870	7235	7600	7954	8312	8851	9205

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Effective January 1, 2008
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854
22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873
22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258
23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	Q	6021	6203	6390	6648	7009	7380	7754	8116	8479	9028	9389
26	S	6080	6261	6450	6711	7076	7452	7828	8193	8561	9117	9481

(Source: Peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
OCTOBER 16, 2008

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

Email: jcar@ilga.gov

Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Agriculture

1. Weights and Measures Act (8 Ill. Adm. Code 600)
 - First Notice Published: 32 Ill. Reg. 10670 – 7/18/08
 - Expiration of Second Notice: 10/31/08

Central Management Services

2. Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 31 Ill. Reg. 14973 – 11/9/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

-Expiration of Second Notice: 11/11/08

Children and Family Services

3. Foster Parent Code (89 Ill. Adm. Code 340)
 - First Notice Published: 32 Ill. Reg. 8063 – 5/30/08
 - Expiration of Second Notice: 10/22/08

Education

4. Mentoring Program for New Principals (23 Ill. Adm. Code 35)
 - First Notice Published: 32 Ill. Reg. 9870 – 7/11/08
 - Expiration of Second Notice: 11/2/08
5. School Food Service (23 Ill. Adm. Code 305)
 - First Notice Published: 32 Ill. Reg. 4692 – 4/4/08
 - Expiration of Second Notice: 11/2/08

Gaming Board

6. Riverboat Gambling (86 Ill. Adm. Code 3000)
 - First Notice Published: 32 Ill. Reg. 9776 – 7/11/08
 - Expiration of Second Notice: 11/8/08
7. Riverboat Gambling (86 Ill. Adm. Code 3000)
 - First Notice Published: 32 Ill. Reg. 10773 – 7/18/08
 - Expiration of Second Notice: 11/8/08
8. Riverboat Gambling (86 Ill. Adm. Code 3000)
 - First Notice Published: 32 Ill. Reg. 11285 – 7/25/08
 - Expiration of Second Notice: 11/8/08

Natural Resources

9. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)
 - First Notice Published: 32 Ill. Reg. 11310 – 7/25/08
 - Expiration of Second Notice: 10/31/08
10. Revocation Procedures for Conservation Offenses (17 Ill. Adm. Code 2530)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

- First Notice Published: 32 Ill. Reg. 11336 – 7/25/08
- Expiration of Second Notice: 10/31/08

Revenue

11. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 32 Ill. Reg. 12164 – 8/1/08
 - Expiration of Second Notice: 11/1/08
12. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
 - First Notice Published: 32 Ill. Reg. 10806 – 7/18/08
 - Expiration of Second Notice: 10/31/08
13. Cigarette Tax Act (86 Ill. Adm. Code 440)
 - First Notice Published: 32 Ill. Reg. 9109 – 6/27/08
 - Expiration of Second Notice: 10/22/08
14. Cigarette Use Tax Act (86 Ill. Adm. Code 450)
 - First Notice Published: 32 Ill. Reg. 9114 – 6/27/08
 - Expiration of Second Notice: 10/22/08

Secretary of State

15. Uniform Limited Partnership Act (2001) (14 Ill. Adm. Code 171)
 - First Notice Published: 32 Ill. Reg. 13156 – 8/8/08
 - Expiration of Second Notice: 11/6/08

State Board of Investment

16. State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)
 - First Notice Published: 32 Ill. Reg. 6840 – 4/25/08
 - Expiration of Second Notice: 11/16/08

State Employees' Retirement System

17. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)
 - First Notice Published: 32 Ill. Reg. 9587 – 7/7/08
 - Expiration of Second Notice: 10/23/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

State Records Commission

18. State Records Commission (44 Ill. Adm. Code 4400)
-First Notice Published: 31 Ill. Reg. 16785 – 12/28/07
-Expiration of Second Notice: 10/22/08

