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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

The Illinois Register is the official State document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register. The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings. The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
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15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2010	June 11, 2010
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
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32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
34	August 9, 2010	August 20, 2010
35	August 16, 2010	August 27, 2010
36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
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48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010

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 15, 2010 to January 3, 2011.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Office of Inspector General Adults With Disabilities Abuse Project
- 2) Code Citation: 59 Ill. Adm. Code 51
- 3) Section Number: 51.70 Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435]
- 5) A Complete Description of the Subjects and Issues involved: The amendment to Section 51.70(c)(2) will correct an error that was made when the Part was originally adopted. As a result of this rulemaking, the word "may" will replace "will" in Section 51.71(c)(2). In addition, the amendment in Section 51.70(c)(3) is necessary to comply with P.A. 95-373. This amendment will eliminate any guardian ad litem fees and any legal costs associated with guardianship cases when OIG is the petitioner in a Domestic Abuse Program case.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will not affect small businesses, small municipalities or not-for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time of filing the two most recent agendas.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICESPART 51
OFFICE OF INSPECTOR GENERAL
ADULTS WITH DISABILITIES ABUSE PROJECT

Section

51.10	Purpose of Project
51.20	Definitions
51.30	Reporting Abuse, Neglect or Exploitation of an Adult with Disabilities
51.40	Receipt of Reports
51.50	Assessment of Reports
51.59	Subpoena Authority
51.60	Service Plan
51.65	Service Priority
51.70	Consent
51.80	Access of an Adult with Disabilities
51.90	Confidentiality

AUTHORITY: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435].

SOURCE: Adopted by emergency rule at 24 Ill. Reg. 10362, effective July 1, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 17136, effective November 6, 2000; amended at 30 Ill. Reg. 11543, effective June 20, 2006; amended at 32 Ill. Reg. 14735, effective August 26, 2008; amended at 35 Ill. Reg. _____, effective _____.

Section 51.70 Consent

- a) If the Project receives *a report of alleged or suspected abuse, neglect, or exploitation of an adult with disabilities who lacks the capacity to consent to an assessment or to services, the Project may seek, directly or through another agency, the appointment of a temporary or permanent guardian for assessment, provision of services, or any other decision-making authority as is appropriate for the individual as provided in Article XIa of the Probate Act of 1975 [755 ILCS 5/11a-10][755 ILCS 5/11a-1] or other relief as provided under the Illinois Domestic Violence Act of 1986 [750 ILCS 60/101]. For purpose of this Section only "lacks the capacity to consent" shall mean that the adult with disabilities*

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

reasonably appears to be unable by reason of physical or mental condition to receive and evaluate information related to the assessment or services, or to communicate decisions related to assessments or services.

- b) *If the adult with disabilities consents to the assessment, such assessment shall be conducted. If the adult with disabilities consents to the services included in the service plan, such services shall be provided. If the adult with disabilities refuses or withdraws his or her consent to the completion of the assessment or the service plan, the assessment shall be terminated or the service shall not be provided.*
- c) *A guardian of the adult with disabilities who is abused, neglected or exploited by another individual in a domestic living situation may consent to an assessment or to services being provided pursuant to a service plan.*
- 1) *If the guardian is the alleged perpetrator of the abuse, neglect or exploitation, the Project shall, when there is an immediate and urgent necessity, seek the appointment of a temporary substitute guardian pursuant to Section 213.3 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/213.3] under the provisions of Article XIa of the Probate Act of 1975. The threshold for seeking temporary substitute guardianship is a risk of death or great bodily harm and includes, but is not limited to, allegations of sexual abuse with credible evidence, physical injuries that require medical treatment, and serious neglect (e.g., lack of food, lack of essential hygiene, unsafe environment, failure to provide necessary medications or medical treatment such as dialysis).*
- 2) *If a guardian withdraws his consent or refuses to allow an assessment or services to be provided to the adult with disabilities, the Project ~~may will~~ seek directly or through another agency a court order seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian pursuant to the Probate Act. [20 ILCS 2435/45]*
- 3) *When the Office of Inspector General is the petitioner in a guardianship case, consistent with Section 45 of the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435], no guardian ad litem or legal fees shall be assessed against the Office of the Inspector General. [755 ILCS 5/11a-10]*

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3035.10	Amend
3035.115	Amend
3035.140	Amend
3035.210	Amend
2035.270	Amend
3035.410	Amend
3035.435	Amend
3035.450	Amend
3035.500	Add
3035.510	Add
3035.515	Add
3035.520	Add
3035.525	Add
3035.530	Add
3035.535	Add
3035.540	Add
3035.550	Add
3035.555	Add
3035.560	Add
3035.565	Add
3035.570	Add
3035.575	Add
3035.580	Add
3035.585	Add
3035.EXHIBIT B	Add
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9121), Public Library Construction Act [30 ILCS 767], and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].
- 5) A Complete Description of the Subjects and Issues Involved: Subpart E covers the new Public Library Construction Act program. The rules include priority for funding in

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NOTICE OF PROPOSED AMENDMENTS

Section 3035.525. The application and reporting requirements of the Subpart are comparable to the existing public library construction program administered by the Secretary of State and State Librarian as contained in Subpart D of this Part, which is being renamed "Live and Learn Construction Grants" as a way to differentiate the two programs. In addition to the construction component of the rules, in Subpart B, the definition of "Educational Agencies" is being revised for the Literacy Grant Program.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain any automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Sections 3035.115(a) and 3035.520(b)(1)(C) cite the Illinois Library Standards 2.0, "Serving Our Public: Standards for Illinois Public Libraries" (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The incorporations by reference in Section 3035.270 (a) are being corrected and updated.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rulemakings illustrate how the Secretary of State and State Librarian will administer the new Public Library Construction Act grant program.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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

217/558-4185; jnatale@ilsos.net
- 13) Initial Regulatory Flexibility Analysis:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profits corporations affected: Public libraries, as defined in Section 3035.510 and that receive a public library construction grant, are impacted by this rulemaking.
 - B) Reporting, bookkeeping or other procedures required for compliance: The public libraries receiving a public library construction grant will have to comply with the grant application and reporting procedures in Subpart E.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which these rules were summarized: July 2010

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

PART 3035
ILLINOIS STATE LIBRARY GRANT PROGRAMS

SUBPART A: STATE GRANTS

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

SUBPART B: LITERACY GRANT PROGRAM

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

SUBPART C: TRAINING PROGRAM GRANTS

Section

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

SUBPART D: [LIVE AND LEARN](#)~~PUBLIC LIBRARY~~ CONSTRUCTION GRANTS

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

[SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS](#)

Section	
3035.500	Purpose
3035.510	Definitions
3035.515	Eligibility Requirements
3035.520	Grant Applications
3035.525	Priority of Public Library Construction Act Projects
3035.530	Grant Amounts and Use
3035.535	Grant Awards
3035.540	Supervision of Public Library Construction Act Projects
3035.550	Carry-over Projects
3035.555	Referendum Requirements
3035.560	Public Library Capital Needs Assessment
3035.565	Public Library Site Selection

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3035.570	Eligible Project Costs
3035.575	General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds
3035.580	Standardized Definitions and Guidelines
3035.585	Limitations on Expenditures of Bond Proceeds

3035.EXHIBIT A	Differences Among the Three Types of Literacy Grant Programs
3035.EXHIBIT B	Guidelines for Rating Life Safety/Legal Issues

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9121), Public Library Construction Act [30 ILCS 767], and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].

SOURCE: Adopted at 31 Ill. Reg. 16310, effective November 20, 2007; amended at 32 Ill. Reg. 9666, effective June 23, 2008; amended at 33 Ill. Reg. 4180, effective February 27, 2009; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: STATE GRANTS

Section 3035.10 Definitions

For the purpose of this Subpart, the definitions in 23 Ill. Adm. Code [3035.4103060.400](#) are applicable.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 3035.115 Public Library Per Capita and Equalization Grants

- a) To be eligible for a per capita grant, a public library shall show that it will either meet or show progress toward meeting the Illinois Library Standards [2.0](#), "[Serving Our Public: Standards for Illinois Public Libraries, 2009+997](#)" (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. A grant applicant must raise or improve its performance levels in relation to the standards, when ~~those such~~ levels are below the standards, according to objectives, time frames, and priorities the library shall state in its application for a grant, and that it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (See Section 8.1(1) of

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the Act.) The applying library must be in good standing and meet the criteria of a "full member library" or a "developmental member library" as defined in 23 Ill. Adm. Code 3030.10.

- b) *Application for annual equalization grants and per capita grants to public libraries shall be made each year.* (Section 8 of the Act) Whenever an applicant library reports any changes in the population count for the eligible service area population, then the applicant library shall submit with the grant application the appropriate supporting legal documentation for the population count change. The Illinois State Library shall validate the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts of a municipality, as prepared and submitted to the Secretary of State's Index Department by the federal government and certified by the Secretary of State in accord with the application deadline date established by the Illinois State Library.
- c) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (a).
- d) The grant may not be used for the construction of a new library or for capital improvements to the existing library.
- e) A public library that receives a per capita grant and or equalization aid and contracts for service with another public library must, within 30 days after receipt of the grant funds, remit the entire amount to the public library that provides the service.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 3035.140 Grants, Expenditures and Audits

- a) The Illinois State Library staff shall review grant applications and the decision of the State Librarian is final.
- b) The Illinois State Library will notify the grant applicant when the application is approved for contractual purposes.

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

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: LITERACY GRANT PROGRAM

Section 3035.210 Definitions

"Adult" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (16) and is not currently enrolled in school (see 105 ILCS 5/Art. 26).

"Applicant" means the eligible education agency or public or private employer.

"Application" means the written request for a literacy grant submitted to the LAB pursuant to this Subpart. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.

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"Coalition" means a structured cooperative effort among a library system, libraries, education agencies, and community-based organizations, or any combination of these entities, at the local or regional level.

"Community" means any county or municipality in Illinois.

"Community-based Organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, ~~that which~~ provides services to citizens within that community and the surrounding area.

"Educational Agencies" means those entities eligible to apply ~~that~~ are public libraries ~~and that~~ are members of an Illinois regional library system; community colleges, school districts and regional offices of education that are certified by the Illinois Board of Higher Education, the Illinois State Board of Education or the Illinois Community College Board ~~and have provided instructional literacy services for at least 3 years~~; community based organizations, volunteer agencies or a coalition of those entities that have been granted 501(c)(3) status by the Internal Revenue Service ~~and have provided literacy instructional services for at least 3 years~~; and public and private employers ~~that have provided instructional literacy services for at least three years or are in cooperation with an educational agency that has provided instructional literacy services~~.

"Educational Skills Assessment" means testing methods that measure the educational skills possessed by adults, including reading, writing, comprehension and computation skills in English.

"Family Literacy" means reading, writing and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, and structured reciprocal time for both to learn together.

"Fiscal Year" means the fiscal year of the State of Illinois.

"Instructional Materials" means written materials and computer software programs that are used in teaching adults basic reading, writing, comprehension, computation or English language skills.

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"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act [15 ILCS 320/7.2].

"Library" means the main facility for a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, compute and comprehend above the 8.9 grade level as measured by an educational skills assessment.

"Literacy Program" means a structured project or program that provides direct instructional services in literacy to adult students.

"Math Student" means an adult whose math skills are below the 9.0 grade level and who is enrolled in the literacy program for math instruction.

"Participating Agency" means those agencies who will receive part of the grant funds or who will actively participate in the literacy project as an essential component of that project, without whose participation the project would fail or be radically changed.

"Secretary of State" means the Illinois Secretary of State, who is the State Librarian.

"Site Visit" means a scheduled visit by a literacy grant monitor to a literacy grant recipient to determine whether the project meets or maintains the criteria of the grant program. The site visit may be made in person, by phone or by electronic means, at the discretion of the Illinois State Library Literacy Office.

"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act [15 ILCS 320].

"Workplace Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English language skills to adult employees or prospective employees at their place of employment.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 3035.270 Other Requirements

a) Testing

- 1) Plans for pre- and post-testing of students must be attached to the proposal application. The Slosson Oral Reading Test-Revised (SORT-R), [20021994](#) edition (produced by Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280), or the Test of Adult Basic Education (TABE), [20042002](#) edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940) must be used in student testing for semiannual reports submitted to the State Library. The materials incorporated by reference include no later amendments or editions. Programs are encouraged to use additional tests for their own purposes.
- 2) In the case of English as a Second Language (ESL) projects, professionally accepted tests must be used, such as the ESLOA Oral Assessment, 1978 edition (produced by [New Reader's Press, 1320 Jamesville Ave. Literacy Volunteers of America, Inc.](#), 5795 Widewater Parkway, Syracuse NY 13214); the Comprehensive English Language Skills Assessment (CELSA), [20091992](#) edition (produced by the Association of Classroom Teacher Testers, 1187 Coast Village Road, [Suite 1, #PMB-378](#), Montecito CA 93108-2794); the Basic English Skills Test (BEST), 2006 edition (produced by the Center for Applied Linguistics, [4646 40th + 118 22nd](#) Street, NW, Washington DC [2001620037](#)); the Foreign Service Institute Oral Proficiency Interview (FSI) (also known as ILR), 1983 edition (produced by the Foreign Service Institute Shultz Center, 4000 Arlington Boulevard, Arlington VA 22204-1500). The materials incorporated by reference include no later amendments or editions. All tests used must be described in the proposal. Results must accompany semiannual and final reports.
- 3) In the case of students who enroll for math assistance only, the TABE math test, [20042007](#) edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940), must be used in testing for semiannual reports submitted to the State Library, Office of the Secretary of State. The material incorporated by reference includes no later amendments or editions.

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- 4) [Other professionally accepted literacy and language assessments may be used that provide accurate measurements of student proficiency.](#)
- b) No grant funds shall be used to purchase equipment.
- c) No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved expenditures in excess of 10% of a budget line will not be paid for by the grant.
- d) Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the State Library. Justification must be provided if consultant services are purchased, and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and State Library, based on the consultant's prior experience and expertise in literacy programs.
- e) A literacy grant monitor shall make a minimum of one site visit during each biennium. Additional site visits shall be made at the discretion of the State Library Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, requests by literacy program). Literacy monitors shall evaluate program effectiveness. It shall be the responsibility of the grant monitor to:
- 1) Review the grant budget and expenditures in the project to date.
 - 2) Verify that the project plan is being implemented according to the proposal approved by the LAB.
 - 3) Submit a written report on the progress of the project to the Literacy Office following each site visit.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: [LIVE AND LEARN](#)~~PUBLIC LIBRARY~~ CONSTRUCTION GRANTS

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Section 3035.410 Definitions

For the purposes of this Subpart:

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

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

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

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

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

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

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

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

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

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

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periodicals, films, recordings, computers, computer equipment, projection equipment or wireless Internet components.

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

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

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

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

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

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

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

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries that would have received an income of less than ~~\$15~~^{\$12} per capita in the preceding fiscal year by

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using a formula in which the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

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

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

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

"State Librarian" means the Illinois Secretary of State.

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

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 3035.435 Grant Funding Limitations

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

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.
- b) The maximum grant for each library political unit shall be \$125,000 per annual funding cycle, unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (c).
- c) The minimum grant awarded for mini-grants shall be \$2,500. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$25,000. The maximum grant awarded for mini-grants shall not exceed \$25,000; the maximum grant awarded for remodeling for accessibility projects

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shall not exceed \$50,000; and the maximum grant awarded for other projects shall not exceed \$125,000.

- d) Priority will be given to a library that has not received any construction funding, whether under a library construction grant program or a specific appropriation from the Secretary of State, during the three prior State fiscal years, including the current State fiscal year.
- e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than the minimum grant amount, make a special grant award and/or allow for consecutive years of funding.
- f) Competitive bids for construction projects shall not be let until after the grant contract with the Secretary of State has been signed.
- g) Grant contracts awarded under this Part must be signed within 90 days after the grant award notification.
- h) [A public library may only apply for either a Live and Learn Construction Grant or a Public Library Construction Grant in the same award year.](#)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 3035.450 Grant Application Procedure

The following application procedures shall apply:

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit a signed, completed current library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants:
 - 1) Application Phase
 - A) To be eligible for a Live & Learn construction grant, a public library must comply with the assurances contained in this Section,

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as listed in the Construction Grant Application Form, as most recently adopted by the Subcommittee for Public Library Construction, a subcommittee of the Illinois State Library Advisory Committee.

- B) A statement describing the necessity for the proposed project.
- C) A statement of plans to meet existing library standards of service, [Illinois Library Standard 2.0](#), "Serving Our Public: Standards for Illinois Public Libraries, 1997" (~~produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306~~). ~~The material~~ incorporated by reference [in Section 3035.115](#) ~~includes no later amendments or editions~~. This subsection (b)(1)(C) shall not apply to library systems.
- D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
- E) A Library Building Program. For projects with a total cost of over \$150,000, a library building consultant must work with the library in developing the building program. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
- F) For projects with a total cost equal to or greater than \$75,000, an architect or engineer licensed to practice in Illinois is required.
- G) Preliminary construction plans with a site plan; [outline specifications for all projects](#) and an estimated cost per square foot.
- H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- I) The following conditions apply in new construction, additions and projects involving evacuation of soil:

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- i) Provide documentation stating whether the project site is located in a Special Flood Hazard Area found at the Illinois State Water Survey's Illinois Floodplain Map Web site (<http://www.illinoisfloodmaps.org/>). ~~A letter from the Illinois State Water Survey of the Illinois Department of Natural Resources stating that the project site is not located in a Special Flood Hazard Area.~~ If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.
 - ii) A subsurface soil analysis by a soils engineer.
 - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.
- J) The real estate affected by the proposed construction is available to the library or library system, as is the legal description of the affected real estate. A deed of ownership or proof of long-term ~~(20 years minimum)~~ occupancy (20-year minimum), except for mini-grants. The building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Director of the Illinois State Library.
- K) A letter from the Director of the Regional Library System that serves the applicant library acknowledging that the System is aware of the proposed project.
- L) A listing of all applicable authorities having jurisdiction over the applying facility.

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- M) The library will submit with the grant application an Americans With Disabilities Act Self-Evaluation, except for new construction projects.
- N) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that a referendum is pending or various fundraising activities will be undertaken in the future, with the amount to be raised remaining uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3035.400.

2) Construction Phase

- A) The grantee library will expend 100% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. If the grantee fails to submit a final report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the Director of the Illinois State Library.
- B) Construction work will be performed under the lump sum (fixed price) contract method.
- C) The library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- D) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and

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the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.

- F) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- G) A copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and the permit shall be posted in a prominent place on the construction site.
- H) Any change in the Plans and Specifications requiring a work change order shall be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve or deny any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.
- I) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.
- J) Construction contracts signed by both the library board (or library system board) and contractors that is, or comparable, to the "Standard Form of Agreement Between Owner & Contractor A-101-1997" published by the American Institute of Architecture,

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1735 New York Ave., NW, Washington, DC 20006-5292. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any contracts between the library board or library system board and contractors if:

- i) The bidding procedure outlined in subsection (b)(2)(E) was not followed.
 - ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.
- K) A revised budget shall be prepared after bids have been accepted and shall be submitted to the Illinois State Library for approval prior to actual construction. Approval will be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets. Decisions shall not affect the time frame imposed unless approved by the Director of the Illinois State Library.
- L) A sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.
- M) Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board (see 20 ILCS 3105/14).

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- N) Any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.
- O) Construction will commence within 140 days after the effective date of the grant contract, according to Section 3035.435(f).
- P) The following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the Director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.
- i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
 - ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
 - iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e) ~~of this Part~~.

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- iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% stage of completion.
- Q) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
- R) The library shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- S) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- c) Some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3035.400(c), upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.
- d) Applications will be considered in accordance with Section 3035.420(c).
- e) Grant applications are subject to the conditions stipulated in Section 3035.135.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

[SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS](#)

[Section 3035.500 Purpose](#)

[This Subpart implements the Public Library Construction Act, which requires that the Secretary of State:](#)

- a) [Adopt standards under which the State Librarian will determine grant eligibility for construction grants to public libraries;](#)

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- b) Determine priority order for public library construction grants;
- c) Determine recognized project costs and the State's share of a public library construction project through the calculations of a grant index;
- d) Award and oversee expenditures of public library construction grant funds; and
- e) By January 1, 2010 and every two years thereafter, conduct a public library capital needs assessment and submit a report to the General Assembly.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.510 Definitions

"Act" means the Public Library Construction Act [30 ILCS 767].

"Enrichment Cost" means expenditures not included in the recognized project cost and designated as ineligible expenditures by the State Librarian.

"Full Member Library" means a library that meets the criteria for library system membership, as defined by mutual agreement, and implementation of all of the library system boards, subject to approval by the State Librarian.

"Grant Index" means a figure for each public library equal to one minus the ratio of the public library's equalized assessed valuation per capita to the equalized assessed valuation per capita of the public library located at the 90th percentile for all public libraries in the State. The grant index shall be no less than 0.35 and no greater than 0.75 for each public library; provided that the grant index for public libraries whose equalized assessed valuation per capita is at the 99th percentile and above for all public libraries in the State shall be 0.00.

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

"Library Building Consultant" refers to an individual, chosen by the applicant library, with a Master's degree in library science from a library school accredited by the American Library Association and with prior experience in at least one

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library construction project. An architect licensed to practice in Illinois or a structural or other type of engineer, depending on the scope of work, licensed to practice in Illinois, with prior experience in at least one library construction project, may also be a library building consultant. The architect or engineer may be retained for other services by the applicant library.

"Local Share" means funds provided by the local public library equal to the recognized project cost, subtracting the State's share.

"Off-site Improvements" means any improvements outside of the property line.

"On-site Improvements" means any improvements outside the building's five feet line but inside the property line of the site.

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

"Public Library Construction Project" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, installation, maintenance, and upkeep of capital facilities consisting of buildings, structures, durable equipment, and land for public library purposes.

"Public Library Facilities Plan" means a written plan that describes the form and functions of a library facility. The plan may include a description of the size of the facility, public service areas, staff space, collection, seating, technology and community meeting spaces.

"Recognized Project Cost" means the total of eligible costs that are funded with State and local funds to provide for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, installation,

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maintenance and upkeep of capital facilities consisting of buildings, structures, durable equipment and land for educational purposes, as determined by the State Librarian.

"State Librarian" means Secretary of State.

"State's Share" means the product of the library's grant index and the recognized project cost, as determined by the State Librarian.

