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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2015

Issue#	Rules Due Date	Date of Issue
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015
19	April 27, 2015	May 8, 2015

20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
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32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1650.160	Amendment
1650.270	Amendment
1650.272	Amendment
1650.3005	Amendment
1650.3015	Amendment
1650.3020	Amendment
1650.3030	Amendment
1650.3035	Amendment
1650.3040	Amendment
- 4) Statutory Authority: Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]
- 5) A Complete Description of the Subjects and Issues Involved: Confidentiality, 1650.160: The proposed change will allow the member to provide written, email, or oral authorization to release information in the member's record as appropriate. Evidence of Dependency, 1650.270 and 1650.272: The revisions will reflect current practice which is to require a copy of the member's federal tax return as evidence of dependency. Investment Procurement, 1650.3005 through 1650.3040: The rules governing competitive selection procedures for investment services were originally drafted in 2010. The revisions will reflect current practice in the restructuring of investment oversight committees.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendments may be submitted in writing for a period of 45 days following publication of this Notice to:

Cynthia M. Fain
Sr. Asst. General Counsel
Teachers' Retirement System
2815 West Washington
P. O. Box 19253
Springfield IL 62794-9253

217/753-0375
- 13) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: None

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

	Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill

SUBPART F: ANNUITANTS AND BENEFICIARIES

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- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.511 Separation from Service
- 1650.512 Verification of Compliance with Post-Retirement Employment Limitations
- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney

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- 1650.540 Conservators/Guardians
- 1650.550 Presumption of Death
- 1650.560 Benefits Payable on Death
- 1650.561 Valid Beneficiary Designations
- 1650.570 Survivors' Benefits
- 1650.571 Payment of Monthly Survivor Benefits to a Trust
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- 1650.580 Evidence of Eligibility
- 1650.590 Comptroller Offset
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- 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

- Section
- 1650.610 Staff Responsibility
- 1650.620 Right of Appeal
- 1650.630 Form of Written Request
- 1650.635 Presiding Hearing Officer – Duties and Responsibilities
- 1650.640 Prehearing Procedure
- 1650.641 Claims Hearing Committee Hearing Packet
- 1650.650 Hearing Procedure
- 1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

- Section
- 1650.710 Amendments

SUBPART J: RULES OF ORDER

- Section
- 1650.810 Parliamentary Procedure

SUBPART K: PUBLIC RECORD REQUESTS

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section

- 1650.910 Summary and Purpose (Repealed)
- 1650.920 Definitions (Repealed)
- 1650.930 Submission of Requests
- 1650.940 Form and Content of FOIA Requests (Repealed)
- 1650.950 Appeal of a Denial (Repealed)
- 1650.960 Executive Director's Response to Appeal (Repealed)
- 1650.970 Response to FOIA Requests (Repealed)
- 1650.980 Inspection of Records at System Office
- 1650.990 Copies of Public Records
- 1650.995 Materials Immediately Available

SUBPART L: BOARD ELECTION PROCEDURES

Section

- 1650.1000 Nomination of Candidates
- 1650.1001 Elections Date/Election Day – Defined
- 1650.1010 Petitions
- 1650.1020 Eligible Voters
- 1650.1030 Election Materials
- 1650.1040 Marking of Ballots
- 1650.1050 Return of Ballots
- 1650.1060 Observation of Ballot Counting
- 1650.1070 Certification of Ballot Counting
- 1650.1080 Challenges to Ballot Counting
- 1650.1090 Special Election to Fill Un-Expired Term of Elected Trustee

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1650.1110 Definitions
- 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1650.1112 Requirements for a Valid QILDRO Calculation Order
- 1650.1113 Required Forms
- 1650.1114 Filing a QILDRO or a Calculation Order with the System
- 1650.1115 Benefits Affected by a QILDRO
- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999

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1650.1118	Alternate Payee's Address
1650.1119	Electing Form of Payment
1650.1120	Automatic Annual Increases
1650.1121	Reciprocal Systems QILDRO Policy Statement (Repealed)
1650.1122	Providing Benefit Information for Divorce Purposes
1650.1123	Suspension and Expiration of a QILDRO
1650.1124	Income Tax Reporting
1650.1125	Lump-Sum Death Benefit Allocation to Alternate Payee