Transportation

19. Minimum Safety Standards for Construction of Type I School Buses (92 Ill. Adm. Code 440)
-First Notice Published: 31 Ill. Reg. 10841 – 7/18/08
-Expiration of Second Notice: 10/17/08
20. Minimum Safety Standards for Construction of Type II School Buses (92 Ill. Adm. Code 442)
-First Notice Published: 32 Ill. Reg. 10889 – 7/18/08
-Expiration of Second Notice: 10/17/08
21. Relocation Assistance Services and Payments Program For State Highway Projects (92 Ill. Adm. Code 518)
-First Notice Published: 32 Ill. Reg. 12189 – 8/1/08
-Expiration of Second Notice: 10/31/08
22. Relocation Assistance and Payments Program (Repealer) (92 Ill. Adm. Code 518)
-First Notice Published: 32 Ill. Reg. 12199 – 8/1/08
-Expiration of Second Notice: 10/31/08
23. Control of Outdoor Advertising Adjacent to Primary and Interstate Highways (92 Ill. Adm. Code 522)
-First Notice Published: 32 Ill. Reg. 11578 – 7/25/08
-Expiration of Second Notice: 10/24/08
24. Oversize and Overweight Permit Movements on State Highways (92 Ill. Adm. Code 554)
-First Notice Published: 32 Ill. Reg. 12293 – 8/1/08
-Expiration of Second Notice: 10/31/08

EMERGENCY RULEMAKINGS

Education

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

25. Education of Homeless Children and Youth State Grant Program (23 Ill. Adm. Code 245)
-Notice Published: 32 Ill. Reg. 16264 – 10/3/08

Housing Development Authority

26. Predatory Lending Database Program (47 Ill. Adm. Code 390)
-Notice Published: 32 Ill. Reg. 16013 – 9/26/08

State Fire Marshal

27. Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 170)
-Notice Published: 32 Ill. Reg. 15100 – 9/19/08

AGENCY RESPONSE

Public Health

28. Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515; 31 Ill. Reg. 13322)

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 September 23, 2008 through September 29, 2008 and have been scheduled for review by the Committee at its Thursday, October 16, 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>
11/6/08	<u>Secretary of State</u> , Uniform Limited Partnership Act (2001) (14 Ill. Adm. Code 171)	8/8/08 32 Ill. Reg. 13156	10/16/08
11/8/08	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	7/11/08 32 Ill. Reg. 9776	10/16/08
11/8/08	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	7/18/08 32 Ill. Reg. 10773	10/16/08
11/8/08	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	7/25/08 32 Ill. Reg. 11285	10/16/08

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Petition for Exemption from Section 22.23b of the Environmental Protection Act

Miller & Weber, Inc. has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") for an exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b]. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 5/22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23b(c) of the Act [415 ILCS 5/22.23b(c)] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for thermometers.
2. The petitioner is seeking an exemption for high precision thermometers used in laboratories and industrial applications.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

Illinois EPA Headquarters
1021 North Grand Avenue East
Springfield, IL 62794-9276
Phone: 217-524-9642; TDD 217-782-9143

Please call ahead to assure that someone will be available to assist you.

4. Written public comments on the petition may be submitted to the Illinois EPA for a period of 45 days after the date of publication of this notice. Comments must be submitted to the following address:

Becky Jayne, MC #34
Illinois EPA
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276

E-mail: Becky.Jayne@illinois.gov
Phone: 217-524-9642; TDD 217-782-9143

PROCLAMATIONS

2008-373**GUBERNATORIAL PROCLAMATION**

Severe storms with continual heavy rainfall impacted Northern Illinois beginning September 13, 2008. These storms resulted in flash flooding forcing many residents from their homes, causing damage to homes, businesses and infrastructures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Bureau, Kendall and Woodford counties as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Dated September 23, 2008

Issued: September 23, 2008

2008-374**Graduate Education Week**

WHEREAS, graduate schools play an important role in enhancing the nation's economic competitiveness and innovation; and

WHEREAS, the National Science Foundation cites Illinois universities for attracting \$5.4 billion in federally sponsored grants and contracts over the past five years; and

WHEREAS, Illinois graduate schools play a vital role in developing the best and brightest domestic and globally recruited talent, evidenced by the fact that 46 percent of the Illinois legislature have received an advanced degree from an Illinois university, and 48 percent of certified elementary and secondary school teachers in Illinois have earned graduate degrees; and