"Substantial Work" means certain expenditures on the physical structure involved in remodeling and updating, including systems like HVAC, electrical, plumbing and improvements that allow for accessibility, such as doors, ramps, elevators and restrooms.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.515 Eligibility Requirements

Public libraries that meet the requirements of this Subpart are eligible to apply for and receive a public library construction grant. Eligible public libraries shall:

- a) Have a bibliographically organized collection;
- b) Be approved as a full member library of a regional library system;
- c) Meet the eligibility criteria to qualify for public library per capita grants provided in Section 8.1 of the Illinois Library System Act.
- d) Permit intersystem reciprocal borrowing.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.520 Grant Applications

- a) For projects with a total cost equal to or greater than \$75,000, an architect or engineer licensed to practice in Illinois is required. The selection of an architect-engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510]. Public libraries are allowed to choose the architect and engineer for their public library construction projects. No project

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may be disapproved by the State Librarian solely due to a public library's selection of an architect or engineer as stipulated in this subsection.

b) To qualify for and be eligible for a public library construction grant, public libraries shall apply to the State Librarian for public library construction project grants on the forms prepared and made available for this purpose. The grant application shall include these components:

1) A service plan statement of no more than two pages that states:

A) How the project addresses one or more to the five levels of priority described in Section 15-30 of the Act.

B) The necessity for the proposed project.

C) Plans to meet existing library standards of service (Serving Our Public 2.0: Standards for Illinois Public Libraries, 2009, produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions.

D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.

2) A public library facilities plan with the following components:

A) Examine the present and future public library facility needs required by present and anticipated public library programming. Library buildings are to be planned for 20 year population projection (for new construction, conversions and additions to buildings).

B) A site analysis, space needs assessment and project design.

C) How the library facility will provide access for the physically handicapped, as required in the Illinois Capital Development Board's Illinois Accessibility Code (71 Ill. Adm. Code 400) and shall display the symbol of accessibility.

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3) Supporting Documentation:

A) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].

B) The following conditions apply in new construction, additions and projects involving evacuation of soil:

i) Provide documentation stating whether the project site is located in a Special Flood Hazard Area (found at the Illinois State Water Survey's Illinois Floodplain Map Web site, <http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.

ii) A subsurface soil analysis by a soils engineer.

iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.

C) Show that a deed of ownership or proof of long-term occupancy (20-year minimum) is or will be available to the public library. The deed or lease agreement shall include a legal description of the affected real estate. The building **must** remain in use as a public library facility for not less than 20 years after its construction unless other use is approved by the State Librarian.

D) A letter from the Director of the Regional Library System that serves the applicant public library acknowledging that the System is aware of the proposed project.

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- E) [A listing of all applicable authorities having jurisdiction over the applying facility.](#)
- F) [An Americans With Disabilities Act Self-Evaluation, except for new construction projects.](#)
- G) [Funding sources and cost estimates, including the availability of local financial resources, current revenues, fund balances, and unused bonding capacity, and a fiscal plan for meeting present and anticipated debt service obligations.](#)
- H) [A timeline of major events.](#)
- I) [A maintenance plan and schedule that contains necessary assurances that new, renovated and existing facilities are being or will be properly maintained.](#)
- c) [Each public library that is determined to be eligible shall annually update its public library facilities plan and submit the revised plan to the State Librarian for approval.](#)
- d) [Eligible libraries are qualified for a library construction project grant, but are not guaranteed receipt of a grant.](#)
- e) [Grant applications are subject to the conditions stipulated in Section 3035.140.](#)
- f) [In Fiscal Year 2012 and in subsequent fiscal years, grant applications are due on April 15 prior to the fiscal year in which a grant award will be made. In the case of a disaster described in Section 3035.525\(a\)\(1\), a library may submit an application for a Public Library Construction Act grant at any time.](#)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.525 Priority of Public Library Construction Act Projects

Priority ranking for construction grant projects shall be done if the appropriation for any fiscal year is insufficient to fund grants for all eligible applicants. In this case, an eligible public library

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construction project shall be qualified for a construction grant award by the State Librarian in order of the priority ranking described in this Section.

- _____ a) Libraries determined to be eligible shall be eligible in the order of:
 - 1) Replacement or reconstruction of public library facilities destroyed or damaged by flood, tornado, fire, earthquake or other disasters, either man-made or produced by nature;
 - _____ 2) Projects designed to address population growth or to replace aging public library facilities;
 - _____ 3) Replacement or reconstruction of public library facilities determined to be severe and continuing health or life safety hazards;
 - _____ 4) Alterations necessary to provide accessibility for qualified individuals with disabilities; and
 - _____ 5) Other unique solutions to facility needs.
- _____ b) The library's ranking within its level of priority, shall be determined as follows:
 - _____ 1) In priority 1, the public library presents documentation to the State Library explaining the nature and scope of the disaster, including an explanation of replacement or reconstruction costs covered by insurance and other State or federal grants sources.
 - _____ 2) In priorities 2, 3 and 4, points are awarded based on the extent to which the applicant's present or existing facilities meet the standard of .6 square foot per capita for total floor space in its public library. The total square feet will be taken from the most current Illinois Public Library Annual Report on file at the Illinois State Library. The population served will be taken from the most recent Public Library Per Capita grant application on file at the Illinois State Library. The following describes how the square feet and population will be determined for a public library using the population and square feet for only the legal (taxed) service area of the library.

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<u>% OF</u> <u>STANDARD</u>	<u>POINTS</u>
<u>0-25</u>	<u>5</u>
<u>26-50</u>	<u>4</u>
<u>51-70</u>	<u>3</u>
<u>71-90</u>	<u>2</u>
<u>91-100</u>	<u>1</u>
<u>Over 100</u>	<u>0</u>

3) In priorities 2, 3 and 4, additional points will be awarded for age of building.

<u>AGE OF BUILDING</u>	<u>POINTS</u>
<u>100 years or more with no substantial work in the last 20 years</u>	<u>5</u>
<u>100 years or more with some substantial work in the last 20 years</u>	<u>4</u>
<u>50-99 years with no substantial work in the last 20 years</u>	<u>3</u>
<u>50-99 years with some substantial work in the last 20 years</u>	<u>2</u>
<u>20-49 years with no substantial work in the last 10 years</u>	<u>1</u>
<u>20-49 years with some substantial work in the last 10 years</u>	<u>0</u>
<u>Do not have a public library facility</u>	<u>2</u>

4) In priorities 2, 3 and 4, additional points will be awarded for addressing life safety improvements, see Exhibit B.

5) In priority 5, points will be awarded based on subsections (b)(2) and (3).

c) In the event of a tie between two or more public libraries in determining ranking within a level of priority, ranking for those tied public libraries shall be established by consideration of additional factors including, but not limited to, whether any of the public libraries have received construction assistance from the

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State Librarian from any source in the previous three years; whether any of the public libraries applied for and received a public library per capita grant in each of the three previous fiscal years; the percentage of the population living at or below the federal poverty level within the territory served by the public libraries; shovel readiness of the projects; and whether the public libraries submitted a response to the most recent public library capital needs assessment contained in Section 3035.560.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.530 Grant Amounts and Use

- _____ a) The product of the public library's grant index and the recognized project cost, as determined by the State Librarian, for an approved public library construction project shall equal the amount of the grant the State Librarian will provide to the eligible public library. The grant index shall not be used when the General Assembly and the Governor approve appropriations designated for specifically identified public library construction projects.
- b) In each fiscal year in which public library construction project grants are awarded, of the total amount awarded statewide, 20% shall be awarded to the Chicago Public Library System, provided that the Chicago Public Library System complies with the provisions of the Act and this Part, and 80% shall be awarded to public libraries outside of the City of Chicago.
- c) No portion of a public library construction project grant awarded by the State Librarian shall be used by a public library for any on-going operations costs.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.535 Grant Awards

- _____ a) The application shall be reviewed by the Illinois State Library for completeness and compliance with law and rules. The Illinois State Library may request additional information or clarification.
- _____ b) When a grant eligibility has been determined for a public library construction project, the State Librarian shall notify the public library of the

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State's share of the public library construction project and the dollar amount that the public library will be required to finance with non-grant funds in order to qualify to receive a public library construction project grant under the Act from the State Librarian. The State Librarian shall thereafter determine whether a grant will be made.

- c) Proof of local share will be required by the State Librarian prior to a grant award. Proof shall be provided, at the latest, within 90 days after a successful referendum. A public library failing to have access to the local share of funds within the time period shall be reprioritized and must update its application to establish its priority ranking for the following fiscal year.
- d) Grant awards will be issued in accordance with the State Librarian's priority ranking.
- e) Public libraries receiving a grant award shall enter into intergovernmental agreements with the State Librarian that may include, but are not limited to, provisions for the following:
 - 1) That funding of the State's share will be made in payments to public libraries for project costs upon submittal of required documentation by the public library.
 - 2) That the public library agrees to comply with all applicable statutes, codes and rules.
 - 3) That establishment and maintenance of a separate set of accounts is required for the construction, study and planning of the project in accordance with generally accepted accounting principles as stated in Section 3035.140(e)(1).
 - 4) That access will be allowed to the work, materials, payrolls and other data and records relevant to the project for purposes of audit and inspection by the State Librarian or other authorized agencies.
 - 5) That the architect retained by the public library shall certify on each payment submittal that the expenditures were in accordance with the provisions of the appropriation Act from which the grant was made and the terms of the intergovernmental agreement.

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- 6) That increases in project costs added by change order shall not increase the amount of the State's share.
- 7) Other provisions as may be necessary, including those required to ensure a legal and binding agreement.
- f) A grant applicant may appeal the decision of the State Librarian under the procedures outlined in Section 3035.150.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.540 Supervision of Public Library Construction Act Projects

The State Librarian shall exercise general supervision over public library construction projects financed pursuant to the Act.

- a) The grantee library will expend in 30% increments. The public library shall submit a letter from an architect and a financial report at the 30, 60 and 90% points of substantial completion. The final 10% will be paid out upon completion of the project and submission of all final reports to the State Librarian.
- b) Construction work will be performed under the lump sum (fixed price) contract method.
- c) The library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- d) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- e) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with

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the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.

f) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].

g) A copy of the building permit shall be supplied to the State Librarian prior to the actual construction, and the permit shall be posted in a prominent place on the construction site.

h) Any change in the Plans and Specifications requiring a work change order shall be submitted to the State Librarian. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The State Librarian shall be notified of and approve or deny any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

i) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.

j) Construction contracts shall be signed by both the library board and contractors, using the Standard Form of Agreement Between Owner & Contractor A-101-1997, published by the American Institute of Architecture, 1735 New York Ave., NW, Washington DC 20006-5292, or a comparable format. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the State Librarian prior to the start of construction. All subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the library board and the State

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Librarian. The State Librarian shall have the right to disapprove any contracts between the library board and contractors if:

- 1) The bidding procedure outlined in subsection (e) was not followed.
 - 2) The conditions and standards specified in the contract between the State Librarian and the library board are not incorporated into the contracts between the library board and the contractors.
- k) A revised budget shall be prepared after bids have been accepted and shall be submitted to the State Librarian for approval prior to actual construction. Approval will be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets. Decisions shall not affect the time frame imposed unless approved by the State Librarian.
- l) A sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.
- m) Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board (see 20 ILCS 3105/14).
- n) Any agent authorized by the State Librarian, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.
- o) Construction will commence within 140 days after the effective date of the grant contract. Competitive bids for construction projects shall not be let until after the grant contract with the State Librarian has been signed. Construction may not commence until proof of ownership or long-term lease agreement of the affected real estate is received.

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- p) The following reports and records will be completed and transmitted to the State Librarian: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 36 months after the execution of the contract, unless an extension is granted by the State Librarian; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Librarian. The final financial report shall be signed by the president of the library's board of directors.
- _____ 1) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
- _____ 2) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
- _____ 3) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e).
- _____ 4) For a project that requires an architect or engineer, the architect or engineer shall certify to the State Librarian when the project reaches the 30%, 60%, 90% and 100% stage of completion.
- q) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
- r) The library shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- s) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the public library construction project.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 3035.550 Carry-over Projects

If a public library has been determined eligible for a public library construction project, has arranged and approved all local financing, and is eligible to receive a public library construction project grant award in any fiscal year, but does not receive the award in that year due to lack of adequate appropriations, those public library construction projects shall continue to be considered for grant awards for the following fiscal year.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.555 Referendum Requirements

a) After the State Librarian has approved all or part of a public library's application and made a determination of eligibility for a public library construction project grant, the governing body of the public library shall submit the project or the financing of the project to a referendum when the referendum is required by law.

b) The referendum is to be passed in the fiscal year the eligibility has been determined.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.560 Public Library Capital Needs Assessment

a) The State Librarian shall file with the General Assembly a comprehensive assessment report of the capital needs of all public libraries in this State before January 1, 2010 and every 2 years thereafter.

b) This assessment shall include, without limitation, an analysis of the 5 categories of capital needs prioritized in Section 15-30 of the Act.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.565 Public Library Site Selection

a) The public library shall select the sites for all new projects.

b) Suitability for Development and Construction

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1) The site should be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving.

2) The site should not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. These hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, soil pollutants, floods, groundwater incursions, vibrations, explosions and electrical discharges. Site acquisition shall be subject to the Farmland Preservation Act [505 ILCS 75], Interagency Wetland Policy Act of 1989 [20 ILCS 830], Illinois State Agency Historic Resources Preservation Act [20 ILCS 3410], Archaeological and Paleontological Resources Protection Act [20 ILCS 3435], the Illinois Endangered Species Protection Act [520 ILCS 10], and the Environmental Protection Act [415 ILCS 58.15], as may be applicable.

c) Availability of Site

The public library shall have a period of 90 days from the time of grant award to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the public library. Extensions will be granted in those cases in which there is a reasonable expectation that the public library will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the public library, such as a delay in acquiring a title commitment.

d) Site Size and Configuration

The proposed site should contain usable space sufficient in size and of regular configuration so as to accommodate the library's on-site program, as well as to accommodate ancillary functions that are better served on-site than off-site, and pedestrian movement among different points on the site.

e) Utilities and Services

1) Water Supply

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Water must be made available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed public library, as well as to accommodate other forms of water consumption.

2) Sanitary Sewage Disposal

The location or character of the site must not prevent the disposal of sanitary sewage from the public library.

3) Storm Water Disposal

The location or character of the site must not prevent the disposal of storm water from the public library site.

4) Electric Power, Telephone, Gas

The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the public library may require at the point in the construction process when utility hook-ups are made.

5) Solid Waste Management Services

Solid waste management services must be available to the site.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.570 Eligible Project Costs

a) A library building consultant may work with the library in developing the public library facilities plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].

b) Funding may be used for joint use by the library and community, with the State Librarian's participation in the funding of facilities limited to those items required to meet the needs of the library's plan for the provision of library services and any other activities and events the applicant library plans to conduct.

c) Funding will not be used for administrative offices or other support services outside of a facility that provides direct on-site services to library users.

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- _____ d) Funding will not be used for facilities intended for commercial use by profit making organizations. This is not meant to exclude facilities to be operated by non-profit organizations.
- _____ e) Funding will not be allowed for square footage designated for food service in which a fee is charged (example: coffee shop or café).
- _____ f) The State Librarian will not fund land acquisition costs:
- _____ 1) For land that was or will be donated to the library.
- _____ 2) For land that is already owned by the library or its corporate authority and will be the site of new construction or an addition to an existing facility.
- _____ g) Funds will be used to support off-site improvements only if they directly impact the facility.
- _____ 1) The applicant shall submit documentation that local, State and/or federal funding sources are not available to the library or any other public body for off-site improvements before the State Librarian will consider participation in funding.
- _____ 2) The State Librarian's participation in funding off-site improvements is only permitted if the off-site property or interest in the property, such as an easement or leasehold, is owned by a public body.
- _____ h) The State Librarian's participation in funding on-site improvements is limited to those minimum requirements necessary to making the site functionally operational. The State Librarian will not fund certain types of site improvements, including, but not limited to:
- _____ 1) Storage facilities;
- _____ 2) Lawn sprinkling systems;
- _____ 3) Exterior commons area, such as paved sitting areas, benches, etc.;
- _____ 4) Traffic signals at intersections;

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5) Landscaping in excess of seeding costs;

6) Off-site access roads.

h) Determination of Recognized Project Cost

1) Recognized project cost shall be based upon calculations made in accordance with eligible expenditures enumerated in this Section and shall include the following unit cost (\$/sq.ft.):

A) Buildings constructed to the five foot line;

B) Design and construction contingencies;

C) Building fixed equipment.

2) Recognized project cost shall also include additional associated costs as deemed appropriate by the State Librarian in consultation with the public library, as follows:

A) Site improvements, including related architectural/engineering fees and reimbursements;

B) Land acquisition and associated legal fees;

C) Movable equipment;

D) Utility service lines, both on-site and off-site; and

E) Special foundation construction and related architectural/engineering fees deemed necessary as a result of unusual sub-surface soil conditions.

3) The State Librarian shall create separate recognized cost calculations for various types of construction projects, including but not limited to new construction and additions, and for rehabilitation of or renovations to an existing facility.

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4) The recognized project costs initially calculated by the State Librarian will establish the maximum acceptable cost of the eligible expenditures. If the bid price received by the district from the various contractors for the eligible expenditures is less than the bid estimate amount included in this initial calculation, then the recognized project cost will be reduced by the amount of the difference.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3065.575 General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds

- a) General. The general uses of Build Illinois Bond proceeds appropriated to the State Librarian shall always be consistent with the provisions expressed in Article VIII, Section 1 and Article IX, Section 9 of the 1970 Constitution of the State of Illinois, and with the provisions of the Build Illinois Bond Act [30 ILCS 425].
- b) Bondable Capital Improvements. Bondable capital improvements and related expenditures generally include, but are not limited to, the following:
- 1) Planning expenses for architectural and engineering design;
 - 2) Real property;
 - 3) Buildings, additions, and/or structures (including required site development or preparation and associated fixed equipment that is required for functional effectiveness);
 - 4) Utilities;
 - 5) Initial durable movable equipment as defined in 71 Ill. Adm. Code 50.120(e), Durable Movable Equipment;
 - 6) Site improvements;
 - 7) Remodeling and/or rehabilitation; and
 - 8) Maintenance and upkeep.

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c) Build Illinois Bond Proceeds

- 1) In general, any expenditure purpose shall be considered appropriate for financing from proceeds, provided that those expenditures:
 - A) Are not recurring. In this context, recurring expenses are defined as those costs that are incurred at frequent or regular intervals within the initial term of financing, and that would cause pyramiding accumulation of costs for the same expenditure purpose before the expenses initially incurred for that purpose are completely amortized;
 - B) Can be characterized as durable or not readily consumed in use;
 - C) Reflect an extended useful life or longevity that confers long-term (non-transitory) benefits on the citizens of the State of Illinois;
 - D) Are not subject to inherent risk of failure or rapid technological obsolescence, or primarily intended to fulfill temporary requirements;
 - E) Reflect a direct interest of the State of Illinois, including its legally constituted subdivisions, in any real property to be improved, as evidenced by valid title to the real property on which the proposed improvement is to be made, or an easement interest of record that at least encompasses the proposed term of bond financing;
 - F) Appreciably increase, improve or enhance the equitable interests of the State of Illinois in capital facilities, land, permanent improvements and related assets;
 - G) Are considered as internal components of a project that, if considered separately, may not reflect an extended useful life, but will be bondable provided that the components are initially required for and appreciably contribute to effective functioning, or are otherwise incapable of separation from a more complex unit that in itself is bondable.

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- 2) All seven factors must be present in order for an expenditure purpose to be bondable.
- 3) Notwithstanding the prescribed purposes enumerated in subsection (c)(1), a nonconforming expenditure may yet be considered bondable if it is deemed to be in the public interest, as evidenced by a substantive enactment of the General Assembly. Only Public Acts specifying a project shall be deemed a substantive enactment.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.580 Standardized Definitions and Guidelines

The following standardized definitions and guidelines enumerate the appropriate utilization of the Build Illinois Bond proceeds appropriated to the State Librarian to finance bondable capital improvements as listed in Section 3035.575(b) of this Part.

- a) Planning. Bondable planning costs include those expenditures that are related to the public library facilities plan and architectural/engineering design required for planning the construction or installation of bondable capital improvement projects. Included are costs for schematic design development, which refers to preliminary studies developed from program statements that reflect the general functional characteristics and architectural requirements of a bondable capital improvement project; costs for definitive design development, which means the refinement of schematic design into final detailed design requirements; and costs incurred for the completion of construction documents and detailed working drawings required for bidding and construction, including any allowable reimbursables provided within an executed contract for professional and technical services.
- b) Land. Land includes expenditures for the acquisition of real property (including easements of record with an extended term, but excluding any leasehold interests obtained through rental of real property), whether obtained by purchase or by condemnation under the applicable eminent domain laws of the State of Illinois, and for all expenses directly and necessarily related to such purchase or condemnation. All necessary and reasonable expenses incurred in the acquisition of real property qualify for bond financing. These expenditures may include but are not limited to the following:

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- 1) And costs;
 - 2) Appraisal fees;
 - 3) Title opinions;
 - 4) Surveying fees;
 - 5) Real estate fees;
 - 6) Title transfer taxes;
 - 7) Condemnation costs and related legal expenses.
- c) Buildings, Additions and/or Structures. Buildings, additions and/or structures shall mean and include those facilities with a roof and/or walls that have a foundation. This category also includes site developments necessarily required or related to the preparation of a site for construction purposes and required built-in, special-purpose, or other fixed equipment that is permanently affixed or connected to real property in such a manner that removal would cause consequent damage to the real property to which it is affixed. All expenditures that may be classified within the category defined shall be bondable.
- d) Utilities. In general, the category utilities shall mean and include expenditures for the acquisition, construction, replacement, modernization and/or extension of systems for distributing or disbursing utility services. Bondable utility costs may include, but are not limited to, the following items:
- 1) Potable water, high-temperature water for sanitary or other related purposes, domestic hot or chilled water;
 - 2) Systems and associated components for disbursing or distributing electricity or providing telecommunications service, including underground or overhead distribution cables for television, computers or other modes of communication;
 - 3) Steam and condensate returns;
 - 4) Storm and/or sanitary sewers;

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- 5) Fire hydrants and stand pipes;
 - 6) Central fire and security alert systems;
 - 7) Exterior lighting;
 - 8) Tap-ons or extensions related to existing utility systems;
 - 9) Automated temperature/environmental control systems and air and water pollution control systems;
 - 10) Disposal of scientific contaminated waste and surgical waste;
 - 11) Solar heating or other approved energy systems;
 - 12) Sewage and water treatment facilities, equipment and related distribution systems;
 - 13) Earth moving to create artificial lakes or reservoirs for utility or related conservation purposes;
 - 14) Restoration of natural and/or man-made features of the site of any utilities installation to its original condition;
 - 15) Trenches or ditches dug for the purpose of laying tile or providing ducts to remove excessive rainfall and prevent erosion.
- e) Durable Movable Equipment
- 1) Durable movable equipment shall mean initial movable equipment, including all items of initial equipment, other than built-in equipment, that are necessary and appropriate for the functioning of a particular facility for its specific purpose, and that will be used solely or primarily in the rooms or areas covered in the subject project. Further, durable, movable equipment is defined as manufactured items that have an extended useful life, are not affixed to a building and are capable of being moved or relocated from room to room or building to building, are not consumed in

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use, and have an identity and function that will not be lost through incorporation into a more complex unit.