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1650.1200	Payroll Deduction Program Guidelines
1650.1201	Employer Responsibility Under the Payroll Deduction Program
1650.1202	Payroll Deduction Agreements – Suspensions and Terminations
1650.1203	Payroll Deduction Program – Full Time Employment Defined
1650.1204	Payroll Deduction Program – Disability Defined
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1650.2900	Excess Benefit Arrangement

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FOR INVESTMENT SERVICES

Section	
1650.3000	Summary and Purpose
1650.3005	Definitions
1650.3010	Public Markets Manager Database
1650.3015	Emerging Investment Managers
1650.3020	Public Market Searches
1650.3025	Small and Mid Cap Equity Searches
1650.3030	Private Market and Commingled Fund Searches
1650.3032	Co-Investment Opportunities
1650.3035	Private Market Real Estate Separate Account Searches
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1650.3045 Evaluation by Investment Committee

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- 1650.3100 Summary and Purpose
- 1650.3105 Exclusive Benefit Rule
- 1650.3110 USERRA (Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4335)) Compliance
- 1650.3115 Required Minimum Distributions
- 1650.3120 Federal Contribution and Benefit Limitations
- 1650.3125 Mortality Tables and Interest Rates

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002;

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amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4, 2013; amended at 38 Ill. Reg. 21239, effective October 21, 2014; amended at 39 Ill. Reg. 5259, effective March 20, 2015; amended at 39 Ill. Reg. _____, effective _____.

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section 1650.160 Confidentiality of Records

The Board, its Executive Director, and agents and employees of the System are prohibited from disclosing the contents of a member's, annuitant's, or beneficiary's files, records, papers, or communications except: for purposes connected with the official responsibility of the Teachers' Retirement System; to other systems subject to and participating in the Reciprocal Act; to the Department of Central Management Services for annuitant health insurance purposes; to the Social Security Administration for government pension offset determination and windfall elimination purposes; upon expresswritten authorization from the individual whose record is to be released; in response to a subpoena; or when required pursuant to the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART C: FILING OF CLAIMS

Section 1650.270 Reversionary Annuity - Evidence of Dependency

For the purposes of the reversionary annuity provided in Section 16-136 of the Act, the term

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

"dependent" shall include a spouse, an unmarried natural or adopted child under age 18, or any other individual meeting the support requirements set forth herein. If any individual other than a spouse or unmarried natural or adopted child under age 18 is designated by the retiring member, the retiring member must furnish the System with evidence that the retiring member provided over 50% of the support of the designated individual during the 12 calendar months immediately preceding retirement. A copy of the member's federal income tax return, filed for the tax years covering the above 12 month period, shall be ~~required~~~~accepted~~ as evidence of dependency.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability

- a) To establish eligibility for a survivor benefit as an *eligible child dependent by reason of a physical or mental disability* under the provisions of Section 16-140(4) of the Act, a claimant or his or her duly authorized representative shall furnish the following to the System:
- 1) ~~A copy of the member's federal income tax return filed for the tax year preceding the death, evidencing that the deceased member provided over 50% of the support of the eligible disabled child; and~~ ~~Reliable documentary evidence that at the time of the member's or annuitant's death, the member or annuitant parent was providing support necessary so that the parent could claim the claimant as a dependent for federal income tax purposes in the tax year preceding the member's or annuitant's death; and~~
 - 2) Written reports by two or more licensed physicians certifying that the claimant is physically or mentally unable to engage in substantial gainful activity as defined in Section 1650.250(c) and will remain disabled for a period of not less than twelve months. Claimant physician reports are subject to review by the System, and the claimant may be required to be examined by a physician or physicians selected by the System to verify eligibility.
- b) Unless the claimant's disability has been determined to be permanent or expected to result in death within two years by the claimant's examining physicians, the claimant shall be required to furnish the System annual physician certifications of disability. Recertifications are due to the System 30 days prior to the annual anniversary of the claimant's survivor benefits start date.