WHEREAS, national laboratories in Illinois are dependent on graduate students and faculty from Illinois graduate schools; and

WHEREAS, graduate education is inextricably linked to the global economy, evidenced by Illinois' #1 ranking in the Midwest as a destination for foreign investment, Illinois'

PROCLAMATIONS

ability to attract over 5,800 foreign businesses that employ more than 335,000 Illinois citizens, and Illinois graduate schools' ability to attract over 25,6000 international students; and

WHEREAS, the Illinois Association of Graduate Schools, which represents private and public institutions statewide: provides a forum for communication and develop a spirit of cooperation among graduate schools, graduate colleges, and graduate divisions of the colleges and universities of the State of Illinois; plans and implements various mechanisms, consortia, and resource sharing to the benefit and best interests of graduate education and the people of the State of Illinois; serves in an advisory capacity, if so requested, to any State of Illinois agency or commission on matters relating to graduate education; and aims to improve graduate education in the State of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 20-24, 2008 as **GRADUATE EDUCATION WEEK** in Illinois and urge all citizens to recognize Graduate Deans and the Illinois Association of Graduate Schools for all that they do to promote graduate education and contribute to the public good.

Issued by the Governor September 18, 2008
Filed by the Secretary of State September 26, 2008.

2008-375**Compassion in Action Day**

WHEREAS, hunger and poverty are issues of grave concern in the United States and the State of Illinois; and

WHEREAS, the State of Illinois is committed to taking steps to raise awareness about the need to combat hunger in every part of our state and to provide additional resources such as the Food for Families program for families and individuals in need; and

WHEREAS, the month of September is nationally recognized as Hunger Action Month to raise awareness of and engage in the fight against domestic hunger. Throughout the month food banks and other community organizations will host events across the United States to benefit hunger-relief efforts; and

WHEREAS, one such event being planned is the "Convoy of Hope" organized by a coalition of government, community, civic, business and church groups; and

PROCLAMATIONS

WHEREAS, the Convoy of Hope consists of two 18-wheeler semi tractor-trailers each bearing enough food supplies to feed more than 5,000 people; and

WHEREAS, this unique one-day event will take place on September 20 on a 23-acre lot at Kostner and Roosevelt Road on the West Side of the City of Chicago; and

WHEREAS, the Convoy of Hope will also include tents for a jobs fair, comprehensive health and dental screenings, free haircuts, a petting zoo, carnival rides, HIV/AIDS testing, and financial and spiritual counseling, as well as a gospel concert featuring local choirs from throughout Chicago; and

WHEREAS, the Convoy of Hope has been sponsored for the past three years by Evangel World Outreach Center and this year's event promises to be one of the largest gatherings in the church's history of offering the program; and

WHEREAS, the Convoy of Hope will be run by more than 1,000 volunteers from area churches and businesses and will provide free groceries to more than 10,000 families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 20, 2008 as **COMPASSION IN ACTION DAY** in Illinois, in support of the Convoy of Hope and in recognition of the efforts of the organizers and volunteers who have made this event possible.

Issued by the Governor September 19, 2008

Filed by the Secretary of State September 26, 2008

2008-376**Breast Cancer Awareness Month and Mammography Day**

WHEREAS, October 2008 marks the 24th year of the National Breast Cancer Awareness Month campaign to educate women about breast cancer, especially concerning early detection through mammography; and

WHEREAS, in 2007, it is projected that approximately 8,680 of the 182,460 women in the United States diagnosed with breast cancer will be Illinois residents; and

WHEREAS, breast cancer is the most common cancer in women and is second only to lung cancer as the leading cause of cancer death; and

PROCLAMATIONS

WHEREAS, the best chance for detecting breast cancer early is mammography screening, which, when paired with new treatment options, can dramatically improve a woman's chance of survival; and

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP), offers free mammograms, breast exams, pelvic exams and Pap tests to eligible women. The IBCCP has provided more than 28,400 women with free breast screenings in the past year alone; and

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

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as **BREAST CANCER AWARENESS MONTH and October 17, 2008 as MAMMOGRAPHY DAY** in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

Issued by the Governor September 22, 2008

Filed by the Secretary of State September 26, 2008.

