

# 2009

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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## INTRODUCTION

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

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

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

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

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 22, 2008	January 2, 2009
2	December 29, 2008	January 9, 2009
3	January 5, 2009	January 16, 2009
4	January 12, 2009	January 23, 2009
5	January 20, 2009	January 30, 2009
6	January 26, 2009	February 6, 2009
7	February 2, 2009	February 13, 2009
8	February 9, 2009	February 20, 2009
9	February 17, 2009	February 27, 2009
10	February 23, 2009	March 6, 2009
11	March 2, 2009	March 13, 2009
12	March 9, 2009	March 20, 2009
13	March 16, 2009	March 27, 2009
14	March 23, 2009	April 3, 2009
15	March 30, 2009	April 10, 2009
16	April 6, 2009	April 17, 2009
17	April 13, 2009	April 24, 2009
18	April 20, 2009	May 1, 2009
19	April 27, 2009	May 8, 2009
20	May 4, 2009	May 15, 2009
21	May 11, 2009	May 22, 2009
22	May 18, 2009	May 29, 2009

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

**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 13, 2009 to January 4<sup>th</sup>, 2010 by 4:30 pm, as January 1<sup>st</sup> is a holiday and the office will be closed.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
710.10	Amendment
710.22	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to incorporate changes for the 2010 season. Changes are being made to: update hunting season dates, add language allowing the rounding up of fractional amounts of acreage in the calculation of the landowner permit acreage requirement, update the list of open sites, and add language to clarify that hunters who have not reached their 16<sup>th</sup> birthday prior to the opening date of the youth hunt are eligible to hunt in the Spring Youth Turkey Hunt.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Stanley Yonkauski, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2009

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



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 710  
THE TAKING OF WILD TURKEYS – SPRING SEASON

## Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

**SOURCE:** Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 710.10 Hunting Seasons**

## a) Northern Zone Season Dates:

1<sup>st</sup> Season: Monday, April ~~12-13~~-Friday, April ~~16, 2010-17, 2009~~

2<sup>nd</sup> Season: Saturday, April ~~17-18~~-Thursday, April ~~22, 2010-23, 2009~~

3<sup>rd</sup> Season: Friday, April ~~23-24~~-Wednesday, April ~~28, 2010-29, 2009~~

4<sup>th</sup> Season: Thursday, April ~~29-30~~-Wednesday, May ~~5, 2010-6, 2009~~

5<sup>th</sup> Season: Thursday, May ~~6-7~~-Thursday, May ~~13, 2010-14, 2009~~

## b) Southern Zone Season Dates:

1<sup>st</sup> Season: Monday, April ~~5-6~~-Friday, April ~~9, 2010-10, 2009~~

2<sup>nd</sup> Season: Saturday, April ~~10-11~~-Thursday, April ~~15, 2010-16, 2009~~

3<sup>rd</sup> Season: Friday, April ~~16-17~~-Wednesday, April ~~21, 2010-22, 2009~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

4<sup>th</sup> Season: Thursday, April ~~22-23~~-Wednesday, April ~~29~~, 28, 2010~~29, 2009~~

5<sup>th</sup> Season: Thursday, April ~~29-30~~-Thursday, May ~~7~~, 6, 2010~~7, 2009~~

c) Open Counties:

NORTHERN ZONE

- Adams
- Boone
- Brown
- Bureau
- Calhoun
- Carroll
- Cass
- Champaign
- Christian
- Clark
- Coles
- Cumberland
- DeKalb
- DeWitt
- Edgar
- Fulton
- Greene
- Grundy
- Hancock
- Henderson
- Henry
- Iroquois
- Jersey
- Jo Daviess
- Kankakee
- Kendall
- Knox
- La Salle

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Lee  
Livingston  
Logan  
Macon  
Macoupin  
Marshall-Putnam  
Mason  
McDonough  
McHenry  
McLean  
Menard  
Mercer  
Montgomery  
Morgan  
Moultrie  
Ogle  
Peoria  
Piatt  
Pike  
Rock Island  
Sangamon  
Schuyler  
Scott  
Shelby  
Stark  
Stephenson  
Tazewell  
Vermilion  
Warren  
Whiteside  
Will  
Winnebago  
Woodford

SOUTHERN ZONE

Alexander  
Bond  
Clay  
Clinton

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Crawford  
Edwards  
Effingham  
Fayette  
Franklin  
Hamilton  
Gallatin-Hardin  
Jackson  
Jasper  
Jefferson  
Johnson  
Lawrence  
Madison  
Marion  
Massac  
Monroe  
Perry  
Pope  
Pulaski  
Randolph  
Richland  
Saline  
St. Clair  
Union  
Wabash  
Washington  
Wayne  
White  
Williamson

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 710.22 Turkey Permit Requirements – Landowner/Tenant Permits**

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.

- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.
- d) Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must be submitted to:
- Illinois Department of Natural Resources  
POH Spring Wild Turkey Permit  
One Natural Resources Way  
P.O. Box 19227  
Springfield IL 62794-9227
- e) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 32 days encompassed by the 5 seasons, but allow the taking of only one wild turkey. This turkey hunting permit shall be valid on all lands the permit holder owns, leases, or rents in counties open for spring turkey hunting.
- f) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (the first working day after February 8), and a third permit in the Random Daily Drawing period that begins the first working day after March 8. Fees for these additional permits shall be \$15 for residents and the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for nonresidents.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Submittal of a copy of property deed;
  - 2) Submittal of a copy of contract for deed;
  - 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;
  - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
  - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- h) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
  - 2) Submittal of a copy of a Farm Service Agency 156EZ form.
- i) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate families may receive turkey permits.
- j) Shareholder/Member/Beneficiary/Partner Landowner Permits
- 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, current income beneficiaries of trusts and bona fide equity partners of general or limited partnerships owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations, trusts and limited liability companies. Only one permit for 40 acres, for a

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

maximum of 3 permits per county, shall be issued based on ownership of lands by partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a free permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a free permit by the shareholders/members/partners of the trustee. If application is made for a free permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner as defined in subsections (j)(2), (3) and (4), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, trust or partnership lands. This document must be attached to the application upon submittal to the Permit Office. This shareholder/member/beneficiary/partner turkey permit shall be free to resident shareholders/members/beneficiaries/partners and the cost to nonresident shareholders and members shall be \$37.50. Nonresident partners are not eligible to receive permits for partnership lands.

- 2) Bona fide equity shareholder means an individual who:
  - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
  - B) intends to retain the ownership of the shares of stock for at least 5 years.
- 3) Bona fide equity member means an individual who:



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act [805 ILCS 180].
  - B) intends to retain the membership for at least 5 years.
- 4) Current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.
- 5) Bona fide equity partner means an individual who:
- A) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
  - B) intends to retain ownership of the partnership interest for at least 5 years; and
  - C) is a resident of Illinois as defined in Section 2.26 of the Wildlife Code.

k) For the purpose of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 710.50 Regulations at Various Department-Owned or -Managed Sites**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) that are followed by a (1).
- c) Statewide regulations shall apply for the following sites:
  - Anderson Lake Conservation Area (1)
  - Argyle Lake State Park (1)
  - Cache River State Natural Area (1)
  - Campbell Pond Wildlife Management Area
  - Cape Bend State Fish and Wildlife Area (1)
  - Carlyle Lake Wildlife Management Area
  - Copperhead Hollow State Wildlife Area
  - Cypress Pond State Natural Area (1)
  - Deer Pond State Natural Area (1)
  - Devil's Island State Fish and Wildlife Area
  - Dog Island Wildlife Management Area (1)
  - Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (all hunters must obtain a free site permit)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (except South Subunit) (1)

Pere Marquette State Park (designated area only)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Wildcat Hollow State Forest (1)

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park – Thompson and Salem Units (1)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Big River State Forest (1)

Burning Star 5 (preseason scouting is permitted seven days prior to season date listed on permit; hunters must have their permit in possession while scouting; only hunters with valid Burning Star 5 spring turkey permits may be on the property)

Castle Rock State Park (1)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

Dixon Springs State Park (youth ages 10-15 only) (1)

Eagle Creek State Park (first two seasons only) (1)

Eldon Hazlet State Park

~~Falling Down Prairie State Natural Area (1)~~

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (1)

French Bluff State Natural Area (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Hidden Springs State Forest (~~first 2 seasons only~~)-(1)

Horseshoe Lake State Park (Madison County)

Hurricane Creek Habitat Area (must have Fox Ridge State Park permit)  
(1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park (1)

Kankakee River State Park (hunting hours are from one-half hour before sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area (1)

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from one-half hour before sunrise until 8:30 a.m.; if space is available after site permit holders have checked in or if there have been no site specific permits issued, La Salle County permit holders who have an unfilled permit for the current season may be allowed on the site to hunt; if more La Salle County permit holders want to hunt than there are vacancies, a daily drawing at the site hunter check station will be held to determine who may enter the site to hunt; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall Fish and Wildlife Area (1)

Matthiessen State Park (South of Vermilion River Area) (1)

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Meeker State Habitat Area

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

Momence Wetlands (1)

Moraine View State Park (no hunting on weekends during 4<sup>th</sup> and 5<sup>th</sup> season) (1)

Mt. Vernon Game Propagation Center

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Pyramid State Park – East Conant Unit

[Rall Woods \(Falling Down Prairie\) State Natural Area \(1\)](#)

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; these hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

Red Hills State Park/Chauncey Marsh

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Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sandy Ford State Natural Area

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

South Shore State Park (must have Eldon Hazlet State Park permit)

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Washington County Conservation Area (~~hunting hours are from ½ hour before sunrise until 12:00 noon~~)-(1)

Wayne Fitzgerald State Recreation Area

Weinberg-King State Park (Scripps Unit) (1)

Weldon Springs State Park – Piatt County Unit



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Witkowsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 710.70 Spring Youth Turkey Hunt**

- a) Hunting Dates
  - 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.
  - 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
- c) Eligibility: The Spring Youth Turkey Hunt is open only to Illinois residents who have not reached their 16<sup>th</sup> birthday prior to the opening date of the youth season~~under the age of 16 on the beginning date of the designated youth hunting days~~. All participating youths must have completed a Department-approved Hunter Education course.
- d) Permit Requirements – Spring Youth Turkey Hunt
  - 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). For permit application and other information write to:

Illinois Department of Natural Resources  
Youth Turkey Hunt  
One Natural Resources Way  
P.O. Box 19227  
Springfield IL 62794-9227

- 2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources or the application will be

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returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

- 3) Each applicant must complete the official Department Youth Wild Turkey Permit application.
  - 4) Applications will be accepted through the second Monday in February.
  - 5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
  - 6) If more than one application for an Illinois Youth Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.
  - 7) A \$3 service fee will be charged for replacement permits issued by the Department.
  - 8) The Youth Turkey Hunt Permit shall be valid only for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license or apprentice hunting license and Habitat Stamp prior to hunting, unless exempt. Hunting without a permit is a Class B misdemeanor [520 ILCS 5/2.9].
  - 9) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season .
- e) Youth Turkey Hunting Regulations
- 1) Each Illinois Youth Turkey Hunt Permit holder is required to be accompanied afield by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

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- 2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions.

Anderson Lake Fish and Wildlife Area

Apple River Canyon State Park – Thompson and Salem Units (1)

Argyle Lake State Park

Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Castle Rock State Park

Copperhead Hollow State Wildlife Area

Crab Orchard National Wildlife Refuge Public Hunting Area

Crawford County Conservation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Falling Down Prairie State Natural Area (1)

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Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area – Alexander County

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

Mackinaw River State Fish and Wildlife Area (1)

Mermet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

Mississippi River Area Pools 21, 22, 24, 25 and 26

Momence Wetlands

Nauvoo State Park (Max Rowe Unit Only)

Newton Lake State Fish and Wildlife Area

Pere Marquette State Park (open area south of Graham Hollow Road only)

Pyramid State Park

Pyramid State Park – East Conant Unit

Ray Norbut Fish and Wildlife Area

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Rend Lake Corps of Engineers-managed land in Jefferson and Franklin Counties

Rend Lake State Fish and Wildlife Area

Sam Parr State Park

Sielbeck Forest State Natural Area

Siloam Springs State Park

Siloam Springs State Park (Buckhorn Unit)

Skinner Farm State Habitat Area

Spoon River State Forest

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Scripps Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Witkowsky State Wildlife Area (1)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

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Burning Star 5 (preseason scouting is permitted beginning the Saturday prior to the youth season; hunters must have their permit in possession while scouting; permit holders must display a parking card in the dash of their vehicle)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crab Orchard National Wildlife Refuge (Closed Portion)

Eldon Hazlet State Park

Ferne Clyffe State Park – Ferne Clyffe Hunting Area

Hidden Springs State Forest

Jim Edgar Panther Creek State Fish and Wildlife Area

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)  
Moultrie County

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)  
Shelby County

Sangchris Lake State Park

South Shore State Park (must have Eldon Hazlet State Park permit)

Weldon Springs – Piatt County Unit

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
250.110	Amend
250.120	Amend
- 4) Statutory Authority: 110 ILCS 70
- 5) A Complete Description of the Subjects and Issues Involved: The proposed revisions to Sections 250.110 and 250.120 will add language to provide the option to implement employee furlough programs to address budget shortfalls.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed amendment within 45 days after the date of publication to:

Mary C. Follmer  
Assistant Legal Counsel  
State Universities Civil Service System  
1717 Philo Road, Suite 24  
Urbana, IL 61802

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217/278-3150, ext. 226

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The agency did not anticipate this rulemaking when the recent regulatory agenda was published.

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



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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## PART 250

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

**AUTHORITY:** Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

**SOURCE:** Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg.

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1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996; amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 250.110 Separations and Demotions**

- a) Resignation. An employee having a nonstatus or status appointment, as described in Sections 250.70 and 250.80, may resign by presenting a signed resignation to his/her employer or by demonstrating to the employer by other means his/her intent to separate from employment. Upon receipt of a signed resignation or other evidence of intent to separate from employment, the employee will be separated from employment. The Executive Director shall be notified promptly by the employer of all resignations.
- b) Leave of Absence
  - 1) Leave of Absence for Classification Changes. A status employee who accepts a position that represents a promotion in a class outside his/her promotional line shall be granted a leave of absence from a position of his/her former class for the duration of any trainee, provisional, and/or probationary period in the new class.
  - 2) Leave of Absence for Disciplinary Actions. An employee placed on a Disciplinary Suspension or on a Suspension Pending Discharge shall be placed on a leave of absence from his/her position.
  - 3) Leave of Absence for Disability Leave
    - A) If an employee is no longer able to perform the duties and responsibilities of his/her position in the class due to a disability as determined by the employer's medical and/or psychological evaluation procedures, and/or in accordance with State and federal law, the employee will be required to take disability leave in accordance with subsection (b)(3)(B).
    - B) A status employee who becomes eligible for disability benefits to

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be paid by the employer or, as later determined, by the Illinois State retirement system to which the employee contributed, or becomes eligible for payment benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Illinois Occupational Diseases Act [820 ILCS 310], or a State self-insurance program, shall be granted a disability leave. The disability leave shall be the period for which the employee applies for such benefits, until the time of the expiration of the benefits or a final administrative decision denying or terminating the benefits, including any gap in benefit payments between the expiration of institutional benefits and those available under the approving authority.

- C) The employer may require an employee to take a medical and/or psychological examination prior to returning to work after a disability leave. The examination shall be conducted by a licensed practitioner selected by the employer to determine the physical and/or mental capability to perform the essential duties of the employee's position. The employer may supply the examining practitioner with facts relating to the employee's difficulty or inability to perform the essential functions of the job and may supply additional information, including but not limited to physical and mental requirements of the employee's position, duty statement, job classification specification, and position description. The employee may also present an alternative opinion provided by a licensed practitioner to be selected and paid for by the employee. If there is a difference of opinion, a third outside practitioner shall be selected by the two physicians. The employer shall pay for all examinations, except those initiated by the employee.
- D) An employee's refusal to submit to an examination as described in subsection (b)(3)(C), the unexcused failure to appear for such an examination, or the refusal to release the results of the examination may be deemed by the employer as an acknowledgement that the employee is not fit for duty and may subject the employee to termination actions as defined in subsection (c).
- E) A disability leave may be revoked by the employer upon evidence that the cause for granting the leave was misrepresented.