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART P: COMPETITIVE SELECTION PROCEDURES
FOR INVESTMENT SERVICES

Section 1650.3005 Definitions

- a) The definitions in Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16] apply to this Subpart.
- b) The definition of "investment services" in the Illinois Pension Code [40 ILCS 5/1-113.14(a)] applies to this Subpart.
- c) "System" means the Teachers' Retirement System of the State of Illinois.
- d) "Consultant" means the independent investment consulting firm or firms contractually engaged by the System to provide general or specialty investment consulting services for the prudent administration of the System's investment portfolio.
- e) "Board" means the Board of Trustees of the Teachers' Retirement System of the State of Illinois.
- f) "Investment Committee" means the investment committee of the Board of Trustees of the Teachers' Retirement System of the State of Illinois.
- g) "Manager Database" means an industry database of institutional quality registered investment management firms utilized by the consultant as described in this Subpart.
- h) "Oversight Committee" refers to the applicable internal staff governance committee, including, but not limited to, the following:
 - 1) Public Markets Oversight Committee (PMOC)
 - 2) Private Capital Oversight Committee (PCOC)
 - 3) Real Asset Oversight Committee (RAOC)

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- 4) Diversifying Strategies Oversight Committee (DSOC)
- 5) Real Estate Oversight Committee (REOC)
- 6) TRS Staff Investment Committee (TRSIC)
- h) ~~"PEOC" means the internal Staff Private Equity Oversight Committee.~~
- i) ~~"PMOC" means the internal Staff Public Market Oversight Committee.~~
- j) ~~"REOC" means the internal Staff Real Estate Oversight Committee.~~
- ik) "Staff" means the professional investment staff of the Teachers' Retirement System responsible for the applicable asset class.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1650.3015 Emerging Investment Managers

- a) The System's Emerging Manager Program~~emerging managers program~~ is broadly available across all asset classes. The program is open to any firm meeting the definition of "emerging investment manager" as defined in Section 1-109.1(4) of the Illinois Pension Code and to any other younger, growing investment firms with smaller asset bases and developing track records. Any firm interested in participating in the Emerging Manager Program~~emerging managers program~~ may submit the appropriate questionnaire provided on the TRS website (trs.illinois.gov). All responses are reviewed by staff and included in the System's emerging manager database.
- b) Staff screens the System's database for emerging manager candidates across all asset classes and actively pursues other potential candidates not included within the database through industry participation and other networking channels.
- c) Based on review of the database and submitted questionnaires, staff meets to identify managers that appear to have the highest probability of success over the next three to five years and the potential for graduation from the Emerging Manager Program~~emerging manager program~~ into the main portfolio.

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- d) Staff and the consultant conduct in-person interviews of managers at the System's offices or an alternate location agreed upon by the System and the manager.
- e) Following favorable results of the in-person interviews, staff identifies finalist firms for on-site due diligence at the candidate firm's offices. On-site visits and finalist recommendations must be approved by the applicable Oversight Committee ~~staff oversight committee (PMOC, PEOC or REOC)~~.
- f) After on-site due diligence is completed, staff initiates fee and contract negotiations with the finalist firms. All contracts and related documentation relative to hiring an investment manager should be negotiated in final form prior to Investment Committee consideration. Any open items relating to fee and contract negotiation must be disclosed prior to Investment Committee consideration.
- g) Any finalist firm that successfully passes staff due diligence review (including approval of the applicable Oversight Committee ~~appropriate oversight committee~~) and fee and contract negotiations is presented to the Investment Committee for consideration.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1650.3020 Public Market Searches

- a) The Board authorizes the System's asset allocation targets and investment manager structure by recorded vote in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120]. Staff may initiate searches as necessary to implement the System's asset allocation and/or fill vacancies within the manager structure.
- b) At each meeting of the Investment Committee, staff will notify the Board of any new manager search, the status of all existing searches, and the outcome of all completed searches.
- c) With the initiation of a search, staff, working with the consultant, prepares a written candidate profile that lists specific requirements for each search. The candidate profile identifies specific quantitative and qualitative factors, such as:
 - 1) Minimum assets under management;