- 2) In applying the definition in subsection (e)(1), reference should be made to the State Finance Act [30 ILCS 105], and the distinction between commodities (Section 15b of that Act) and equipment (Section 20). Within the context of that Act, the following guidelines should be applied in defining durable movable equipment:

A) Bondable

- i) Equipment and furniture will be bondable.
- ii) Transportation and installation costs incurred with an outside source will be considered part of the equipment cost for items funded by the grant.
- iii) Equipment not otherwise classified will be considered bondable provided it meets all other guidelines.
- iv) Significant useful life should be considered a minimum of 10 years.

B) Non-bondable

- i) Library books, maps and paintings other than those purchased in the Art in Architecture program [20 ILCS 3105/14] are not fundable from bond funds.
- ii) Spare and replacement parts should be considered commodities.
- iii) No commodities shall be purchased from bond funds.

- f) Site Improvements. Site Improvements means and includes expenditures for all improvements to real property that are not otherwise included within the category of buildings, additions and/or structures (subsection (c) of this Section). Bondable site improvement expenditures shall include all site improvement costs incidental to demolition, rough and final grading of a site, and the construction or

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replacement of sidewalks, road and driveway pavement surfaces, bridges, ramps, curbs, overpasses, underpasses, pedestrian bridges and tunnels, surface parking areas, building terraces, retaining walls, exterior lighting, and seeding or sodding for erosion control only if related to a bondable capital improvement project.

g) Remodeling and Rehabilitation

- 1) Bondable remodeling and rehabilitation means and includes expenditures for all capital improvements that have the primary objective of altering the functional capabilities of a structure or facility.
- 2) Remodeling shall include all capital improvement projects that have the primary objective of changing the functional character of areas, modifying capacity for the number of persons who can be accommodated, and/or altering spatial relationships.
- 3) Rehabilitation shall include all non-recurring capital improvement expenditures having the primary purpose of restoring or upgrading an existing area to original operating condition.

h) Maintenance and Upkeep

_____ 1) Bondable maintenance and upkeep means and includes expenditures made beyond the regular, normal repair of physical properties (i.e., land, building and equipment) for the repair or replacement of failed or failing facility components as necessary to return a facility to its currently intended use, to prevent further damage, or to make it compliant with changes in laws, regulations, codes or standards.

_____ 2) Bondable maintenance and upkeep expenditures do not include ongoing operational costs, including expenses for salaries and benefits, commodities, supplies or day-to-day, routine and normal recurring repairs to facility components.

_____ i) Direct Costs Associated with the Issuance of Build Illinois Bonds. Costs of this nature shall include expenses associated with advertising, printing, bond rating, security, delivery, legal and financial services, and all other expenses incident to the issuance of Build Illinois Bonds.

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(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 3035.585 Limitations on Expenditures of Bond Proceeds

- a) The following expenditure purposes shall not be bondable:
- 1) Operational and administrative expenses, such as compensation costs, travel, commodities, non-initial equipment, or other recurring expenditures that are similar in character;
 - 2) Expenditures for leasing or rental of equipment and/or facilities;
 - 3) Archeological digs, research or exploration;
 - 4) Expenditures for routine operation, routine repair or routine maintenance of existing structures, buildings or real property that would typically be covered by operation and maintenance funds of the user agency and for reimbursement of user agencies for administration, staff or other costs;
 - 5) Expenditures to acquire or construct temporary facilities or facilities whose abandonment or replacement is imminent;
 - 6) Unpredictable or unusual legal expenses (other than land acquisition legal expenses), such as for special litigation, that are not ordinarily or customarily provided within the budget for a capital improvement project. These expenditures are more appropriately financed from contractual services operating funds appropriated for those purposes;
 - 7) Separate purchases of sand, gravel, rock, asphalt and concrete in limited quantities; ordinary hardware items; temporary, nondurable fencing; spare and/or replacement parts and equipment; hand tools; decorative models, plaques and other commemorative memorabilia; and other commodity-type consumable items having a relatively brief expected useful life;
 - 8) Expenditures for general long-range development plans, master plans, historical or archeological research, surveying, preliminary engineering studies, aerial mapping, feasibility studies, program or scope statements, or other expenditures similar in character;

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- 9) Expenditures for independent landscaping improvements that are not directly associated with a bondable capital improvement project. In this context, seeding or sodding that is not primarily intended for erosion control in relation to a bondable capital improvement project shall not be bondable. Similarly, expenditures incurred for the planting of trees, shrubs, bushes or other vegetation, including revegetation, shall not be bondable improvements unless the expenses are directly and initially associated with or represent an integral component of a bondable capital improvement project.

- b) The following expenditure purposes shall be bondable only if those purposes demonstrate an expected useful life, based upon engineering studies, supporting technical data, or relevant precedents under similar circumstances, that is at least equal to the term of bond financing:
 - 1) Purchase or installation of metal pilings or similar materials (but not riprap) for the purpose of erosion and/or flood control, provided that the impact of the proposed expenditure is to improve rather than maintain such areas;

 - 2) Expenses directly related to dredging, levee, drainage, channel and/or lake improvements;

 - 3) Rehabilitation of existing road and parking area surfaces;

 - 4) Costs incurred in the acquisition or purchase of historical, antique or period furnishings of value, provided that:
 - A) The items are directly associated with a new capital improvement project;

 - B) The items are considered essential to the primary purpose of the project;

 - C) Acquisition of the furnishings is pursuant to the mandate of the appropriation for the project;

 - D) The items will be subject to adequate security, protection and accepted property control accountability.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

| (Source: Added at 35 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 3035.EXHIBIT B Guidelines for Rating Life Safety/Legal Issues

These guidelines utilize the designations for Class I or Class II of the fire/life safety (F/LS) and American With Disabilities Act (ADA) categories and assign higher scores if the Class I or Class II improvements amount to more than 50% of the cost of construction. On a scale of 1 to 5, points are assigned in this manner:

	<u>POINTS</u>
<u>Class I: more than 50% of construction</u>	<u>5</u>
<u>Class I: less than 50% of construction</u>	<u>4</u>
<u>Class II: more than 50% of construction</u>	<u>3</u>
<u>Class II: less than 50% of construction</u>	<u>2</u>
<u>Not Required: No fire/life safety/legal issues</u>	<u>1</u>

CLASS DESCRIPTIONS:

Class I More than 50% of Construction (F/LS) Improvements necessary because the safety of persons is IMMEDIATELY, DIRECTLY AND CLEARLY IMPERILED.

(F/LS) CODE OFFICIALS have determined that improvements are needed IMMEDIATELY to ensure safety of persons.

Less than 50% of Construction (ADA) Improvements CLEARLY necessary for COMPLIANCE with ADA.

(+) ACCREDITATION or closing of the facility in IMMEDIATE jeopardy if improvements are not completed.

Class II More than 50% of Construction (F/LS) Improvements MAY BE necessary to comply with codes and if more than 50% AVOID potential danger.

(ADA) Improvements MAY BE necessary to comply with ADA and to AVOID possible non-compliance.

Less than 50% of Construction (+) ACCREDITATION or closing of the facility MAY BE in jeopardy if improvements are not completed.

Not Required (F/LS) Improvements provide safer environment, but are NOT REQUIRED for code compliance or legal requirement.

(ADA) Improvements provide better accessibility, but are NOT REQUIRED.

(Source: Added at 35 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures For Collection Of Air Pollution Site Fees
- 2) Code Citation: 35 Ill. Adm. Code 251
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
251.201	Amendment
251.210	Amendment
251.301	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6]
- 5) Effective Date of Amendments: November 22, 2010
- 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 Illinois Environmental Protection Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: January 22, 2010; 34 Ill. Reg. 1251
- 10) Has JCAR issued a Statement of Objection to these Amendments? No, however Illinois EPA has responded to the recommendation that Illinois EPA be more timely in updating its rules to reflect statutory changes.
- 11) Differences between proposal and final version: The following changes were made in response to comments and suggestions of the JCAR:

In Section 251.201(c), "IL" was changed to "Illinois".

In Section 251.210(b), "IL" was changed to "Illinois".

In Section 251.301(b), "IL" was changed to "Illinois".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments update fee amounts in response to changes made to Section 9.6 of the Environmental Protection Act in 2003. The applicable fees have been in effect as of July 2003 per statutory change. The amendments also make minor corrections regarding authority, the Agency's address, and spelling in the rule.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Annet Godiksen, Assistant Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

217/782-5544

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 251

PROCEDURES FOR COLLECTION OF AIR POLLUTION SITE FEES

SUBPART A: INTRODUCTION

Section

251.101	Purpose
251.103	Definitions

SUBPART B: PROCEDURES FOR BILLING AND COLLECTION OF
AIR POLLUTION SITE FEES

Section

251.201	Amount of Air Pollution Site Fee
251.202	Withdrawal of Permits
251.203	Agency Billing Procedures
251.208	Time and Method of Payment
251.210	Form of Payment
251.212	Return of Site Fee (Repealed)
251.215	Prohibition Against Refund

SUBPART C: RESOLUTION OF DISPUTES

Section

251.301	Request for Reconsideration
251.305	Effect of Request for Reconsideration
251.308	Agency Response
251.310	Appeal of Final Agency Action

AUTHORITY: Implementing and authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6].

SOURCE: Adopted at 10 Ill. Reg. 19968, effective November 14, 1986; emergency amendments at 13 Ill. Reg. 955, effective January 1, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 8867, effective May 30, 1989; amended at 22 Ill. Reg. 6652, effective March 31,

ENVIRONMENTAL PROTECTION AGENCY

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1998; amended at 28 Ill. Reg. 1370, effective January 7, 2004; amended at 34 Ill. Reg. 19007, effective November 22, 2010.

SUBPART B: PROCEDURES FOR BILLING AND COLLECTION
OF AIR POLLUTION SITE FEES

Section 251.201 Amount of Air Pollution Site Fee

- a) Except as provided in Section 39.5 of the Act, an annual air pollution site fee shall be paid by the owner or operator of an air pollution site, in accordance with the requirements of this Part, in the amounts set forth below:
- 1) For any site permitted to emit less than 25 tons per year of any combination of regulated air pollutants, the annual site fee shall be ~~\$200~~\$100.
 - 2) For any site permitted to emit at least 25 tons per year but less than 100 tons per year of any combination of regulated air pollutants, the annual site fee shall be ~~\$1,800~~\$1,000.
 - 3) For any site permitted to emit at least 100 tons per year but not more than ~~194185~~ tons per year of any combination of ~~regulated~~regulated air pollutants, the annual site fee shall be ~~\$18.00~~\$13.50 per ton.
 - 4) For any site permitted to emit more than ~~194185~~ tons per year of any combination of regulated air pollutants, the annual site fee shall be ~~\$3,500~~\$2,500.
 - 5) The provisions of this Section shall not apply to a site permitted solely as a retail liquid dispensing facility that has air pollution control equipment.
- b) The Agency shall annually assess the amount of the air pollution site fee due based upon its records of permitted sites and allowable emissions from those sites.
- c) It shall be the obligation of the owner or operator to notify the Agency's Bureau of Air, in writing, of the cessation of or reduction in the operation at the site and to request revision or withdrawal of all appropriate operating permits. Notification and requests shall be sent to:

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Illinois Environmental Protection Agency
Bureau of Air, Permit Section
Attention: Records Unit
P.O. Box ~~19276~~¹⁹⁵⁰⁶
Springfield, ~~Illinois 62794-9276~~^{IL 62794-9506}

(Source: Amended at 34 Ill. Reg. 19007, effective November 22, 2010)

Section 251.210 Form of Payment

- a) Payment shall be made by check or money order payable to "Treasurer, State of Illinois," and shall be accompanied by the site name and identification number assigned by the Agency's Division of Air Pollution Control.
- b) Payment shall be mailed to:

Illinois Environmental Protection Agency
Fiscal Services Section
~~1021 North Grand Avenue East~~^{2200 Churchill Road}
P.O. Box 19276
Springfield, ~~Illinois~~^{IL} 62794-9276

- c) Payment shall not include any fees due to the Agency for any purpose other than the air pollution site fee.

(Source: Amended at 34 Ill. Reg. 19007, effective November 22, 2010)

SUBPART C: RESOLUTION OF DISPUTES

Section 251.301 Request for Reconsideration

- a) The owner or operator of a site shall request reconsideration of the amount of the air pollution site fee as determined by the Agency pursuant to Section 251.201(a)(1) and (2) within 30 days after issuance of a billing statement. Failure to request reconsideration within this period shall constitute waiver of all rights to seek reconsideration of the amount from the Agency and will result in waiver of right to appeal pursuant to Section 251.310.
- b) All requests for reconsideration shall be in writing and shall include all pertinent

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facts and arguments in support of the request. Such requests shall be addressed to:

Illinois Environmental Protection Agency
Bureau of Air, Permit Section
Attention: Records Unit
P. O. Box ~~19276~~~~19506~~
Springfield, Illinois 62794-9276~~IL 62794-9506~~

(Source: Amended at 34 Ill. Reg. 19007, effective November 22, 2010)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
553.50	Amendment
553.140	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) Effective Date of Amendments: November 22, 2010
- 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in the Illinois Register: 34 Ill. Reg. 7017; May 21, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No amendments were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking pertains to the Vocational Rehabilitation Program and will amend the rule by removing the employment outcome language from the eligibility determination Section (recommended by the Federal Rehabilitation Services Administration (RSA)); clarifying the trial work language; removing the SSDI/SSI eligibility language from the most significant disability criteria

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(recommended by RSA); and adding the SSDI/SSI language under the significant disability category.

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

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

217/785-9772

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553

ASSESSMENT FOR DETERMINING ELIGIBILITY AND REHABILITATION NEEDS

Section

553.10	General Applicability (Repealed)
553.20	Basis for Eligibility
553.25	Disability Documentation
553.30	Presumption of Benefit from Vocational Rehabilitation Services
553.31	Trial Work Experiences
553.32	Outcome of Trial Work Experiences
553.35	Services to Non-United States Citizens
553.40	Eligibility Determination Time Frames
553.50	Eligibility Determination
553.60	Documentation of Eligibility Factors/Preliminary Assessment (Repealed)
553.70	Certification of Eligibility (Repealed)
553.75	Trial Work (Repealed)
553.76	Outcome of Trial Work (Repealed)
553.80	Extended Evaluation (Repealed)
553.90	Outcome of Extended Evaluation (Repealed)
553.100	Assessment
553.105	Assistance in Attaining Necessary Financial Support (Repealed)
553.110	Outcome of the Assessment of Rehabilitation Needs (Repealed)
553.120	Change in Eligibility Status (Repealed)
553.130	Order of Selection
553.140	Criteria for Most Significant Disability and Very Significant Disability and Significant Disability
553.150	Determination of Serious Limitation to Functional Capacities

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20

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Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency expired on December 15, 1996; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; emergency expired on January 13, 1997; amended at 21 Ill. Reg. 1386, effective January 17, 1997; amended at 21 Ill. Reg. 2669, effective February 10, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1368, effective January 14, 1999; emergency amendment at 23 Ill. Reg. 6544, effective May 17, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12440, effective September 28, 1999; amended at 23 Ill. Reg. 13222, effective October 18, 1999; amended at 25 Ill. Reg. 11842, effective August 31, 2001; amended at 29 Ill. Reg. 12845, effective August 8, 2005; amended at 30 Ill. Reg. 7754, effective April 6, 2006; amended at 31 Ill. Reg. 12589, effective August 16, 2007; amended at 34 Ill. Reg. 19013, effective November 22, 2010.

Section 553.50 Eligibility Determination

Prior to the end of the eligibility determination period (i.e., 60 days), one of the following must occur:

- a) the customer has been determined to be eligible to receive VR services and has a disability that will allow services to be provided under the Order of Selection, ~~and has an employment outcome consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.~~ At this time a Certification of Eligibility shall be completed. The customer will then undergo an Assessment pursuant to Section 553.100 ~~of this Part~~;
- b) the customer is determined eligible but not to have a disability that allows services to be provided under the Order of Selection (Section 553.130). The customer will be offered the option to have his or her name placed on a waiting list to wait until services can be provided to the priority category established under the Order of Selection or to have his or her case closed. The customer shall be referred to other agencies that can provide services, i.e., a comprehensive one-stop center, a private rehabilitation agency, a community rehabilitation program, a Center for Independent Living, etc.;
- c) the customer shall be given a trial work experience, if due to the severity of the disability it is unknown if the customer can benefit from services in terms of an employment outcome. A Written Trial Work Plan shall be completed, the trial work shall begin, and the customer shall be closely monitored during the trial work experience; ~~a trial work period is determined to be necessary. The Written~~

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~~Trial Work Plan shall be completed and the trial work shall begin;~~

- d) the customer does not meet the required eligibility criteria (see Section 553.20). A Certification of Ineligibility shall be completed and the individual's case closed; or
- e) the customer's case is closed for reasons other than ineligibility (e.g., the customer has refused services or further services from DHS-DRS, the customer cannot be located).

(Source: Amended at 34 Ill. Reg. 19013, effective November 22, 2010)

Section 553.140 Criteria for Most Significant Disability and Very Significant Disability and Significant Disability

Documentation of the determination that an individual has a most significant disability, a very significant disability, or a significant disability must be in the individual's VR case file, as well as documentation concerning the evaluation of his or her rehabilitation potential.

- a) Prior to determining the significance of an individual's disability, it must be determined that he or she:
 - 1) has a disability, or a combination of disabilities, that causes a substantial physical or mental impairment that is similar, but not limited to, the following list of disabilities:
 - A) amputation,
 - B) arthritis,
 - C) autism,
 - D) blindness,
 - E) burn injury,
 - F) cancer,
 - G) cerebral palsy,

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- H) cystic fibrosis,
- I) deafness,
- J) head injury,
- K) heart disease,
- L) hemiplegia,
- M) hemophilia,
- N) respiratory or pulmonary dysfunction,
- O) mental retardation,
- P) mental illness,
- Q) multiple sclerosis,
- R) muscular dystrophy,
- S) musculo-skeletal disorders,
- T) neurological disorders (including stroke and epilepsy),
- U) paraplegia,
- V) quadriplegia (and other spinal cord conditions),
- W) sickle cell anemia,
- X) specific learning disabilities, or
- Y) end stage renal failure disease;

- 2) has a disability, or a combination of disabilities, that seriously limits his or her functional capacities, as listed in Section 553.150 ~~of this Part~~; and

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- 3) requires VR services over an extended period of time at least six months or longer.
- b) If an individual meets the requirements of subsection Section 553.140(a), then the following criteria must be met to determine the significance of his or her disability:
- 1) To be considered an individual with a most significant disability, he or she must:~~A) be an individual who has been determined eligible for disability benefits pursuant to Title II (SSDI) or Title XVI (SSI) of the Social Security Act; or B)~~ be an individual who has a disability that seriously limits three or more of his or her functional capacities and who requires two or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure a successful employment outcome.
 - 2) To be considered an individual with a very significant disability, he or she must have a disability that seriously limits two of his or her functional capacities, and must require one or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure a successful employment outcome.
 - 3) To be considered an individual with a significant disability, he or she must have a disability that seriously limits one of his or her functional capacities and must require one or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure a successful employment outcome.
- c) An individual who has been determined eligible for disability benefits pursuant to Title II (SSDI) or Title XVI (SSI) of the Social Security Act is considered to be an individual with at least a significant disability. An assessment of the functional limitations and service needs, as described in subsection (b), may place the individual into a higher category of the order of selection.

(Source: Amended at 34 Ill. Reg. 19013, effective November 22, 2010)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Application
- 2) Code Citation: 89 Ill. Adm. Code 557
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
557.15	Repealed
557.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)]
- 5) Effective Date of Amendments: November 22, 2010
- 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) Notices of Proposal Published in the Illinois Register: 34 Ill. Reg. 7024; May 21, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes were made.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking pertains to the Vocational Rehabilitation Program and will repeal the language that required staff to request proof of residency. The Rehabilitation Services Administration (RSA) directed the Division to remove the residency requirement from our rules since this is a federal program and is available in all states.

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

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

217/785-9772

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

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 557
APPLICATION

Section

557.10	General Applicability
557.15	Residency <u>(Repealed)</u>
557.20	Informed Choice
557.25	Geographical Customer Assignment
557.30	Application for Vocational Rehabilitation Services
557.40	Parent or Guardian Signature
557.50	Assistance in Attaining Necessary Financial Support
557.60	Application for Services by DHS-DRS Employees, Individuals Holding Contracts with DHS-DRS, DHS-DRS Advisory Council Members, Family Members of DHS-DRS Employees or Close Friends of DHS-DRS Employees

AUTHORITY: Implementing and authorized by Sections 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8755, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 11 Ill. Reg. 15220, effective August 31, 1987; amended at 12 Ill. Reg. 12099, effective July 7, 1988; amended at 13 Ill. Reg. 16552, effective October 10, 1989; emergency amendment at 17 Ill. Reg. 11654, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20341, effective November 15, 1993; amended at 19 Ill. Reg. 1135, effective January 23, 1995; amended at 19 Ill. Reg. 2473, effective February 21, 1995; amended at 19 Ill. Reg. 10706, effective July 11, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 484, effective December 28, 1998; amended at 23 Ill. Reg. 12621, effective September 29, 1999; amended at 27 Ill. Reg. 12582, effective July 21, 2003; amended at 28 Ill. Reg. 13756, effective October 1, 2004; amended at 30 Ill. Reg. 7758, effective April 6, 2006; amended at 32 Ill. Reg. 10071, effective June 26, 2008; amended at 34 Ill. Reg. 19020, effective November 22, 2010.