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- F) At the expiration of all disability benefits, an employee shall be entitled to return to a position in his/her class without any loss of status due to the disability leave, providing that he/she returns upon the expiration of all disability benefits to which entitled.
- G) Reemployment
- i) If an employee does not return to work at the expiration of all disability benefits and is terminated in accordance with subsection (c)(2), the employee may, within one year following the expiration of all disability benefits, request reinstatement and, upon approval of the Executive Director, the employee's name may be placed on the reemployment register in the class in which he/she was employed at the time the disability leave was granted and in accordance with total seniority earned.
  - ii) If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but, because of his/her disability, is deemed unable to perform the duties in the class, the employee may be required to pass physical or other tests to determine employability under the University System.
- 4) Military Leave of Absence. An employee shall be granted a Military Leave of Absence in accordance with State and federal law and regulations.

5) Furloughs

- A) A furlough is the placement of an employee in a temporary non-duty, non-pay status for a continuous or non-continuous period of time due to a lack of funds.
- B) An employee on furlough shall not be at work or on standby or on-call and shall not perform any State work during furlough time. A furlough can be either voluntary or mandatory. A furlough is not

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considered a layoff or a reduction in force action, and therefore not subject to subsection (d) of this [Section](#).

- C) Notwithstanding any other rule in this Part, or the fact that an employee's work hours or pay is reduced by the requirement to take furlough, all furlough time is considered creditable time for all purposes as if the furloughed employee was in pay status. Furloughed employees shall be entitled to the same benefits under this Part, and as established by the Benefits Policy approved by the Merit Board and by the Governing Boards of the institutions/agencies served by the University System, to which the employee was entitled on the paid workday immediately preceding the furlough and [those](#) benefits shall continue as if the employee was in pay status.
- D) Voluntary or mandatory furlough programs may be inclusive of all employees in the designated institution/agency, division or program regardless of employment status, source of funds or place of work. Employees in positions considered essential to the critical mission, such as those related to health, welfare and safety, may be excluded from participation in furloughs. Employees shall be notified as soon as possible of any mandatory furlough requirements. An employee on paid military leave or other unpaid leave shall not be scheduled for furlough during the leave and may be scheduled for furlough upon return to work if the furlough program remains in effect. Uniform participation and selection criteria should be developed by the employer and consistently applied.
- E) Furloughs shall not be used when permanent or temporary layoff or emergency shut-down is appropriate. For example, if an employer does not expect a funding reduction to be restored in the next budget cycle and the employer does not have the ability to reorganize work, a layoff may be an appropriate option. Furloughs shall not be used as a substitute for permanent part-time employment. Furloughs shall not be used as a disciplinary measure.

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- F) Implementation of furlough programs for employees covered under a collective bargaining agreement is subject to the collective bargaining process and/or other applicable State/federal labor laws and regulations. The provisions contained in this subsection (b)(5) are not intended to circumvent or supersede other State/federal labor laws and/or regulations applicable in this respect.
- G) Required Notification – An employer may institute a voluntary or mandatory furlough program upon notification to the Executive Director at least 15 calendar days prior to the implementation of the program. The employer shall indicate whether the furlough is for the entire institution/agency or a designated division or program, an explanation of the facts related to the temporary nature of the event causing the furlough and the specific funding deficit related to the affected work areas, how the furlough will relieve the budgetary shortfall, the initial effective date of the program, the number of days that employees shall be on furlough and the end date of the furlough program, a definition/listing of essential employees and positions to be excluded from participation, and any collective bargaining implications.

65) The Executive Director shall be notified promptly by the employer of all leaves of absence, including military, disability, or any other leave otherwise granted. The notification shall include the beginning and ending dates of leaves that exceed 30 calendar days of non-pay status.

c) Termination

- 1) An employee having a non-status appointment, as described in Section 250.70 of this Part, may be terminated by his/her employer at any time during the training period and/or upon completion of the work assignment, except for those status employees eligible for a leave of absence as defined in subsection (b)(1).
- 2) An employee on disability leave, as defined in subsection (b)(3), who has exhausted all of his/her disability benefits and is unable to resume the duties and responsibilities of a position in his/her class may be terminated from employment, unless the employer and employee agree on

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employment in a more suitable classification. The alternative employment options shall be subject to standard civil service employment protocols.

- 3) An employee who fails to report for duty after a disability leave of absence has expired or has been denied, disapproved, revoked, or canceled by the approving authority, or any other failure to report for duty as scheduled after a disability leave of absence, may be terminated from employment.
- 4) This notification and review process shall only apply to ~~subsection~~ subsection (c)(2) and (c)(3).
  - A) The employer shall notify the employee that he/she will be terminated from the employer's service to become effective 15 calendar days from the date of mailing of the notification to the employee. The notification must be sent, by certified mail or by overnight delivery service that requires signature upon receipt, to the most recent address of the employee as shown on the employer's records.
  - B) At any time prior to the effective date of termination, the employee shall have the opportunity to provide to the employer evidence of the reason for the unauthorized absence. The employer shall revoke the termination if the employee provides satisfactory evidence of the reason for the unauthorized absence. If the employer determines that the evidence is not satisfactory, the employer shall notify the employee that the termination will remain in effect.
  - C) Within 15 calendar days from the original date of notification of termination, the employee may request a review of the termination decision pursuant to Section 250.130 of this Part. The review is limited to a determination of whether this Section has been properly applied and whether the employer's decision is deemed arbitrary or capricious. In the event a review is not requested within the allotted timeframe, the employee's termination from service shall be effective 15 days after the original notification.
- 5) The employer shall notify the Executive Director promptly of all

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terminations of employment, setting forth the reason for the termination.

## d) Layoff

- 1) [A layoff is defined as the temporary suspension of employment, or the permanent termination of employment, of an employee for business reasons, such as the decision that certain positions are no longer necessary or a business slow-down or interruption in work.](#)
- 2) The Executive Director shall be notified promptly of all employees on layoff status, together with the dates of the beginning of layoff and of return to employment from layoff status, when the layoff exceeds 30 consecutive work days. A status employee shall receive a written notice, at least 30 calendar days in advance of the effective date of layoff, when the layoff exceeds 30 consecutive work days; however, the effective date of layoff may be extended up to 15 days without the requirement of further notice.
- 32) Whenever it becomes necessary to lay off one or more employees, except as provided in subsection ~~(d)(4)(d)(3)~~, the employee who has the least amount of service in the class shall be laid off first, and additional layoffs shall be made in the ascending order of the place of the employee on the service and seniority lists for that class.
- 43) An employee who is the incumbent of a position for which the Executive Director has authorized specialized certification under Section 250.60(d)(9), or who is the incumbent of a position that has previously been identified as requiring specialized training or experience as required by the position in accordance with minimum acceptable qualifications for the class, may not be bumped by another employee with greater seniority unless the employee with greater seniority possesses the special and identified qualifications authorized for the incumbent's position.
- 54) Whenever it becomes necessary to reemploy one or more employees in a class, the employee last laid off by seniority shall be reemployed first, and further reemployment shall be made in the order of seniority until the reemployment register for that class is exhausted. Work of short duration requiring reemployment of one or more employees will not require a new



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written 15 day advance notice of layoff if the work period is to be 5 consecutive working days or less and the work is emergent in nature.

- | 65) A status employee who is subject to layoff from a part-time position may bump an employee in a full-time status position, providing the part-time employee's equivalent full-time accrued seniority based on hours in pay status is greater than that of the least senior employee in a full-time position. A full-time status employee who is subject to layoff may bump the least senior full-time employee, who then may bump the part-time employee having the highest percent-time appointment, providing the full-time employee has more accrued seniority.
  
- | 76) Names of employees laid off during their probationary periods shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of the date of layoff.
  
- e) **Disciplinary Suspension.** An employer may suspend an employee as a disciplinary measure for not more than 30 calendar days.
  - 1) The employer will discuss the specific problem pertaining to contemplated suspension with the employee and the Campus Human Resource Director or his/her designee before a suspension notice is served. The employee will be told at that time that suspension is being considered.
  - 2) In imposing a disciplinary suspension, the employer shall serve a written suspension notice on the employee showing reason for the suspension, and shall immediately report the suspension to the Executive Director and shall send a copy of the notice served on the employee, along with proof of service, to the Executive Director.
  - 3) Causes justifying suspension, not for discharge as provided for in subsection (f)(2), shall include, but are not limited to: unauthorized and unexcused absence; leaving work without authority; failure to ring in or out on time card; habitual lateness; punching other time cards; key duplication and/or unauthorized possession of keys; misrepresentation of absence; falsification of records; refusal to do work assigned; failure to follow work schedules; failure to follow time schedules; insolence; failure

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to adhere to departmental regulations of appearance; smoking in prohibited areas; disregard of safety regulations; careless workmanship resulting in spoilage, waste, or delay; unauthorized use of institutional property; gambling on institutional property; creating or contributing to unsanitary conditions; horseplay or scuffling; fighting; sleeping during working hours; unauthorized visiting; and "loafing on the job".

AGENCY NOTE: It is to be noted that an employee's allegation that a Disciplinary Suspension was unfairly imposed is subject to the grievance procedure established by the employing institution, but is not reviewable by the Civil Service System.

- f) Discharge Proceedings and Effective Date of Discharge
  - 1) Pre-discharge Proceedings
    - A) Prior to initiating any proceedings before the Merit Board for the discharge of an employee, the employer shall notify the employee in writing, served upon the employee in person if the employee is present on the job or, otherwise, by certified mail or by overnight delivery service that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, of the employer's intention to initiate the proceedings. The notification shall advise the employee of the substance of the charges proposed to be filed in sufficient detail to inform the employee of the nature of the conduct on which the proposed charges are based. The notification shall also advise the employee that either or both of the following options are available to the employee:
      - i) within 3 work days after service of the employer's notification, the employee may notify the employer of his/her decision to require the employer to hold a conference with the employee or his/her representative for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and

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- ii) within 3 work days after service of notification, the employee may deliver to the employer a written response to the matters contained in the employer's notification; provided that, if the employee elects to require the conference identified in subsection (f)(1)(A)(i), at that conference the employee may request and receive an opportunity to respond further in writing within 3 work days after the conclusion of the conference.
  - B) Employer's Decision
    - i) Within 7 work days after compliance with the provisions of subsection (f)(1)(A), the employer shall either:
      - notify the employee that no further action will be taken to initiate discharge proceedings with the Merit Board against the employee based solely on the matters contained in the employer's notification; or
      - initiate proceedings before the Merit Board under this subsection (f) seeking discharge of the employee based solely on the matters contained in the employer's notification.
    - ii) The employer's election not to initiate discharge proceedings with the Merit Board shall not preclude the employer from imposing a suspension in accordance with subsection (e) or some lesser penalty.
  - C) An employee who has been served with an employer's notification as provided in subsection (f)(1)(A) may be placed on excused absence with pay during all or any part of the period covered by this subsection (f)(1) to provide the employer an opportunity to investigate serious charges.
- 2) Actual Discharge Proceedings

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- A) Proceedings before the Merit Board seeking the discharge of an employee shall be initiated by the employer filing Written Charges for Discharge with the Merit Board setting forth the causes for discharge in sufficient detail to inform the employee of the nature of the conduct on which the charges are based. The Written Charges for Discharge shall be set forth in separately numbered charges. The Written Charges for Discharge shall contain the dates, names of persons, places, and facts necessary to properly allege cause for discharge. If a breach of duty, statute, or rule of the employer is alleged, the statute, law, or rule shall be cited in connection with the charge.
- B) The Written Charges for Discharge shall be accompanied with a certification by the employer that all procedures set forth in subsection (f)(1) have been followed and that there has been full compliance with any options elected by the employee. At the time the Written Charges for Discharge and the certification are filed with the Merit Board, the employer shall serve copies upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board.
- C) At any time prior to commencement of the hearing, the Executive Director may direct or authorize the Written Charges for Discharge to be amended to correct technical defects or to set forth additional facts or allegations related to the subject matter of the original charges. The amendments shall relate back to the original date of service of the Written Charges for Discharge. The employer shall serve copies of the Amended Written Charges for Discharge upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board.
- D) An employee who has been served with Written Charges for

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Discharge in accordance with subsections (f)(2)(A) and (B) may be suspended without pay by the employer during all or any part of the period that the discharge proceeding is pending, and until final disposition, if the employer is of the opinion that the employee's presence on the job might constitute a substantial risk of injury to life or property, or might cause a disruptive effect on employer's operations. Any suspension without pay shall become effective on the date the employer serves the Suspension Notice Pending Discharge upon the employee, which may be served with the Written Charges for Discharge or on any date thereafter. Service shall be upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file with the Merit Board a copy of the Suspension Notice Pending Discharge and proof of service.

- 3) Hearing Request
  - A) An employee who has been served with Written Charges for Discharge may request a hearing by filing a written request for hearing with the Secretary for the Merit Board within 15 calendar days after the date of personal delivery or mailing of the Written Charges for Discharge to the employee. The Secretary for the Merit Board shall immediately notify the employer of the filing of the written request by the employee. Thereafter, further proceedings shall be as provided in this subsection (f) and any discharge shall be effective on the date of the discharge order of the Merit Board, unless otherwise expressly stated in the order.
  - B) If the employee does not file a written request for hearing with the Secretary for the Merit Board within 15 calendar days, the employee's discharge shall become effective at the end of the 15-day period without further action by the Merit Board. The Secretary for the Merit Board shall promptly notify the employer of the employee's failure to file a timely written request for hearing.

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- 4) Hearing Proceedings
  - A) Upon receipt of the employee's written request for hearing on the Written Charges for Discharge, the Merit Board shall promptly appoint a Hearing Board or Hearing Officer to hear the charges and the employee's response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Executive Director or his/her authorized representative. The Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to commence the hearing within 10 calendar days after receipt of the employee's written request for hearing, but in no event shall the hearing commence later than 45 days after service of the Written Charges for Discharge, unless a continuance is granted pursuant to subsection (f)(19)(B). Dilatory tactics or actions will not be permitted and the Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to conduct the hearings in no more than three hearing days, unless justice, due process, and fundamental fairness require otherwise. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances where personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. There shall be a presumption that hearings will be closed only under extraordinary circumstances. A transcript of the hearing, including exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following conclusion of the hearings.
  - B) Within 15 calendar days after receipt of the transcript from the Secretary for the Merit Board, the Hearing Board or Hearing Officer shall file its findings of fact and any other recommendations with the Secretary for the Merit Board, unless that time is extended by the Executive Director for good cause shown. For the purpose of this Section, good cause shall include, but not be limited to: sickness, attendance at court proceedings, death, weather conditions that prevent the members from meeting.

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If by that time the findings of fact have not been received by the Secretary for the Merit Board, the Executive Director will either appoint another approved Hearing Board or Hearing Officer that will then review the record and submit findings of fact within 10 calendar days after the appointment, or the Executive Director will give written notice to all Hearing Board members or the Hearing Officer and to all parties to the proceeding that he or she will, within 10 calendar days, discontinue the hearing and commence a new hearing and the present Hearing Board or Hearing Officer will be dismissed without pay. Within this 10-day period following the Executive Director's notice, the Hearing Board or Hearing Officer can appeal to the Executive Director by showing cause why time should be extended.

- C) The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending Discharge, the employee's request for hearing, the transcript and exhibits, the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed.
  
- D) Upon certification by the Executive Director, the Secretary for the Merit Board shall, by certified mail or by overnight delivery that requires signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record. Any objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the postmark of the certified mail notice or the mailing date of the overnight delivery that the Hearing Record has been certified, with proof of service on all parties. No answer or reply briefs and arguments in response to these filings will be permitted unless expressly authorized by the Executive Director or the Merit Board or its Chair.

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E) A party requesting oral argument before the Merit Board in cases of discharge must file an appropriate motion with the Secretary for the Merit Board with notice to all parties within 14 calendar days after the date of the postmark of the certified mail notice or the mailing date of the overnight delivery of the certified hearing record, with proof of service on all parties. The motion must specifically state the issues and any relevant law that will be the subject of argument. The Merit Board will grant or deny the motion at the Merit Board meeting at which oral argument is requested. Oral argument in cases of discharge will generally not be allowed unless novel or precedent setting questions of law or policy are at issue.