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- 2) Minimum track record;
 - 3) Risks relative to benchmarks;
 - 4) Return relative to benchmarks over various time periods;
 - 5) Size and tenure of professional staff;
 - 6) Investment strategy and process; and
 - 7) Organizational stability and strength.
- d) The candidate profile is posted on the TRS website to allow all interested candidates to review the search criteria and understand how to participate in the search.
 - e) The candidate profile identifies a specific screening period during which the consultant will screen the Manager Database or other candidate information to identify all managers meeting the criteria of the candidate profile.
 - f) During the screening period identified in the candidate profile, staff and the consultant identify and rank all candidates in the Manager Database that meet the quantitative criteria specified in the candidate profile.
 - g) Staff and the consultant review the candidate list to eliminate any managers that fail to meet qualitative screens. All emerging managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, that meet the minimum criteria of the search will be identified and the most promising emerging manager candidates will be included in the selection process described in this Section.
 - h) Staff and the consultant further refine the candidate list to identify semi-finalist firms that, based on criteria in the candidate profile, appear to have the highest probability of success over the next three to five years. In the event more information is necessary to narrow the semi-finalist list, a standardized Request for Information (RFI) may be issued to the pool of eligible semi-finalists to facilitate further in-depth analysis by staff and the consultant. Semi-finalists in this case are selected from the RFI submissions.

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- i) Staff conducts in-person interviews of semi-finalist firms at the System's offices or an alternate location agreed upon by the System and the firm. Semi-finalist candidates must be approved by the applicable Oversight CommitteePMOC.
- j) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices. Due diligence meetings and finalist recommendations must be approved by the applicable Oversight CommitteePMOC.
- k) Following favorable due diligence review and successful contract and fee negotiations, a finalist candidate is, or candidates are, presented to the applicable Oversight CommitteePMOC for final approval.
- l) With approval from the applicable Oversight CommitteePMOC, staff will present the recommendation to the Investment Committee Chair and/or Vice Chair. Documentation to the Chair will include a timeline of the search process, a summary of that process, and confirmation that the search was conducted in accordance with TRS policy.
- m) With approval of the Investment Committee Chair and/or Vice Chair, staff is authorized to implement the recommendation.
- n) At the next scheduled meeting of the Investment Committee following the completion of any search, staff will provide the Committee a full report of the search process, including a summary of the search criteria and candidate firms. The Investment Committee and Board will provide final ratification for the long-term selection of the investment manager.
- o) If any eligible managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, meet the minimum criteria of the search, the most qualified emerging candidate will be invited to present as a finalist to the Investment Committee at its next scheduled meeting.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1650.3030 Private Market and Commingled Fund Searches

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- a) Funds and managers are opportunistically reviewed as they are available in the market based on the System's tactical plans and quality of the fund's or manager's team, process and strategy.
- b) Each year, staff, working with the consultants, prepare tactical plans for private market investment equity, real estate, and absolute return for presentation to the Investment Committee. The annual tactical plans establish allocation targets for opportunistic investments within the private equity, real estate, and absolute return asset classes for the upcoming year. Tactical plans also establish investment guidance for segments of the System's real return and global fixed income asset classes.
- c) Summaries of the System's annual tactical plans are posted on the TRS website (trs.illinois.gov) following Board approval. Investment focus for the fiscal year is specified in the annual tactical plan summaries for all interested funds and managers to review.
- d) Funds and managers interested in participating in the System's alternative investment program and meeting the investment focus specified in the annual tactical plans may identify themselves to the System or its consultants via email, as instructed on the TRS website.
- e) Over the course of the tactical plan period, staff reviews all information received from funds and managers that best position the System's investment portfolio for its intended strategic allocation targets.
- f) Staff eliminates any investment opportunities that fail to meet the System's qualitative requirements and/or do not fit into a strategic allocation defined in the annual tactical plans.
- g) Any fund or manager meeting the criteria set forth in the annual tactical plan and deemed to be a complementary fit to the portfolio may be invited to interview with staff in person or via conference call. ~~Any decision to interview a prospective fund or manager must be approved by the applicable staff oversight committee (PEOC, REOC, or PMOC).~~
- h) Following favorable interview results and staff research into the fund offering or manager, the fund or manager is asked to complete the System's standardized comprehensive due diligence questionnaire. ~~Any recommendation to send the~~

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~~due diligence questionnaire must be approved by the applicable staff oversight committee.~~

- i) Following continued favorable review, staff proceeds with formal due diligence meetings, typically at the candidate firm's offices. Any recommendation for due diligence meetings must be approved by the applicable staff Oversight Committee~~oversight committee~~.
- j) After due diligence is completed, staff initiates fee and contract negotiations with the finalist firm. All contracts and related documentation relative to hiring a fund or manager should be negotiated in final form prior to Investment Committee consideration. Disclosure must be made to the Investment Committee prior to consideration in the event of any contractual issues still under negotiation.
- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1650.3035 Private Market Real Estate Separate Account Searches