Section 557.15 Residency (Repealed)

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~~Eligible residents of the State of Illinois may receive VR services from DHS-DRS. While length of residency is not a requirement, eligible individuals must be available to plan, discuss, and implement services through an Individualized Plan for Employment (IPE). Individuals from other states who are attending training programs in Illinois are considered to be residents of their home state.~~

- ~~a) Residency and availability for services may be established by having:
 - ~~1) a valid Illinois driver's license or a valid Illinois identification card (State ID); or~~
 - ~~2) a valid voter's registration card with an Illinois address.~~~~
- ~~b) For the purpose of any college training case, residency is established following the requirements to secure comparable benefits (89 Ill. Adm. Code 567.20) and the guidelines listed in the Free Application for Federal Student Aid (FAFSA). Residency of the dependent student will be determined by the state where the parents/guardian resides, if applicable.~~

(Source: Repealed at 34 Ill. Reg. 19020, effective November 22, 2010)

Section 557.20 Informed Choice

- a) VR customers have the right to be full and active participants in the VR process. DHS-DRS is committed to making available a variety of resources to assist customers with their planning, problem solving, and decision-making skills. Customers can use these resources to make informed choices about their goals and services, and they will be given assistance and support throughout the VR process.
 - 1) Through appropriate means of communication, customers will be informed about the availability and scope of informed choice, how it may be exercised, and the availability of **auxiliary support** services for customers with cognitive or other disabilities who require assistance in exercising informed choice.
 - 2) To ensure informed choice, DHS-DRS will provide the customer with information and options regarding:

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- A) the evaluation and assessment process;
 - B) [his or her](#)~~their~~ specific employment goal;
 - C) available trial work experiences;
 - D) rehabilitation services that are necessary to achieve [the employment](#)~~their~~ goal; and
 - E) service providers who can assist in the process.
- 3) DHS-DRS will also provide the customer with information that includes:
- A) the cost of services;
 - B) the duration of services;
 - C) accessibility of services;
 - D) the qualifications of providers;
 - E) the types of service offered by providers;
 - F) the degree to which the services are provided in an integrated setting;
 - G) the placement rate and the number of successful outcomes a provider has achieved; and
 - H) as available, information about user satisfaction.
- b) The decision-making process for the customer shall take into account the customer's values and characteristics, the availability of resources and alternatives, and the general employment outlook.

(Source: Amended at 34 Ill. Reg. 19020, effective November 22, 2010)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Comparable Benefits
- 2) Code Citation: 89 Ill. Adm. Code 567
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
567.10	Amendment
567.20	Amendment
567.30	Amendment
567.100	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b)
- 5) Effective Date of Amendments: November 22, 2010
- 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) Notices of Proposal Published in the Illinois Register: 34 Ill. Reg. 7029; May 21, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes were made.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No amendments were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking pertains to the Vocational Rehabilitation Program. The proposed changes streamline the language and provide for a general clean up. In addition, the changes remove language that indicates a comparable

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benefit is used to determine eligibility or to achieve the vocational goal and objective and adds language that indicates comparable benefits are used to achieve an employment outcome. These changes were recommended by the Rehabilitation Services Administration (RSA), a federal program under the Department of Education.

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

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

217/785-9772

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

Section

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

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

SOURCE: Adopted at 9 Ill. Reg. 8839, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 12 Ill. Reg. 3019, effective January 15, 1988; amended at 13 Ill. Reg. 9590, effective June 12, 1989; amended at 13 Ill. Reg. 18933, effective November 16, 1989; amended at 15 Ill. Reg. 6617, effective April 18, 1991; amended at 17 Ill. Reg. 149, effective December 18, 1992; emergency amendments at 17 Ill. Reg. 11696, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20375, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1381, effective January 14, 1999; emergency amendment at 24 Ill. Reg. 10358, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17733, effective November 27, 2000; amended at 27 Ill. Reg. 12598, effective July 21, 2003; amended at 31 Ill. Reg. 3187, effective February 9, 2007; amended at 34 Ill. Reg. 19025, effective November 22, 2010.

Section 567.10 General Applicability

Rules contained within this Part are applicable to all Department of Human Services-~~DivisionOffice~~ of Rehabilitation Services (DHS-~~DRSORS~~) Vocational Rehabilitation (VR) customerselements.

(Source: Amended at 34 Ill. Reg. 19025, effective November 22, 2010)

Section 567.20 Definition of Comparable Benefits

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- a) A comparable benefit is a service that is available at the time the service is needed by a customer and is used ~~to achieve an employment outcome to determine eligibility (89 Ill. Adm. Code 553) or to achieve the vocational goal and objectives~~ specified in the customer's Individualized Plan for Employment (IPE) (~~see~~ 89 Ill. Adm. Code 572) that, when provided to DHS-DRS customers by a public or private agency or agencies other than DHS-DRS, offset costs ~~that which~~ would otherwise be paid by DHS-DRS ~~or the customer~~.
- b) When a customer is requesting DHS-DRS to cover training related services, except for those services that are exempt from financial participation (~~see~~ 89 Ill. Adm. Code 562.30) in an institution of higher education, the customer shall make formal application for federal assistance by completing the Free Application for Federal Student Aid (FAFSA) and provide proof (or denial) of financial award and the amount of the award before the customer's IPE can be implemented. An IPE for services to prepare and assist the customer in applying for comparable benefits may be developed at any time. Failure of the customer to apply for comparable benefits shall result in the denial of services (~~see~~ 89 Ill. Adm. Code 567.100).
- c) Customers requesting medical services or physical restoration services shall make formal application for Medicaid benefits and complete the process to determine Medicaid eligibility. Eligibility, or ineligibility, for Medicaid benefits shall not, in any way, affect the eligibility for Vocational Rehabilitation services from DHS-DRS.
- d) Monetary awards, contributions and gifts that are specific or restricted as to use shall be used as intended (e.g., scholarships earmarked for use for college tuition costs or general college expenses) and are an available comparable benefit or service that reduces the customer's need for those services from DHS-DRS. Unrestricted scholarships and awards based on merit do not constitute comparable benefits.
- e) While a customer will not be discouraged from applying for loans (i.e., student loans) to assist in the completion of his/her rehabilitation program, he/she shall not be required to accept such loans. Such loans are not comparable benefits.

(Source: Amended at 34 Ill. Reg. 19025, effective November 22, 2010)

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Section 567.30 Exceptions to Comparable Benefits

Comparable benefits must be pursued for all services except:

- a) if a search for comparable benefits would delay the provision of VR services to a customer who is at extreme medical risk, based upon medical evidence provided by an appropriately licensed medical professional;
- b) for evaluation during the Determination of Eligibility and Comprehensive Assessment of Rehabilitation Needs ([see](#) 89 Ill. Adm. Code 553);
- c) for counseling ~~and~~; guidance, ~~and information and~~ referral, ~~and placement~~;
- ~~d) for job-related services, including job search, placement and follow-up;~~
- ~~ed)~~ for the provision of any service when the delay caused in identifying ~~and/or~~ making use of a comparable benefit would cause the customer to lose a job placement ~~that~~~~which~~ is immediately available;
- ~~e) for vocational and other training services, which are not provided in institutions of higher education (e.g., universities, colleges, vocational schools, technical institutes, or hospital schools of nursing) (these vocational and other training services could include on-the-job training, work adjustment training including at a rehabilitation facility or the three month or nine month pre-vocational program for hearing impaired at Northern Illinois University, and work experience from the Secondary Transitional Experience Program or similar programs);~~
- f) for rehabilitation technology services;
- ~~g) for supported employment services; and~~
- ~~gh)~~ for post-employment services included in subsections (b), (c), (d), (e), ~~and~~ (f), ~~and~~ (g) above.

(Source: Amended at 34 Ill. Reg. 19025, effective November 22, 2010)

Section 567.100 Refusal of Comparable Benefits

DHS-~~DRSORS~~ cannot provide a service (with the exception of Section 567.30(a) through (gh))

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to a customer who refuses to make formal application to a comparable benefit source or who
| refuses to accept a comparable benefit for which he or she~~he/she~~ is eligible.

(Source: Amended at 34 Ill. Reg. 19025, effective November 22, 2010)

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
250.285	New
250.290	New
250.1090	Amend
250.1300	Amend
250.1305	Amend
250.1830	Amend
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rulemaking: November 17, 2010
- 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 Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 11, 2010; 34 Ill. Reg. 7858
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 250.1300(e), "except that anesthesia personnel may wear a watch" was inserted after "room".
2. In Section 250.1830(d)(5), "2.5, 3.0 and 3.5 millimeter" was inserted after "sizes" and "10, 12, 14 French" was stricken.

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

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1. In Section 250.1090(e)(2), "EtO" was changed to "Ethylene Oxide (EtO)".
2. In Section 250.1300(m), "Communicable Disease or Infections" was stricken.

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

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
250.310	Amend	June 18, 2010; 34 Ill. Reg. 8005
250.330	Amend	June 18, 2010; 34 Ill. Reg. 8005
250.130	Amend	October 1, 2010; 34 Ill. Reg. 13748
250.260	Amend	October 1, 2010; 34 Ill. Reg. 13748
250.1030	Amend	October 1, 2010; 34 Ill. Reg. 13748
250.1320	Amend	October 1, 2010; 34 Ill. Reg. 13748
250.160	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.1910	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.1980	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2450	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2460	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2470	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2480	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2490	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2500	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2610	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2620	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2630	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2640	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2650	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2660	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2670	Amend	October 8, 2010; 34 Ill. Reg. 15127
250.2680	Amend	October 8, 2010; 34 Ill. Reg. 15127

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- 15) Summary and Purpose of the Rulemaking: The Hospital Licensing Requirements regulate hospitals, including the control of infectious disease and operating room procedures.

Section 250.285 (Smoking Restrictions) was added to require hospitals to comply with the Smoke Free Illinois Act. This Section replaces non-smoking language in Section 250.1830.

Section 250.290 (Safety Alert Notifications) was added to ensure that hospitals receive notification directly from the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) on issues such as recalled medical devices, contaminated products and medications, disease outbreaks, and other important public health issues. Section 250.1090 (Sterilization and Processing of Supplies) was amended to update the current standards for sterilization processes and added a new requirement for maintaining records with regard to transmissible spongiform encephalopathies. Section 250.1830 (General Requirements for all Maternity Departments) was amended to change outdated language about diarrhea and Staphylococcus infections in the nursery. This change brings the hospital rules into compliance with the Department's Control of Communicable Diseases Code (77 Ill. Adm. Code 690).

Section 250.1300 (Operating Room) was amended to update the hospital surgical requirements to current standards from the Centers for Disease Control and Prevention and the Association of periOperative Registered Nurses. Section 250.1305 (Visitors in Operating Room) was amended to update the requirements for hospital visitors to better protect the patients and the visitors from infections.

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

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

217/782-2043
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

250.110	Application for and Issuance of Permit to Establish a Hospital
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions
250.160	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section

250.210	The Governing Board
250.220	Accounting
250.230	Planning
250.240	Admission and Discharge
250.250	Visiting Rules
250.260	Patients' Rights
250.265	Language Assistance Services
250.270	Manuals of Procedure
250.280	Agreement with Designated Organ Procurement Agencies
250.285	Smoking Restrictions
250.290	Safety Alert Notifications

SUBPART C: THE MEDICAL STAFF

Section

250.310	Organization
250.315	House Staff Members
250.320	Admission and Supervision of Patients
250.330	Orders for Medications and Treatments

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250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section

250.410 Organization
250.420 Personnel Records
250.430 Duty Assignments
250.435 Health Care Worker Background Check
250.440 Education Programs
250.450 Personnel Health Requirements
250.460 Benefits

SUBPART E: LABORATORY

Section

250.510 Laboratory Services
250.520 Blood and Blood Components
250.525 Designated Blood Donor Program
250.530 Proficiency Survey Program (Repealed)
250.540 Laboratory Personnel (Repealed)
250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section

250.610 General Diagnostic Procedures and Treatments
250.620 Radioactive Isotopes
250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section

250.710 Classification of Emergency Services
250.720 General Requirements
250.725 Notification of Emergency Personnel
250.730 Community or Areawide Planning
250.740 Disaster and Mass Casualty Program
250.750 Emergency Services for Sexual Assault Victims

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SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section	
250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services
250.890	Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section	
250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control

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- 250.1110 Mandatory Overtime Prohibition
- 250.1120 Staffing Levels
- 250.1130 Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

- Section
- 250.1210 Surgery
- 250.1220 Surgery Staff
- 250.1230 Policies & Procedures
- 250.1240 Surgical Privileges
- 250.1250 Surgical Emergency Care
- 250.1260 Operating Room Register and Records
- 250.1270 Surgical Patients
- 250.1280 Equipment
- 250.1290 Safety
- 250.1300 Operating Room
- 250.1305 Visitors in Operating Room
- 250.1310 Cleaning of Operating Room
- 250.1320 Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

- Section
- 250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

- Section
- 250.1510 Medical Records
- 250.1520 Reports

SUBPART M: FOOD SERVICE

- Section
- 250.1610 Dietary Department Administration
- 250.1620 Facilities
- 250.1630 Menus and Nutritional Adequacy
- 250.1640 Diet Orders

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250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
250.1680	Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
250.1760	Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

250.1810	Applicability of other Parts of these regulations
250.1820	Maternity and Neonatal Service (Perinatal Service)
250.1830	General Requirements for All Maternity Departments
250.1840	Discharge of Newborn Infants from Hospital
250.1850	Rooming-In Care of Mother and Infant
250.1860	Special Programs
250.1870	Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE,
EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,
PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

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SUBPART Q: CHRONIC DISEASE HOSPITALS

Section	
250.2010	Definition
250.2020	Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section	
250.2110	Service Requirements
250.2120	Personnel Required
250.2130	Facilities for Services
250.2140	Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section	
250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
250.2270	Admission, Transfer and Discharge Procedures
250.2280	Care of Patients
250.2290	Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300	Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section	
250.2410	Applicability of these Standards
250.2420	Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430	Preparation of Drawings and Specifications – Submission Requirements
250.2440	General Hospital Standards
250.2442	Fees

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250.2443	Advisory Committee
250.2450	Details
250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section	
250.2610	Applicability of these Standards
250.2620	Codes and Standards
250.2630	Existing General Hospital Standards
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section	
250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section	
250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records
250.2870	Referral
250.2880	Client Legal and Human Rights

250.APPENDIX A Codes and Standards (Repealed)

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250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)
250.EXHIBIT C	Addresses of Sources (Repealed)
250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995;

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emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010.

SUBPART B: ADMINISTRATION AND PLANNING

Section 250.285 Smoking Restrictions

The hospital shall comply with the Smoke Free Illinois Act [410 ILCS 82].

(Source: Added at 34 Ill. Reg. 19031, effective November 17, 2010)

Section 250.290 Safety Alert Notifications

- a) Each hospital shall subscribe to the free e-mail notification services of the U.S. Food and Drug Administration and the U.S. Centers for Disease Control and Prevention.
- 1) FDA: MedWatch E-List , which can be accessed at www.fda.gov/medwatch/elist.htm; and
 - 2) CDC: Rapid Notification System for Healthcare Professionals, which can be accessed at www2a.cdc.gov/ncidod/hip/rns/hip_rns_subscribe.html.

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b) Actions in response to these notifications shall be taken promptly.

(Source: Added at 34 Ill. Reg. 19031, effective November 17, 2010)

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section 250.1090 Sterilization and Processing of Supplies

- a) All sterilization and processing of all sterile supplies and equipment shall be under competent, qualified supervision.
- 1) The director or person responsible for central services shall be responsible to the chief executive officer either directly or through a designated department head. The director of the central sterile supply~~This person~~ shall be qualified for the position by education, training, and experience and ~~shall~~should be a member of the Infection Control Committee. (See Section 250.1100(a).)
 - 2) The number of supervisory and support personnel shall be related to the scope of the services provided. New employees shall receive initial orientation and on-the-job training, and all employees shall participate in a continuing in-service education program, which shall be documented.
 - 3) Educational efforts, though directed primarily at sterile-supply processing and handling techniques, shall also include management concepts, safety, personal hygiene, health requirements, and work attire.
- b) There shall be written policies and procedures for the decontamination and sterilization activities performed in central services and elsewhere in the hospital. The hospital shall comply with the Centers for Disease Control and Prevention Guidelines for Disinfection and Sterilization in Healthcare Facilities. These policies and procedures shall ~~include~~relate, but are not limited, to, the following:
- 1) The receiving, decontaminating, cleaning, preparing, disinfecting and sterilizing of reusable items.
 - 2) The assembly, wrapping, storage, distribution, and quality control of sterile equipment and medical supplies. Load control numbers shall be used to designate the hospital sterilization equipment used for each item,

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including the sterilization date and cycle.

- 3) The use of sterilization process monitors, including temperature and pressure recordings, and the use and frequency of appropriate chemical indicator and bacteriological spore tests for all sterilizers.
- 4) Designation of the shelf life for each hospital-wrapped and -sterilized medical item and, to the maximum degree possible, for each commercially prepared item.
 - A) Designation of a shelf life may be a specific expiration date, i.e., 30 days, ~~six~~ months, etc., based on manufacturer's recommendation, a nationally recognized authority, or other standard approved by the facility's Infection Control Committee.
 - B) Designation of shelf life may be event related if policies and procedures, approved by the Infection Control Committee, address at least the following:
 - i) requirements for wrapping, storage and rotation of sterile supplies;
 - ii) definition of an event that may cause a sterile item to be or be suspected of being compromised, such as the package being wet or torn, or the seal being broken or tampered with;
 - iii) clear direction that the final inspection of the package and the ultimate decision to use the contents of the package rest with the clinician; and
 - iv) orientation, in-service and other follow-up training to assure that all necessary staff understand and implement the policies and procedures.
 - C) A facility may choose to use both a specific expiration date and event-related shelf life designation specific for certain wrappings, areas of the hospital, etc., as long as the policies and procedures, as approved by the Infection Control Committee, and the training of

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staff define this practice.

- 5) Acquisition of supplies after normal working hours or any time the central service or sterile supply unit is considered "closed" or unstaffed.
 - 6) Preventive maintenance of all central supply service equipment, including performance verification records and reports.
 - 7) The recall and disposal or reprocessing of ~~expired or inadequately sterilized~~~~outdated sterile~~ supplies.
 - 8) The emergency collection and disposition of supplies when special warnings have been issued by the manufacturer. ~~The~~~~There shall be appropriate notification of the~~ attending physician ~~shall be notified when~~~~where~~ patient exposure is known.
 - 9) Specific aeration requirements for each category of gas-sterilized items to eliminate the hazard of toxic residues.
 - 10) The cleaning and sanitizing of work surfaces, floors, utensils, and equipment used in central service functions.
- c) Space shall be provided for the efficient operation of all central service functions. Functional design and work flow patterns ~~shall~~~~should~~ provide for the separation of soiled and contaminated supplies from those that are clean and sterile. Equipment of adequate design, size, and type ~~shall~~~~should~~ be provided for the effective decontaminating, disinfecting, cleaning, packaging, sterilizing, storing, and distributing of medical instruments, supplies, and equipment used in patient care.
- d) Equipment and procedures
- 1) The facilities, equipment, and procedures for clean-up, preparation, and sterilization shall be adequate to allow proper cleaning, processing, and sterilizing of patient care supplies and equipment.
 - 2) When clean-up, preparation, and sterilization functions are carried out in the same room or unit (as in a central sterilizing department) the physical facilities and equipment and the policies and procedures for their use shall

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be such as to effectively separate soiled or contaminated supplies and equipment from the clean or sterilized supplies and equipment.

- 3) Sterilization equipment shall be maintained in good repair and under the provisions of a preventive maintenance program of the Engineering and Maintenance Services. (Refer to Subpart P.)
 - 4) All pressure steam autoclaves shall have recording thermometers, and the sterilization performance shall be otherwise checked.
- e) Sterilization of instruments and utensils
- 1) All surgical instruments not adversely affected by high temperature shall be sterilized by pressure steam sterilization.
 - 2) The steam method of sterilization is the preferred method for sterilizing medical and surgical instruments that are not damaged by heat, steam, pressure, or moisture. Low-temperature sterilization technologies (e.g., Ethylene Oxide (EtO), hydrogen peroxide gas plasma) may be used for reprocessing patient care equipment that is heat or moisture sensitive. In addition, a peracetic acid immersion system of sterilization may be used to sterilize heat-sensitive immersible medical and surgical items, and dry-heat sterilization may be used to sterilize items (e.g., powders, oils) that can sustain high temperatures. Operating parameters and guidelines for each method or system of sterilization shall be followed for whichever method is used. Whenever possible, throughout the hospital, sterilization shall be accomplished by pressure steam sterilization. Hot air sterilization or gas sterilization may be used. When gas sterilization is used, there shall be policies and tested procedures for proper aeration to permit safe utilization. Pressure steam sterilization of reusable syringes and needles is required.
 - 3) All instruments, ~~whether used on infected cases or clean cases,~~ shall be thoroughly cleaned before sterilization. ~~Instruments used on infected cases shall be disinfected before transport to Central Supply.~~
 - 4) Boiling is not an approved method of sterilization.
- f) Water sterilization

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- 1) When non-commercial sterile water is utilized, water sterilization equipment shall be maintained and operated in a manner ~~that~~which will protect the sterilized water from contamination.
 - 2) An acceptable method for checking the sterility of the water shall be utilized. Water may be sterilized either in approved water sterilizers or autoclaved in approved flasks.
- g) Sterilization and storage of supplies and equipment
- 1) Supplies and equipment shall be properly wrapped and labeled before sterilization.
 - 2) The effectiveness of hospital sterilization shall be checked. Mechanical, chemical, and biologic monitors shall be used to ensure the effectiveness of the sterilization process. This should include bacteriological testing of all sterilization units throughout the hospital in accordance with Infection Control Committee procedures. Indicators shall be used to show that the items have a wrapped package has been sterilized. A procedure shall be established for the recall of expired or inadequately sterilized goods for both in-house and commercially sterilized supplies and equipment. Refer to Section 250.1100(a)~~(5)~~.
 - 3) Supplies and equipment commercially prepared so as to retain sterility indefinitely are acceptable. The hospital ~~shall~~should satisfy itself of the sterility of such materials.
 - 4) Sterile equipment and supplies shall be stored properly in clean cabinets, cupboards or other suitable enclosed spaces. An orderly system of rotation of supplies is recommended so that supplies stored first will be used first.
- h) Transmissible spongiform encephalopathies (TSEs)
- 1) Records shall be maintained for at least 20 years regarding quarantine, disposal, decontamination, and sterilization of surgical instruments used for patients with a confirmed or suspected TSE.

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- 2) For the purposes of this Section, TSEs are a group of rapidly progressive, invariably fatal neurodegenerative diseases that affect both humans and animals. TSEs in humans include Creutzfeldt-Jakob disease (CJD), kuru, Gerstmann-Straussler-Scheinker syndrome (GSS), fatal familial insomnia (FFI), and variant CJD (vCJD).

(Source: Amended at 34 Ill. Reg. 19031, effective November 17, 2010)

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section 250.1300 Operating Room

- a) The surgical area shall be a controlled traffic area. A control point shall be established to monitor the flow of patients, personnel, and materials.
- b) The surgical area is composed of restricted, semi-restricted, monitored unrestricted, and transition areas.
 - 1) Restricted area: Traffic shall be restricted to authorized personnel and patients. No street clothing shall be worn in the restricted area. Health care workers shall wear hospital laundered scrub attire. Head and facial hair shall be contained within protective covering. Cloth head coverings shall be laundered by the hospital. Additional garments shall be completely contained or covered within the scrub attire. Masks shall be worn in restricted areas where open sterile supplies and equipment are present or scrubbed persons are located. Patients shall wear attire appropriate for their surgical procedure and shall wear hair covering.
 - 2) Semi-restricted area: Traffic shall be restricted to authorized personnel and patients. No street clothing shall be worn in the semi-restricted area. Health care workers shall wear hospital laundered scrub attire. Head and facial hair shall be contained within protective covering. Cloth head coverings shall be laundered by the hospital. Additional garments shall be completely contained or covered within the scrub attire. Masks are not required in this area. Patients shall wear attire appropriate for their surgical procedure and shall wear hair covering.
 - 3) Transition area: Traffic shall be permitted to allow movement of personnel from unrestricted to semi-restricted areas or restricted areas.