## 5) Conduct of Hearing

A) Pre-hearing Conference. In all hearings, it is recommended that the Hearing Board or Hearing Officer hold a pre-hearing conference immediately preceding the hearing on the day of the hearing. The Hearing Board or Hearing Officer will give the parties an opportunity to discuss issues and share information at the pre-hearing conference that will allow them to present their cases in a fair, efficient, and timely manner. Generally, the Hearing Board or Hearing Officer will conduct the pre-hearing conference for the purpose of achieving one or more of the following points, as determined by the Hearing Board or Hearing Officer on a case by case basis:

- i) defining and simplification of the issues;
- ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;
- iii) reviewing each party's witness and exhibit list;
- iv) limiting redundant witness testimony or duplication of evidentiary material, if necessary;



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- v) determining the length of time each party will need to present its case;
  - vi) exchanging exhibits; and
  - vii) discussing any matter that may aid in the efficient and timely disposition of the case.
- B) Following the Pre-hearing Conference. The Hearing Board or Hearing Officer shall enter into the record any action taken and any agreements made by the parties as to the matters considered. The length and scope of the pre-hearing conference is at the discretion of the Hearing Board or Hearing Officer, but should generally be concluded within a one hour timeframe.
- 6) Order of Hearing
- A) The Executive Director, or authorized representative, shall open and convene the hearing.
  - B) The Executive Director, or authorized representative, shall request all persons who have been asked to serve as witnesses, other than a party or employer representative, to be excluded from the hearing room while the hearing is in process, except during their own testimony and cross-examination. Except as he/she might intervene, or be requested to intervene, the Executive Director, or authorized representative, shall empower the Hearing Board or Hearing Officer to proceed with the hearing in such a manner as to provide the employer and the employee a full opportunity to present their positions to the Hearing Board or Hearing Officer.
  - C) The parties may make a brief opening statement at the beginning of the hearing. The employer will proceed first, followed by the employee. Opening statements may be waived or may be reserved and presented at the commencement of the party's case-in-chief.
  - D) The employer shall first present its case-in-chief, with an opportunity for the employee to cross-examine the employer's

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witnesses. The employee may be called as an adverse witness during the course of the hearing.

- E) The employee shall then present his/her case-in-chief, with an opportunity for the employer to cross-examine the employee's witnesses.
  - F) Each party may call rebuttal witnesses if found to be necessary by the Hearing Board or Hearing Officer.
  - G) At the conclusion of the hearing, each party may make an oral closing argument. The employer may be permitted a brief rebuttal at the end of the employee's closing argument.
  - H) The hearing shall be closed when the employer and the employee have had a fair and reasonable opportunity to present their positions to the Hearing Board or Hearing Officer.
  - I) In addition, each party may submit written arguments, summary statements, and/or briefs within 10 calendar days after conclusion of the hearing. A copy of the written closing arguments must be provided to all parties of record and filed with the Executive Director, with proof of service included. Only written materials submitted within the 10 calendar day timeframe will be forwarded with the transcript of evidence and considered by the Hearing Board or Hearing Officer, unless otherwise extended by the Executive Director.
- 7) Evidence and Motions
- A) As a general matter, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall be followed. However, evidence not admissible 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 investigation and conduct of serious matters of this nature. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

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- B) All testimony shall be presented under oath or affirmation. Objections to testimony or evidentiary offers shall be noted in the record. Consistent with these requirements and in order to expedite the hearing, any part of the evidence may be received in written form, provided the interests of the parties are not jeopardized.
- C) The standard of proof applied by the Hearing Board or Hearing Officer when evaluating the charges will be the preponderance of the evidence.
- D) The Hearing Board or Hearing Officer may, on its own motion or upon motion of one of the parties, take notice of matters of which the circuit courts of the State of Illinois take judicial notice.
- E) The Hearing Board or Hearing Officer has the authority to rule on all motions that do not dispose of the proceedings. Examples of motions that can be ruled on by the Hearing Board or Hearing Officer are motions in limine or motions to suppress evidence. Motions directed at the Hearing Board or Hearing Officer shall be presented at the pre-hearing conference, if possible, and actions taken by the Hearing Board or Hearing Officer shall be entered into the record.
- F) Motions that dispose of the proceedings must be directed to the Merit Board. Examples of motions that are to be directed to the Merit Board are motions to dismiss, motions to decide a proceeding on the merits, or motions claiming lack of jurisdiction. Motions must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the postmark of the certified Hearing Record. Motions will be ruled on by the Merit Board at the Merit Board meeting in which the case is being considered. The filing of a motion of this nature shall not be allowed to cause any delay in the proceedings.
- G) Performance records of the employee or past disciplinary records are admissible and relevant for the purpose of mitigation or

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aggravation, except if otherwise excluded by a local employer policy or collective bargaining agreement.

- 8) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing. It is the policy of the Merit Board to encourage stipulation of facts whenever practicable.
- 9) Evidence Depositions. Upon request to the Executive Director and upon good cause shown (which shall include, but is not restricted to, potential unavailability of a witness at the time the hearing is scheduled, scheduling or travel arrangement considerations, or agreement of the parties) any party may request a deposition of any witness to be taken for evidence in a hearing. If desired, subpoenas may be requested upon application to the Executive Director in a manner consistent with this Part. The deposition shall proceed in the manner provided by law for depositions in civil actions in the circuit courts of the State of Illinois.
- 10) Subpoenas. Requests for subpoenas shall be directed to the Executive Director at least five work days before the hearing, unless an exception is granted by the Executive Director. Subpoena requests may be granted if reasonably designed to produce or lead to the production of evidence related to the alleged charges and the terms of compliance are reasonable given the time frames and other circumstances. The party requesting the subpoenas shall be responsible for service and costs related to the subpoena of a witness. The fees of the witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of the State of Illinois. Subpoenas are effective throughout the course of the proceedings. Requests for subpoenas must be submitted in writing and include the following:
  - A) The name and address of the witnesses sought;
  - B) Any specific documents the witnesses will be required to bring; and
  - C) A brief statement of the relevant facts or testimony that the witnesses will be providing.

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- 11) Request for Documents. Prior to the hearing, each party shall serve upon the other party and file a copy with the Secretary for the Merit Board, to be submitted to the Hearing Board or Hearing Officer, the following information, to the extent available at that time:
  - A) A list of the names and addresses of the witnesses the party proposes to call; and
  - B) All documents the party proposes to offer in its case-in-chief.
- 12) Failure to Appear. Failure of a party to appear on the date set for hearing may result in findings of fact unfavorable to that party and may result in a loss of rights by default.
- 13) Disqualification of Assigned Hearing Board or Hearing Officer. A Hearing Board or Hearing Officer may be disqualified on grounds of bias or conflict of interest. An adverse ruling, or the fact that a Hearing Board or Hearing Officer has had contact with the University System, by itself, shall not constitute bias or conflict of interest. Whenever any party believes a Hearing Board or Hearing Officer should be disqualified from conducting an assigned proceeding, that party may file a request with the Executive Director to disqualify the Hearing Board or Hearing Officer, setting forth by affidavit the alleged grounds for disqualification, with proof of service on all parties. The Executive Director shall rule and make the final determination on all requests for disqualification.
- 14) Ex Parte Communications
  - A) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System Office, and the assigned Hearing Board or Hearing Officer shall not, after Notice of Convening of Hearing has been issued, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon notice and opportunity for all parties to participate. However, the

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Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants.

- B) Communications regarding procedure, including interpretation and application of Section 360 of the Act, subsection (f), and related procedures, are not considered ex parte communications.
- 15) Role and Responsibilities of the Hearing Board or Hearing Officer. The Hearing Board or Hearing Officer shall be responsible for the following activities:
- A) Conduct the pre-hearing conference;
  - B) Facilitate the timely completion of the hearing process, taking necessary steps to avoid delay;
  - C) Establish reasonable limits on the duration of witness testimony;
  - D) Limit repetitive or cumulative testimony;
  - E) Rule on motions, objections or evidentiary questions;
  - F) Hear evidence as presented at the hearing by the employer and the employee on behalf of their respective positions (the evidence may include matters in aggravation, mitigation and justification, which may pertain to the question of "just cause" for discharge);
  - G) Direct questions to witnesses at any time, but restrict questioning to the clarification of the testimony already presented;
  - H) Prepare a signed findings of fact within 15 calendar days after receipt of the transcript of the hearing proceedings to be transmitted to the Merit Board. The findings of fact shall set forth each of the written charges alleged in the Written Charges for Discharge, including an evaluation of the facts presented by the

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employer and employee with respect to each charge, and based on this evaluation, a determination as to whether the charges are sufficiently supported by the evidence presented. The findings of fact shall be based exclusively on the evidence and on matters officially noticed. The findings of fact presented by the Hearing Board or Hearing Officer are advisory only to the Merit Board. It is not the role of the Hearing Board or Hearing Officer to determine whether just cause for discharge exists. The determination of just cause is the sole province of the Merit Board; and

- I) Enter any order that further carries out the purpose of this Section.
- 16) Decision of the Merit Board. In the course of reaching its decision, the Merit Board may request the Executive Director to make recommendations that he/she deems appropriate with respect to the discharge proceedings. Nothing in subsections (f)(16)(A) and (B) is intended to eliminate or limit the Merit Board's discretion to determine the appropriate disposition on a case-by-case basis. The Merit Board shall enter findings of fact and shall order the following decision and order or any other decision and order it deems appropriate:
- A) Discharge, if just cause is found to exist. No employee shall be discharged except for just cause. Just cause is defined as some substantial shortcoming that renders the employee's continuance in his/her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the employee no longer holding the position; or
  - B) Reinstatement, if just cause for discharge is found not to exist. An employee shall be reinstated as follows:
    - i) Reinstatement with no loss of compensation when none of the significant charges are proven.
    - ii) Reinstatement with a 60-day suspension when the proven charges do not rise to the level of just cause for discharge, but some disciplinary action is justified based on the

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severity of the proven charges. If the Merit Board orders reinstatement with a 60-day suspension, any time served while on suspension pending discharge will be applied towards the fulfillment of the 60-day suspension.

- 17) Decision and Order of the Merit Board. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the employer and the employee by certified mail or by overnight delivery that requires signature upon receipt. Request for a rehearing, or for a reconsideration of a Merit Board order or decision, shall not extend any appeal period for administrative review, except by express order of the Merit Board or its Chair.
- 18) Administrative Review. All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III]. A complaint for administrative review must be filed and summons issued within 35 days after the date that a copy of the Merit Board decision has been served upon the party affected. A decision of the Merit Board shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected by the decision at his/her last known residence or place of business.
- 19) Time Period Proceedings
  - A) On the motion of either party with notice to the other party, or by independent action of the Chair of the Merit Board or the Executive Director communicated to both parties, any time period set forth in this subsection (f) may be extended by the Chair of the Merit Board or by the Executive Director for good cause shown.
  - B) No extension may be beyond a period established by statute, except for cases in which a written motion for continuance of a scheduled hearing is filed with the Secretary for the Merit Board at least 48 hours prior to the time scheduled for hearing, unless an exception is granted by the Executive Director. The moving party must set forth emergency grounds for a continuance, which are



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limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God; the sudden illness or death of the movant, a member of his or her immediate family, or his/her legal counsel; or if the movant is able to demonstrate some other real and compelling need for additional time. If there is an arrest or criminal indictment of any employee that resulted from an employee's conduct in the course of employment duties, the Executive Director, at the request of the employee, may grant a continuance of hearing pending some resolution of the criminal charges. Requests for continuances must be preceded by contacting the opposing party and asking for agreement to the continuance.

- C) The time periods set forth in this subsection (f), except for the 15-day period set forth in subsection (f)(3)(B) and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall be deemed directory and not mandatory; and no failure to comply with any of the time periods set forth in this subsection (f), except for the 15-day period set forth in subsection (f)(3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall cause the Merit Board to lose jurisdiction of any matter.
- D) If the last date for filing falls on a weekend or legal holiday, the last date for filing is the first business day following that weekend or legal holiday.
- 20) Reason for Discharge. Causes justifying discharge and any suspension during the discharge proceedings shall include, but are not limited to: all those listed as cause for suspension if they become recurring offenses; and, in addition, theft; drinking intoxicating liquors on institutional time or property; inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages; malicious damage to property, tools, or equipment; immoral or indecent conduct that violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of drugs, narcotics, and/or intoxicants.

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- 21) Hearing Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and providing copies to parties to the proceedings shall be paid by the employer. The Merit Board shall pay all expenses of the Hearing Board or Hearing Officer and any legal expenses incurred by a Hearing Board or Hearing Officer, to the extent that those expenses have been approved by the Merit Board or its Executive Director.
- g) Demotion
- 1) Any of the actions described in this subsection (g)(1) is considered to be a demotion when that action has been initiated by the employer. A demotion may occur when a status employee:
- A) is subject to a reduction in salary in his/her current position, or in a position of the same class to which he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;
  - B) is subject to a reduction in percentage of time worked;
  - C) is appointed to a position in a lower class in a promotional line;
  - D) is appointed to a position in a class outside a promotional line with a lower pay potential;
  - E) is given a nonstatus appointment.
- 2) None of the actions described in subsection (g)(1) are considered to be a demotion when the action has been initiated, or willingly accepted, by the employee.
- A) Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new

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appointment is at his/her request and/or is acceptable to him/her, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the date of certification to his/her most recent position.

- B) Without the evidence indicated in subsection (g)(2)(A), the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.
- 3) Any classification plan changes authorized and implemented by the University System and/or the Merit Board that may result in a lower pay potential will not be considered a demotion.
- 4) An employer may effectuate a demotion by filing a Notice of Demotion with the Merit Board and serving a copy of the Notice of Demotion on the employee by certified mail, by overnight delivery that requires signature upon receipt, or by personally serving the employee. The Notice of Demotion shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the date of service of the Notice of Demotion upon the employee. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See subsection (f).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he/she has been demoted, as set forth in the Notice of Demotion.
- 5) A status employee who is demoted to a position in a class in which he/she has never been employed on a status appointment may qualify for the position to which he/she is demoted, if his/her name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the class. The employee must pass the examination as a condition to retaining his/her appointment.
- h) Dismissal
- 1) An employer may dismiss an employee whose name has been certified

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and who has been subsequently employed in a status position at any time during the probationary period of employment in a class, if the employer determines, pursuant to conditions of Section 250.90(a), that the employee has failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service.

- 2) The employer shall notify the Executive Director promptly of dismissals, setting forth the reasons for the dismissal.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 250.120 Seniority**

- a) Accumulation of Seniority
  - 1) After the completion of the probationary period, the status employee's seniority shall date from the beginning of the probationary period. Seniority is accumulated on the basis of hours in a pay status exclusive of overtime. Seniority may be accumulated in certain types of non-pay status under specified conditions as provided for in subsections (f), (g), (h), (i) and (k)(j).
  - 2) Seniority, once earned in a class, is retained during any period of continuous employment:
    - A) Except as provided for in lesser units in accordance with subsection (1)(2)(k)(2).
    - B) Except an employee does not retain seniority in any class from which he/she has been demoted because of unsatisfactory performance or for disciplinary reasons.
- b) Retention of Seniority. Seniority accrued in a class is retained for that class for purposes of retreat rights even though an employee accepts a position in another class outside of the promotional line.
- c) Seniority Lists. Each employer shall maintain a public and current seniority list that includes the names of all status employees in each class in order of their

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seniority.

- d) Ties in Seniority Lists
  - 1) If two or more employees have the same seniority, their names shall be placed on the seniority list in the order of their scores in the examination for the position; i.e., the person with the highest score shall be first, next highest second, and continuing in descending order of their scores. Seniority between employees who receive the same score on the examination shall be determined in accordance with years of service at the place of employment, then in accordance with date of application for employment.
  - 2) If two or more employees have the same seniority in the same lesser unit, subsection (d)(1) shall apply.
- e) Accumulation of Seniority, or Service, in Promotional Line. Seniority or service in a higher class in a promotional line may be added to seniority or service earned in a lower class in the same line to compute total seniority or service in the lower class. Seniority earned in a class shall be counted toward seniority in a lower class in the same promotional line even though the employee may not have served in the lower class. Seniority or service earned in a lower class in a promotional line may not be added to seniority or service earned in a higher class in the same line to compute total seniority or service in the higher class.
- f) Accumulation of Seniority during Disability. Subject to limitation imposed by subsection (h), employees accrue seniority while on leave of absence for disability, as defined in Section 250.110(b)(3) and for an occupational or work-related disability that becomes the subject of payment of income benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Workers' Occupational Diseases Act [820 ILCS 310], a State self-insurance program, or other appropriate authority.
- g) Accumulation of Seniority during Authorized Absence without Pay. An employee shall accrue seniority during approved leaves of absence without pay, not exceeding a total of 30 work days within any calendar year.