- a) The Board authorizes searches for new or replacement private market real estate separate account managers by recorded vote in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120].
- b) The Board's vote authorizing a search is reported in the System's press release issued to the financial press and posted on the TRS website (trs.illinois.gov) as soon as possible and no later than two business days following conclusion of the Board meeting.
- c) Following Board authorization, staff, working with the consultant, prepares a standardized Request for Information (RFI) that lists specific requirements for each search. The RFI identifies specific quantitative and qualitative factors, such as:
 - 1) Minimum assets under management;
 - 2) Minimum track record;

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- 3) Risks relative to benchmarks;
 - 4) Return relative to benchmarks over various time periods;
 - 5) Size and tenure of professional staff;
 - 6) Investment strategy and process; and
 - 7) Organizational stability and strength.
-
- d) The RFI is posted on the TRS website to allow all interested candidates to review the search criteria and understand how to participate in the search.
 - e) The RFI identifies a specific timeline for interested candidates to submit their responses to the RFI.
 - f) Following the RFI deadline, staff and the consultant identify and rank all candidates' submissions that meet the quantitative criteria specified in the RFI.
 - g) Staff and the consultant review the candidate list to eliminate any managers that fail to meet qualitative screens. All emerging managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, that meet the minimum criteria of the search will be identified and the most promising emerging manager candidates will be included in the selection process described in this Section.
 - h) Staff and the consultant further refine the candidate list to identify semi-finalist firms that, based on criteria in the RFI, appear to have the highest probability of success over the next three to five years.
 - i) Staff conducts in-person interviews of semi-finalist firms at the System's offices or an alternate location agreed upon by the System and the firm. Semi-finalist candidates must be approved by the applicable Oversight Committee.
 - j) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices. Due diligence meetings and finalist recommendations must be approved by the applicable Oversight Committee.

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- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.
- l) If any eligible emerging managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, meet the minimum criteria of the search, the most qualified emerging manager candidate will be invited to present as a finalist to the Investment Committee.
- a) ~~Real estate separate account managers are opportunistically reviewed as they are available in the market based on the System's annual real estate tactical plan and quality of the manager's team, process and strategy.~~
- b) ~~Staff, working with the consultant, prepares a real estate tactical plan for presentation to the Investment Committee at the beginning of each fiscal year. The annual real estate tactical plan establishes the search criteria, investment strategy and allocation targets.~~
- e) ~~A real estate tactical plan summary is posted on the TRS web site (trs.illinois.gov) following Board approval. Search criteria for the fiscal year are listed in the real estate tactical plan summary for all interested managers to review.~~
- d) ~~Managers interested in participating in the System's real estate program and meeting the criteria specified in the annual real estate tactical plan may identify themselves to the System or the consultant via email, as instructed on the TRS web site.~~
- e) ~~Over the course of the real estate tactical plan period, staff reviews all information received from managers that best position the System's investment portfolio for its intended strategic allocation targets.~~
- f) ~~Staff eliminates any investment opportunities that fail to meet the System's qualitative requirements and/or do not fit into a strategic allocation defined in the annual real estate tactical plan.~~
- g) ~~Any manager meeting the criteria set forth in the annual real estate tactical plan and deemed to be a complementary fit to the portfolio is invited to interview with staff in person or via conference call. Any decision to interview a prospective manager must be approved by the REOC.~~

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- ~~h) Following favorable results of interview and staff research, the manager is asked to complete the System's standardized comprehensive due diligence questionnaire. Any recommendation to send the due diligence questionnaire must be approved by the REOC.~~
- ~~i) Following favorable results of the completed due diligence questionnaire, staff proceeds with formal due diligence meetings, typically at the candidate firm's offices. Any recommendation for due diligence meetings must be approved by the REOC.~~
- ~~j) After due diligence is completed, staff initiates fee and contract negotiations with the finalist firm. All contracts and related documentation relative to hiring a manager must be negotiated in final form prior to Investment Committee consideration.~~
- ~~k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1650.3040 Consultant Searches