2008-377**Mitochondrial Disease Awareness Week**

WHEREAS, mitochondria are the power plants in every cell of a person's body and create more than 90 percent of the energy needed by the body to sustain life and support growth; and

WHEREAS, mitochondria may not function correctly due to genetic defects, damage caused by destructive molecules called free radicals; and

WHEREAS, when mitochondria fail, cell injury and cell death follow, and if the process is repeated throughout the body, whole systems begin to fail; and

WHEREAS, mitochondrial diseases can cause isolated symptoms like seizures, low blood counts, blindness, deafness, dementia, heart failure and progressive muscle weakness, but more often they cause failure of several organ systems in sequence; and

WHEREAS, although mitochondrial diseases can affect any person at any age, they primarily affect children, and many children with mitochondrial diseases die before their teenage years; and

PROCLAMATIONS

WHEREAS, it is estimated that 1 in 4,000 children born in the United States each year will develop a mitochondrial disease by ten years of age; and

WHEREAS, since mitochondrial disorders mimic other diseases, it is believed that they are under diagnosed; and

WHEREAS, currently no cures or effective therapies exist, but early diagnosis can help patients and their families use proper medication and nutritional supplements to improve the quality of life, and even prolong life; and

WHEREAS, the United Mitochondrial Disease Foundation (UMDF) provides support for families coping with mitochondrial diseases, encourages innovative research, and sponsors over 25 chapters and support groups throughout Illinois; and

WHEREAS, part of the mission of the UMDF is to raise awareness of mitochondrial diseases. In order to do so, UDMF members all across the country will engage in appropriate educational and awareness activities during the third week of September:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 21-27, 2008 as **MITOCHONDRIAL DISEASE AWARENESS WEEK** in Illinois, to raise awareness of mitochondrial diseases and in support of the work of the United Mitochondrial Disease Foundation.

Issued by the Governor September 22, 2008

Filed by the Secretary of State September 26, 2008

2008-378**National Family Week**

WHEREAS, families are important for our health and well-being. They bring us joy and pleasure in moments of triumph, as well as comfort and solace during times of tragedy; and

WHEREAS, families are also the base and foundation of every community. Consequently, the success of our communities depends upon the strength of families; and

WHEREAS, for that reason, it is in the interest of everyone to promote and support families. By doing so, we can improve the communities we all live and work in; and

PROCLAMATIONS

WHEREAS, Thanksgiving is a special time of year we spend with our families. Since 1968, that week has been commemorated as National Family Week; and

WHEREAS, this year, Thanksgiving falls on November 27, and National Family Week is from November 23-29:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 23-29, 2008 as **NATIONAL FAMILY WEEK** in Illinois to recognize the importance of families.

Issued by the Governor September 23, 2008

Filed by the Secretary of State September 26, 2008.

2008-379**Staff Sgt. Jason A. Vazquez**

WHEREAS, on Wednesday, September 17, Army Staff Sergeant Jason A. Vazquez from Chicago died at age 24 of injuries sustained when an improvised explosive device detonated near his vehicle and it overturned in Gerdia Seria, Afghanistan, where SSgt. Vazquez was serving in support of Operation Enduring Freedom; and

WHEREAS, assigned to B Battery, 2nd Battalion, 122nd Field Artillery Regiment, Army National Guard, based in Robbins, Illinois, SSgt. Vazquez enlisted in the Illinois National Guard soon after graduating from Schurz High School in 2002; and

WHEREAS, SSgt. Vazquez, who also served as a Cook County correctional officer, attended Triton College before enlisting in the Army, where he was trained in both military police and cannon crew duties, and looked forward to becoming a Chicago Police Officer; and

WHEREAS, over the course of his service SSgt. Vazquez was awarded the Army Service Medal, National Defense Service Medal and Army Forces Reserve Medal; and

WHEREAS, a funeral will be held on Friday, September 26 for SSgt. Vazquez, who is survived by his father Jose Vazquez of Chicago, his mother Lisa Perez, of Miami, and a sister and a brother, as well as his fiancée, Genevieve Gonzalez, also of Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on September 24, 2008 until sunset on

PROCLAMATIONS

September 26, 2008 in honor and remembrance of SSgt. Vazquez, whose selfless service and sacrifice is an inspiration.