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h) Accumulation of Seniority during Furloughs. An employee shall accrue seniority during all furloughs not exceeding a total of 30 work days within any calendar year.

ih) Accumulation of Seniority during Layoff Status. An employee continues to accrue seniority during layoff occasioned by a break in the academic calendar or during any other layoff period, not in excess of 30 consecutive work days.

ji) Accumulation of Seniority during Suspension. Employees do not accrue seniority while on suspension.

kj) Accumulation of Seniority during Military Service

1) A status employee accrues seniority during leave for military service until the date of separation from active military service and for 90 calendar days after separation, if the separation is under conditions other than dishonorable.

2) An employee whose name has been certified and who has not completed the probationary period at the time of approval for leave for military service shall continue to accrue seniority in his/ her classification for the entire time of leave for military service until the date of separation from active service and for 90 calendar days after separation, provided the employee meets the following conditions:

A) the separation from active military service is under conditions other than dishonorable;

B) reemployment occurs in a position of the same class in which employed at the time of leave for military service; and

C) the probationary period is satisfactorily completed in the class upon reemployment.

lk) Effect of Lesser Units on Seniority

1) Lesser units, for purposes of determining seniority, may be approved by the Merit Board, provided two-thirds of the status employees within the

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class involved in the approval of the lesser unit shall agree to the creation of the lesser unit. A lesser unit can be disestablished only by agreement (i.e., election) of two-thirds of all status employees in the class at the place of employment (subject to subsequent approval by the Merit Board).

- 2) A status employee who accepts a position in a different lesser unit relinquishes seniority acquired in the previous lesser unit, but cannot be required to serve another probationary period, providing there is no change in class.
- 3) An employee in a lesser unit who accepts a temporary assignment in another lesser unit during a period of layoff does not accrue seniority in the latter unit.

| [m†](#)) Effect of Vacation Time on Seniority at Time of Separation. At the time of separation, seniority shall be accrued only through the period of actual service to the employer. Payment for earned vacation time shall not be included in the seniority computation.

| [nm](#)) Restoration of Seniority after Retirement. If a retired employee is reemployed within 60 days after retirement, seniority earned up to the effective date of retirement shall be restored.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Energy Conservation Code
- 2) Code Citation: 71 Ill. Adm. Code 600
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
600.100	Amendment
600.110	Amendment
600.120	Amendment
600.200	Amendment
600.300	Amendment
600.330	Amendment
- 4) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Commercial Building Act [20 ILCS 3125]
- 5) Effective Date of Amendments: November 23, 2009
- 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: 33 Ill. Reg. 12311; September 4, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: There are no changes between the proposed and final versions.
- 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 required.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: These rules implement the Illinois Energy Conservation Code (IECC) as applicable to both State and commercial facilities. The IECC outlines the compliance guidelines for each type of construction completed on either state or commercial facilities, as well as the variance process for those guidelines. Periodically these rules are to be changed to stay up-to-date to the current version of the Illinois Energy Conservation Code.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Lisa Mattingly  
Administrator, Professional Services  
Capital Development Board  
401 South Spring Street  
3rd Floor Stratton Building  
Springfield, Illinois 62706

217/524-6408 (office)  
217/524-4208 (fax)

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

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY  
CHAPTER I: CAPITAL DEVELOPMENT BOARD  
SUBCHAPTER d: ENERGY CODESPART 600  
ILLINOIS ENERGY CONSERVATION CODE

## SUBPART A: GENERAL

Section	
600.100	Definitions
600.110	Adoption and Modification of the Code
600.120	Illinois Energy Conservation Advisory Council
600.130	Revisions to the Code

## SUBPART B: STATE FUNDED FACILITIES

Section	
600.200	Standards for State Funded Facilities
600.210	Request for Variance
600.220	Compliance

## SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

Section	
600.300	Standards for Privately Funded Commercial Facilities
600.310	Exemptions
600.320	Local Jurisdiction
600.330	Compliance
600.340	Application to Home Rule Units

**AUTHORITY:** Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Commercial Building Act [20 ILCS 3125].

**SOURCE:** Adopted by emergency rulemaking at 28 Ill. Reg. 11355, effective July 26, 2004, for a maximum of 150 days; emergency rules expired December 22, 2004; adopted at 29 Ill. Reg. 777, effective January 1, 2005; new Part adopted by emergency rulemaking at 29 Ill. Reg. 5736, effective April 8, 2005, for a maximum of 150 days; emergency expired September 4, 2005;

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

emergency rulemaking repealed at 29 Ill. Reg. 6093, effective April 18, 2005, for a maximum of 150 days; emergency expired September 14, 2005; old Part repealed at 29 Ill. Reg. 16414 and new Part adopted at 29 Ill. Reg. 14790, effective April 8, 2006; amended at 31 Ill. Reg. 14422, effective October 9, 2007; emergency amendment at 33 Ill. Reg. 12407, effective August 18, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16702, effective November 23, 2009.

## SUBPART A: GENERAL

**Section 600.100 Definitions**

Definitions of terms in the International Energy Conservation Code, incorporated by reference in Subpart C of this Part, apply, as do the following definitions:

"Act" means the Capital Development Board Act [20 ILCS 3105].

"Authority Having Jurisdiction" or "AHJ" means the organization, office or individual responsible for approving equipment, materials, an installation or procedure.

"CDB" means the Illinois Capital Development Board.

*"Commercial Facility" means any building except a building that is classified as a residential building. [20 ILCS 3125/10]*

"Council" means the Illinois Energy Conservation Advisory Council appointed under Subpart B of this Part.

"EECB Act" means the Energy Efficient Commercial Building Act [20 ILCS 3125].

"Professional Services Agreement" means the contract for services entered into by CDB and design professionals.

"Using Agency" means the State agency using facilities described in Section 4.01 of the Act.

"Illinois Energy Conservation Code" or "Code" means:

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

With respect to the State facilities covered by Subpart B:

This Part, all additional requirements incorporated within Subpart B (including ASHRAE 90.1 Standards), and any statutorily authorized adaptations to the incorporated standards adopted by CDB; and

With respect to the privately funded commercial facilities covered by Subpart C:

This Part, all additional requirements incorporated within Subpart C (including the ~~2009~~2006 International Energy Conservation Code, excluding published supplements, which encompasses ASHRAE 90.1), and any statutorily authorized adaptations to the incorporated standards adopted by CDB.

"IECC" means the International Energy Conservation Code.

*"Municipality" means any city, village or incorporated town.* [20 ILCS 3125/10]

*"Residential Building" means a detached one-family or 2-family dwelling or any building three stories or less above grade level that contains multiple dwelling units, in which the occupants reside on a primarily permanent basis (i.e., townhouse, row house, apartment house, convent, monastery, rectory, fraternity or sorority house, dormitory or rooming house).* [20 ILCS 3125/10]

"State Funded Building" means and includes buildings under the jurisdiction of each officer, department, board, commission, institution and body politic and corporate of the State, including the Illinois Building Authority, school districts, and any other person expending or encumbering State or federal funds by virtue of an appropriation or other authorization by the General Assembly or federal authorization or grant. This includes State funded *housing, hospitals, penitentiaries, laboratories, educational facilities, administrative facilities, recreational facilities, environmental equipment and parking facilities* [20 ILCS 3105/4.01].

(Source: Amended at 33 Ill. Reg. 16702, effective November 23, 2009)

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

**Section 600.110 Adoption and Modification of the Code**

- a) The purpose of the Illinois Energy Conservation Code is to implement Section 10.09-5 of the Capital Development Board Act [20 ILCS 3105/10.09-5], which requires CDB to adopt rules implementing a statewide Energy Code. Additionally, Section 15 of the Energy Efficient Commercial Building Act [20 ILCS 3125/15] requires CDB to officially adopt, as a minimum requirement, the ~~2009~~2006 International Energy Conservation Code, excluding any published supplements, to apply that Code to all commercial structures in Illinois, and to assist local code officials with enforcing the requirements of the Code.
- b) This Code as described in Subpart B (State facilities) is effective July 26, 2004. This Code as described in Subpart C (privately-funded commercial facilities) is effective April 8, 2007.
- c) Application of the Code
  - 1) State Facilities. The Code as described in Subpart B of this Part applies to all State facilities for which money has been appropriated or authorized by the General Assembly.
  - 2) Privately Funded Commercial Facilities. The Code as described in Subpart C of this Part applies *to any commercial building or structure in this State for which a building permit application is received by a municipality or county. In the case of any addition, alteration, renovation or repair to any existing commercial structure, the Code applies only to the portions of that structure that are being added, altered, renovated or repaired.* [20 ILCS 3125/20]
- d) This Code, together with the standards incorporated by reference in this Part, has the force of a building code and is administrative law applicable in the State of Illinois.

(Source: Amended at 33 Ill. Reg. 16702, effective November 23, 2009)

**Section 600.120 Illinois Energy Conservation Advisory Council**

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- a) The Executive Director of the Capital Development Board shall appoint an Advisory Council. The Council shall be composed of the Executive Director or his or her authorized representative, who shall serve as Chairman ex-officio, and ~~108~~ additional members appointed by the Executive Director. The appointed members shall consist of 1 person representing the Department of Commerce and Economic Opportunity; 1 person representing the residential construction contracting industry; 2 licensed architects; 1 licensed mechanical engineer; 1 licensed electrical engineer; 2 persons representing local code officials; and 2 persons representing the construction contracting industry. Members of the Council shall be appointed for 4 year terms. The members appointed by the Executive Director shall serve for the term of their appointments and may be reappointed upon expiration of the term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of the term.
- b) The Council shall meet as frequently as the Chairman deems necessary, but at least once each year. Additional meetings may be called by the Chairman or by 3 members of the Council upon delivery of 10 days' written notice to the mailing address of each member of the Council. ~~Six~~Five members of the Council shall constitute a quorum.
- c) The purpose of the Council shall be to recommend modifications to the Illinois Energy Conservation Code.

(Source: Amended at 33 Ill. Reg. 16702, effective November 23, 2009)

## SUBPART B: STATE FUNDED FACILITIES

**Section 600.200 Standards for State Funded Facilities**

- a) ANSI/ASHRAE/IESNA Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (~~2007~~2004), available from ASHRAE at 1791 Tullie Circle, N.E., Atlanta GA 30329, is hereby incorporated into the Illinois Energy Conservation Code, as described in this Subpart as applicable to State funded facilities, with the modifications outlined in subsection (c).

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- b) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.
- c) Modifications to ASHRAE 90.1  
ASHRAE 90.1 is incorporated by this Section, but with the following modifications:

- 1) ASHRAE 90.1 Section 3.2

The terms "adopting authority" and "authority having jurisdiction" shall both be read to mean the Capital Development Board.

- 2) Replace Exception to 9.4.1.2 with the following:

Exceptions to 9.4.1.2:

- A) Remote location shall be permitted for reasons of safety or security when the remote control device has an indicator pilot light as part of or next to the control device and it shall be clearly labeled to identify the controlled lighting.
- B) Spaces not subject to partial occupancy, such as gymnasiums, cafeterias, lecture halls, etc., shall not be required to have more than one control device.

(Source: Amended at 33 Ill. Reg. 16702, effective November 23, 2009)

## SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

**Section 600.300 Standards for Privately Funded Commercial Facilities**

- a) The ~~2009~~2006 International Energy Conservation Code (IECC), excluding published supplements, available from the International Code Council at 500 New Jersey Avenue NW, 6<sup>th</sup> Floor, Washington DC 20001, phone: 1-888-ICC-SAFE (422-7233), is hereby incorporated into the Illinois Energy Conservation Code, as described in this Subpart as applicable to privately funded commercial facilities, with the modifications outlined in subsection (c).

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- b) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.
- c) **Modifications to IECC**  
Under Section 15 of the EECB Act, when applying the Code to privately funded commercial facilities, CDB may modify the incorporated standards to respond to the unique economy, population distribution, geography and climate of Illinois, as long as the objectives of the Act are maintained pursuant to that statutory authority.

(Source: Amended at 33 Ill. Reg. 16702, effective November 23, 2009)

**Section 600.330 Compliance**

- a) Compliance with the Illinois Energy Conservation Code as described by this Subpart C (applicable to commercial facilities) shall be determined by the local authority having jurisdiction (AHJ).
- b) Minimum compliance shall be demonstrated by submission of:
  - 1) the compliance forms published in the ASHRAE 90.1 User's Manual; or
  - 2) Compliance Certificates generated by the U.S. Department of Energy's COMcheck-~~EZ~~ code compliance tool (~~version 3.4.2~~); or
  - 3) other comparable compliance materials that meet or exceed, as determined by the authority having jurisdiction, the compliance forms published in the ASHRAE 90.1 User's Manual or the U.S. Department of Energy's COMcheck-~~EZ~~ code compliance tool (~~version 3.4.2~~); or
  - 4) the seal of the Architect/Engineer as required by Section 14 of the Illinois Architecture Practice Act [225 ILCS 305], Section 12 of the Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325].

(Source: Amended at 33 Ill. Reg. 16702, effective November 23, 2009)



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.1954                      Adopted Action:  
New Section
- 4) Statutory Authority: 35 ILCS 120/2-54
- 5) Effective Date of Amendment: November 20, 2009
- 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: 33 Ill. Reg. 11921; August 21, 2009
- 10) Has JCAR issued a Statement of Objection to this Amendment? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking implements Section 2-54 of the Retailers' Occupation Tax Act. 35 ILCS 120/2-54. Section 2-54 was enacted as part of Public Act 94-1021, effective July 12, 2006, and creates an exemption for building materials to be incorporated into real estate within a River Edge Redevelopment Zone. Each retailer that makes a qualified sale of building materials to be incorporated into real

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

estate within a River Edge Redevelopment Zone in accordance with the River Edge Redevelopment Zone Act by remodeling, rehabilitating, or new construction may deduct receipts from those sales when calculating the tax imposed by the Retailers' Occupation Tax Act. A "qualified sale" means a sale of building materials that will be incorporated into real estate as part of an industrial or commercial project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the corporate authorities of the municipality in which the building project is located.