- a) The Board authorizes every search for a new or replacement consultant to provide general or specialty investment consulting services to the System by recorded vote in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120].
- b) The Board's vote authorizing a search is reported in the System's press release issued to the financial press and posted on the TRS website (trs.illinois.gov) as soon as possible and no later than two business days following conclusion of the Board meeting.
- c) Following Board authorization, staff prepares a Request for Proposal (RFP) containing the following information:
 - 1) The type of services required;
 - 2) An estimate of when and for how long the services will be required;

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- 3) The contract to be used;
 - 4) The date and time by which proposals must be submitted; and
 - 5) A statement of the information the proposal must contain.
- d) The RFP is posted on the TRS website to allow any interested candidate to review the search criteria. The RFP notice posted on the TRS ~~website~~ Web site summarizes the services sought, tells how and where to submit proposals, specifies the deadline for submitting proposals, and tells when and where proposals will be publicly opened and how to obtain paper copies of the RFP.
 - e) Proposals submitted in response to an RFP must comply with all requirements set forth in the RFP and submitted within the time frame specified in the RFP. Proposals are date and time stamped upon receipt. Proposals that arrive late for any reason will not be considered.
 - f) Proposals are publicly opened at the date and time specified on the TRS website. Staff reviews all proposals timely received to ensure all required information is included. Proposal information is publicly available following execution of a contract with the successful firm.
 - g) Staff identifies and ranks all proposals meeting all minimum qualifications specified in the RFP to identify semi-finalist firms.
 - h) Staff conducts in-person interviews of semi-finalist firms at the System's offices or alternate location agreed upon by the System and the firm.
 - i) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices.
 - j) After due diligence is completed, staff initiates fee and contract negotiations with finalist firms. All contracts and related documentation relative to hiring a consultant must be negotiated in final form prior to Investment Committee consideration. Contracts for consultant services may not exceed five years in duration.
 - k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Rules and Rate Filings
- 2) Code Citation: 50 Ill. Adm. Code 754
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
754.10	Amendment
754.20	Repeal
754.30	Amendment
754.40	Amendment
754.50	Amendment
754.EXHIBIT A	Repeal
754.EXHIBIT B	Repeal
754.EXHIBIT C	Repeal
- 4) Statutory Authority: Implementing Articles VIIA and XXVI of the Illinois Insurance Code [215 ILCS 5/Art. VIIA and XXVI] and authorized by Section 401(a) of the Illinois Insurance Code [215 ILCS 5/401(a)]
- 5) Effective Date of Rule: May 26, 2015
- 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 rulemaking, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 16507; August 8, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

754.10(i) – deleted "establishing an automatic uniform delayed effective date applicable to all future advisory organization rule revisions".

754.40(a) and (b), first line of each – deleted "754.20".

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754.50(a), 4th and 5th lines – deleted "in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Regulation of Insurance 15 U.S.C.A. 1011 et seq.)".

754.50(b), 3rd line – deleted "or any Articles of the Illinois Insurance Code".

754.50(c)(3), 2nd line – deleted "a"; 2nd and 4th lines, changed "Form RF-3" to "Company Information; 3rd line – deleted "or 754.20(a)"

The Department also made several nonsubstantive stylistic changes at JCAR's request.

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes, with the exception of the recodification of the subchapter, which will be accomplished by August 1, 2015 as agreed.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ILCS 5/143(2) requires filings to be submitted using SERFF (System for Electronic Rate and Form Filing) initiated and maintained by the National Association of Insurance Commissioners (NAIC). The amendments require SERFF to be used in submitting rate and rule filings and delete certain forms not required by SERFF.
- 16) Information and questions regarding this adopted rule shall be directed to:

John Gatlin, Assistant Deputy Director
Property and Casualty Compliance Unit
Illinois Department of Insurance
320 West Washington Street, 5th Floor
Springfield IL 62767-0001

217/782-1786

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

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TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER i: ADVISORY ORGANIZATIONS

PART 754
 RULES AND RATE FILINGS

Section

754.10	Companies Must File
754.20	Other Company Filings (Repealed)
754.30	Documentation – Individual Risks
754.40	Submission of Filings
754.50	Prohibited Acts and Practices
754.EXHIBIT A	Summary Sheet (Form RF-3) (Repealed)
754.EXHIBIT B	Automobile Annual Premium Comparison (Form RF-4) (Repealed)
754.EXHIBIT C	Homeowners Annual Premium Comparison (Form RF-5) (Repealed)

AUTHORITY: Implementing Articles VIIA and XXVI of the Illinois Insurance Code [215 ILCS 5/Art. VIIA and XXVI] and authorized by Section 401(a) of the Illinois Insurance Code [215 ILCS 5/401(a)].