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Personnel may enter in street clothing and shall exit into the semi-restricted or restricted area in surgical attire.

- 4) Monitored unrestricted area: Permitted traffic includes authorized personnel, patients, and their families. Health care workers in scrub attire may use this area as a transition area for the purpose of patient management and hospital business.
- c) Signage shall clearly define the traffic flow and surgical attire requirements.
- d) Movement of clean and sterile items shall be separated from contaminated or dirty items by space, time, or traffic patterns. The handling of clean and soiled linen shall meet the requirements set forth in Sections 250.1750 and 250.1760.
- e) All jewelry shall be removed prior to the surgical scrub. Jewelry shall not be worn in the operating room, except that anesthesia personnel may wear a watch.
- f) Additional personal protective equipment shall be worn when exposure to blood or other potentially infectious material is anticipated.
- g) Whenever scrub attire or personal protective equipment is soiled, it shall be removed promptly and placed in an appropriately designated container.
- h) The sterile gown and gloves used when participating in surgical procedures shall be removed and discarded prior to leaving the operating room.
- i) The gloves used when participating in surgical procedures shall be removed and discarded prior to leaving the operating room.
- j) The use of single-use coverall suits shall be determined by hospital policy.
- k) Shoe covers shall be worn when it can reasonably be anticipated that splashes or spills may occur. If shoe covers are worn, they shall be changed whenever they become torn, wet, or soiled. They shall be removed and discarded before leaving the surgical area.
- l) The use of cover gowns for covering the scrub attire when outside of the surgical area shall be determined by hospital policy. Scrub attire worn into the institution from outside shall be changed before entering the semi-restricted or restricted

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areas. Persons exiting the hospital shall don hospital laundered scrub attire on return to the surgical area.

- a) ~~No street clothing shall be worn in a restricted surgical area.~~
- b) ~~All persons in the operating room during surgery shall:~~
 - 1) ~~Wear clean outer apparel (scrub dress or suit) which shall be limited to use in the surgery suite.~~
 - 2) ~~Wear protective cover so as to cover all possible head and facial hair.~~
 - 3) ~~Wear masks covering the mouth and nose when entering a sterile operating room.~~
 - 4) ~~Wear sterile or disposable garment over scrub dress for each surgical case.~~
 - 5) ~~The sterile or disposable gown worn over the scrub dress or suit shall be removed before leaving the operating room and shall not be reused.~~
 - 6) ~~A clean cover gown shall be worn over the scrub dress or scrub suite when leaving the surgical area.~~
 - 7) ~~Wear conductive shoes and/or conductive shoe covers which have been tested, as satisfactorily conductive immediately prior to the operation, in hospitals where flammable anesthetics are permitted.~~
 - 8) ~~Wear no jewelry.~~
- me) ~~Communicable Disease or Infections~~ Personnel suffering from communicable diseases infection shall be excluded from the surgical area~~operating rooms~~.

(Source: Amended at 34 Ill. Reg. 19031, effective November 17, 2010)

Section 250.1305 Visitors in Operating Room

- a) No lay visitor shall be given access to the operating rooms during surgery.
- b) Only individuals in the categories authorized herein and individuals authorized in

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accordance with hospital policy shall be allowed access to the operating rooms during surgery. Individuals authorized herein shall be members of the medical staff, persons covered by Section 250.310(a)(14), persons employed by the hospital and assigned to the operating room, and persons participating in residency or clinical training programs approved by the Department of Financial and Professional Regulation under the Medical Practice Act of 1987.

- c) Where hospital policy approved by the Governinggoverning Board permits other persons to be in attendance in the operating room during surgery, the policy shall provide for the screening of such persons to ensure the necessity of their presence, such as documentation that they have appropriate licensure, qualifications or competence and that the person performing the procedure, the patient's attending physician and the chairman of the department of surgery in departmentalized hospitals have agreed to allow such access. These individuals shall follow the requirements set forth in Section 250.1300.
- d) The presence of a parent or guardian, or other designated individual selected by a child's parent or guardian, may be allowed in the operating room during the induction of anesthesia on an individual who is 12 years of age or younger and for a mentally disabled adult, at the discretion of the hospital if the hospital has first adopted a policy on the matter, approved by the Governing Board. The policy which shall include, but not be limited to, the following conditions:
- 1) Written consent of the parent, guardian or other designated individual, the anesthesia provider, and the physician performing the surgery;
 - 2) Notation in the patient's medical record of the presence of the additional personpersons in the operating room during the induction of anesthesia;
 - 3) Application of safeguards against the introduction of infection or other hazards by the parent, guardian or other designated individual, including orientation, education and training of the person prior to performance of the procedure; this shall include, at a minimum, specifics regarding the procedure and what can be expected, basic infection control practices expected of the person, and instruction that the person must leave the operating room after the induction of anesthesia is completed;
 - 4) Requirements that the parent, guardian, or other designated individual wear a mask, cover all head and facial hair and don hospital laundered

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scrub attire or a single-use coverall suit designed to totally cover outside apparel;

- 54) Provision of at least one additional staff person in the operating room assigned to oversee, supervise and assist the parent, guardian or other designated individual for the period of time the parent, guardian or other designated individual is present; and
- 65) If, at any point during the induction of the anesthesia, ~~it is determined by~~ the physician performing the surgery or the attending anesthesia provider determines that the parent, guardian or other designated individual poses a threat to the safe completion of the induction of the anesthesia, he or she may require the parent, guardian or other designated individual to leave the operating room.

(Source: Amended at 34 Ill. Reg. 19031, effective November 17, 2010)

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section 250.1830 General Requirements for All Maternity Departments

- a) The temperature and humidity in the nurseries and in the delivery suite shall be maintained at a level best suited for the protection of mother and baby as determined by the responsible people in the maternity department and as recommended by the American Academy of Pediatrics and ACOG. Chilling of the neonate shall be avoided; the neonate shall be immediately placed in an approved radiant heat source ready to receive the infant and that allows access for resuscitation efforts. Personnel trained to use the equipment to maintain a neutral thermal environment for the neonate shall be available. For general temperature and humidity requirements, see Section 250.2480(d)(1). In general, a temperature between 72 degrees and 76 degrees and relative humidity between 35% and 60% are acceptable.
- b) Linens and Laundry:
- 1) Nursery linens shall be washed separately from other hospital linens.
 - 2) Soiled linens shall be discarded into impervious plastic bags placed in hampers that are easy to clean and disinfect. Chutes from nursery to

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laundry shall be used only if a system of negative air pressure exists.

- 3) Plastic bags of soiled diapers (reusable or disposable) and other linens shall be sealed and removed from the nursery at least every eight hours.
 - 4) Linens shall be transported to the nursery in an enclosed unit or otherwise protected from contamination.
 - 5) No new unlaundered garments shall be used in the nursery. Linen used in observation and special care nurseries shall be autoclaved.
- c) Sterilizing equipment, as required in Section 250.1090, shall be available. This may be provided in the maternity department or in a central sterilizing unit, provided that flash sterilizing equipment or adequate sterile supplies and instruments are provided in the maternity department.
- d) Accommodations and facilities for mothers
- 1) The hospital shall identify specific rooms and beds, adjacent when possible to other maternity facilities, as maternity rooms and beds. These rooms and beds shall be used exclusively for maternity patients or for combined maternity and gynecological service beds in accordance with Section 250.1820(h).
 - 2) Whenever feasible, adjacent patient rooms and beds may be used as "swing beds" to be made a part of another nursing unit. Adjacent rooms and beds may be used for clean cases. A corridor partition with doors is recommended to provide a separation between the maternity beds and maternity facilities and the nonmaternity rooms. The doors shall be kept closed except when in active use as a passageway.
 - 3) Facilities shall be available for the immediate isolation of all patients in whom an infectious condition or other conditions inimical to the safety of other maternity and neonatal patients are thought to exist.
 - 4) It is preferred that labor rooms be private or two-bed rooms. Labor rooms shall be conveniently located with reference to the delivery rooms and shall have facilities for examination and preparation of patients.

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- 5) Delivery rooms shall be equipped and staffed to provide emergency resuscitation for infants. Equipment shall include an infant size positive pressure bag with capability of 100% O₂ delivery; bag and mask with attachment for oxygen; laryngoscope with 0- and 1-size blades; endotracheal tubes sizes [2.5, 3.0, and 3.5 millimeters](#)~~10, 12, 14 French~~ or equivalent; oral airways; and an appropriate device to provide a source of continuous suction for aspiration of the pharynx and stomach. An umbilical vessel catheterization tray ~~shall~~should be available. Only personnel qualified and trained to do so ~~shall~~should use this equipment.
 - 6) If only one delivery room is required, one labor room shall be arranged as an emergency delivery room and shall have a minimum clear floor area of 180 square feet.
 - 7) A recovery room is recommended. The patient shall be kept under close observation until her condition is stabilized following delivery. Observations at established time intervals shall be recorded as a part of the patient's chart. A recovery area shall be provided. Emergency equipment and supplies shall be available for use in the recovery area. Continuing education for personnel providing recovery room care shall be provided. Refer to Section 250.1410(g).
- e) Accommodations and facilities for infants
- 1) Primary Care Nurseries:
 - A) A clean nursery or nurseries shall be provided, near the mothers' rooms with adequate lighting and ventilation. There shall be a minimum of 30 square feet of floor area for each bassinet and ~~3~~three feet between bassinets. Equipment shall be provided to prevent direct draft on the infants. Because one nursing staff person is required for every six to eight normal infants, individual nursery rooms ~~shall~~should have a capacity of six to eight or 12 to 16. The normal newborn infant care area in a smaller hospital ~~shall~~should limit room size to eight, so that two or more rooms are available to permit cohorting in the presence of infection.
 - B) Bassinets equipped to provide for the medical examination of the newborn infant and for the storage of necessary supplies and

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equipment shall be provided in a number to exceed obstetric beds by at least 20% to accommodate multiple births, extended stay, and fluctuating patient loads. Bassinets shall be separated by a minimum of ~~3~~three feet measuring from the edge of one bassinet to the edge of the adjacent one.

- C) A glass observation window shall be provided through which babies may be viewed.
- D) Resuscitation equipment as described for the delivery suite and below, and personnel trained to use it, shall be available in the nursery at all times.
- E) Each primary care nursery shall have immediately on hand equipment necessary to stabilize the sick infant prior to transfer. Such equipment shall consist of:
 - i) A heat source capable of maintaining the core temperature of even the smallest infant at 98 degrees (an incubator, or preferably a radiant heat source);
 - ii) Equipment with the ability to monitor blood sugar frequently (Dextrostix);
 - iii) A resuscitation tray containing at least a laryngoscope, 0- and 1-size blades, endotracheal tubes of various neonatal sizes, infant size positive pressure bag and appropriate sized masks, gavage tubes, and an umbilical vessel catheterization tray; and
 - iv) Equipment for delivery of 100% oxygen concentration, and the ability to measure delivered oxygen in fractional inspired concentrations (FI O₂). The oxygen analyzer shall be calibrated and serviced at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task.
- F) Consultation and Referral Protocols:

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- i) Each primary care nursery shall have a clearly designated Level II or Level III nursery to which it refers patients and from which it seeks consultation and advice. The telephone number of the Level II or Level III nursery and the name of the nursery director shall be posted in the nursery. A log of communication between the general nursery and the referral nursery shall be maintained by the head nurse of the general nursery.
 - ii) Protocols for management of certain disease states, and for consultation and referral shall be developed by the nursery director in conjunction with the director of the Level II or Level III unit to which referrals are sent.
 - iii) These protocols shall spell out details for local management of disease states and specific transfer criteria. These protocols shall be maintained in the nursery.
- 2) Intermediate and Intensive Care Nurseries shall meet all of the conditions described above except that infant cribs shall be separated by ~~4~~four to ~~6~~six feet of space to allow for ease of movement of additional personnel, and to allow space for additional equipment used in care of infants in these areas. There ~~shall~~be 80 to 100 square feet of space for each infant cared for in the Level III or Intensive Care area.
 - 3) Facilities shall be available for the immediate isolation of all newborn infants who have or are suspected of having an infectious disease.
 - 4) When an infectious condition is thought to exist, the infant shall be isolated in accordance with policies and procedures established and approved by the hospital and consistent with recommended procedures of ACOG, AAP, and the Control of Communicable Diseases Code.
- f) The personnel requirements and recommendations set forth in Subpart D apply to the operation of the maternity department in addition to the following:
 - 1) Nursing Staff – General Requirements:
 - A) Nursing supervision by a registered professional nurse shall be

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provided for the entire 24-hour period for each occupied unit of the maternity and neonatal services. This nurse shall have education and experience in maternity and/or neonatal nursing.

- B) At least one maternity or neonatal nurse trained in maternity and nursery care shall be assigned to the care of mothers and infants at all times. When infants are present in the nursery, at least one person trained to give care to the newborn infants shall be assigned at all times to the nursery with duties restricted to the care of the infants. Infants shall never be left unattended.
 - C) A registered professional nurse shall be in attendance at all deliveries, and must be available to monitor the mother's general condition and that of the fetus during labor and for at least two hours after delivery and longer if complications occur.
 - D) Nursing personnel providing care for obstetric and other patients shall be instructed on a continuing basis in the proper technique to prevent cross-infection. When necessary for the same nurse to care for both maternity and nonmaternity patients in the gynecologic unit, proper technique shall be followed.
 - E) Nursing personnel are permitted to be assigned to the maternity neonatal division only for an entire shift.
 - F) Temporary relief from outside the maternity neonatal division by qualified personnel shall be permitted as necessary according to appropriate infection control policy.
- 2) Nursing Staff – Level I or Primary Care for occupied units. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).
- A) Labor and Delivery Unit Staffing shall be planned to ensure that the total nursing personnel on each shift is equal to one-half the average number of deliveries per 24 hours. At least half of the personnel on each shift shall be R.N.s, and at no time shall the nursing staff on any shift be fewer than two. The nursing staff of the labor and post delivery recovery area shall not have other

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responsibilities in the labor/delivery suite except for emergencies.

- B) Postpartum and General Care Newborn Unit:
- i) If these units are organized as separate nursing units, staffing ~~shall~~~~should~~ be based on a formula of one nursing personnel per six to eight patients and shall ensure one R.N. per unit per shift.
 - ii) If the units are combined as a rooming-in or modified rooming-in unit, the nursing staff shall be planned to provide one nursing personnel per four mother baby units and shall never be staffed at fewer than two nursing personnel per shift. One shall be an R.N.
- C) At least one member of the nursing staff on each shift, who is skilled in cardiopulmonary resuscitation of the newborn, shall be immediately available to the delivery suite and newborn nursery area.
- D) Changes in medical staff regulations, where applicable, shall be provided to permit the perinatal medicine service to fully utilize the services of specially trained paramedical and nursing personnel where these personnel are needed and/or desired.
- 3) Nursing Staff – Level II Intermediate Perinatal Care Requirements. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).
- A) Labor and delivery shall include at least one registered professional nurse on each shift who must be competent in the use of continuous electronic fetal monitoring techniques.
 - B) Intermediate Care Nursery:
 - i) A staffing ratio of one licensed nursing personnel per three or four infants shall be available.
 - ii) Nursing personnel may be shared with the general care

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nursery as needed.

- iii) There shall never be fewer than two licensed nursing personnel available in the general and intermediate care nurseries, at least one of whom is an R.N.
- 4) Nursing Staff – Level III Tertiary Perinatal Care. These units shall meet the following requirements in addition to Intermediate Care Requirements in subsection (f)(3).
- A) Staffing patterns on each shift shall be such that a 1:1 ratio between patients who require intensive care during labor and delivery and a registered professional nurse who is competent, by virtue of training and/or experience, in the care of high risk obstetric patients can be maintained as necessary. A ratio of at least one registered professional nurse to 1½ patients shall be maintained at all times.
 - B) Neonatal intensive care nursing on a 1:1 basis shall be available as indicated. A ratio of at least one registered professional nurse to 1½ patients shall be maintained at all times.
- 5) Medical Personnel
- A) Level I or Primary Care:
 - i) One physician ~~shall~~should be Chief of Neonatal Care. He or she ~~shall~~should be a board certified pediatrician. Where this is not possible, a physician with experience and regular practice may be the Chief and responsible for neonatal care, and a source of pediatric and/or neonatology consultation shall be documented.
 - ii) The director of obstetrical service ~~shall~~should be a board certified obstetrician. Where this is not possible, a physician with experience and regular practice may be Chief and responsible for obstetric care, and a source of obstetric consultation shall be documented.

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- B) Level II or Intermediate Care:
- i) A board certified pediatrician with special interest and training in neonatal/perinatal medicine or a certified neonatologist ~~shall~~ be Chief of Neonatal Care. A board certified obstetrician ~~shall~~ be Chief of Obstetrical Care. Obstetrical anesthesia ~~shall~~ be directed by a board certified anesthesiologist with experience and competence in obstetrical anesthesia. Hospital staff ~~shall~~ also include a pathologist and an "on call" radiologist 24 hours a day. Specialized medical and surgical consultation shall be readily available.
 - ii) Other staff: Laboratory and X-ray technicians in the hospital shall be readily available at all times. In addition, a respiratory therapist may be part of the staff.
- C) Level III or Intensive Care:
- i) The Chief of Neonatal Pediatrics shall be eligible for certification by the American Board of Pediatrics' subspecialty board of neonatal/perinatal medicine, and is responsible for care in intensive care areas. Only physicians eligible for certification in neonatal/perinatal medicine shall be responsible for care of infants in the Intensive Care area, but other physicians ~~shall~~ be encouraged to participate. The Chief shall be full-time with the hospital service. There shall be sufficient number of qualified or certified neonatologists to assure availability of such care at all times. The chief of obstetric/perinatal service at the Level III facility shall be a board certified obstetrician and preferably certified in fetal/maternal medicine.
 - ii) Pediatric medical and surgical subspecialists shall be available for consultation. An anesthesiologist with special training in maternal fetal and neonatal anesthesia shall be in charge of anesthesia services. A pathologist and radiologist with experience in interpretation of radiographs of neonatal

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patients shall be members of the hospital staff.

- 6) Nutritionist Staff:
 - A) For Level II units, a registered dietitian with professional experience and/or course work that relates to perinatal maternal and newborn dietary management ~~shall~~ should be available.
 - B) For Level III units, a registered dietitian with professional experience and/or course work that relates to perinatal maternal and newborn dietary management shall be available.
- g) Practices and procedures for care of mothers and infants:
 - 1) The hospital shall effect all necessary precautionary measures against the admission to the maternity department of actual or suspected infectious patients.
 - 2) Patients with clean obstetric complications (regardless of month of gestation), such as toxemia of pregnancy for observation and treatment, placenta praevia for observation or delivery, ectopic pregnancy, and hypertensive heart disease in a pregnant patient, may be admitted to the maternity department and be under the same rules as any other maternity case. (See Section 250.1820(h)(6)(B).)
 - 3) The physician shall determine whether a prenatal serological test for syphilis has been done on each mother and the results recorded. If no such test has been done before the admission of the patients, the test shall be performed as soon as possible. Specimens may be submitted in appropriate containers to an Illinois Department of Public Health laboratory for testing without charge.
 - 4) No maternity patient under the effect of an analgesic or an anesthetic, in active labor or delivery, shall be left unattended at any time.
 - 5) Fetal maturity shall be established and documented prior to elective inductions and Cesarean sections. The hospital shall establish a written policy and procedure concerning the administration of oxytocic drugs.

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- A) Oxytocin ~~shall~~~~should~~ be used for the contraction stress test only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. It is recommended that Oxytocin be administered by controlled infusion.
- B) Oxytocin shall be used for medical induction or stimulation of labor only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. It is recommended that the following be included in these policies:
- i) The attending physician ~~shall~~~~should~~ evaluate the patient for induction or stimulation, especially with regard to indications.
 - ii) The physician or other individuals starting the Oxytocin shall be familiar with its effect and complications and be qualified to identify both maternal and fetal complications.
 - iii) A qualified physician shall be immediately available as is necessary to manage any complication effectively.
 - iv) The intravenous route is the only acceptable mode of administration. It is recommended that an infusion pump, or other device for accurate control of the rate of flow, and a two-bottle system, one of which contains no Oxytocin substance, be used.
 - v) During Oxytocin administration, the fetal heart rate; the resting uterine tone; and the frequency, duration and intensity of contractions shall be monitored electronically and recorded. Maternal blood pressure and pulse shall be monitored and recorded at intervals comparable to the dosage regimen; that is, at 30 to 60 minute intervals, when the dosage is evaluated for maintenance, increase or decrease. Evidence of maternal and fetal surveillance shall

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be documented.

- 6) Identification of infants:
- A) While the neonate is still in the delivery room, the nurse in the delivery room shall prepare identical identification bands for both the mother and the neonate. Wrist bands alone may be used; however, it is recommended that both wrist and ankle bands be used on the neonate. The hospital shall not use footprinting and fingerprinting alone as methods of patient identification. The bands shall indicate the mother's admission number, the neonate's gender, the date and time of birth, and any other information required by hospital policy. Delivery room personnel shall review the bands prior to securing them on the mother and the neonate to ensure that the information on the bands is identical. The nurse in the delivery room shall securely fasten the bands on the neonate and the mother without delay as soon as he/she has verified the information on the identification bands. The birth records and identification bands shall be checked again before the neonate leaves the delivery room.
 - B) If the condition of the neonate does not allow the placement of identification bands, the identification bands shall accompany the neonate and shall be attached as soon as possible. Identification bands shall be affixed to the bassinet or incubator until they are placed on the infant and shall not be left unattached and unattended in the nursery.
 - C) When the neonate is taken to the nursery, both the delivery room nurse and the admitting nurse shall check the neonate's identification bands and birth records, verify the gender of the neonate, and sign the neonate's medical record. The admitting nurse shall complete the bassinet card and attach it to the bassinet.
 - D) When the neonate is taken to the mother, the nurse shall examine the mother's and the neonate's identification bands, verify the gender of the neonate and verify that the information on the bands is identical.