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

Richard S. Wolters  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794

217/782-2844

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

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 130

## RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

## Section

130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

## Section

130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

## Section

130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- 130.335 Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
- 130.340 Rolling Stock
- 130.341 Commercial Distribution Fee Sales Tax Exemption
- 130.345 Oil Field Exploration, Drilling and Production Equipment
- 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 130.351 Aggregate Manufacturing

## SUBPART D: GROSS RECEIPTS

## Section

- 130.401 Meaning of Gross Receipts
- 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
- 130.410 Cost of Doing Business Not Deductible
- 130.415 Transportation and Delivery Charges
- 130.420 Finance or Interest Charges – Penalties – Discounts
- 130.425 Traded-In Property
- 130.430 Deposit or Prepayment on Purchase Price
- 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
- 130.440 Penalties
- 130.445 Federal Taxes
- 130.450 Installation, Alteration and Special Service Charges
- 130.455 Motor Vehicle Leasing and Trade-In Allowances

## SUBPART E: RETURNS

## Section

- 130.501 Monthly Tax Returns – When Due – Contents
- 130.502 Quarterly Tax Returns
- 130.505 Returns and How to Prepare
- 130.510 Annual Tax Returns
- 130.515 First Return
- 130.520 Final Returns When Business is Discontinued
- 130.525 Who May Sign Returns
- 130.530 Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
- 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

## SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

Section	
130.801	General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

Section  
130.901 Civil Penalties  
130.905 Interest  
130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section  
130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section  
130.1101 Definition of Federal Area  
130.1105 When Deliveries on Federal Areas Are Taxable  
130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section  
130.1201 General Information  
130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section  
130.1301 When Lessee of Premises Must File Return for Leased Department  
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises  
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

## Section

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

## Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON  
SELLING OUT OR DISCONTINUING BUSINESS

## Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

## Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

## Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

## SUBPART S: SPECIFIC APPLICATIONS

## Section

130.1901	Addition Agents to Plating Baths
130.1905	Agricultural Producers
130.1910	Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
130.1915	Auctioneers and Agents
130.1920	Barbers and Beauty Shop Operators
130.1925	Blacksmiths
130.1930	Chiropodists, Osteopaths and Chiropractors
130.1935	Computer Software
130.1940	Construction Contractors and Real Estate Developers
130.1945	Co-operative Associations
130.1950	Dentists
130.1951	Enterprise Zones
130.1952	Sales of Building Materials to a High Impact Business
130.1953	Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
<a href="#">130.1954</a>	<a href="#">River Edge Redevelopment Zones</a>
130.1955	Farm Chemicals
130.1960	Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
130.1965	Florists and Nurserymen
130.1970	Hatcheries
130.1971	Sellers of Pets and the Like
130.1975	Operators of Games of Chance and Their Suppliers
130.1980	Optometrists and Opticians
130.1985	Pawnbrokers
130.1990	Peddlers, Hawkers and Itinerant Vendors
130.1995	Personalizing Tangible Personal Property
130.2000	Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
130.2004	Sales to Nonprofit Arts or Cultural Organizations
130.2005	Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
130.2006	Sales by Teacher-Sponsored Student Organizations
130.2007	Exemption Identification Numbers



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
- 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
- 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
- 130.2020 Physicians and Surgeons
- 130.2025 Picture-Framers
- 130.2030 Public Amusement Places
- 130.2035 Registered Pharmacists and Druggists
- 130.2040 Retailers of Clothing
- 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
- 130.2050 Sales and Gifts By Employers to Employees
- 130.2055 Sales by Governmental Bodies
- 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
- 130.2065 Sales of Automobiles for Use In Demonstration (Repealed)
- 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
- 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
- 130.2076 Sales to Purchasers Performing Contracts with Governmental Bodies
- 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
- 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
- 130.2090 Sales to Railroad Companies
- 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
- 130.2100 Sellers of Feeds and Breeding Livestock
- 130.2101 Sellers of Floor Coverings
- 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
- 130.2110 Sellers of Seeds and Fertilizer
- 130.2115 Sellers of Machinery, Tools and Special Order Items
- 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
- 130.2125 Trading Stamps, Discount Coupons, Automobile Rebates and Dealer Incentives
- 130.2130 Undertakers and Funeral Directors
- 130.2135 Vending Machines

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
130.2170	Warehousemen

## SUBPART T: DIRECT PAYMENT PROGRAM

## Section

130.2500	Direct Payment Program
130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
130.2515	Application for Permit
130.2520	Qualification Process and Requirements
130.2525	Application Review
130.2530	Recordkeeping Requirements
130.2535	Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Card

130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration

**AUTHORITY:** Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

**SOURCE:** Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229;

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recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950,

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effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009.

## SUBPART S: SPECIFIC APPLICATIONS

**Section 130.1954 River Edge Redevelopment Zones**

- a) River Edge Redevelopment Zone – In General
  - 1) Effective July 12, 2006, each retailer that makes a qualified sale of building materials to be incorporated into real estate within a River Edge Redevelopment Zone in accordance with the River Edge Redevelopment Zone Act by remodeling, rehabilitating, or new construction may deduct

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receipts from those sales when calculating the tax imposed by the Act.  
(Section 2-54 of the Retailers' Occupation Tax Act [35 ILCS 120/2-54])

- 2) A "qualified sale" means a sale of building materials that will be incorporated into real estate as part of an industrial or commercial project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the corporate authorities of the municipality in which the building project is located. (Section 2-54 of the Retailers' Occupation Tax Act [35 ILCS 120/2-54])
- 3) "Industrial project" means:
  - A) a capital project, including one or more buildings and other structures, improvements, machinery and equipment, whether or not on the same site or sites, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise, including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and:
    - i) the sites of any of the facilities listed in this subsection (a)(3)(A) and other rights in land for those facilities, whether improved or unimproved;
    - ii) site preparation and landscaping for facilities listed in this subsection (a)(3)(A); and
    - iii) all appurtenances and facilities incidental to the facilities listed in this subsection (a)(3)(A), such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling

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equipment or related equipment, and other necessary or convenient improvements; or

- B) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.
- 4) "Commercial project" means any project, including but not limited to one or more buildings and other structures, improvements, machinery and equipment, whether or not on the same site or sites, suitable for use by any retail or wholesale concern, distributorship or agency, any cultural facilities of a for-profit or not-for-profit type, including but not limited to educational, theatrical, recreational and entertainment, sports facilities, racetracks, stadiums, convention centers, exhibition halls, arenas, opera houses and theaters, waterfront improvements, swimming pools, boat storage, moorage, docking facilities, restaurants, velodromes, coliseums, sports training facilities, parking facilities, terminals, hotels and motels, gymnasiums, medical facilities and port facilities.
- 5) Nothing in the definitions of "industrial project" or "commercial project" is meant to imply that the building materials exemption for an industrial project or commercial project may extend beyond the borders of the River Edge Redevelopment Zone or may extend beyond the exemption of sales of building materials incorporated into an industrial project or commercial project.
- b) Building Materials Purchased for Physical Incorporation into Real Estate Located in a River Edge Redevelopment Zone
- 1) In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into real estate. For example, gross receipts from sales of the following items can qualify for the deduction:
- A) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal;

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- B) plumbing systems and components such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes;
  - C) heating systems and components such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators;
  - D) electrical systems and components such as wiring, outlets and light fixtures that are physically incorporated into the real estate;
  - E) central air conditioning systems, ventilation systems and components that are physically incorporated into the real estate;
  - F) built-in cabinets and other woodwork that are physically incorporated into the real estate can qualify for the deduction;
  - G) built-in appliances such as refrigerators, stoves, ovens and trash compactors that are physically incorporated into the real estate; and
  - H) floor coverings such as tile, linoleum and carpeting that are glued or otherwise permanently affixed to the real estate by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as tacking strips or tack-down strips).
- 2) Items that are not physically incorporated into the real estate cannot qualify for the deduction. For example, gross receipts from sales of the following do not qualify:
- A) tools, machinery, equipment, fuel, forms and other items that may be used by a construction contractor at a River Edge Redevelopment Zone site, but that are not physically incorporated into the real estate;
  - B) free-standing appliances such as stoves, oven, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers that may be connected to and operate

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from a building's electrical or plumbing system but that do not become a component of those systems; and

C) floor coverings that are area rugs or that are attached to the structure using only two-sided tape.

3) Building materials incorporated into stand-alone residential homes, residential apartments, residential condominiums, residential townhouses, residential duplexes, residential buildings or residential structures do not qualify for the deduction. Building materials physically incorporated into a commercial project, a portion of which is dedicated for residential purposes, shall be allocated on a square-footage basis for common building materials (for example, lumber, cement, bricks, insulation, air conditioning and heating equipment serving an entire project and roofing materials) and directly allocated to either the commercial portion or residential portion when direct allocation of the building materials is possible (for example, bathtubs, sinks, lavatories, cabinets, built-in appliances and air conditioning and heating equipment serving individually owned or leased units or space). Only the building materials allocated to the commercial portion of the project can qualify for the deduction.

c) Certificate of Eligibility for Sales Tax Exemption

1) To document the exemption, the retailer must obtain from the purchaser a copy of the Certificate of Eligibility for Sales Tax Exemption issued by the corporate authorities of the municipality in which the real estate into which the building materials will be incorporated is located. The Certificate of Eligibility for Sales Tax Exemption must be obtained by the retailer prior to the sale.

2) The Certificate of Eligibility for Sales Tax Exemption must contain all of the following:

A) a statement that the commercial or industrial project identified in the Certificate meets all the requirements of the jurisdiction in which the project is located;



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- B) *the location or address of the building project; and*
  - C) *the signature of the chief executive officer of the municipality in which the building project is located, or the chief executive officer's delegate.*
- 3) *In order to properly document this exemption, prior to the sale the retailer must also obtain a certificate from the purchaser that contains all of the following:*
- A) *a statement that the building materials are being purchased for incorporation into real estate located in a River Edge Redevelopment Zone included in a redevelopment project area in accordance with the River Edge Redevelopment Zone Act;*
  - B) *the location or address of the real estate into which the building materials will be incorporated;*
  - C) *the name of the River Edge Redevelopment Zone in which the real estate is located;*
  - D) *a description of the building materials being purchased; and*
  - E) *the purchaser's signature and date of purchase. [35 ILCS 120/2-54]*

(Source: Added at 33 Ill. Reg. 16711, effective November 20, 2009)

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- 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> :
100.120	Amendment
100.130	New Section
100.TABLE C	Amendment
- 4) Statutory Authority: 105 ILCS 5/3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1
- 5) Effective Date of Amendments: November 23, 2009
- 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: September 11, 2009; 33 Ill. Reg. 12538
- 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 letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments provide for uniformity in accounting for the federal funds that Illinois school districts are receiving under the American Recovery and Reinvestment Act of 2009. New account numbers are being

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established so that the specific federal sources of funding can be tracked and so that expenditures related to those funds can be distinguished from expenditures of funds from the same sources that were received in the normal course of the federal budget process. In addition, new Section 100.130 will provide districts with information about what to expect as a result of their receipt of this federal funding. This rule identifies basic information related to the topics already covered by Part 100: accounting, budgeting, financial reporting, and auditing.

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

Debbie Vespa, Division Administrator  
Illinois State Board of Education  
100 North First Street, N-330  
Springfield, Illinois 62777

217/785-8779

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER 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
<u>100.130</u>	<u>Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA)</u>
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; emergency amendment at 33 Ill. Reg. 6313, effective April 17, 2009, for a maximum of 150 days; emergency expired September 13, 2009; emergency

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amendment at 33 Ill. Reg. 12589, effective August 26, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16728, effective November 23, 2009.

**Section 100.120 Provisions Related to Debt**

- a) For purposes of Section 19-1(b) of the School Code [105 ILCS 5/19-1(b)], the State Superintendent of Education shall concur with a district's enrollment projection and approve the need for additional school sites or building facilities and the cost of these only when:
  - 1) the enrollment information presented to demonstrate that the level of growth required under Section 19-1(b)(1) of the School Code consists of either:
    - A) a comparison between actual enrollment figures for the current school year and those for the immediately preceding school year from the same source (e.g., the enrollment reported as of the last school day in September of those two consecutive years~~two consecutive fall enrollment and housing reports~~); or
    - B) a comparison between the actual enrollment figure for the current school year and the estimated enrollment figure for the immediately following school year; and
  - 2) the same criteria and procedures have been met as are used by the Capital Development Board in making comparable decisions related to the School Construction Program (see 71 Ill. Adm. Code 40.130).
- b) For purposes of Section 19-1(q) of the School Code [105 ILCS 5/19-1(q)], a district shall notify the State Superintendent of Education no fewer than 30 days *before issuing any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the applicable debt limit.*

(Source: Amended at 33 Ill. Reg. 16728, effective November 23, 2009)

**Section 100.130 Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA)**

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This Section applies only to funds received pursuant to P.L. 111-5, the American Recovery and Reinvestment Act of 2009.

- a) Accounting; Treatment of Funds
- 1) Records of expenditures shall identify the source of the ARRA funds by using the account numbers set forth in Table C of this Part, as well as the applicable funds, functions, and object classes, using the account numbers set forth in Tables A, D, and F of this Part, respectively.
  - 2) ARRA General State Aid funds received in account number 4850 or 4870 (see Table C of this Part) may be deposited into any fund other than the Working Cash Fund and may be spent for any lawful purpose, except as limited by Section 14003 of the ARRA. That Section prohibits a local education agency from using Education Stabilization funds for:
    - A) payment of maintenance costs;
    - B) stadiums or other facilities used primarily for athletic contests, exhibitions, or other events for which admission is charged to the general public;
    - C) purchasing or upgrading vehicles;
    - D) improvements to stand-alone facilities whose purpose is not the education of children, including facilities housing central office administration, operations, or logistical support functions; or
    - E) school modernization, renovation, or repair that is inconsistent with State law.
  - 3) No Education Stabilization funds or Government Services funds may be used to provide financial assistance to students to attend private elementary or secondary schools, unless the funds are used to provide special education and related services to children with disabilities as authorized by the Individuals with Disabilities Education Improvement Act. (Section 14011 of the ARRA)

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- 4) Funds received under any other account number in the range from 4851 through 4880 shall be expended only for the purposes authorized by the relevant federal law, regulations, and guidance.
- b) Budgeting  
Each local education agency intending to spend ARRA funds during Fiscal Year 2009 shall amend its budget as necessary, pursuant to the provisions of Section 17-1 of the School Code [105 ILCS 5/17-1] and shall submit the amended budget to the State Superintendent of Education pursuant to Section 100.90 of this Part. Subsequent annual budgets shall address the receipt and disbursement of ARRA funds as provided in Section 17-1 and applicable federal regulations and guidance.
- c) Financial Reporting  
In order to comply with federal reporting requirements, each local education agency receiving funds under the ARRA shall include in its annual financial report, in addition to all other requirements set forth in Section 100.100 of this Part, a detailed schedule of its receipts and disbursements of those funds, as distinct from any other receipts and expenditures for the same purposes made from other sources of funds.
- d) Auditing
- 1) The receipt and disbursement of ARRA funds shall be subject to the audit requirements of Section 100.110 of this Part. In addition to the other applicable requirements of Section 100.110 of this Part, the scope of each audit shall include the schedule of receipts and disbursements required under subsection (c) of this Section.
- 2) Each local education agency receiving ARRA funds shall review its amended budget to determine whether its increased expenditure of federal funds will make the agency subject to the audit requirements of OMB Circular A-133 (available at [www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) and, if so, shall maintain records accordingly.

(Source: Added at 33 Ill. Reg. 16728, effective November 23, 2009)

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**Section 100.TABLE C Revenue Accounts**

<b>Label</b>	<b>Account Number</b>	<b>Source; Notes</b>
<b>RECEIPTS/REVENUE FROM LOCAL SOURCES</b>	<b>1000</b>	
<b>AD VALOREM TAXES</b>	<b>1100</b>	
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.



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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.
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).

<b>PAYMENTS IN LIEU OF TAXES</b>	<b>1200</b>	
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	

<b>TUITION</b>	<b>1300</b>	
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.

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Summer School Tuition from Pupils or Parents (In-State)	1321	
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.

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Adult Tuition from Pupils or Parents (In-State)	1351	
Adult Tuition from Other Districts (In-State)	1352	
Adult Tuition from Other Sources (In-State)	1353	
Adult Tuition from Other Sources (In-State)	1354	

<b>TRANSPORTATION FEES</b>	<b>1400</b>	
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	

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Summer School Transportation Fees from Other Sources (In-State)	1423	
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	

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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	
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	

<b>EARNINGS ON INVESTMENTS</b>	<b>1500</b>	
Interest on Investments	1510	
Gain or Loss on Sale of Investments	1520	Gains or losses realized from the sale of bonds.

<b>FOOD SERVICE</b>	<b>1600</b>	
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.

<b>DISTRICT/SCHOOL ACTIVITY INCOME</b>	<b>1700</b>	
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).

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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.

<b>TEXTBOOK INCOME</b>	<b>1800</b>	
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.

<b>OTHER LOCAL REVENUES</b>	<b>1900</b>	
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.

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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.
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.

<b>FLOW-THROUGH RECEIPTS/REVENUE FROM ONE DISTRICT TO ANOTHER DISTRICT</b>	<b>2000</b>	
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.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

OTHER FLOW- THROUGH REVENUE	2300	Other revenues that can be further subdivided to account for individual grants (describe and itemize).
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<b>RECEIPTS/REVENUE FROM STATE SOURCES</b>	<b>3000</b>	
General State Aid Section 18-8.05 <b>(GSA)</b>	3001	105 ILCS 5/18-8.05.
General State Aid Hold Harmless/Supplemental	3002	105 ILCS 5/18-8.05j.
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.