SOURCE: Filed September 9, 1975, effective September 30, 1975; amended at 4 Ill. Reg. 26, p. 164, effective July 1, 1980; codified at 7 Ill. Reg. 3458; amended at 13 Ill. Reg. 1542, effective January 23, 1989; amended at 14 Ill. Reg. 5793, effective April 6, 1990; amended at 15 Ill. Reg. 4458, effective March 6, 1991; amended at 39 Ill. Reg. 8266, effective May 26, 2015.

Section 754.10 Companies Must File

- a) All companies are subject to this filing requirement ~~that~~^{which} write any of the following kinds of insurance:
- 1) Motor Vehicle_s, as used ~~in this Section, here~~ includes only Private Passenger Automobiles, Taxicabs_s, and Motorcycles;
 - 2) Homeowners_s, including Mobile Homeowners;
 - 3) Dwelling Fire and Allied Lines;

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- 4) Workers' Compensation (see 50 Ill. Adm. Code 2902);~~Liquor Liability.~~
 - 5) Medical Malpractice (see 50 Ill. Adm. Code 929); and
 - 6) Group Inland Marine (see 50 Ill. Adm. Code 2302).
- b) The following must be filed:
- 1) All Companies – All underwriting rule manuals ~~that~~which contain rules for applying rates or rating plans, plans for reporting statistics to statistical agencies, classifications, or other such schedules used in writing the kinds of insurance in ~~subsections~~Section 754.10 (a)(1) ~~through~~ ~~-(a)(34) above;~~
and
 - 2) All Companies – All rates applied to the writing of the kinds of insurance in ~~subsections~~Sections 754.10 (a)(1) ~~through~~ ~~-(a)(34); and above.~~
 - 3) All Advisory Organizations – All underwriting rule manuals ~~that~~which contain rules for applying rates or rating plans, plans for reporting statistics to statistical agencies, classifications, or other such schedules used in writing the kinds of insurance enumerated in Section 4 of the Illinois Insurance Code [215 ILCS 5] (Code), Class 2, except paragraphs (a), (d); and (g) of Class 2, and Class 3 ~~of Section 4 of the Code~~.
- c) ~~The filing~~Filing requirement ~~of subsection~~ Section 754.10(b)(1) ~~above~~ can be met by:
- 1) A company making a direct filing on its own behalf; or
 - 2) A company making a rule reference filing on its own behalf by utilizing its advisory organization's data relative to subsection Section 754.10(b)(1); or
 - 3) A company authorizing the advisory organization, of which it is a member or subscriber, to make the filing on the company's behalf.
- d) All filings required under subsection Section 754.10(b)(1) must be submitted using the System for Electronic Rate and Form Filing (SERFF) and must include~~accompanied by duplicate copies of a rule submission letter which includes:~~

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- 1) The name of the advisory organization or company making the filing;:-
 - 2) Identification of the rule with the manual or kind of insurance to which it applies;:-
 - 3) Notification as to whether the filing is new or supersedes a present filing. Identification of all changes in all superseding filings, as well as identification of all superseded filings, is required. The preferred format is to underline the new wording and overstrike the deleted or changed language and give an explanation for the changes being made, but alternative methods of indicating changes will also be accepted; and
 - 4) The effective date of use.
- e) ~~Companies under the same ownership or general management are required to make separate individual filings in Section 754.10(b)(1). Company Group filings are unacceptable.~~
- ef) The filing~~Filing~~ requirement of subsection ~~Section 754.10~~(b)(2) can be met by:
- 1) A company making a direct filing on its own behalf; and
 - 2) Company rate information being completed for each company for which a filing is being submitted. The rate information shall include:~~A company filing a Form RF-3 (see Exhibit A attached to this Part) which provides information on changes in rate level based on the distribution of business with respect to the kinds of insurance to which the rate revision applies. If the rate filing is not a change in rate level, no RF-3 Form is required.~~
 - A) Overall % indicated change;
 - B) Overall % rate impact – This is the statewide average percentage change to the accepted rates for the coverages included for each company;
 - C) Written premium change for this program – This is the statewide change in written premium based on the proposed overall percentage rate impact for each company;