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- E) The umbilical cord (cords, with multiple births) shall be identified according to hospital policy (e.g., by the use of a different number of clamps) so that umbilical cord blood specimens are correctly labeled. All umbilical cord blood samples shall be labeled correctly with an indication that these are a sample of the neonate's umbilical cord blood and not the blood of the mother.
- F) The hospital shall develop a newborn infant security system. This system shall include instructions to the mother regarding safety precautions designed to avoid abduction when her newborn infant is rooming in. Electronic sensor devices may be included as well.
- 7) Within one hour after delivery, a one-percent silver nitrate solution or ophthalmic ointment or drops containing tetracycline or erythromycin shall be instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum. Do not irrigate immediately. This solution may be obtained free of charge from the Department.
- 8) Each infant shall be given complete individual cribside care. The use of a common bath table is prohibited. Scales shall be adequately protected to prevent cross-infection.
- 9) Artificial feedings and formula changes shall not be instituted except by written order of the attending physician.
- 10) Facilities for drug services. See Section 250.2130(a).
- 11) Transport of newborn infants from the delivery room to the nursery shall be done in a safe manner. Adequate support systems (heating, oxygen, suction) ~~shall~~ be incorporated into the transport units for these infants (e.g., to x-ray). Chilling of the newborn and cross-infection shall be avoided. Where travel is excessive and through other areas, special transport incubators may be required. The method of transporting infants from the nursery to the mothers shall be individual, safe and free from cross-infection hazards.
- 12) The stay of the mother and the baby in the hospital after delivery ~~shall~~ be planned to allow the identification of problems and to reinforce instructions in preparation for the infant's care at home. The

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mother and infant shall be carefully observed for a sufficient period of time and assessed prior to discharge to ensure that their conditions are stable. Healthy infants ~~shall~~should be discharged from the hospital simultaneously with the mother or to other authorized (by the mother) personnel ~~if~~should the mother ~~remains~~remain in the hospital for an extended stay. It is recommended that there be a provision for follow-up for the mothers and babies discharged within 24 hours. This follow-up ~~shall~~should include a face-to-face encounter with a health care provider who will assess the condition of mother and baby and arrange for intervention if problems are identified.

- 13) When a patient's condition permits, an infant may be transferred from an intensive care nursery to the referring nursery or to another nursery that is nearest the home and at which an appropriate level of care may be provided.
 - 14) Circumcisions by a Mohel shall be performed under aseptic conditions. Such circumcisions shall not be performed in the delivery room. A registered nurse or physician shall be in attendance, and attendance by visitors shall be limited.
 - 15) Circumcisions shall not be performed in the delivery room or within the first six hours after birth. A physician may order and perform a circumcision when the infant is over the age of six hours and, in the physician's professional judgment, is healthy and stable.
 - 16) A single parenteral dose of vitamin K-1, water soluble 0.5 mgm, shall be given to the infant soon after birth as a prophylaxis against hemorrhagic disorder in the first days of life.
 - 17) The hospital shall adhere to the practices prescribed in Guidelines for Perinatal Care and Guidelines for Women's Health Care (American College of Obstetricians and Gynecologists) (see Section 250.160).
- h) Medical Records
- 1) Obstetric records:
 - A) Adequate, accurate, and complete medical records shall be

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maintained for each patient. The medical records shall include findings during the prenatal period, which ~~shall~~^{should} be available in the maternity department prior to the patient's admission and shall include medical and obstetric history, observations and proceedings during labor, delivery and the postpartum period, and laboratory and x-ray findings.

- B) Records shall be maintained in accordance with the minimum observations and laboratory tests outlined in Guidelines for Perinatal Care and Guidelines for Women's Health Care. The physician director of the maternity department shall require all physicians delivering obstetrics care to send copies of the prenatal records to the obstetrical unit at or before 37 weeks of gestation.
- 2) Infant records. Accurate and complete medical records shall be maintained for each infant. The medical records shall include:
- A) History of maternal health and prenatal course.
 - B) Description of labor, including drugs administered, method of delivery, complications of labor and delivery, and description of placenta and amniotic fluid.
 - C) Time of birth and condition of infant at birth, including the Apgar score at one and five minutes, the age at which respiration became spontaneous and sustained, a description of resuscitation if required, and a description of abnormalities and problems occurring from birth until transfer from the delivery room.
 - D) Report of a complete and detailed physical examination within 24 hours following birth; report of a medical examination within 24 hours of discharge and one at least every three days during the hospital stay.
 - E) Physical measurements, including length, weight and head circumference at birth, and weight every day; temperature twice daily.
 - F) Documentation of infant feeding: intake, content, and amount if by

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formula.

G) Clinical course during hospital stay, including treatment rendered and patient response; clinical note of status at discharge.

3) The hospital shall keep a record of births that contains data sufficient to duplicate the birth certificate. The requirement may be met:

A) by retaining the yellow "hospital copy" of the birth certificate properly bound in chronological order, or

B) by retaining this copy with the individual medical record.

i) Reports

1) Each hospital that provides maternity service shall submit a monthly perinatal activities report on forms provided for this purpose by the Department. This report shall be signed by a representative of the department preparing the document and shall be mailed not later than the 15th of the following month.

2) Maternal Death Report

A) The hospital shall submit an immediate report of the occurrence of a maternal death to the Department, in accordance with the Department's rules titled Maternal Death Review (77 Ill. Adm. Code 657). Maternal death is the death of any woman dying of any cause whatsoever while pregnant or within one year after termination of the pregnancy, irrespective of the duration of the pregnancy at the time of the termination or the method by which it was terminated. A death shall be reported regardless of whether the death occurred in the maternity division or any other section of the hospital, or whether the patient was delivered in the hospital where death occurred, or elsewhere.

B) The filing of this report shall in no way preclude the necessity of filing a death certificate or of including the death on the Maternity Activities Report.

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- 3) The hospital shall comply with the laws of the State and the regulations of the Department as regards the preparation and filing of birth, stillbirth, and death certificates.
 - 4) Epidemic and Communicable Disease Reporting
 - A) The hospital shall develop a protocol for the management and reporting of infections consistent with the Control of Communicable Diseases Code and with Guidelines for Perinatal Care and Guidelines for Women's Health Care and as approved by the Infection Control Committee. These policies shall be known to maternity and nursery personnel.
 - B) The facility shall particularly address those infections specifically related to mothers and infants, including but not limited to methicillin-resistant Staphylococcus Aureus occurring in infants under 61 days of age, ophthalmia neonatorum, and perinatal hepatitis B infection~~diarrhea of the newborn, staphylococcal infections occurring in infants younger than 28 days of age, and ophthalmia neonatorum.~~
- j) Formula
- 1) If pasteurized, commercially prepared formula is used exclusively and no formula is prepared by the hospital, a formula room and formula room equipment are not required. However, adequate space, equipment and procedures acceptable to the Department for processing, handling and storing of commercially prepared formula shall be provided. Procedures and aseptic techniques shall be established and enforced. Provisions shall be made for the preparation of special formula.
 - 2) All hospitals providing maternity or pediatric services that prepare their own formula shall provide a well-ventilated and well-lighted formula room, which shall be adequately supervised and used exclusively for the preparation of formulas.
 - 3) Equipment shall include hand-washing facilities with hot and cold running water with knee, foot or elbow controlled valves; a double-section sink for washing and rinsing bottles; facilities for storing cleaning equipment,

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refrigeration facilities; utensils in good condition for preparation of formulas; cupboard and work space and a work table; an autoclave and a supply of individual formula bottles, nipples and protecting caps, adequate to prepare a 24-hour supply of formula and water for each infant. Procedures shall be established by the hospital and enforced.

k) Visiting regulations

- 1) The visiting regulations set forth in Subpart B shall apply to maternity departments, except as modified in this subsection.
- 2) It is recommended that visitors be limited to two per patient at any one time.
- 3) Contact with the infant shall be restricted to the father, or one other adult selected by the mother, except as provided in subsection (k)(4) of this Section or as part of a rooming-in program as provided in Section 250.1850.
- 4) Siblings and grandparents may have contact with the infant only if the hospital has established specific policies and procedures for such a program. The program shall include:
 - A) Approval of the program by the hospital's Infection Control Committee and Governing Board;
 - B) A requirement for written consent of the mother for visitation by specific siblings or grandparents;
 - C) A procedure for hand washing by visitors prior to having contact with the infant; and
 - D) A policy on the location where visitation will occur.
- 5) The presence of the father or individual selected by the mother in the delivery room shall be discretionary with the individual hospital. If the father or the individual selected by the mother of the baby is to be admitted to the delivery room of any hospital, the hospital shall first have adopted a policy statement on the matter that includes the following

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conditions:

- A) Written consent of both the mother and the attending physician;
- B) Prior orientation preparation of the father of the baby or the selected individual and mother to this experience; and
- C) Application of safeguards against the introduction of infection or other hazard by the father of the baby or selected individual.

~~6) Smoking shall be prohibited in the delivery rooms, nurseries, corridors and other areas in accordance with hospital policy. (See Section 250.250(g).)~~

~~6)7) Visiting hours shall not correspond with periods during which infants are with the mothers or with periods during which mothers are receiving nursing care, nor interfere with the care of patients.~~

~~7)8) Visitors shall neither sit nor place their clothing upon the beds.~~

1) *Every hospital shall demonstrate to the Department that the following have been adopted:*

- 1) *Procedures designed to reduce the likelihood that an infant patient will be abducted from the hospital. The procedures may include, but need not be limited to, architectural plans to control access to infant care areas, video camera observation of infant care areas, and procedures for identifying hospital staff and visitors.*
- 2) *Procedures designed to aid in identifying allegedly abducted infants who are recovered. The procedures may include, but need not be limited to, footprinting infants by staff who have been trained in that procedure, photographing infants, and obtaining and retaining blood samples for genetic testing. (Section 6.15 of the Act)*

(Source: Amended at 34 Ill. Reg. 19031, effective November 17, 2010)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.82 Adopted Action:
Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-508 (c-1) (4)
- 5) Effective Date of Amendment: November 22, 2010
- 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 Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposed Published in Illinois Register: 34 Ill. Reg. 12094; August 20, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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 amendments were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1030.1	Amendment	34 Ill. Reg. 15789; October 15, 2010
1030.14	Amendment	34 Ill. Reg. 15789; October 15, 2010
1030.92	Amendment	34 Ill. Reg. 18347; November 29, 2010

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- 15) Summary and Purpose of Amendment: Pursuant to Public Act 96-1182, this rulemaking adds offenses of which an applicant for, or holder of, a charter bus endorsement may not be convicted.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

217/557-4462

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License

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- 1030.91 Disabled Person Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077,

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effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill.

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Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010.

Section 1030.82 Charter Bus Driver Endorsement Requirements

- a) Requirements of Driver Applicants for a Charter Bus Driver Endorsement
In order for the Department to issue a charter bus driver endorsement, all driver applicants must:
- 1) Be 21 years of age or older;
 - 2) Possess a valid and properly classified driver's license issued by the Department;
 - 3) Submit to and successfully pass an Illinois specific criminal background check and Federal Bureau of Investigation criminal background check with current and future information through an approved vendor (A consent form must be signed by the driver applicant/CDL holder that allows the Department to release the fingerprint information to the driver applicant's employer.);
 - 4) Pass a written test on charter bus operation, charter bus safety, and special traffic laws relating to charter buses and submit to a review of the driver applicant's driving habits by the Department at the time the written test is given;

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- 5) Demonstrate the ability to exercise reasonable care in the operation of the charter bus pursuant to the requirements of IVC Section 6-508;
- 6) A driver applicant must demonstrate physical fitness to safely operate charter buses by undergoing a medical examination in accordance with the provisions of IVC Section 6-508;
- 7) Affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for the endorsement;
- 8) Not have been convicted of committing or attempting to commit any one or more of the offenses set forth in IVC Section 6-508(c-1)(4). following offenses:
 - A) ~~offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1 and 33A-2, and in Section 12-4(a) and (b)(1) of the Criminal Code of 1961 [720 ILCS 5];~~
 - B) ~~offenses defined in the Cannabis Control Act [720 ILCS 550] except those offenses defined in Sections 4(a) and (b) and 5(a) of the Cannabis Control Act;~~
 - C) ~~offenses defined in the Illinois Controlled Substances Act [720 ILCS 570] and/or the Methamphetamine Control and Community Protection Act [720 ILCS 646] pursuant to IVC Section 6-508;~~
 - D) ~~offenses committed or attempted in any other state or against the laws of the United States that if committed or attempted in Illinois could be punishable as one or more of the offenses listed in subsections (a)(8)(A) through (c);~~

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- ~~E) offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act [720 ILCS 150/4.1 and 5.1]; and~~
- ~~F) offenses defined in Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16].~~

b) Endorsement Application Process

- 1) A driver applicant seeking employment as a charter bus driver must obtain from the prospective employer an Application/Certification form for Illinois charter bus driver endorsement and then complete both the form and the fingerprint process.
- 2) The driver applicant shall then submit the completed Charter Bus Application/Certification form for the charter bus driver endorsement and the appropriate fee to the Driver Services Facility.
- 3) The Department shall review the driver applicant's driving history to determine if it is acceptable pursuant to IVC Sections 6-104 and 6-508. The driver applicant must:
 - A) pass a written test administered by the Department in accordance with IVC Section 6-508(c-1)(2).
 - B) successfully complete a road test, if applicable, administered by the Department or a licensed third-party tester in the class of vehicle to be used in accordance with IVC Section 6-508(a)(1). These tests must be successfully completed within three attempts.
- 4) On renewal/reapplication for a charter bus driver endorsement, the driver applicant shall be required to submit an Application/Certification form for the Illinois charter bus driver endorsement verifying the completion of all requirements. On renewal/reapplication for the charter bus driver endorsement, the driver applicant will not be subject to the fingerprint process.

c) Denial, Cancellation or Suspension of a CDL with a Charter Bus Driver Endorsement

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- 1) The Department shall deny or cancel a CDL holder's charter bus driver endorsement:
 - A) If the criminal background investigation discloses the individual is noncompliant with any of the provisions of IVC Section 6-104 or 6-508;
 - B) Upon receiving notice that the endorsement holder failed to comply with any provision of this Part;
 - C) Upon receiving notice that the endorsement holder's commercial driving privileges are withdrawn or otherwise invalidated.
 - 2) The Department shall deny a driver applicant for a charter bus driver endorsement upon an indication on a driving record of the failure to pay any fines, costs or fees that deny the renewal or reissuance of a driver's license or any other indication on a driving record that denies the renewal or reissuance of a driver's license.
 - 3) A cancellation of a CDL with a charter bus driver endorsement shall remain in effect pending the outcome of a hearing pursuant to IVC Section 2-118.
 - 4) An order may be rescinded provided the cause is removed and the driver applicant or CDL holder continues to meet the requirements outlined in IVC Sections 6-104 and 6-508.
- d) Employer Responsibility
It shall be the responsibility of a prospective or current employer of a driver applicant or CDL holder of a charter bus driver endorsement to:
- 1) Request an employer seven digit assigned number by faxing to the Department a request on company letterhead indicating a contact person and telephone/fax number.
 - 2) Distribute charter bus driver endorsement applications.
 - 3) Ensure that driver applicants submit to a fingerprint based criminal background investigation.

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- 4) Certify to the Department in writing that a driver applicant has successfully completed all employment conditions.
 - 5) Notify the Department in writing that the employer has certified the removal from service of the CDL holder with the charter bus driver endorsement whose endorsement has been withdrawn by the Department, prior to the start of that CDL holder's next work shift.
 - 6) Notify the Department in writing that the CDL holder with the charter bus driver endorsement is no longer employed as a charter bus driver by the reporting employer.
 - 7) Notify the Department in writing that, while holding a previously issued valid charter bus driver endorsement, the CDL holder has now been accepted as a charter bus driver for the reporting employer.
 - 8) Immediately upon receipt of a positive drug test, notify the Department in writing . This information shall be privileged and maintained for the use of the Department.
 - 9) Maintain records of certifications that must be available for inspection by the Secretary of State.
- e) Notice
The Department shall notify the driver applicant or the CDL holder and his/her current employer in writing that he/she:
- 1) is ineligible based on information provided by an ISP or FBI criminal background investigation; or
 - 2) is no longer eligible for a charter bus driver endorsement; or
 - 3) has related cancellations, suspensions or denials of the applicant's charter bus driver endorsement.
- f) Hearings

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- 1) Upon the request of a driver applicant or CDL holder whose charter bus driver endorsement has been denied, canceled or suspended, the Secretary of State shall conduct a hearing pursuant to IVC Section 2-118.
- 2) The petition requesting a hearing shall be in writing and contain the reason the driver applicant or CDL holder believes he/she is entitled to a charter bus driver endorsement.
- 3) The scope of the hearing shall be limited to the issuance criteria contained in IVC Sections 6-104 and 6-508.

(Source: Amended at 34 Ill. Reg. 19071, effective November 22, 2010)

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- 1) Heading of the Part: School Bus Driver Permit
- 2) Code Citation: 92 Ill. Adm. Code 1035
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1035.10	Amendment
1035.15	Amendment
1035.35	Amendment
1035.45	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/12-816; 625 ILCS 5/6-106.1; 625 ILCS 5-12-813.1; 625 ILCS 5/6-508 (c-1) (4)
- 5) Effective Date of Amendments: November 22, 2010
- 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 Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposed Published in Illinois Register: 34 Ill. Reg. 12105; August 20, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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 agreements were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking adds definitions as set forth in Public Acts 96-410 and 96-818, as well as adds additional offenses of which an applicant for or, holder of, a school bus permit cannot have been convicted. This amendment adds

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a new 3 year suspension for school bus drivers who fail to perform the pre-trip and/or post-trip inspection and requires employers to notify the Secretary of State when a school bus driver fails to perform these inspections.

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

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

217/557-4462

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1035
SCHOOL BUS DRIVER PERMIT

Section	
1035.10	Definitions
1035.15	Requirements of Applicants for a School Bus Driver Permit
1035.20	Annual Medical Examination and Certificate
1035.25	Permit Application Process
1035.30	Training
1035.32	Random Drug Testing for Alcohol and Controlled Substances
1035.35	Denial, Cancellation, or Suspension of a School Bus Driver Permit
1035.40	Notice
1035.45	Employer Responsibility
1035.46	Military Deferrals
1035.50	Hearings

AUTHORITY: Implementing Section 6-106.1 and authorized by Section 6-521 of the Illinois Vehicle Code [625 ILCS 5/6-521].

SOURCE: Adopted at 19 Ill. Reg. 10716, effective July 11, 1995; amended at 24 Ill. Reg. 1269, effective January 10, 2000; amended at 24 Ill. Reg. 12092, effective July 31, 2000; amended at 26 Ill. Reg. 12045, effective July 22, 2002; amended at 33 Ill. Reg. 17093, effective December 1, 2009; amended at 34 Ill. Reg. 7750, effective May 20, 2010; amended at 34 Ill. Reg. 19082, effective November 22, 2010.

Section 1035.10 Definitions

For purposes of this Part, the following definitions shall apply:

"Active Duty" – *active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor* (IVC Section 6-106.1(j)).

"Adulterated Specimen" – a urine specimen that contains a substance not expected to be present in human urine, or contains a substance expected to be

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present, but is at a concentration so high that it is not consistent with human urine (see 49 CFR 40.3 (2008)).

"Cancellation" – the cancellation of a school bus driver permit – the annulment or termination by formal action of the Secretary of State of a person's school bus driver permit because of some error or defect in the permit, because the permit holder is no longer entitled to the permit, refusal or neglect of the person to submit to an alcohol and drug evaluation or submit to or fail to successfully complete the examination, in accordance with IVC Sections 1-110, 6-106.1 and 6-207.

"Cellular Radio Communication Device" – a device capable of sending or receiving telephone communications without an access line for service and that requires the operator to dial a number manually. It does not include citizens band radios or citizens band radio hybrids.

"Chain of Custody" – a procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (see 49 CFR 40 (2008)).

"Chain of Custody Form" or "CCF" – an employer copy of the Federal Drug Testing Custody and Control Form used to notify the employer that the applicant has taken a split specimen test and the results of that test.

"Collector" – a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees and who initiates and completes the CCF.

"Conviction" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law, by a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost, regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated pursuant to IVC Section 6-500(8).

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"Curriculum-Related School Activity" – includes from home to school or from school to home, tripper or shuttle service between school attendance centers, transportation to vocational or career center or other trade-skill development site or regional safe school or other school-sponsored alternative learning program, or a trip that is directly related to the regular curriculum of a student for which he or she earns credit.

"Denial" – to prohibit or disallow the privilege to obtain a school bus driver permit and/or the privilege to operate a school bus in accordance with IVC Section 6-106.1.

"Dilute Specimen" – a urine specimen with creatinine and specific gravity values that are lower than expected for human urine pursuant to 49 CFR 40.3.

"Disqualification" – *a withdrawal of the privilege to drive a commercial motor vehicle* [625 ILCS 5/1-115.3].

"Driver" – *every person who drives or is in actual physical control of a vehicle* [625 ILCS 5/1-116].

"Employer" – any public or private school district, individual, corporation, partnership or association who employs school bus drivers licensed pursuant to IVC Section 6-106.1.

"Employer Certification/Notification" – a form prescribed by the Secretary of State and submitted by the employer that certifies an applicant has met all pre-employment conditions and all conditions for reapplication, or that a driver who is no longer eligible for a school bus driver permit has been removed from service.

"Fingerprint Process" – a method by which a person's fingerprints are taken for the purpose of certification of a criminal background investigation for a school bus driver permit and submitted to the Illinois Department of State Police and the Federal Bureau of Investigation (FBI).

"Hearing" – a hearing conducted by the Secretary of State, pursuant to IVC Sections 2-118 and 6-106.1, upon written request of the driver or applicant.

"Home State" – the States of Indiana, Michigan, Wisconsin, Iowa, Missouri and Kentucky, when they have issued a valid and properly classified driver's license.

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

"Initial Training" – an initial training class, including first aid procedures, in school bus safety administered by the Illinois State Board of Education through the Regional Office of Education and approved by the Secretary of State pursuant to IVC Section 6-106.1. Initial training will provide sufficient practical behind-the-wheel instruction.

"Lapse" – a period of time following the expiration of a driver's license or school bus driver permit in which the driver can renew or reapply without penalty.

"Medical Examination" – a physical examination by a medical examiner that includes tests for drug and alcohol use and the medical qualifications needed to drive a school bus.

"Medical Examiner" – a person who is a licensed physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes him or her to perform medical examinations, or a physician assistant who has been delegated the performance of medical examinations by his or her supervising physician.

"Medical Examiner's Certificate" – a form, developed by the Secretary of State, upon which a medical examiner records the results of a physical examination and certifies whether a person is qualified to apply for a school bus driver permit.

"Medical Review Officer" or "MRO" – a person who is a licensed physician and is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results (see 49 CFR 40.3 (2008)).