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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.
Educational Materials Center	3156	105 ILCS 5/14-11.01.
Special Education – Other	3199	Amounts received pursuant to other appropriations (describe and itemize).
<del>Career and Technical Education (CTE) – Tech Prep</del>	<del>3200</del>	<del>105 ILCS 5/2-3.115.</del>
CTE – <del>Secondary Program</del> Improvement (CTEI)	3220	105 ILCS 435.
CTE – WECEP	3225	105 ILCS 5/2-3.66a.
<del>CTE</del> – Agriculture Education	3235	105 ILCS 5/2-3.80.
<del>CTE – Instructor Practicum</del>	<del>3240</del>	<del>105 ILCS 5/2-3.68.</del>
CTE – Student Organizations	3270	<del>105 ILCS 435</del> 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.

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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.
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.

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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.
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.

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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.
<u>Teacher Mentoring Pilot Project</u>	<u>3982</u>	<u>105 ILCS 5/21A-25.</u>
The "Grow Your Own" Teacher Education Initiative	3983	110 ILCS 48.
<u>Education of Homeless Children and Youth State Grant Program</u>	<u>3984</u>	<u>105 ILCS 45.</u>
Children's Mental Health Partnership	3990	105 ILCS 405/49-15.
<del>Teacher Mentoring Pilot Project</del>	<del>3982</del>	<del>105 ILCS 5/21A-25.</del>
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).
<b>RECEIPTS/REVENUE FROM FEDERAL SOURCES</b>	<b>4000</b>	
Federal Impact Aid	4001	ESEA Title VIII – Impact Aid (CFDA 84.041).

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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	
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).

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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).
<u>Fresh Fruit and Vegetables</u>	<u>4240</u>	<u>Child Nutrition – Cash Payments</u>
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).
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).
<u>Title I – School Improvement and Accountability</u>	<u>4331</u>	<u>NCLB, Title I, Part A</u>
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).

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Title I – Reading First SEA Funds	4337	NCLB, Title I, Part B-1 – Reading First SEA Funds (CFDA 84.357).
<u>Title I – School Improvement Grant</u>	<u>4339</u>	<u>NCLB, Title I, section 1003g (CFDA 84.357).</u>
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 <sup>st</sup> Century	4421	NCLB, Title IV, Part B – 21 <sup>st</sup> 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).
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).

## STATE BOARD OF EDUCATION

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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).
<u>CTE – Perkins – State Leadership</u>	<u>4720</u>	<u>Carl D. Perkins Career and Technical Education Act of 2006 – State Leadership (CFDA 84.048A)</u>
<u>CTE – Perkins – DHS Ed</u>	<u>4740</u>	<u>Carl D. Perkins Career and Technical Education Act of 2006 – Corrections or Insititutions (CFDA 84.048A)</u>
<u>CTE – Perkins – Secondary</u>	<u>4745</u>	<u>Carl D. Perkins Career and Technical Education Act of 2006 – Secondary (CFDA 84.048A)</u>
<u>CTE – Perkins Title IIIIIIE – Tech Prep</u>	<u>4770</u>	<u>Carl D. Perkins Career and Technical Education Act of 2006 – Title II – Tech Prep (CFDA 84.243A)</u>
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).
<u>ARRA General State Aid – Education Stabilization</u>	<u>4850</u>	<u>Amounts received pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA); see Section 100.130 of this Part.</u>
<u>ARRA Title I – Low Income</u>	<u>4851</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Title I – Neglected, Private</u>	<u>4852</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Title I – Delinquent, Private</u>	<u>4853</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Title I – School Improvement (Part A)</u>	<u>4854</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Title I – School Improvement (section 1003g)</u>	<u>4855</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA IDEA – Part B – Preschool</u>	<u>4856</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA IDEA – Part B – Flow-Through</u>	<u>4857</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>



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<u>Other ARRA Fund – XII</u>	<u>4860</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>ARRA Title IID – Technology – Competitive</u>	<u>4861</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA McKinney-Vento Homeless Education</u>	<u>4862</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Child Nutrition Equipment Assistance</u>	<u>4863</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Impact Aid Formula Grants</u>	<u>4864</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Impact Aid Competitive Grants</u>	<u>4865</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Qualified Zone Academy Bond Tax Credits</u>	<u>4866</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Qualified School Construction Bond Credits</u>	<u>4867</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Build America Bond Tax Credits</u>	<u>4868</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Build America Bond Interest Reimbursement</u>	<u>4869</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA General State Aid – Other Government Services Stabilization</u>	<u>4870</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – II</u>	<u>4871</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – III</u>	<u>4872</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.</u>

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## NOTICE OF ADOPTED AMENDMENTS

<u>Other ARRA Funds – IV</u>	<u>4873</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – V</u>	<u>4874</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>ARRA Early Childhood</u>	<u>4875</u>	<u>Paid with Government Services State Fiscal Stabilization Fund ARRA funds; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – VII</u>	<u>4876</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – VIII</u>	<u>4877</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – IX</u>	<u>4878</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – X</u>	<u>4879</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – XI</u>	<u>4880</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>

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## NOTICE OF ADOPTED AMENDMENTS

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).
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.

STATE BOARD OF EDUCATION

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Other Restricted Grants Received from Federal Government through State	4998	Amounts received pursuant to other federal appropriations (describe and itemize).
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(Source: Amended at 33 Ill. Reg. 16728, effective November 23, 2009)

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: 1600.500                      Adopted Action:  
Amendment
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) Effective Date of Amendment: November 23, 2009
- 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 at the SURS office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 4, 2009; 33 Ill. Reg. 12381
- 10) 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 necessary.
- 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 Amendment: Nature and Requirements of Formal Hearings rules are required for compliance with Public Act 96-6 [40 ILCS 5/1-113.16(c)], which requires a majority of any committee established by the retirement system board to be board members.
- 16) Information and questions regarding this adopted amendment shall be directed to:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

Kelly A. Jenkins, General Counsel  
State Universities Retirement System  
1901 Fox Drive,  
Champaign, IL 61820

217/378-8825 or 217/378-8838

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

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENT

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 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 Employment that 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

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENT

1600.320 Procedures to be Followed in Medical Evaluation of Disability Claims

## 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 Invalid Orders  
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



## STATE UNIVERSITIES RETIREMENT SYSTEM

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ILCS 5/15-177].

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; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009.

## SUBPART E: ADMINISTRATIVE REVIEW

**Section 1600.500 Rules of Practice – Nature and Requirements of Formal Hearings**

- a) **Administrative Determination**  
The SURS administrative staff shall be responsible for the daily claims-processing function of SURS, including processing of all claims for benefits or service credit or any other claims against or relating to SURS.
- b) **Review by ~~Deputy~~ Director of Member Services**  
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 ~~SURS~~appropriate ~~Deputy~~ Director of Member Services~~SURS~~. A request for review by the ~~Deputy~~ Director of Member Services must be submitted within 30 days after the decision from which review is sought. The Director of Member

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Services' 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 of Member Services pertaining to the claim. All filings or submissions, whether optional or required under this Section, shall be considered timely if date stamped by SURS within the time prescribed.

## c) Hearing

- 1) Petition. Any participant, annuitant, or beneficiary adversely affected by the disposition of a claim by the Deputy Director of Member Services may request, in writing, a hearing before the Claims Panel Committee. A request for a hearing must be submitted to the General Counsel of SURS 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 hearing, 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 hearing. The Statement of Claim, 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; a list of witnesses, if any, the claimant intends to present; and an explanation of the relief sought.
- 3) Notification. Upon scheduling of a hearing before the Claims Panel Committee, a claimant shall be *provided with written notice of: the date, time and place of the hearing; the subject matter of the hearing; and relevant procedural and substantive statutory and regulatory provisions* [5 ILCS 100/10-25]. Notice of the hearing 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 confirmation, at least three days prior to the scheduled date of the hearing, of his or her intent to appear at the hearing, whether in person or by telephone conference call. The claimant is not

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required to appear at the hearing. The claimant may appear at the hearing by telephone conference call. In the absence of the claimant, the Claims ~~Panel~~[Committee](#) will consider the claimant's Statement of Claim and such other matters as may be properly brought before it at the 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.
  - 5) Representation. The claimant and SURS may be represented by counsel or a designated spokesperson at the 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 SURS, by establishing that right by a preponderance of the evidence.
- d) 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 means including, but not limited to, dismissal of a claim.
- e) Depositions
- 1) The Hearing Officer may order the taking of evidence depositions [of a person](#), specifying the subject matter to be covered, ~~of a person~~ under oral examination or written questions, for use as evidence at the hearing, provided:
    - A) The Hearing Officer has determined upon request that there is a need to preserve a person's testimony;
    - B) The request is made on motion by a party who gives notice of the motion to the other party; and

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- C) The Hearing Officer has determined that an evidence deposition containing oral testimony will be necessary to the Claims [PanelCommittee](#) 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 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 [PanelCommittee](#).
- 4) Depositions shall be taken in the county of residence or employment of the witness, unless the witness waives that 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 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.
- 2) The Hearing Officer shall grant or deny the request, either in writing or on

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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 ~~into~~ the circuit court, in the name of the Board. 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, in which case the petition shall be brought in the name of the Board. 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 shall be conducted by the Hearing Officer. Other members of the Claims ~~Panel~~Committee may, but are not required to, attend the hearing.

A) The Hearing Officer shall have full power to conduct the hearing and the presence of any other members of the Claims ~~Panel~~Committee is not required. The Hearing Officer shall be one of the members of the Claims ~~Panel~~Committee chosen by ~~the Panel~~them to be the Hearing Officer.

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- B) The Claims Panel shall consist of:
- i) the Executive Director of SURS;
  - ii) an attorney licensed to practice law in the State of Illinois approved by the Board; and
  - iii) one other person, selected by the Chairperson, who shall be a member of the Board, a participant in SURS or an attorney licensed to practice law in the State of Illinois.
- C) Each member of the Panel shall be reimbursed for travel or other related expenses incurred in connection with his or her duties as a member of the Panel. If he or she is not a member of the Board or currently employed by one of the employers covered by SURS, the member shall receive reasonable compensation, as recommended by the Executive Director and approved by the Board, for time spent in reviewing claims and attending Panel hearings.~~The Claims Committee shall be composed of the Executive Director of the System (the agency head) and two additional members chosen by the Board, 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, participants in SURS, or attorneys licensed to practice law in the State of Illinois.~~ At a minimum, the members of the Claims Panel~~Committee~~ shall have a general familiarity with the provisions of the Code, this Part and policies of SURS.
- 2) Procedures-
- A) The Hearing Officer shall conduct a full and fair hearing, 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.
- B) To accomplish these ends, the Hearing Officer shall make all procedural and evidentiary rulings necessary for the conduct of the

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hearing.

- C) All testimony shall be taken under oath before an officer authorized to administer oaths by the laws of this State or of the United States or of the place where the testimony is to be given.
  - D) *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' specialized knowledge and SURS' experience, technical competence and specialized knowledge may be used in evaluation of the evidence. [5 ILCS 100/10-40]*
  - E) The Hearing Officer, and any member of the Claims Panel Committee attending the hearing, may ask questions necessary for better understanding of the facts or law.
  - F) 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 hearing process.
  - G) The hearing 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 claimant may obtain a stenographic transcription or a copy of a tape recording of the hearing by making a timely request and paying the actual cost entailed.

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## 4) Disqualification; Ex Parte Communications

## A) Disqualification-

- i) *A Hearing Officer or other member of the Claims ~~Panel~~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 ~~Panel~~Committee for bias or conflict of interest should be made to the Hearing Officer by any party to the hearing at least one week prior to the commencement of the hearing, 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 hearing. 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 ~~Panel~~Committee is an employee of SURS or has a contract with SURS, standing alone, shall not constitute bias or conflict of interest. [5 ILCS 100/10-30]*
- ii) 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 ~~Panel~~Committee on the basis that the Executive Director is responsible for the overall administration of SURS.
- iii) In the event that a Hearing Officer or other member of the Claims ~~Panel~~Committee is disqualified or is otherwise unable to serve, the Board President may appoint another person to the Claims ~~Panel~~Committee and shall appoint another person if the Claims ~~Panel~~Committee is reduced to fewer than two members, or the Claims ~~Panel~~Committee shall appoint another Hearing Officer from among its



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members, as the case may be.

- B) Ex Parte Communications Prohibited. *Except in the disposition of matters that SURS is authorized by law to entertain or dispose of on an ex parte basis, the members of the Claims ~~Panel~~Committee shall not, after receiving notice of a hearing in 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 SURS may communicate with other employees of SURS and an employee of SURS or member of the Claims ~~Panel~~Committee may have the aid and advice of one or more assistants. An ex parte communication received by any member of the Claims ~~Panel~~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 of the Claims Panel and Executive Committee
- A) ~~Claims ~~Panel Decisions~~Committee Recommendation.~~
- i) 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. Upon conclusion of all evidence and arguments, the Claims ~~Panel~~Committee shall privately deliberate and make a ~~Decision~~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~~

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~~re-open the proceedings. If a Statement of Exceptions to the Decision is not filed pursuant to this subsection (g)(5)(A), the Decision is final for all purposes and not subject to administrative or judicial review. If a Statement of Exceptions to the Decision is filed or if two members of the Panel are unable to agree on a Decision, then the claim shall be presented to the Executive Committee for a final administrative decision. 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.~~

- ii) If a Statement of Exceptions is filed, it shall be filed, with a brief in support, with SURS within 20 days after the date of the Claims Panel Decision. Any responsive brief shall be filed within 15 days after the filing of the Statement of Exceptions. Any reply brief shall be filed within 10 days after the filing of the responsive brief. The filing of any responsive or reply brief is optional. The Executive Committee will make a final administrative decision based on the Claims Panel Decision, any dissenting opinion, any Statement of Exceptions and briefs properly filed.
- iii) If the claim is presented to the Executive Committee because two members of the Claims Panel are unable to agree on a Decision, the Executive Committee shall make a final administrative decision based on any opinions of the Claims Panel members, the record and any briefs properly filed by the claimant or SURS. The filing of any opening, responsive or reply brief in response to the decision is optional. Any opening brief shall be filed with SURS within 20 days after receiving notification from the Hearing Officer that the Claims Panel was unable to agree on a Decision. Any responsive brief shall be filed within 15 days after the filing of any opening brief. Any reply brief

## STATE UNIVERSITIES RETIREMENT SYSTEM

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shall be filed within 10 days after the filing of any responsive brief.

- iv) All filings shall be served upon the opposing party and shall contain a certificate of service. Filing deadlines in this subsection (g)(5)(A) may be continued to a date certain by the Hearing Officer for good cause shown on written application filed with SURS prior to the expiration of the deadline sought to be continued. 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 given not less than 60 days prior to the meeting of the Executive Committee. SURS 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.