Issued by the Governor September 24, 2008

Filed by the Secretary of State September 26, 2008.

2008-380**Pfc. Leonard J. Gulczynski**

WHEREAS, on Wednesday, September 17, Army Private First Class Leonard J. Gulczynski I from Carol Stream died at age 19 of injuries sustained from a non-combat related vehicle incident in Baghdad, Iraq, where Pfc. Gulczynski was serving in support of Operation Iraqi Freedom; and

WHEREAS, Pfc. Gulczynski, born with pneumonia and suffering from asthma in his youth, battled the respiratory problems and ended up making the football and volleyball teams at Bartlett High School; and

WHEREAS, assigned to the 610th Engineer Support Company, 14th Engineer Battalion, based in Fort Lewis, Washington, Pfc. Gulczynski joined the Army after he graduated from high school, following the example of his father and grandfather; and

WHEREAS, a funeral will be held on Saturday, September 27 for Pfc. Gulczynski, who is survived by his parents Jacki and Mike Gulczynski, as well as a sister, Jacki, 15, and a brother, Mike Jr., 12:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on September 27, 2008 until sunset on September 29, 2008 in honor and remembrance of Pfc. Gulczynski, whose selfless service and sacrifice is an inspiration.

Issued by the Governor September 24, 2008

Filed by the Secretary of State September 26, 2008.

2008-381**Sgt. Joshua W. Harris**

WHEREAS, on Wednesday, September 17, Army Sergeant Joshua W. Harris from Romeoville died at age 21 of injuries sustained when an improvised explosive device detonated near his vehicle and it overturned in Gerdia Seria, Afghanistan, where Sgt. Harris was serving in support of Operation Enduring Freedom; and

PROCLAMATIONS

WHEREAS, Sgt. Harris was assigned to B Battery, 2nd Battalion, 122nd Field Artillery Regiment, Army National Guard, based in Robbins, Illinois; and

WHEREAS, Sgt. Harris, a 2006 graduate of Walther Lutheran High School in Melrose Park, enlisted in the Illinois Army National Guard in August of 2005. He went on to attend Basic Combat Training and Advanced Individual Training at Fort Sill, Oklahoma in 2006; and

WHEREAS, a funeral will be held on Saturday, September 27 for Sgt. Harris, who is survived by his father and step-mother William "Bill" Harris and Jean Harris of Brookfield and his mother and step-father Millie Harris-Hickey and Bob Hickey of Romeoville:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on September 27, 2008 until sunset on September 29, 2008 in honor and remembrance of Sgt. Harris, whose selfless service and sacrifice is an inspiration.

Issued by the Governor September 24, 2008

Filed by the Secretary of State September 26, 2008.

2008-382**Diabetes Awareness Month**

WHEREAS, diabetes has reached epidemic proportions in the United States; 23.6 million people or 7.8 percent of the population have diabetes. 17.9 million have diagnosed diabetes and 5.7 million undiagnosed. In Illinois, more than 841,626 adults (age 18 and older) or 8.8 percent have diagnosed diabetes. An additional 260,000 adults may have undiagnosed diabetes and approximately 3 million people are at increased risk for developing diabetes due to age, obesity and sedentary lifestyle; and

WHEREAS, type 2 diabetes can be prevented in those at high risk by changes in lifestyle with improved diet, increased physical activity, and/or modest weight loss; and

WHEREAS, in Illinois, diabetes - both type 1 and type 2 - account for nearly \$7.3 billion in total direct healthcare and indirect costs every year. It is estimated that the direct medical care costs per person per year with diabetes is 2.3 times higher than the person without diabetes. Studies estimate that a one percent reduction in A1c

PROCLAMATIONS

values can reduce total healthcare costs for a patient with type 2 diabetes by up to \$950 per year; and