"Military Order" – official military documents that indicate the date the school bus driver permit holder will be called to active duty and the expected date the permit holder will return from active duty.

"Miscellaneous Suspension" – a safety and family financial responsibility suspension, unsatisfied judgment suspension, auto emissions suspensions, parking ticket suspension, failure to appear suspension, failure to pay toll suspension, nighttime driving restriction suspension, and all suspensions that are rescinded

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and are no longer in effect.

"Multifunction School Activity Bus" or "MFSAB" – a school bus manufactured for the purpose of transporting 11-15 persons, including the driver, whose purposes do not include transporting students to and from school or school bus stops.

"Possession of a School Bus" – the period of time from which a school bus driver takes possession until the school bus driver returns possession of the school bus, whether or not the school bus driver is operating the school bus.

"Pre-Employment Conditions" – an applicant must have been interviewed by the prospective employer; completed a school bus driver permit application and prescribed medical report form; successfully passed a physical examination; successfully completed a fingerprint-based Illinois specific background check with fingerprints forwarded to the FBI for a national background check; and received the required initial training.

"Pre-Trip and/or Post-Trip Inspection" – requires the school bus driver to test the cellular radio telecommunication device or two-way radio and ensure it is functioning properly before the bus is operated and before leaving the bus at the end of each route, work shift or work day, to walk to the rear of the bus, and to check the bus for children or other passengers in the bus.

"Provisional Status" – the temporary privilege to operate a school bus pending completion of the FBI criminal background check.

"Random Testing" – a drug and/or alcohol test having no specific time pattern.

"Refresher Course" – a classroom course in school bus safety approved by the Secretary of State. Refresher training courses shall be a minimum of 2 hours in length, part of which must be first aid training, taught by an instructor certified by the Illinois State Board of Education under 23 Ill. Adm. Code 1.515.

"Repeatedly Convicted of Offenses against Laws and Ordinances Regulating the Movement of Traffic" – a driver for whom an order has been entered to suspend or revoke a license or permit under IVC Section 6-206(a)(3).

"Repeatedly Involved as a Driver in Motor Vehicle Collisions" – a driver for

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whom an order has been entered to suspend or revoke a license or permit under IVC Section 6-206(a)(3).

"Rescind Order" – a removal by formal action of an order canceling, suspending or denying issuance of a school bus permit.

"Review of Driving Records" – a review of the applicant's driving record maintained by the Secretary of State or documentation from another licensing jurisdiction, which has been certified within 30 days prior to the date of application, to insure that the requirements of IVC Sections 6-106(1), (2), (3), (9), (10), (11), (12), (13) and (14) have been met.

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

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A motor vehicle of the first division.

A motor vehicle designed for the transportation of not fewer than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Driver Active Duty Form" – the form submitted by an employer as notification of the date the school bus permit holder is placed on active military duty.

"School Bus Driver Inactive Status" – status of school bus permit while the school bus permit holder is on active military duty.

"School Bus Driver Permit" – permit issued for a period of one year to school bus drivers by the Office of the Secretary of State pursuant to IVC Section 6-106.1.

"School Bus Driver Permit Application" – the form or document prescribed by the Secretary of State upon which a request for a school bus driver permit is made.

"School Bus Driver Return From Active Duty Form" – the form submitted by employer as notification of the date the school bus driver permit holder returned from active duty.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"Serious Traffic Violation" – notwithstanding convictions that in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, shall be considered a serious traffic violation:

A conviction, when operating a motor vehicle, for a violation of or relating to:

IVC Section 11-402(a) – a motor vehicle accident involving damage to a vehicle;

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IVC Section 11-403 – failure to stop and exchange information after a motor vehicle collision, property damage only;

IVC Section 11-502(a) – illegal transportation, possession or carrying of alcoholic liquor within the passenger area of any vehicle;

IVC Section 6-101 – operating a motor vehicle without a valid license or permit;

IVC Section 11-403 – failure to stop and exchange information or give aid after a motor vehicle collision involving personal injury or death;

Excessive speeding – a single speeding charge of 15 miles per hour or more above the legal speed limit;

IVC Section 11-503 – Reckless driving;

IVC Section 11-707(d) – passing in a no-passing zone; or IVC Section 11-1414 – passing a stopped school bus;

IVC Section 11-1402(b) – limitations on backing upon a controlled access highway;

IVC Section 11-707(b) – driving on the left side of a roadway in a no-passing zone;

IVC Section 11-1002(e) – failure to yield the right-of-way to a pedestrian at an intersection;

IVC Section 11-1008 – failure to yield to a pedestrian on a sidewalk;

IVC Sections 11-1201 and 11-1202 – failure to stop for an approaching railroad train or signal;

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Any State law or local ordinance relating to motor vehicle traffic control, other than parking violations, arising in connection with a fatal traffic accident;

IVC Section 6-501 – having multiple driver's licenses;

IVC Section 6-507(a) – the requirement to have a valid CDL;

Improper or erratic traffic lane changes;

Following another vehicle too closely;

IVC Section 6-104(d) – possession of a valid school bus permit;

IVC Section 11-605 – school speed zones;

Any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than parking violations, that the Secretary of State determines by administrative rule to be serious.

"Service Member" – *a member of the Armed Services or reserve forces of the United States or a member of the Illinois National Guard* (IVC Section 6-106.1(j)).

"Specimen Bottle" – the bottle that, after being sealed and labeled according to the procedures in this Part, is used to hold the urine specimen during transportation to the laboratory (see 49 CFR 40.3 (2008)).

"Split Specimen" – in drug testing, a part of the urine specimen sent to a first laboratory and retained unopened, and that is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result (see 49 CFR 40.3 (2008)).

"State" – *a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada* [625 ILCS 5/1-195].

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"Substituted Specimen" – a specimen with creatinine and specific gravity values so diminished that they are not consistent with human urine.

"Suspension of Driver's License" – the temporary withdrawal by formal action of the Secretary of State of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary of State [625 ILCS 5/1-204].

"Suspension of School Bus Driver Permit" – the temporary withdrawal, by formal action by the Secretary of State, of a person's permit that grants and specifies limited privileges to operate a school bus on the public highways, for a period specifically designated by the Secretary of State.

"Waiver" – an exemption allowed under certain conditions rendering an ineligible applicant eligible.

(Source: Amended at 34 Ill. Reg. 19082, effective November 22, 2010)

Section 1035.15 Requirements of Applicants for a School Bus Driver Permit

In order for the Secretary of State to issue a school bus driver permit, all applicants must:

- a) be 21 years of age or older;
- b) possess a valid and properly classified driver's license issued by the Secretary of State or a valid license issued in the applicant's home state;
- c) possess a valid driver's license that has not been revoked, suspended, canceled or disqualified for 3 years immediately prior to the date of application, and shall not have had his or her commercial motor vehicle driving privileges disqualified within the 3 years immediately prior to the date of application, except for miscellaneous suspensions, (see IVC Section 1-115.3). A lapse in the renewal of the driver's license of 30 days or less shall not render the applicant ineligible. The Secretary of State may, in his or her discretion, grant a waiver for a lapse in the renewal of the driver's license in excess of 30 days;
- d) pass written examinations administered by the Secretary of State on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the

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time the written examination is given;

- e) demonstrate the ability to exercise reasonable care in the operation of a school bus in accordance with the requirements of 92 Ill. Adm. Code 1030.85;
- f) be physically able to safely operate a school bus. An applicant for a school bus driver permit must demonstrate physical fitness to operate a school bus by undergoing a medical examination in accordance with Section 1035.20;
- g) affirm under penalty of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for a permit;
- h) complete initial training. After satisfactory completion of initial training, an annual refresher course will be required. Refresher courses and the agency or organization conducting those courses shall be approved by the Secretary of State. Failure to complete the annual refresher course shall result in cancellation of the permit until the course is completed;
- i) not have been convicted of 2 or more serious traffic offenses, as defined by Section 1035.10, within one year prior to the date of application, that may endanger the life and safety of any of the driver's passengers within the duration of the permit period;
- j) not have been convicted, within 3 years prior to the date of application, of reckless driving (see IVC Section 11-503), aggravated reckless driving, driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof and/or other drugs (see IVC Section 11-501) or reckless homicide (see Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3]) resulting from the operation of a motor vehicle;
- k) not have been convicted of committing or attempting to commit any one or more of the offenses set forth in IVC Section 6-106.1(a)(11); following offenses:
 - 1) ~~those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,~~

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- ~~20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1 and 33A-2, and in Section 12-4(a) and (b)(1) of the Criminal Code of 1961 [720 ILCS 5/12-4(a) and (b)(1)];~~
- ~~2) those offenses defined in the Cannabis Control Act, except those offenses defined in Section 4(a) and (b) and Section 5(a) of the Cannabis Control Act [720 ILCS 550/4(a) and (b) and 5(a)];~~
- ~~3) those offenses defined in the Illinois Controlled Substances Act [720 ILCS 570];~~
- ~~4) those offenses defined in Section 10 of the Methamphetamine Control and Community Protection Act [720 ILCS 646/10];~~
- ~~5) any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, could be punishable as one or more of the offenses listed in this subsection (k);~~
- ~~6) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act [720 ILCS 150/4.1 and 5.1]; and~~
- ~~7) those offenses defined in Section 6-16 of the Liquor Control Act of 1934 [234 ILCS 5/6-16];~~
- l) not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway in accordance with 92 Ill. Adm. Code 1040.40;
- m) not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person;
- n) not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

(Source: Amended at 34 Ill. Reg. 19082, effective November 22, 2010)

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Section 1035.35 Denial, Cancellation, or Suspension of a School Bus Driver Permit

- a) The Secretary of State shall deny or cancel a school bus driver permit of an applicant:
- 1) whose criminal background investigation discloses that he or she is not in compliance with any of the provisions of IVC Section 6-106.1(a);
 - 2) upon receiving notice that the permit holder fails to comply with any provision of this Part;
 - 3) upon receiving notice that the permit holder's restricted commercial driving permit or commercial driving privileges are withdrawn or otherwise invalidated;
 - 4) upon receiving notice that the permit holder has been convicted of 2 serious violations during the duration of the permit.
- b) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required by IVC Section 6-106.1 or under 49 CFR 382.303, 382.305, 382.307 and 382.309 (2008).
- c) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice from the employer that the holder failed to perform the pre-trip and/or post-trip inspection procedure set forth in IVC Section 12-816 (a) or (b).
- d)e) The Secretary of State shall deny an applicant for a school bus driver permit for a period of 3 years who fails to obtain a negative result on a drug test as required by IVC Section 6-106.1 or under 49 CFR 382.301 (2008).
- e)d) The Secretary of State shall deny an applicant or re-applicant for a school bus driver permit upon an indication on a driving record that he or she has failed to pay any fines, costs or fees that deny the renewal or reissuance of a driver's license or any other indication on a driving record that denies the renewal or reissuance of a driver's license.
- f)e) A cancellation of a school bus driver permit shall remain in effect pending the

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outcome of a hearing pursuant to IVC Section 2-118.

- | ~~g)~~ An order may be rescinded provided the cause is removed and the applicant continues to meet the requirements outlined in IVC Section 6-106.1(a).
- | ~~h)~~ The Secretary shall suspend a school bus driver permit for a period of three years upon receiving notice from the employer that the holder has failed to perform the inspections required by IVC Section 12-816.

(Source: Amended at 34 Ill. Reg. 19082, effective November 22, 2010)

Section 1035.45 Employer Responsibility

It shall be the responsibility of a prospective or current employer of an applicant or holder of a school bus driver permit to:

- a) conduct a pre-employment interview with the prospective school bus driver applicant;
- b) distribute school bus driver permit applications and medical forms;
- c) insure that applicants submit to a fingerprint-based criminal background investigation;
- d) certify in writing to the Secretary of State that an applicant has successfully completed all pre-employment conditions;
- e) notify the Secretary of State in writing that the employer has certified the removal from service of a school bus driver whose permit has been canceled or suspended by the Secretary of State, prior to the start of that school bus driver's next work shift;
- f) upon receipt of notification from an MRO that an employee has had a positive drug test or refused to be tested, immediately notify the Secretary of State of that result. Notification to the Secretary of State shall include a copy of the CCF form, medical examiner's certificate, positive drug results or notation of failure to complete testing. This information shall be privileged and maintained for use by the Secretary of State;

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- g) notify the Secretary of State in writing, within 10 working days, of the employment or termination of a school bus driver permit holder;
- h) notify the Secretary of State that a school bus driver has failed to perform the pre-trip and/or post-trip inspection process;
- i)h) notify the Secretary of State as soon as possible, but not later than within one business day, whenever a school bus is involved in an accident and the driver is required to submit to the post-accident testing requirements set forth in 349 CFR 382.303;
- i)h) maintain records of certifications for a period of 2 years; these records shall be available for inspection by the Secretary of State.

(Source: Amended at 34 Ill. Reg. 19082, effective November 22, 2010)

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- 1) Heading of the Part: Commercial Driver Training Schools
- 2) Code Citation: 92 Ill. Adm. Code 1060
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1060.20	Amendment
1060.80	Amendment
1060.120	Amendment
- 4) Statutory Authority: 625 ILCS 5/6-402 and 625 ILCS 5/6-419
- 5) Effective Date of Amendments: November 22, 2010
- 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 Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposed Published in Illinois Register: 34 Ill. Reg. 13074; September 10, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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 amendments were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 96- 1062 increased the surety bond required to be posted for Commercial Driving Training Schools. Accordingly, this rulemaking will mirror that increase. 1060.80 is being amended to require CDL & Teen Student contracts a maximum time of nine months to complete training. 1060.120 is

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being amended to include the new offense of 625 ILCS 5/11-507, supervising an instruction permit holder while intoxicated, as an offense for which a current instructor will lose his or her instructor's license or will prevent a new applicant from receiving an instructor's license.

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

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

217/557-4462

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1060
COMMERCIAL DRIVER TRAINING SCHOOLS

Section	
1060.5	Definitions
1060.10	Unlicensed Person May Not Operate Driver Training School
1060.20	Requirements for School Licenses
1060.30	Driver Training School Names
1060.40	Refund of Application Fees
1060.50	School Locations and Facilities
1060.60	Driver Training School Student Instruction Record
1060.70	Driver Training School Course of Instruction
1060.80	Driver Training School Contracts
1060.90	Inspection of School Facilities
1060.100	Licenses
1060.110	Safety Inspection of Driver Training School Motor Vehicles
1060.120	Requirements to Obtain and Retain a Driver Training Instructor's License
1060.130	Examination for Driver Training Instructor
1060.140	Temporary Permit
1060.150	Driver Training School Responsibility for Employees
1060.160	Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.170	Hearings
1060.180	Teen Accreditation
1060.190	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License, Teen Accreditation, CDL Accreditation, and Instructor's License
1060.200	Commercial Driver's License and/or Endorsement and/or Accreditation
1060.210	Driver Training School Responsibility for Employees (Recodified)
1060.220	Solicitation of Students and Pupils for Commercial Driver Training Instruction (Recodified)
1060.230	Hearings (Recodified)
1060.240	Teen Accreditation (Recodified)
1060.250	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License (Recodified)
1060.260	Commercial Driver's License and/or Endorsement and/or Restriction Accreditation (Recodified)

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AUTHORITY: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Motor Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. 7788, effective May 9, 1994; amended at 20 Ill. Reg. 3861, effective February 14, 1996; amended at 22 Ill. Reg. 22069, effective December 2, 1998; emergency amendment at 24 Ill. Reg. 8403, effective June 2, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15443, effective October 5, 2000; amended at 25 Ill. Reg. 6409, effective April 26, 2001; amended at 26 Ill. Reg. 15020, effective October 1, 2002; emergency amendment at 28 Ill. Reg. 398, effective December 22, 2003, for a maximum of 150 days; emergency expired May 19, 2004; amended at 28 Ill. Reg. 11925, effective July 26, 2004; amended at 30 Ill. Reg. 11377, effective June 14, 2006; amended at 31 Ill. Reg. 16008, effective November 16, 2007; amended at 33 Ill. Reg. 15811, effective October 27, 2009; amended at 34 Ill. Reg. 19099, effective November 22, 2010.

Section 1060.20 Requirements for School Licenses

- a) The Secretary of State shall not issue, or shall deny, cancel, suspend or revoke, a driver training school license unless:
 - 1) The applicant has at least one motor vehicle owned or leased in the name of the driver training school or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department, that has been safety inspected and insurance certified as required in subsection (e) for use by the school for driver training purposes and driving instruction.
 - 2) The applicant has at least one person who is employed by or associated with the school, and who is licensed or qualified to be licensed by the Department as a driver training instructor for that school.
 - 3) The physical facilities meet the requirements of this Part.

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- 4) The applicant is of good moral character as required pursuant to IVC Section 6-402(a). In making a determination of good moral character, the Department is not limited to, but may consider, the following:
 - A) Whether the applicant has been convicted of a felony or a misdemeanor. The Department shall consider:
 - i) The relationship of any crime of which the applicant has been convicted to the ability to operate a driver training school;
 - ii) The length of time that has elapsed since the applicant's last criminal conviction;
 - iii) Whether the applicant successfully completed any sentence imposed with the convictions;
 - iv) Whether the applicant has multiple convictions for felony or misdemeanor offenses.
 - B) If the person has been indicted, formally charged or otherwise charged with a felony or a misdemeanor, the license shall be either denied or cancelled.
 - i) If the person whose commercial driver training school license has been denied or cancelled under this Part is adjudicated "guilty" by the court systems, the denial or cancellation previously entered on his/her record in accordance with Section 1060.190(b) shall stand. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the Illinois Vehicle Code.
 - ii) If the person whose commercial driver training school license has been denied or cancelled under this Part is adjudicated "not guilty" by the court systems, the denial or cancellation previously entered on the license in

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accordance with Section 1060.190(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the Illinois Vehicle Code.

- iii) If the person whose commercial driver training school license has been denied or cancelled under this Part is granted a disposition of "court supervision" by the court systems, the denial or cancellation previously entered on the license in accordance with Section 1060.190(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the Illinois Vehicle Code.
- 5) An individual whose commercial driver training school license has been denied, cancelled, suspended or revoked pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.
- b) Only one driver training school license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any driver training school if any of the applicants are unqualified or are already licensed or have made application for another driver training school license.
 - c) The applicant shall not be a current salaried or contractual employee of the Secretary of State, as mandated by the guidelines of the Secretary of State's Office policy manual that states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State.
 - d) No accreditation program shall remain in operation if properly qualified personnel are not available or if other changes occur that would reduce its qualifications. Exception: in the event of fire, flood or other catastrophe, the school may temporarily continue to operate with facilities that are not up to standards only for the duration of the courses that have been started, if the Director of the Department consents. A Secretary of State employee shall determine that no health or safety hazard exists in violation of any local ordinance or State or

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federal law or regulation before the Director of the Department shall give consent. No new course can be started until facilities meet the minimum requirements for licensing.

- e) No driver training school shall operate in the State of Illinois unless it provides and files with the Department a continuous surety bond in the principal sum of \$10,000 for a non-accredited school, \$40,000 for a CDL or teenage accredited school, \$60,000 for a CDL accredited and teenage accredited school, \$50,000 for a CDL or teenage accredited school with three or more licensed branches, \$70,000 for a CDL accredited and teenage accredited school with three or more licensed branches~~\$20,000~~, underwritten by a company authorized to do business in the State of Illinois, for the protection of the contractual rights of students as provided in IVC Section 6-402(e). All bonds filed pursuant to this provision shall be in substantially the following form:

Know All Persons by These Presents, That We, _____, of _____,

hereinafter referred to as Principal and _____, a corporation organized and existing to do business in the State of Illinois, for the use and benefit of all persons who may be damaged by breach of this bond, as Obligees, in the penal sum of \$10,000 for a non-accredited school, \$40,000 for a CDL or teenage accredited school, \$60,000 for a CDL accredited and teenage accredited school, \$50,000 for a CDL or teenage accredited school with three or more licensed branches, \$70,000 for a CDL accredited and teenage accredited school with three or more licensed branches~~\$20,000~~, lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, firmly by these presents. The condition of this obligation is such that the principal has made application for a license or permit to the State of Illinois for the purpose of exercising the vocation of a driver training school. If the Principal faithfully complies with the Illinois Vehicle Code and all rules and regulations that have been or may hereafter be in force concerning the license or permit, and shall save and keep harmless the Obligees from all loss or damage that may be sustained as a result of the issuance of the license or permit to the Principal, this obligation shall be void; otherwise, this obligation shall remain in full force and effect. The bond will expire but may be continued by renewal certificate signed by Principal and Surety. The Surety may at any time terminate its liability by giving 30 days written notice to the Commercial Driver Training Section of the Department, 650

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Roppolo Drive, Elk Grove Village, Illinois 60007, and the Surety shall not be liable for any default after that 30 day notice period, except for defaults occurring prior thereto.

Signed, Sealed and Dated this _____ day of _____, 20__.

Principal _____

Surety _____

By _____

Attorney-in-fact

- f) Upon receipt of a properly executed application for a driver training school license, or driver training instructor's license, the Department shall investigate the qualifications of the applicant, and authorized representatives shall inspect the school property and equipment to determine whether the application should be granted or denied.
- g) An owner or manager shall not engage in fraudulent activity as defined in Section 1060.5.
- h) An owner or employee of a commercial driver training school shall not have been declared to have engaged in fraudulent activity within the 5 years prior to making application.
- i) Licenses shall be issued by the Department.
- j) An owner shall not have possession of questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations. This includes questionnaires purposely or inadvertently obtained from any Secretary of State employee or any individual acting on behalf of the Secretary of State.
- k) An owner shall not knowingly use unlicensed instructors for the purpose of classroom or behind the wheel instruction.
- l) An owner shall not be currently employed as an administrator and/or teacher of a State-approved high school driver education program.

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- m) An owner of a commercial driver training school that provides motorcycle instruction shall not provide any person with an Illinois Department of Transportation Rider Education Course Completion Card.