B) ~~Executive Committee Decision-~~

- i) When necessary pursuant to subsection (g)(5)(A), the~~The~~ Executive Committee of the Board 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.~~ 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, and any permitted oral argument in making a decision for SURS as to the disposition of the claim.~~

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- [ii\)](#) 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.*
- [iii\)](#) The Executive Committee may adopt, as its own, the findings of fact and conclusions of law of the [Claims Panel 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.*
- [iv\)](#) *All decisions of the Executive Committee shall specify whether they are final and subject to the Administrative Review Law. [5 ILCS 100/10-50]*
- [v\)](#) Parties or their agents shall be notified either personally or by registered or certified mail of any 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 33 Ill. Reg. 16755, effective November 23, 2009)

## OFFICE OF THE AUDITOR GENERAL

## JANUARY 2010 REGULATORY AGENDA

- a) Part Heading and Code Citation: Purchases and Contracts (44 Ill. Adm. Code 500)
- 1) Rulemaking:
- A) Description: Public Act 96-795 significantly changes the Illinois Procurement Code. Our rules need to be amended to provide legal updates.
- B) Statutory Authority: Implementing and authorized by Section 1-30 (b) of the Illinois Procurement Code [30 ILCS 500/1-30 (b)] and Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12].
- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings or hearings at this time.
- D) Date agency anticipates First Notice: No first notice date has been determined.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rulemaking may impact small businesses doing business with or seeking to do business with the Auditor General's Office.
- F) Agency contact person for information:
- Rebecca Patton  
Office of the Auditor General  
740 E. Ash St.  
Springfield, IL 62703  
Telephone: 217/782-6698 or 888/261-2887 (TTY)
- G) Related rulemakings and other pertinent information: None
- b) Part Heading and Code Citation: Inspector General Complaint Policies and Procedures (2 Ill. Adm. Code 605)
- 1) Rulemaking:

## OFFICE OF THE AUDITOR GENERAL

## JANUARY 2010 REGULATORY AGENDA

- A) Description: Public Act 96-555 significantly changes the State Officials and Employees Ethics Act. Our rules need to be amended to provide legal updates.
- B) Statutory Authority: Implementing and authorized by Section 30-5 of the State Officials and Employees Ethics Act [5 ILCS 430/30-5].
- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings or hearings at this time.
- D) Date agency anticipates First Notice: No first notice date has been determined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
  
Rebecca Patton  
Office of the Auditor General  
740 E. Ash St.  
Springfield, IL 62703  
Telephone: 217/782-6698 or 888/261-2887 (TTY)
- G) Related rulemakings and other pertinent information: None

c) Part Heading and Code Citation: Freedom of Information (2 Ill. Adm. Code 601)1) Rulemaking:

- A) Description: Public Act 96-542 significantly changes the Freedom of Information Act. Our rules need to be amended to provide legal updates.
- B) Statutory Authority: Implementing and authorized by Section 3 (g) of the Freedom of Information Act [5 ILCS 140/3 (g)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

## OFFICE OF THE AUDITOR GENERAL

## JANUARY 2010 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings or hearings at this time.
- D) Date agency anticipates First Notice: No first notice date has been determined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Rebecca Patton  
Office of the Auditor General  
740 E. Ash St.  
Springfield, IL 62703  
Telephone: 217/782-6698 or 888/261-2887 (TTY)
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

- 1) Heading of Part: Insect Pest and Plant Disease Act
- 2) Code Citation: 8 Ill. Adm. Code 240
- 3) Register Citation to Notice of Proposed Amendment: 33 Ill. Reg. 15926; November 20, 2009
- 4) Date, Time and Location of Public Hearing:

Tuesday, December 22, 2009 at 10:00 a.m.  
Illinois Department of Agriculture  
Auditorium  
State Fairgrounds, 8<sup>th</sup> & Sangamon  
Springfield, IL 62794-9281

- 5) Other Pertinent Information:

Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the proposed amendment should submit written comments to:

Department of Agriculture  
Attention: Linda Rhodes  
P.O. Box 19281  
Springfield, IL 62794-9281

217/785-5713; FAX #: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than December 17, 2009. All comments received will be fully considered by the agency.



## DEPARTMENT OF LABOR

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Use of Illinois Resident Labor
- 2) Code Citation: 56 Ill. Adm. Code 330
- 3) The Notice of Proposed Rules being corrected appeared at 33 Ill. Reg. 15988, dated November 20, 2009.
- 4) The information being corrected is as follows: Correct #13 on the Notice page. This rulemaking may impact small businesses, small municipalities and not for profit corporations if they let or perform contracts which receive funding from one of the capital infrastructure bills enacted by the 96<sup>th</sup> General Assembly.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

## CARNIVAL-AMUSEMENT SAFETY BOARD

Heading of the Part: Carnival and Amusement Ride Safety Act

Code Citation: 56 Ill. Adm. Code 6000

Section Numbers:

6000.10	6000.100	6000.250
6000.20	6000.110	6000.270
6000.25	6000.120	6000.280
6000.30	6000.130	6000.290
6000.40	6000.150	6000.303
6000.50	6000.160	6000.305
6000.70	6000.170	6000.308
6000.80	6000.190	6000.320
6000.85	6000.220	6000.340

Date Originally Published in the Illinois Register: 2/6/09  
33 Ill. Reg. 1836

At its meeting on November 17, 2009, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Carnival-Amusement Safety Board be more timely in implementing statutory directives.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

Code Citation: 89 Ill. Adm. Code 147

Section Number: 147.205(a)

Date Originally Published in the Illinois Register: 10/16/09  
33 Ill. Reg. 14350

At its meeting on November 17, 2009, the Joint Committee on Administrative Rules objected to the Department of Healthcare and Family Services' rules titled Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147; 33 Ill. Reg. 14350) because the Department inadvertently included Continuous Positive Airway Pressure (CPAP) or Bi-level Positive Airway Pressure (BIPAP) devices within the new reimbursement methodology for ventilator dependent residents in nursing homes.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF SUSPENSION OF EMERGENCY RULE

Agency: Department of Human Services

Heading of the Part: Provider Requirements, Type Services, and Rates of Payment

Code Citation: 89 Ill. Adm. Code 686

Section Numbers: 686.200      686.230      686.250  
686.210      686.235      686.260  
686.220      686.240      686.280

Date Originally Adopted in Illinois Register: 5/22/09  
33 Ill. Reg. 7017

Date Suspension Published in Illinois Register: 7/6/09  
33 Ill. Reg. 9520

Date Suspension Became Effective: 6/17/09

Date Suspension Withdrawn: Effective upon DHS filing the repealed rule

Pursuant to Section 5-125 of the Illinois Administrative Procedure Act, the Joint Committee on Administrative Rules, at its meeting on 11/17/09, has withdrawn the Suspension of emergency rules contingent upon and effective with the Department of Human Service's repeal of the emergency rule. The Committee originally issued this Suspension at its 6/16/09 meeting.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## Petition for Exemption from Section 22.23b of the Environmental Protection Act

Peerless-Premier Appliance Company, 119 South 14<sup>th</sup> Street, P. O. Box 387, Belleville, Illinois, 62222, 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 mercury gas safety valves used in new stoves and as replacement parts in existing stoves.
2. The above product prevents the gas flow to gas ovens without the presence of a flame to light burner gases.
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

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276

Phone: 217/524-9642; TDD 217-782-9143  
E-mail: [Becky.Jayne@illinois.gov](mailto:Becky.Jayne@illinois.gov)

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 November 17, 2009 through November 23, 2009 and have been scheduled for review by the Committee at its December 15, 2009 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>
12/31/09	<u>Illinois Racing Board</u> , Superfecta (11 Ill. Adm. Code 311)	9/18/09 33 Ill. Reg. 12646	12/15/09
12/31/09	<u>Illinois Racing Board</u> , Advance Deposit Wagering (ADW) (11 Ill. Adm. Code 325)	9/18/09 33 Ill. Reg. 12650	12/15/09
12/31/09	<u>Illinois Racing Board</u> , Racing Rules (11 Ill. Adm. Code 1318)	9/18/09 33 Ill. Reg. 12657	12/15/09
1/1/10	<u>Department of Financial and Professional Regulation</u> , Title Insurance Act (50 Ill. Adm. Code 8100)	6/19/09 33 Ill. Reg. 7971	12/15/09
1/2/10	<u>Illinois Racing Board</u> , Racetrack Improvements (11 Ill. Adm. Code 452)	9/18/09 33 Ill. Reg. 12653	12/15/09
1/3/10	<u>Secretary of State</u> , Uniform Commercial Code (14 Ill. Adm. Code 180)	9/18/09 33 Ill. Reg. 12675	12/15/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/6/10	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	6/12/09 33 Ill. Reg. 7655	12/15/09
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2009-19

**EXECUTIVE ORDER CREATING THE OFFICE OF THE PUBLIC HEALTH  
ADVOCATE WITHIN THE DEPARTMENT OF PUBLIC HEALTH**

**WHEREAS**, vigorous public health efforts can significantly ameliorate a variety of illnesses, many of which are preventable, treatable, or both; and

**WHEREAS**, public health programs can lighten the monetary and logistical challenges that burden our already-strained health care delivery system; and

**WHEREAS**, there presently exist numerous programs throughout state government that can help citizens combat the causes and effects of these problems; and

**WHEREAS**, coordinating public health efforts in a comprehensive and centralized fashion enables optimal deployment of our public health resources; and

**WHEREAS**, a new emphasis on coordinating public health efforts should be coupled with a dedication to using tools of mass communication to increase public awareness of federal, state, and local public health resources; and

**WHEREAS**, as Governor of the State of Illinois, I am committed to streamlining operations of state government by efficiently using all existing state resources; and

**THEREFORE**, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority of the Governor as set forth in Article V, Section 8 of the Illinois Constitution, do hereby order as follows:

**I. CREATION**

There is hereby created within the Department of Public Health an office to be known as the Office of the Public Health Advocate (hereinafter "Office") headed by the Public Health Advocate.

**II. PURPOSE**

The Public Health Advocate will facilitate collaboration among State agencies to centralize, harmonize, and optimize the deployment of existing public health efforts, with a particular emphasis on raising public awareness of the most pressing public health challenges and educating the public on how to combat those challenges. The Public Health Advocate, moreover, will catalogue the public health resources provided by other units of government at the federal and local level, focusing on how to best access and utilize those resources.

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**EXECUTIVE ORDER CREATING THE OFFICE OF THE PUBLIC HEALTH  
ADVOCATE WITHIN THE DEPARTMENT OF PUBLIC HEALTH****III. TERM**

The Public Health Advocate shall be appointed by the Governor. The Public Health Advocate serves at the pleasure of the Governor.

**IV. POWERS AND DUTIES**

The Public Health Advocate, by and through the Office of the Public Health Advocate, shall:

- (i) develop wellness programs to improve public health that incorporate existing public health programs, staff, and resources;
- (ii) recommend and facilitate the development of public health strategies designed to prevent, diagnose, treat, and cure:
  1. Diabetes;
  2. Asthma;
  3. Other illnesses or conditions, such as obesity, adversely impacting a significant number of Illinoisans, designated by the Governor;
- (iii) assist consumers in understanding public health programs and coverage provisions;
- (iv) analyze, monitor, and make publicly available reports on the development and implementation of federal, State, and local laws, regulations, and other governmental policies and actions that pertain to public health programs, facilities, and services;
- (v) conduct, support, and assist in research, surveys, investigations, conferences, projects, and informational activities that promote the interests of health care consumers;
- (vi) consult and collaborate with local public health agencies, school districts, health organizations, research and advocacy groups, colleges and universities, and other appropriate entities; and

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**EXECUTIVE ORDER CREATING THE OFFICE OF THE PUBLIC HEALTH  
ADVOCATE WITHIN THE DEPARTMENT OF PUBLIC HEALTH**

- (vii) manage or oversee any staff persons that may be assigned to the Office at the direction of the Governor, the Director of Public Health, or anyone otherwise deputized to the Office in accordance with an Intergovernmental Agreement; and
- (viii) perform any other duties assigned to the Office by the Director of Public Health or by the Governor.

**V. FISCAL RESPONSIBILITY**

As the mission of the Public Health Advocate is to deploy existing public health resources in the most optimal cost-effective fashion, the Department of Public Health shall implement the provisions of this Executive Order in such a fashion as to minimize the State's costs in relation to public health expenditures.

**VI. TRANSPARENCY**

In addition to whatever policies or procedures the Governor or the Director may impose, all operations of the Office of the Public Health Advocate shall comply with the provisions of the Freedom of Information Act (5 ILCS 430/1 *et. seq.*) and the Open Meetings Act (5 ILCS 120/1 *et. seq.*). This section shall not be construed as precluding other statutes from applying to the Office of the Public Health Advocate and its activities

**VII. SAVINGS CLAUSE**

Nothing in this Executive Order shall be construed to contravene any state or federal law.

**VIII. SEVERABILITY**

If any provision of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

**IX. EFFECTIVE DATE**

This Executive Order shall become effective upon filing with the Secretary of State.

Issued by Governor: November 21, 2009

Filed with Secretary of State: November 23, 2009

2009-20

**EXECUTIVE ORDER CREATING THE ILLINOIS HUMAN SERVICES  
COMMISSION**

**WHEREAS**, the State of Illinois depends upon public and private service providers to deliver many critical human services necessary to protect and enhance the welfare of its citizens, including its most vulnerable populations; and

**WHEREAS**, the citizens of Illinois and their communities depend upon these services to protect public health, create individual and family well-being, improve public safety, revitalize local economies, and enhance learning; and

**WHEREAS**, human services play a vital role in every community and legislative district across the state, providing jobs and revenue in addition to services and supports to children and youth, families, workers, the elderly, people with disabilities, and other vulnerable populations; and

**WHEREAS**, a strong and well-managed network of public and private human services is integral to the achievement of other state goals in the areas of health and wellness, educational outcomes, workforce development, and an improved business climate; and

**WHEREAS**, a lack of adequate appropriations, clear goals, spending priorities, and measurable outcomes along with delays in payments, inadequate rates, duplicative reporting requirements, and other systemic barriers prevent private entities from achieving the goal of a strong and effective network of well managed public and private service providers; and

**WHEREAS**, the maintenance of a strong and well managed network of human services requires a joint planning process that brings together public and private experts in human services to identify best practices and strategies.

**THEREFORE**, I, Pat Quinn, Governor of Illinois, pursuant to the supreme executive authority of the Governor as set forth in Article V, Section 8 of the Illinois Constitution, do hereby order as follows:

**I. CREATION**

There is hereby established the Illinois Human Services Commission (hereinafter "Commission").

**II. PURPOSE**

The Commission shall undertake a systematic review of human services programs with the goal of ensuring their consistent delivery in the State of Illinois.

**2009-20**  
**EXECUTIVE ORDER CREATING THE ILLINOIS HUMAN SERVICES**  
**COMMISSION**

**III. DUTIES**

The Commission shall make recommendations for achieving a system that will provide for the efficient and effective delivery of high quality human services. These recommendations shall include the following elements:

- a. ensuring adequate appropriations for the provision of human services
- b. establishing processes for determining fair, adequate and timely reimbursement
- c. maintaining efficient management of publicly-funded programs and services
- d. implementing best practices within the human services field
- e. creating outcome measures and accountability mechanisms
- f. developing projections for future human services need based on demographic trends and other related variables

The Commission shall make best efforts to:

- a. Use existing reports, research, and planning efforts and call for additional reports and research to support its work.
- b. Seek input from existing advisory councils and task forces that address human service delivery as well as other human services experts and the public-at-large including one or more public hearings to take and consider public comment.
- c. Identify opportunities for increased efficiency and/or cross-agency collaboration regarding human services delivery.

**IV. MEMBERSHIP**

The Commission shall include representation from both public and private organizations, and its membership shall reflect regional, racial, and cultural diversity to ensure representation of the needs of all Illinois citizens.

The Governor appoints all members of the Commission. The Commission will include the following:

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**EXECUTIVE ORDER CREATING THE ILLINOIS HUMAN SERVICES**  
**COMMISSION**

- a. A co-chair from the Office of the Governor and a co-chair not employed by a governmental entity to represent the interests of non-governmental organizations;
- b. Eight members of the General Assembly representing each of the majority and minority caucuses of each chamber;
- c. The Directors or Secretaries of the following State agencies or their designees:
  1. Department of Human Services;
  2. Department of Children and Family Services;
  3. Department of Healthcare and Family Services;
  4. State Board of Education;
  5. Department on Aging;
  6. Department of Juvenile Justice;
  7. Department of Corrections;
  8. Department of Public Health;
- d. Local government stakeholders and nongovernmental stakeholders with an interest in human services, including representation among the following private-sector fields and constituencies:
  1. early childhood education and development;
  2. child care;
  3. child welfare;
  4. youth services;
  5. developmental disabilities;

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**EXECUTIVE ORDER CREATING THE ILLINOIS HUMAN SERVICES**  
**COMMISSION**

6. mental health;
7. employment and training;
8. sexual and domestic violence;
9. alcohol and substance abuse;
10. local community collaborations among human services programs;
11. immigrant services;
12. affordable housing;
13. re-entry;
14. food and nutrition;
15. homelessness;
16. older adults;
17. physical disabilities;
18. business;
19. philanthropy;
20. labor;
21. and law enforcement.

Members shall serve for the duration of the Commission. In the event of a vacancy, the appointment to fill the vacancy shall be made by the Governor. The Commission shall convene within 60 days after the effective date of this Order. The initial meeting of the Commission shall be convened by the co-chair selected by the Governor. Subsequent meetings will convene at the call of the co-chairs. The Commission shall meet on a quarterly basis or more often, if necessary.