WHEREAS, numerous studies support that people with diabetes can prevent or delay the progression of complications by practicing goal-oriented management of blood glucose, lipids and blood pressure, receiving diabetes self-management education, ensuring proper food intake and physical activity to help achieve target values, maintaining a healthy body weight, and receiving recommended eye and foot examinations; and

WHEREAS, as many as one in four people with diabetes will develop a foot ulcer in their lifetime. Proper daily foot care, regular examinations by a physician or podiatrist and early detection and treatment of possible ulcers may prevent amputations. People with diabetes under the care of a podiatrist or multidisciplinary health care team have fewer deep ulcers; and

WHEREAS, retinopathy, a disease of the small blood vessels in the retina, is one of the most common eye problems for people with diabetes; and people with diabetes have a higher risk of blindness than people without diabetes. A person with diabetes should have regular eye examinations with an eye care professional. Early detection and treatment of retinopathy may prevent further damage and blindness:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2008 as **DIABETES AWARENESS MONTH** in Illinois.

Issued by the Governor September 24, 2008

Filed by the Secretary of State September 26, 2008.

2008-383**National Martial Arts Day**

WHEREAS, martial arts teach and instill important and valuable skills and lessons not only for self-defense, but also for self-confidence, self-control, and self-discipline; and

WHEREAS, these skills and lessons are the basis and foundation for good character and future success in all aspects of life such as social relationships and career choices; and

WHEREAS, in addition to personal development and enrichment, martial arts also provide a healthy emotional outlet for relieving stress and a safe social environment for children; and

PROCLAMATIONS

WHEREAS, this year martial arts schools across the nation will celebrate October 18th as National Martial Arts Day to promote the positive benefits of martial arts; and

WHEREAS, martial arts schools throughout the United States, including the State of Illinois, will sponsor charitable fundraisers, parties, performances, open houses, and other activities to mark the occasion and heighten visibility of martial arts:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 18, 2008 as **NATIONAL MARTIAL ARTS DAY** in Illinois.

Issued by the Governor September 24, 2008

Filed by the Secretary of State September 26, 2008.

2008-384**Lung Cancer Awareness Month**

WHEREAS, lung cancer is the leading cause of cancer death in the United States. This year alone, lung cancer will claim the lives of more than 163,000 Americans, including nearly 7,000 from the State of Illinois; and

WHEREAS, lung cancer takes the lives of more Americans than breast, prostate, colon, liver, and kidney cancers combined. Clearly, lung cancer is a serious health issue; and

WHEREAS, despite that, there is currently no standard screening for lung cancer; and

WHEREAS, sadly, more than 50 percent of lung cancer patients are diagnosed in a late stage with only a 5 percent five-year survival rate. However, with early and regular checkups and exams, lung cancer can be diagnosed in an early stage when the chance of survival is as high as 85 percent; and

WHEREAS, each year, the Lung Cancer Alliance, a national patient advocacy group for lung cancer, and other organizations throughout the country work to raise awareness about the disease during the month of November:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2008 as **LUNG CANCER AWARENESS MONTH** in Illinois to call attention to the devastating problem of lung cancer, and in support of efforts by organizations such as the Lung Cancer Alliance to combat this terrible disease that affects so many families in our state.

Issued by the Governor September 24, 2008

Filed by the Secretary of State September 26, 2008.

PROCLAMATIONS

2008-385**A Day of Remembrance of the Honorable Anna Langford**

WHEREAS, former Alderman Anna Langford, a loyal and dedicated public servant to Illinois, passed away on Wednesday, September 17 after a months long battle with lung cancer. She was 90; and

WHEREAS, born on Oct. 27, 1917, in Springfield, Ohio, Langford's parents died when she was a child. After living with her grandmother, Langford moved to Chicago as a teenager to live with her aunt and uncle, later graduating from Hyde Park High School; and

WHEREAS, after receiving her law degree from John Marshall Law School in 1956, The Honorable Anna Langford practiced criminal and civil rights law throughout Illinois and defended civil rights workers in the 1960s. She also joined marches led by Martin Luther King Jr. when the civil rights leader came to Chicago; and