(Source: Amended at 34 Ill. Reg. 19099, effective November 22, 2010)

Section 1060.80 Driver Training School Contracts

- a) All written contracts or agreements between any driver training school and any individual or group for the sale, purchase, barter or exchange of any driving instruction or any classroom instruction, or the preparation of an applicant for examination given by the Department for a driver's license, must contain the following:
- 1) A statement indicating the agreed contract price per hour or lesson, and the terms of payment;
 - 2) A statement that the agreement constitutes the entire contract between the school and the student, and no verbal assurances or promises not contained herein shall bind the school or the student;
 - 3) A statement concerning whether any additional charge is made for the use of the school vehicle in taking a driving test to obtain a driver's license;
 - 4) A statement indicating whether behind-the-wheel instruction is to be in private or on a group basis or both;
 - 5) A statement indicating the specific date and time when instruction is to begin, the hours of instruction and the location of the classroom;
 - 6) The name and address of the school and the student or entity, and the number and type of all licenses or permits to operate a motor vehicle held by the student; ~~and~~
 - 7) A statement indicating that all disputes under this Section be directed to the Secretary of State's Office; ~~and~~

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- 8) A statement requiring all students attending a full CDL accredited or teenage accredited program to complete the entire course within 9 months from the date of the first classroom lesson.
- b) If a contract or agreement between a driver training school and an individual for the sale, purchase, or charge for any driving instruction, or the preparation of an applicant for examination given by the Department for a driver's license, is not in writing, the driver training school shall file with the Department a written statement under oath indicating that all of its oral contracts and agreements have complied, and will comply, with the foregoing requirements. ~~The~~Such statement shall be filed when an application is made for a license to operate a drivers training school. A new statement shall also be filed when the school requests the renewal of its license.
- c) The term "~~no refund~~No-Refund" and ~~such a~~ no refund policy concerning student payments is not permitted in any driver training school contract. A driver training school may use the phrase: "The school will not refund any tuition or part of tuition if the school is capable and willing to perform its part of the contract."
- d) No driver training school shall include any statement in any of its contracts or advertising to the effect that an Illinois driver's license is guaranteed or that free lessons will be given any student who fails to pass a driver's license test, except the following statements ~~provided below~~ are permissible:
- 1) "No additional charge will be made for instruction given to students of this school who fail to pass the driver's license test." ~~;~~ ~~and~~
 - 2) "Students who fail to pass the test will be given further instruction at no additional charge."
- e) No driver training school may sell, transfer, assign, exchange, trade or otherwise dispose of any contract or part of a contract, agreement or obligation between any driver training school and any student, unless the driver training school has obtained the written consent of the student.
- f) If any driver training school fails to comply with the provisions of a contract or agreement by or between the driver training school or any of its students, the driver training school shall refund all monies deposited by the student as consideration for performance of the contract or agreement by the school, unless

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the student violates the provisions of the contract or agreement.

(Source: Amended at 34 Ill. Reg. 19099, effective November 22, 2010)

Section 1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License

- a) The Secretary of State shall not issue, or shall deny, cancel, suspend or revoke, a driver training instructor's license:
 - 1) To any person who:
 - A) has not held a valid driver's license for any 2 year period preceding the date of application for an instructor's license;
 - B) intends to instruct in L and/or M classification, as defined in 92 Ill. Adm. Code 1030.30(b); and
 - C) has not held the representative classification for 3 consecutive years immediately prior to the date of application;
 - 2) To any person who has been convicted of 3 or more offenses against traffic regulations governing the movement of traffic within the 2 year period immediately preceding the date of application for an instructor's license;
 - 3) To any person who has had 2 or more convictions of a violation that caused an auto accident within the 2 year period immediately preceding the date of application for an instructor's license;
 - 4) To any person who has been convicted of driving under the influence of alcohol and/or other drugs, pursuant to IVC Section 11-501, leaving the scene of a fatal accident, pursuant to IVC Section 11-401, reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3], reckless driving, pursuant to IVC Section 11-503, or any sex or drug related offense within 10 years prior to the date of application; or to any person with more than one of these convictions;
 - 5) To any person who has failed to pass the written, vision, or road test

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required by the Department for applicants for a driver training instructor's license;

- 6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to IVC Section 6-411(d). An application/medical examination form provided by the Secretary of State shall be completed by the applicant and physician. The physician's medical examination form shall contain the applicant's ability to safely operate a motor vehicle. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his/her limbs and feet. The physician must also provide his/her address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with subsection (d) of this Section;
- 7) To any person who fails to properly and fully complete an application for a license or otherwise indicates that he/she is unqualified to receive a driver training instructor's license;
- 8) To any person who is not employed or associated with a driver training school licensed by the Department as required pursuant to IVC Section 6-417;
- 9) To any person who is currently a salaried or contractual employee of the Secretary of State, as mandated by the guidelines of the Secretary of State's Office policy manual that states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State;
- 10) To any person who fails to supply a complete set of fingerprints to the Department as required pursuant to IVC Section 6-411(b);
- 11) To any person who is not at least 21 years of age and a resident of the State of Illinois;
- 12) To any person who has failed to comply with the provisions of this Part pursuant to IVC Section 6-411(d);

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- 13) To any person who is not of good moral character as required pursuant to IVC Section 6-411(a). In making a determination of good moral character, the Department is not limited to, but may consider the following:
- A) If the person has been convicted of a felony or misdemeanor. The Department shall consider:
 - i) The relationship of any crime of which the person has been convicted to the ability to operate a driver training school;
 - ii) The length of time that has elapsed since the owner's last criminal conviction;
 - iii) Whether the applicant successfully completed any sentence imposed with the convictions;
 - iv) Whether the applicant has multiple convictions for felony or misdemeanor offenses.
 - B) If the person has been indicted or formally or otherwise charged with a felony or a misdemeanor, the license shall be either denied or cancelled.
 - i) If the person whose commercial driver training school instructor license has been denied or cancelled under this Part is adjudicated "guilty" by the court systems, the denial or cancellation previously entered on his/her record in accordance with Section 1060.190(b) shall stand. This action does not preclude further suspension and/or revocation of the commercial driver training school instructor license under another Section of this Part or the Illinois Vehicle Code.
 - ii) If the person whose commercial driver training school instructor license has been denied or cancelled under this Part is adjudicated "not guilty" by the court systems, the denial or cancellation previously entered on the license in

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accordance with Section 1060.190(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school instructor license under another Section of this Part or the Illinois Vehicle Code.

- iii) If the person whose commercial driver training school instructor license has been denied or cancelled under this Part is granted a disposition of "court supervision" by the court systems, the denial or cancellation previously entered on the license in accordance with Section 1060.190(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school instructor license under another Section of this Part or the Illinois Vehicle Code;
- 14) To any person whose suspension under IVC Section 11-501.1, 11-501.6 or 11-501.8 has terminated within 10 years prior to the date of application; or to any person with more than one of the above suspensions under IVC Section 11-501.1 or 11-501.6;
 - 15) To any person who has not completed a 30-hour course or an equivalent college or university course approved by the Director of the Department.
 - A) Any person possessing a current and valid commercial driver training instructor's license, or who is renewing a commercial driver training license issued by the Secretary of State's Office, shall be exempt from this requirement.
 - B) A driver training school whose instructor provides training to individuals under the age of 18 years is exempt from this requirement and must complete the mandatory 48 hour course as required in Section 1060.180;
 - 16) To any person currently licensed by the Secretary of State as a Third Party Certification Program Safety Officer;
 - 17) To any person who is currently an administrator and/or teacher of a State-approved high school driver education program;

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- 18) To any currently licensed instructor who has been convicted of violating IVC Section 11-507 or to an applicant who has been convicted of violating IVC Section 11-507 within 10 years prior to the date of application.
- b) If an applicant indicates that he/she has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor.
- c) No driver training instructor shall provide behind-the-wheel instruction in a vehicle that is classified higher than the classification of the instructor's driver's license. An instructor may hold two classifications: one classification from Classes A, B, C and D, and one classification from Classes L and M, as defined in 92 Ill. Adm. Code 1030.30(b). An instructor holding a Class A commercial driver's license may teach students to drive all Class A, B, C and D vehicles. An instructor holding a Class B commercial driver's license may teach students to drive all Class B, C and D vehicles. An instructor holding a Class C commercial driver's license may teach students to drive all Class C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students to drive all Class L and M vehicles.
- d) Any person who is physically unable to safely operate a motor vehicle but meets all other requirements to be a driver training instructor shall be able to teach only the classroom portion of the driver training course upon receipt of a doctor's statement indicating the person is physically able to teach in the classroom. The person shall also pass the vision test, as provided in 92 Ill. Adm. Code 1030.70, the written test, as provided in 92 Ill. Adm. Code 1030.80, and the highway safety sign test, and shall submit all applicable fees as set out in IVC Section 6-411 before being issued an instructor's license for classroom instruction only.
- e) All instructors who have ceased to be employed or associated with the designated school on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after such cessation.
- f) If a driver training instructor license is not renewed within one year after the previous year's expiration date, the applicant shall be required to take

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examinations pursuant to Section 1060.130.

- g) An instructor shall not engage in fraudulent activity as defined in Section 1060.5.
- h) During the course of instruction in either classroom or behind-the-wheel, an instructor shall not engage in activity unrelated to normal driving instruction that puts the student in danger.
- i) An instructor shall not have possession of questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations. This includes questionnaires purposely or inadvertently obtained from any Secretary of State employee or any individual acting on behalf of the Secretary of State.
- j) An individual whose commercial driver training school instructor license has been cancelled pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.
- k) An instructor of a commercial driver training school that provides motorcycle instruction shall not provide any person with an Illinois Department of Transportation Rider Education Course Completion Card.

(Source: Amended at 34 Ill. Reg. 19099, effective November 22, 2010)

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3020.110	Amendment
3020.120	Amendment
3020.130	Amendment
3020.150	Amendment
3020.160	Amendment
3020.210	Amendment
3020.240	Amendment
- 4) Statutory Authority: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21]
- 5) Effective Date: November 22, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: August 20, 2010; 34 Ill. Reg. 12122
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: Section 3010.110 (c) (6) was changed to reflect the current status of the Illinois Information Technology Accessibility Act Standards.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No

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- 14) Are there any other amendments pending on this Part: No
- 15) A Complete Description of the Subjects and Issues Involved: The changes reflect reorganization of the Illinois State Library as the state depository program was moved from the Acquisitions Division to the Government Documents Unit; reduce hard copy submissions from state agencies; and reduce the retention period of hard copies of state publications. Section 3020.110 changes the number of documents state agencies submit to the Illinois State Library from 40 to 35 copies; in Section 3020.160 the publication of a list of state documents changed from semi-monthly to monthly; in Section 3020.210, the retention period of a state publication is changed from seven to five years to be consistent with the retention period for the federal document depository program.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/558-4185; jnatale@ilsos.net

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

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

PART 3020

ILLINOIS STATE LIBRARY, ~~GOVERNMENT ACQUISITIONS DIVISION,~~
~~ILLINOIS~~ DOCUMENTS SECTION

SUBPART A: DEPOSIT OF PUBLICATIONS

Section	
3020.100	Definitions
3020.110	State Agency Publications
3020.120	State University Publications and Presses
3020.130	Delivery Cost and Responsibility
3020.140	Excess Copies (Repealed)
3020.150	Administrator of State Agency
3020.160	Lists of Published Materials

SUBPART B: DEPOSITORY LIBRARIES

Section	
3020.200	Designation of Depositories
3020.210	Retention and Disposal of Publications
3020.220	Citizen Access to Publications
3020.230	Inspection of Depositories
3020.240	Termination of Depository Status

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

SOURCE: Filed effective December 21, 1967; rules repealed, new rules adopted and codified at 8 Ill. Reg. 319, effective December 27, 1983; amended at 10 Ill. Reg. 4555, effective July 1, 1986; amended at 27 Ill. Reg. 219, effective January 1, 2003; amended at 33 Ill. Reg. 4169, effective February 27, 2009; amended at 34 Ill. Reg. 19115, effective November 22, 2010.

SUBPART A: DEPOSIT OF PUBLICATIONS

Section 3020.110 State Agency Publications

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- a) Within 1 week after an agency receives copies of publications it intends to issue, the agency shall send ~~3540~~ copies of all publications, priced and non-priced, to the ~~Government~~ Illinois Documents Section, Illinois State Library. Along with the publications, the issuing agency shall include information containing the address of the agency and, if applicable, the price of each item so that it may appear on the list of State of Illinois publications issued by the State Library.
- 1) In addition to the ~~3540~~ copies submitted to the Illinois State Library, the agency shall submit to the Illinois State Library an electronic copy of the publication via the Illinois State Library's metadata generator using a secure transfer protocol.
 - 2) Submissions in the metadata generator will be deposited in the electronic depository.
 - 3) When a State agency has very few copies of a publication printed, the Illinois State Library may accept three copies of a publication in print instead of the ~~3540~~ copies if an electronic version has been deposited.
 - 4) Electronic deposit is required for copyrighted and priced publications. Internet availability of copyrighted and priced publications will be determined by the depositing State agency.
- b) The issuing agency shall notify the Illinois State Library of an electronic-only publication by submitting the publication and metadata describing the publication to the electronic depository via the Illinois State Library's metadata generator.
- c) One electronic copy shall be provided to the Illinois State Library of all published materials as defined in this Part in a format acceptable to the Illinois State Library, including, but not limited to, the following:
- 1) Microsoft Office file
 - 2) Plain text file
 - 3) Adobe Acrobat
 - 4) Video (mpeg) or sound (wav)

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- 5) Image files (JPEG, TIFF)
- 6) Formats in compliance with the Illinois [Information Technology Accessibility Act Standards](http://www.dhs.state.il.us/IITAA/IITAAStandards.html) <http://www.dhs.state.il.us/IITAA/IITAAStandards.html> ~~Web Accessibility Standards (produced by the Illinois Technology Office, 2½ State House, Springfield IL 62706)~~
- d) In formats where applicable (such as HTML), electronic-only publications shall include metadata embedded in the file posted on a publicly accessible network as submitted to the electronic depository via the Illinois State Library's metadata generator.

(Source: Amended at 34 Ill. Reg. 19115, effective November 22, 2010)

Section 3020.120 State University Publications and Presses

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

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to the electronic depository via the Illinois State Library's metadata generator.

- c) One electronic copy shall be provided to the Illinois State Library of all published materials as defined in this Part in a format acceptable to the Illinois State Library as indicated in Section 3020.110(c) of this Part.
- d) In formats where applicable, electronic-only publications shall include metadata embedded in the file posted on a publicly accessible network as submitted via the Illinois State Library's metadata generator.

(Source: Amended at 34 Ill. Reg. 19115, effective November 22, 2010)

Section 3020.130 Delivery Cost and Responsibility

The issuing State agency shall be responsible for any costs and for the delivery of all published materials to the ~~Government~~~~Illinois~~ Documents Section.

(Source: Amended at 34 Ill. Reg. 19115, effective November 22, 2010)

Section 3020.150 Administrator of State Agency

By ~~January 15, 2003 and by~~ January 15 of each ~~subsequent~~ year, each State agency shall inform the ~~Government~~~~Illinois~~ Documents Section in writing of the person, persons, or positions responsible for distribution of publications of that agency. The ~~Government~~~~Illinois~~ Documents Section shall be notified within two weeks ~~after~~ any changes.

(Source: Amended at 34 Ill. Reg. 19115, effective November 22, 2010)

Section 3020.160 Lists of Published Materials

The ~~Government~~~~Illinois~~ Documents Section and the Library Automation and Technology Division shall prepare and publish a ~~monthly~~~~semi-monthly~~ listing of all published materials received.

(Source: Amended at 34 Ill. Reg. 19115, effective November 22, 2010)

SUBPART B: DEPOSITORY LIBRARIES

Section 3020.210 Retention and Disposal of Publications

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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

(Source: Amended at 34 Ill. Reg. 19115, effective November 22, 2010)

Section 3020.240 Termination of Depository Status

- a) A depository has the right to terminate its status as a depository by a letter from the depository's governing authority to the Director of the Illinois State Library. The Director may terminate the status of a library as a depository if the requirements of Section 3020.210-3020.230 are not met. At termination, the library will request instructions from the State Library about the disposition of the depository publications on hand.
- b) If a depository library wishes to challenge the termination of its depository status, the depository must request a hearing within one month after termination notice

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

from the State Library. The members of the hearing committee will be the Director of the State Library, the ~~Government~~~~Illinois~~ Documents Coordinator, the Director of the library system to which the depository library belongs, and a representative from a depository in a non-adjacent library system, who has been mutually agreed upon by the Director of the Illinois State Library and the depository library challenging termination. The majority decision of this committee concerning the termination of the depository library will be final.

(Source: Amended at 34 Ill. Reg. 19115, effective November 22, 2010)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

Heading of the Part: Surcharge Fund Financial Assistance

Code Citation: 20 Ill. Adm. Code 1700

Section Numbers: 1700.105

Date Originally Published in the Illinois Register: 6/25/10
34 Ill. Reg. 8136

At its meeting on November 16, 2010, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that, with respect to the Law Enforcement Training and Standards Board rulemaking titled Surcharge Fund Financial Assistance (20 Ill. Adm. Code 1700; 34 Ill. Reg. 8136), the Board be more timely in proposing and adopting its rules.

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 RECOMMENDATION
TO PROPOSED RULEMAKING

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

Heading of the Part: Court Security Basic Training

Code Citation: 20 Ill. Adm. Code 1780

Section Numbers: 1780.101 1780.201
1780.102 1780.202
1780.103 1780.203
1780.104 1780.204
1780.105 1780.205
1780.106

Date Originally Published in the Illinois Register: 6/4/10
34 Ill. Reg. 7581

At its meeting on November 16, 2010, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that, with respect to the Law Enforcement Training and Standards Board rulemaking titled Court Security Basic Training (20 Ill. Adm. Code 1780; 34 Ill. Reg. 7581), the Board be more timely in proposing and adopting its rules.

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

OFFICE OF THE COMPTROLLER

Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment

Code Citation: 74 Ill. Adm. Code 330

Section Numbers: 330.120

Date Originally Published in the Illinois Register: 10/22/10
34 Ill. Reg. 16593

At its meeting on November 16, 2010, the Joint Committee on Administrative Rules objected to the Office of the Comptroller's emergency rules titled Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 Ill. Adm. Code 330; 34 Ill. Reg. 16593) because no specific program policies and procedures are codified in rule, contrary to Sections 1-70 and 5-10(c) of the Illinois Administrative Procedure Act. Further, the rule grants approval authority for the program to the Comptroller and the Governor's Office of Management and Budget, while the Comptroller and Department of Central Management Services are statutorily required to implement the State Prompt Payment Act.

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 ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment

Code Citation: 74 Ill. Adm. Code 900

Section Numbers: 900.120

Date Originally Published in the Illinois Register: 10/22/10
34 Ill. Reg. 16587

At its meeting on November 16, 2010, the Joint Committee on Administrative Rules objected to the Department of Central Management Services' emergency rules titled Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 Ill. Adm. Code 900; 34 Ill. Reg. 16587) because no specific program policies and procedures are codified in rule, contrary to Sections 1-70 and 5-10(c) of the Illinois Administrative Procedure Act. Further, the rule grants approval authority for the program to the Comptroller and the Governor's Office of Management and Budget, while the Comptroller and Department of Central Management Services are statutorily required to implement the State Prompt Payment Act.

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.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF AGENCY RESPONSE TO A RECOMMENDATION OF
THE JOINT ON COMMITTEE ADMINISTRATIVE RULES

- 1) Heading of the Part: Procedures For Collection of Air Pollution Site Fees
- 2) Code Citation: 35 Ill. Adm. Code 251
- 3) Section Numbers:
251.201
251.210
251.301
- 4) Date Notice of Proposed Amendments Published in the Register: January 22, 2010; 34 Ill. Reg. 1251
- 5) Date JCAR Statement of Recommendation Published in the Register: May 28, 2010; 34 Ill. Reg. 7576
- 6) Summary of Action Taken by the Agency: At its meeting on May 11, 2010, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Environmental Protection Agency be more timely in updating its rules to reflect statutory changes.
- 7) Response: The Illinois Environmental Protection Agency experienced delays in drafting these rules. The Agency recognized the importance of the timely filing of rules in response to statutory changes and will make every effort to ensure the timeliness of future filings. Please note that since the underlying statutory changes became effective, the Illinois Environmental Protection Agency has collected the requisite fees pursuant to the revised statutory framework.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

SECRETARY OF STATE

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Register citation of proposed rulemaking and other pertinent action: October 15, 2010; 34 Ill. Reg. 15789
- 4) Explanation: When this rulemaking was published in the October 8, 2010 *Illinois Register*, text changes made in a previous rulemaking for Part 1030 were inadvertently omitted from the background text. These discrepancies involved the Table of Contents and Section 1030.1 (Definitions). JCAR regrets any confusion this error may have caused.

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 16, 2010 through November 22, 2010 and have been scheduled for review by the Committee at its December 14, 2010 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>
12/29/10	<u>Department of Labor</u> , Carnival and Amusement Safety Act (56 Ill. Adm. Code 6000)	9/24/10 34 Ill. Reg. 13610	12/14/10
12/31/10	<u>Secretary of State</u> , Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	10/1/10 34 Ill. Reg. 13775	12/14/10
12/31/10	<u>State Board of Elections</u> , Raffles Conducted by Political Committees (26 Ill. Adm. Code 210)	10/1/10 34 Ill. Reg. 14004	12/14/10
1/1/11	<u>State Board of Elections</u> , Practice and Procedure (26 Ill. Adm. Code 125)	10/1/10 34 Ill. Reg. 13947	12/14/10
1/2/11	<u>Department of Natural Resources</u> , Snowmobile Trail Establishment Fund Grant Program (17 Ill. Adm. Code 3020)	9/17/10 34 Ill. Reg. 13278	12/14/10
1/2/11	<u>Department of Commerce and Economic Opportunity</u> , Small Business Job Creation Tax Credit Act (SBJC) (14 Ill. Adm. Code 529)	7/16/10 34 Ill. Reg. 9699	12/14/10
1/2/11	<u>Illinois Gaming Board</u> , Video Gaming (General) (11 Ill. Adm. Code 1800)	7/2/10 34 Ill. Reg. 8494	12/14/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/2/11	<u>State Board of Elections, Campaign Financing</u> (26 Ill. Adm. Code 100)	10/1/10 34 Ill. Reg. 13898	12/14/10
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PROPERTY TAX APPEAL BOARD

JANUARY 2011 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910
- 1) Rulemaking
- A) Description: The Property Tax Appeal Board anticipates amending the following rules:
Section 1910.20(b) – Update address of the Des Plaines office.
Section 1910.60(d) & (e) – Eliminate the requirement of filing a resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene.
Section 1910.75 – Update to reflect requirements of the Freedom of Information Act (5 ILCS 140/).
- B) Statutory Authority: 35 ILCS 200/Art.7 and 35 ILCS 200/16-160 through 16-195.
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Louis G. Apostol, Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Bldg.
401 S. Spring St.
Springfield, IL 62706
Telephone: (217) 782-6076
Fax: (217) 785-4425
louis.apostol@illinois.gov
- G) Related rulemaking and other pertinent information: None

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JANUARY 2011 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

- A) Description: The Retirement System will be promulgating rules governing entry into retirement status and investment procurement.
- B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].
- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.
- D) Date agency anticipates First Notice: Unknown.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Sandy Cochran
Teachers' Retirement System
Office of the General Counsel
P.O. Box 19253
2815 West Washington
Springfield, Illinois 62794-9253
(217) 753-0375
- G) Related rulemakings and other pertinent information: none.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 34, Issue 49 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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**JOINT COMMITTEE ON
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