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**EXECUTIVE ORDER CREATING THE ILLINOIS HUMAN SERVICES  
COMMISSION****V. REPORT**

The Commission shall first report to the Governor and General Assembly on the Commission's progress towards its goals and objectives by June 30, 2010. Interim report dates include November 30, 2010, April 30, 2011 and a final report due no later than two years from enactment of this Commission. The Commission and the terms of its members shall expire upon delivery of the final report.

**VI. TRANSPARENCY**

In addition to whatever policies or procedures it may adopt, all operations of the Commission will be subject to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) and the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*). This section shall not be construed so as to preclude other statutes from applying to the Commission and its activities.

**VII. SAVINGS CLAUSE**

Nothing in this Executive Order shall be construed to contravene any state or federal law.

**VIII. SEVERABILITY**

If any provision of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

**IX. EFFECTIVE DATE**

This Executive Order shall be effective upon filing with the Secretary of State.

Issued by Governor: November 22, 2009

Filed with Secretary of State: November 23, 2009



## PROCLAMATIONS

**2009-326****Private First Class Devin J. Michel**

WHEREAS, on Saturday, October 24, Private First Class Devin J. Michel of Stockton died at age 19 of injuries sustained when enemy forces attacked his unit with an improvised explosive device in Zhari Province, Afghanistan, where Private First Class Michel was serving in support of Operation Enduring Freedom; and

WHEREAS, Private First Class Michel was assigned to C Company, 1<sup>st</sup> Battalion, 12<sup>th</sup> Infantry Regiment, 4<sup>th</sup> Infantry Division based at Fort Carson, Colorado; and

WHEREAS, Private First Class Michel was a 2008 graduate of Stockton High School, where he was in the band and played football, softball, and basketball; and

WHEREAS, a funeral will be held on Saturday, November 7 for Private First Class Michel, who is survived by his wife and parents:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 5, 2009 until sunset on November 7, 2009 in honor and remembrance of Private First Class Michel, whose selfless service and sacrifice is an inspiration.

Issued by the Governor October 29, 2009

Filed by the Secretary of State November 23, 2009

**2009-327****Major David L. Audo**

WHEREAS, on Tuesday, October 27, Major David L. Audo of St. Joseph died at age 35 in Baghdad, Iraq, where Major Audo was serving in support of Operation Iraqi Freedom; and

WHEREAS, Major Audo was assigned to Headquarters and Headquarters Detachment, 22<sup>nd</sup> Military Police Battalion, 6<sup>th</sup> Military Police Group, based at Fort Lewis, Washington; and

WHEREAS, Major Audo attended St. Joseph-Ogden High School and went on to graduate from the University of Illinois; and

WHEREAS, over the course of his military service, Major Audo was awarded two Bronze Stars for meritorious service during combat operations in Iraq and Afghanistan,

## PROCLAMATIONS

the NATO Medal for two tours in Kosovo, four Army Achievement medals, two Army Commendations medals, two Meritorious Service medals, as well as numerous others; and

WHEREAS, a funeral will be held on Thursday, November 5 for Major Audo, who is survived by his wife and two children:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 3, 2009 until sunset on November 5, 2009 in honor and remembrance of Major Audo, whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 2, 2009

Filed by the Secretary of State November 23, 2009

**2009-328****Specialist Jared D. Stanker**

WHEREAS, on Tuesday, October 27, Specialist Jared D. Stanker of Evergreen Park died at age 22 of injuries sustained when an improvised explosive device detonated near his military vehicles in Arghandab Valley, Afghanistan, where Specialist Stanker was serving in support of Operation Enduring Freedom; and

WHEREAS, Specialist Stanker was assigned to C Company, 1<sup>st</sup> Battalion, 17<sup>th</sup> Infantry Regiment, 2<sup>nd</sup> Infantry Division based at Fort Lewis, Washington; and

WHEREAS, a funeral will be held on Saturday, November 7 for Specialist Stanker, who is survived by his parents:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 5, 2009 until sunset on November 7, 2009 in honor and remembrance of Specialist Stanker, whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 4, 2009

Filed by the Secretary of State November 23, 2009

**2009-329****Support Our Troops Month**

## PROCLAMATIONS

WHEREAS, each year on Veteran's Day, Illinois citizens pay tribute to our veterans that have served our county proudly; and

WHEREAS, it is important that we recognize the brave men and women who have served our country, not only on the day set aside to honor our nation's veterans, but throughout the month; and

WHEREAS, our servicemembers are deployed throughout the world to keep us safe. They risk their lives in the deserts of Iraq and mountains of Afghanistan and serve bravely in many other parts of the world to ensure our security; and

WHEREAS, the men and women in uniform who have answered the call to duty deserve our deepest respect and recognition for enduring the most difficult of conditions to protect America and her highest ideals; and

WHEREAS, as these true heroes carry out their missions, it is important that those of us on the home front work to support them in every way we can; and

WHEREAS, during the month of November, Operation Support our Troops-Illinois is leading the "Illinois Has Not Forgotten" campaign; and

WHEREAS, the goal of this campaign is to encourage every citizen of Illinois to actively show their support for our troops during the month of November by donating items to be sent to our overseas servicemembers in care packages; and

WHEREAS, throughout November, residents across Illinois are encouraged to display their unwavering commitment to honoring our servicemembers for their courageous and patriotic duty in defending our country; and

WHEREAS, during this month I ask all Illinoisans to acknowledge the sacrifices of our service members and join me in humble thanks:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2009 as **SUPPORT OUR TROOPS MONTH** in Illinois, and urge all citizens to join in this important observance.

Issued by the Governor November 6, 2009

Filed by the Secretary of State November 23, 2009

**2009-330**

**Million Dollar Quartet Day**

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- WHEREAS, on December 4, 1956, a twist of fate brought together Johnny Cash, Jerry Lee Lewis, Carl Perkins and Elvis Presley at Sun Records' storefront recording studio in Memphis, Tennessee; and
- WHEREAS, the man who made this harmonic convergence happen was Sam Phillips, the "Father of Rock-n-Roll," who discovered the four artists; and
- WHEREAS, at the time, Elvis Presley, no longer even a Sun artist himself was the biggest name in show business; Carl Perkins, had already met success with "Blue Suede Shoes;" Johnny Cash had enjoyed a few hits on the country charts; and Jerry Lee Lewis was still relatively unknown outside of Memphis; and
- WHEREAS, on that day, the four legends-to-be united for the only time in their careers for an impromptu recording session that embodied the birth of rock 'n' roll and has come to be known as one of the greatest rock jam sessions of all time; and
- WHEREAS, fortunately for fans and music lovers, Sam Phillips left the recording tapes running as the jam session began to capture the moment as a souvenir and for posterity; and
- WHEREAS, Phillips, spotting an opportunity for publicity, also called a local newspaper, and the following day the Memphis Press-Scimitar published an article entitled "Million Dollar Quartet" by entertainment editor Bob Johnson; and
- WHEREAS, this moment in rock-and-roll history has now been brought to the stage of Chicago's Apollo Theater through the hit musical "Million Dollar Quartet"; and
- WHEREAS, part concert, part history lesson, and all in homage to the musicians and their visionary producer, "Million Dollar Quartet" is an exuberant jukebox musical, tearing through nearly two dozen rock and roots classics performed by sensational performers who not only sing but are also virtuosos on their instruments; and
- WHEREAS, "Million Dollar Quartet" has captivated audiences with its infectious spirit, freewheeling excitement and thrilling sounds of a singular moment when four of popular music's most extraordinary talents came together for one night that would raise the roof; and
- WHEREAS, "Million Dollar Quartet" just recently celebrated the one year anniversary of the show's Chicago opening:

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THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 6, 2009 as **MILLION DOLLAR QUARTET DAY** in Illinois, in recognition of this remarkable musical which has contributed greatly to the Land of Lincoln's world-class live theater community.

Issued by the Governor November 6, 2009

Filed by the Secretary of State November 23, 2009

**2009-331****Private First Class Michael Pearson**

WHEREAS, on Thursday, November 5, 2009, tragedy struck when a gunman opened fire at Fort Hood in Texas, taking 13 innocent lives and injuring dozens more; and

WHEREAS, families, friends and an entire nation are grieving for the valiant men and women who came under attack in one of the worst mass shootings ever to take place on an American military base; and

WHEREAS, one of the largest United States military installations in the world and the only two-division post in the United States, Fort Hood is home to soldiers from across the United States; and

WHEREAS, among the slain were Army Private First Class Michael Pearson, 21, of Bolingbrook; and

WHEREAS, Private First Class Pearson was assigned to the 510<sup>th</sup> Engineer Company, 20<sup>th</sup> Engineer Battalion, based at Fort Hood; and

WHEREAS, a 2006 graduate of Bolingbrook High School, Private First Class Pearson joined the Army in October 2008 to serve his country and had been training with an engineering unit to learn how to defuse explosives and roadside bombs; and

WHEREAS, Private First Class Pearson was remembered as a talented musician who played the guitar and piano and also enjoyed spending time with his parents and family; and

WHEREAS, a funeral will be held on Saturday, November 14 for Private First Class Pearson, who is survived by his mother, two brothers, and a sister:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff immediately until sunset on November 14, 2009 in honor and

## PROCLAMATIONS

remembrance of Private First Class Pearson, whose selfless service and sacrifice is an inspiration to us all.

Issued by the Governor November 12, 2009

Filed by the Secretary of State November 23, 2009

**2009-332****Alzheimer's Disease Awareness Month**

WHEREAS, today, more than five million Americans are living with Alzheimer's throughout the United States. In the State of Illinois, there are more than 210,000 adults currently afflicted by the disease; and

WHEREAS, a progressive, degenerative disease of the brain, Alzheimer's is the most common form of dementia. It results in impaired memory, thinking and behavior, and usually begins gradually, causing a person to forget recent events and to have difficulty performing familiar tasks; and

WHEREAS, One in eight adults age 65 and over, and nearly half of those over the age of 85 have Alzheimer's, as well as a small percentage of Americans under 65; and

WHEREAS, Alzheimer's disease is the sixth leading cause of death in the United States; and

WHEREAS, those who have Alzheimer's live an average of 20 years from the onset of symptoms, and only an average of 7 years after diagnosis; and

WHEREAS, unfortunately, there is no form of prevention or known cure for Alzheimer's, and unless any are found, it is estimated that as many as 16 million Americans may have the disease by the year 2050; and

WHEREAS, the Alzheimer's Association's mission is to eliminate Alzheimer's disease through the advancement of research, to provide and enhance care and support for all affected, and the reduce the risk of dementia through the promotion of brain health; and

WHEREAS, the month of November has been set aside as Alzheimer's Disease Awareness Month to promote advocacy activities and the study of Alzheimer's disease and to honor those whose lives have been impacted by Alzheimer's:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2009 as **ALZHEIMER'S DISEASE AWARENESS MONTH** in Illinois, to raise awareness

## PROCLAMATIONS

about Alzheimer's, and in support of efforts to combat this debilitating disease that affects so many families in our state.

Issued by the Governor November 13, 2009

Filed by the Secretary of State November 23, 2009

**2009-333****Great American Smoke Out Day**

WHEREAS, 20.2 percent of Illinois adults smoke cigarettes and are at risk of tobacco-related diseases including cancer, heart disease, stroke and other serious and costly health problems; and

WHEREAS, 47.3 percent of Illinois adults who smoke cigarettes stopped smoking for one day or longer in the previous year because they were trying to quit smoking; and

WHEREAS, more than 60 percent of Illinois adults are seriously considering stopping smoking within the next six months; and

WHEREAS, the 2006 "Health Consequences of Involuntary Exposure to Tobacco Smoke: a Report of the Surgeon General" determined that there is no safe level of exposure to secondhand smoke; and

WHEREAS, the scientific evidence shows that secondhand smoke exposure causes serious diseases, including lung cancer, heart disease, and respiratory illnesses, including bronchitis and asthma; and

WHEREAS, an estimated 49,000 tobacco-related deaths are the result of secondhand smoke exposure, including, but not limited to lung cancer and heart disease; and

WHEREAS, pregnant women who are exposed to secondhand smoke are at increased risk of having low birth weight babies; and

WHEREAS, 59.2 percent of Illinois adults believe that breathing the smoke from other people's cigarettes is harmful to one's health:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 19, 2009 as **GREAT AMERICAN SMOKE OUT DAY** in Illinois, and encourage all citizens to not smoke cigarettes, pipes or cigars or use tobacco products in order to protect themselves and others from the adverse effects of tobacco use and involuntary exposure to secondhand smoke.

## PROCLAMATIONS

Issued by the Governor November 13, 2009  
Filed by the Secretary of State November 23, 2009

**2009-334****National Family Week**

WHEREAS, Illinois' families are an essential part of the cultural, social, and spiritual fabric that makes up our state; and

WHEREAS, strong families are the basis for strong communities; and

WHEREAS, everyone has a role to play in making families successful, including neighborhood organizations, businesses, nonprofit agencies, policymakers, and of course, the members of the families themselves; and

WHEREAS, during Thanksgiving week, traditionally a time of gathering with family, it is fitting that we should take time to honor the importance of families, and recognize the special connections that support and strengthen families year-round; and

WHEREAS, for more than thirty years, the Alliance for Children and Families, along with state affiliate family service agencies, has recognized the week of Thanksgiving as National Family Week. In Illinois the effort is being led by the Child Care Association of Illinois; and

WHEREAS, this week is a time to recommit to enhancing and extending all of the connections that strengthen and enrich families; and

WHEREAS, with the assistance and resources of family service agencies, we can help families of all shapes and sizes create a better future for all of Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 22-28, 2009 as **NATIONAL FAMILY WEEK** in Illinois, in recognition of the importance of families to our communities.

Issued by the Governor November 13, 2009  
Filed by the Secretary of State November 23, 2009

**2009-335****Private First Class Francheska Velez**



## PROCLAMATIONS

- WHEREAS, on Thursday, November 5, 2009, tragedy struck when a gunman opened fire at Fort Hood in Texas, taking 13 innocent lives and injuring dozens more; and
- WHEREAS, families, friends and an entire nation are grieving for the valiant men and women who came under attack in one of the worst mass shootings ever to take place on an American military base; and
- WHEREAS, one of the largest United States military installations in the world and the only two-division post in the United States, Fort Hood is home to soldiers from across the United States; and
- WHEREAS, among the slain were Army Private First Class Francheska Velez, 21, of Chicago; and
- WHEREAS, Private First Class Velez was assigned to the 15<sup>th</sup> Brigade Support Battalion, 1<sup>st</sup> Cavalry Division, based at Fort Hood; and
- WHEREAS, Private First Class Velez took part in ROTC at Kelvin Park High School and joined the Army as soon as she could after graduating in 2006; and
- WHEREAS, Private First Class Velez served in Korea and Iraq, and was pursuing a lifelong career in the Army; and
- WHEREAS, Private First Class Velez was nine weeks pregnant and looking forward to being a mother. Friends and family remembered her as a sweet girl with a childlike spirit; and
- WHEREAS, a funeral will be held on Thursday, November 19 for Private First Class Velez, who is survived by her parents and two brothers:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 17, 2009 until sunset on November 19, 2009 in honor and remembrance of Private First Class Velez, whose selfless service and sacrifice is an inspiration to us all.

Issued by the Governor November 16, 2009

Filed by the Secretary of State November 23, 2009

**2009-336**

**Thank a Farmer Day**

## PROCLAMATIONS

WHEREAS, the holiday season is a time to be thankful for America's abundant supply of safe, wholesome and affordable food; and

WHEREAS, America's farmers and ranchers produce the food that nourishes our bodies and serves as the centerpiece for family gatherings and holiday celebrations; and

WHEREAS, less than one percent of the American population works in food production and the average American farmer now feeds 144 people; and

WHEREAS, America's farmers and ranchers not only provide the food we eat but also help sustain rural communities, preserve open space and wildlife habitat and protect the environment; and

WHEREAS, farming and ranching play a vital role in the economy of the country and our state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 20, 2009 as **THANK A FARMER DAY** in Illinois, and encourage all citizens to reflect on the important contributions of the farmers and ranchers of our nation and state this holiday season.

Issued by the Governor November 18, 2009

Filed by the Secretary of State November 23, 2009

**ILLINOIS ADMINISTRATIVE CODE**  
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