WHEREAS, in 1971 The Honorable Anna Langford became the first African-American woman elected to the Chicago City Council, as alderman of the 16th Ward, which encompasses such South Side neighborhoods as Englewood and Gage Park. During that same election, Langford and former Chicago Tribune reporter Marilou McCarthy Hedlund were the first two women elected to the council; and

WHEREAS, although she lost her bid for reelection in 1975, Langford returned to the council in 1983, serving two terms during her second stint as an alderman before retiring from the council in 1991; and

WHEREAS, over the course of her life, The Honorable Anna Langford made the City of Chicago, and the State of Illinois as a whole, a better place and has left behind a legacy that will continue to resonate in the state for many years to come. She will be deeply missed by all who had the opportunity to know her; and

WHEREAS, funeral services for The Honorable Anna Langford, who is survived by her son Larry as well as three grandchildren and a great-grandchild, will be held Thursday, September 25:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 25, 2008 as **A DAY OF REMEMBRANCE OF THE HONORABLE ANNA LANGFORD** in Illinois.

PROCLAMATIONS

Issued by the Governor September 24, 2008
Filed by the Secretary of State September 26, 2008.

2008-386**Siri Guru Granth Sahib Day**

WHEREAS, Guru Gobind Singh (1666 – 1708 A.D.), the 10th Guru of the Sikhs, proclaimed "Siri Guru Granth Sahib" (Sikh Holy Scripture) as his Successor and Eternal Guru (Spiritual Guide) of the Sikhs, on October 20, 1708 A.D.; and

WHEREAS, "Siri Guru Granth Sahib" enshrines the message of unity and universality of the Founder of Sikhism, Guru Nanak Dev (1469-1539 A.D.), who taught and advanced universal love and brotherhood of all mankind; and

WHEREAS, the Sikh Americans constitute a well-established religious, social and ethnic group among the people who have immigrated to Illinois and the United States of America; and

WHEREAS, Sikh immigrants have added greatly, both culturally and economically, to the State of Illinois and the United States while simultaneously continuing to maintain their own culture and traditions; and

WHEREAS, Sikh Americans have been involved in the social, cultural and economic arenas of Illinois, and are making outstanding contributions in many fields; and

WHEREAS, this year approximately 25 million Sikhs worldwide, (over 500,000 Sikh Americans in the U.S., and nearly 25,000 in the State of Illinois), are celebrating 300 years of "Siri Guru Granth Sahib" as their Eternal Guru and Spiritual Guide:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 20, 2008 as **SIRI GURU GRANTH SAHIB DAY** in Illinois.

Issued by the Governor September 24, 2008
Filed by the Secretary of State September 26, 2008.

2008-387**Sgt. Daniel M. Eshbaugh**

WHEREAS, on Thursday, September 18, Army Sergeant Daniel M. Eshbaugh of Norman, Oklahoma died at age 43 along with six other soldiers when the CH-47 Chinook

PROCLAMATIONS

helicopter he was in went down in the vicinity of Tallil, Iraq, where Sgt. Eshbaugh was serving in support of Operation Iraqi Freedom; and

WHEREAS, Sgt. Eshbaugh was born and raised in West Chicago before moving to Fort Sill, Oklahoma when he joined the Army; and

WHEREAS, Sgt. Eshbaugh was assigned to the 2nd Battalion, 149th Aviation, 36th Combat Aviation Brigade, Oklahoma National Guard, based in Lexington, Oklahoma; and

WHEREAS, a memorial service will be held in Norman on Saturday, October 4 for Sgt. Eshbaugh, who is survived by his mother Bernadine Miller of West Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on October 2, 2008 until sunset on October 4, 2008 in honor and remembrance of Sgt. Eshbaugh, whose selfless service and sacrifice is an inspiration.

Issued by the Governor September 24, 2008
Filed by the Secretary of State September 26, 2008.

2008-388**Worldwide Day of Play**

WHEREAS, the rates of childhood obesity continue to rise at alarming rates; and

WHEREAS, today's children and adults don't get as much physical activity as they should; and

WHEREAS, nutritious diets and physical activity are important components in living healthy lifestyles and reducing disease; and

WHEREAS, part of Nickelodeon's international grassroots effort is to get kids more physically active and to encourage positive, healthy, and playful lifestyles across the globe; and

WHEREAS, to accomplish that goal, Nickelodeon, along with the Boys & Girls Clubs of America and the National Football League are teaming up to celebrate the fifth annual Worldwide Day of Play as a fun event to empower youth and encourage today's generation to adopt healthy lifestyles; and

WHEREAS, the State of Illinois is committed to working to support kids in becoming the healthiest generation:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 27, 2008 as **WORLDWIDE DAY OF PLAY** in Illinois, and encourage citizens of all ages to observe this day with appropriate activities.

Issued by the Governor September 24, 2008
Filed by the Secretary of State September 26, 2008.

2008-389**ENERGY STAR Change a Light Day**

WHEREAS, energy efficiency is important to the State of Illinois, because it saves consumers and businesses money, and helps protect the environment by fighting global warming; and

WHEREAS, the nation's Governors are committed to maintaining secure, safe and affordable energy resources for their citizens; and

WHEREAS, by taking and honoring the ENERGY STAR[®] Pledge as part of the U.S. Environmental Protection Agency's national Change the World, Start with ENERGY STAR campaign, citizens of the State of Illinois are committing to save energy and help voluntarily reduce greenhouse gas emissions by taking energy-saving actions in their homes such as switching to ENERGY STAR qualified light bulbs and fixtures; and

WHEREAS, if every home in the State of Illinois changed one light to one that has earned the ENERGY STAR, our state would save nearly 700 million kWh of electricity per year, resulting in an annual total savings of over \$77 million in energy costs while also preventing more than 1 billion pounds of greenhouse gas emissions each year; and

WHEREAS, the State of Illinois is proud to join the fight against global warming as part of this nationwide effort by celebrating this day—ENERGY STAR Change a Light Day—and encouraging households to change a light and take other energy-saving actions, such as enabling your computer to power down when not in use, installing and using a programmable thermostat correctly with pre-programmed settings, choosing products that have earned the ENERGY STAR, and more:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 1, 2008 as **ENERGY STAR CHANGE A LIGHT DAY** in Illinois, and encourage all citizens to make this important change.

PROCLAMATIONS

Issued by the Governor September 25, 2008
Filed by the Secretary of State September 26, 2008.

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 32, Issue 41 are listed in the Issues Index by Title number, Part number, Volume and Issue.
Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

83 - 454	.....	16291
35 - 303	.....	16303
86 - 100	.....	16309
92 - 455	.....	16327
92 - 455	.....	16345

ADOPTED RULES

74 - 420	9/24/2008.....	16372
44 - 526	9/24/2008.....	16388
23 - 1501	9/23/2008.....	16396
35 - 1500	9/26/2008.....	16406
23 - 100	9/24/2008.....	16439
23 - 375	9/29/2008.....	16475
44 - 750	9/23/2008.....	16484
11 - 200	9/29/2008.....	16493
11 - 1325	9/29/2008.....	16498
11 - 1424	9/29/2008.....	16502
92 - 1070	9/25/2008.....	16507
80 - 1600	9/25/2008.....	16515

PEREMPTORY RULES

80 - 310	9/24/2008.....	16591
----------	----------------	-------

EXECUTIVE ORDERS AND PROCLAMATIONS

08 - 373	9/23/2008.....	16641
08 - 374	9/18/2008.....	16641
08 - 375	9/19/2008.....	16642
08 - 376	9/22/2008.....	16643
08 - 377	9/22/2008.....	16644
08 - 378	9/23/2008.....	16645
08 - 379	9/24/2008.....	16646
08 - 381	9/24/2008.....	16647
08 - 380	9/24/2008.....	16647
08 - 382	9/24/2008.....	16648
08 - 383	9/24/2008.....	16649
08 - 384	9/24/2008.....	16650
08 - 385	9/24/2008.....	16651
08 - 387	9/24/2008.....	16652
08 - 386	9/24/2008.....	16652
08 - 388	9/25/2008.....	16653
08 - 389	9/25/2008.....	16654

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