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- D) Number of policyholders affected for this program – This is the number of policyholders affected by the overall percentage rate impact for each company;
- E) Written premium for this program – This is the statewide written premium for each company;
- F) Maximum % change; and
- G) Minimum % change.
- 3) ~~A company filing Form RF-4 for private passenger automobile or Form RF-5 for homeowners insurance which provide premium comparisons based on the company's current rate levels for the specified risks.~~
- 4) ~~Forms RF-4 and RF-5 must be submitted in duplicate, as described in Exhibits A & B attached to this rule.~~
- 5) ~~Any variation in coverage or amounts of insurance should be indicated on Forms RF-4 and RF-5.~~
- 6) ~~If a specified form of coverage is not available, please indicate "Not Written."~~
- f) All filings required under subsection Section 754.10(b)(2) above must be submitted using SERFF and shall include accompanied by duplicate copies of a rate submission letter which includes:
- 1) The name of the company making the filing;
 - 2) Identification of the kinds of insurance to which the filing applies;
 - 3) Notification of whether the filing is new or supersedes a present filing. Identification of all changes in superseding filings, as well as identification of all superseded filing, is required; and;
 - 4) The effective date of use.

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- ~~gh)~~ A company making a filing under ~~subsection Section 754.10~~(b)(2) must maintain documentary data for rate changes in its files so that it will be available for review by the Department's Property and Casualty ~~Compliance Unit~~~~Evaluation Section~~.
- ~~i)~~ ~~Companies under the same ownership or general management are required to make separate individual filings under Section 754.10(b)(2). Company Group filings are unacceptable.~~
- ~~j)~~ ~~A company making a rule reference filing under Section 754.10(c)(2) must file a Form RF-1, in duplicate. (See Exhibit attached to 50 Ill. Adm. Code 753, Filing Policy and Endorsement Forms). The RF-1 Form lists the kinds of business written, the corresponding advisory organization and the rules to which the reference is being made).~~
- ~~hk)~~ A company making a filing under ~~subsection Section 754.10~~(c)(2) or Section 754.10(c)(3) ~~that~~~~which~~ wants to vary from advisory organization rules must file:
- ~~1)~~ ~~Manual size exception pages in duplicate.~~
 - ~~12)~~ The manual rule number, which must be the same as the rule number being replaced; ~~and~~.
 - ~~23)~~ The effective date of use.
- ~~il)~~ A company making a filing under ~~subsection Section 754.10~~(c)(2) or (c)(3) ~~that~~~~above~~ ~~which~~ wants an effective date different from that of the advisory organization's advisory effective date must ~~notify the Department of Insurance, using SERFF, of an automatic uniform delayed effective date applicable to all future advisory organization rule revisions.~~ ~~file:~~ 1) ~~Manual size exception pages in duplicate establishing an automatic uniform delayed effective date applicable to all future advisory organization rule revisions, or~~
- ~~2)~~ ~~Copies of the Advisory Organization Checking Slip, in duplicate, establishing a special effective date for a particular advisory organization rule revision.~~
- ~~jm)~~ A company authorizing its advisory organization to file on the company's behalf under ~~subsection Section 754.10~~(c)(3) must have ~~the organization notify the Department of Insurance electronically of that authorization.~~ ~~on file a rule~~

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~~authorization letter, in duplicate, including:~~

- ~~1) The name of their authorized advisory organization.~~
- ~~2) The kinds of insurance for which the filing is being made.~~
- ~~3) Authorization clause or language.~~
- ~~4) Effective date of authorization.~~

(Source: Amended at 39 Ill. Reg. 8266, effective May 26, 2015)

Section 754.20 Other Company Filings (Repealed)

- a) ~~All companies must file a Form RF-3 for any rate level change affecting any of the kinds of business enumerated in Class 2 and Class 3 of Section 4 of Illinois Insurance Code (The Act) except:~~
 - ~~1) Reinsurance;~~
 - ~~2) Ocean Marine;~~
 - ~~3) Aircraft;~~
 - ~~4) Title Insurance;~~
 - ~~5) Worker's Compensation;~~
 - ~~6) Accident and Health;~~
 - ~~7) Inland Marine risks which by general custom are not written according to manual rates or rating plans.~~
- b) ~~A company must indicate whether the information in the Form RF-3 is "exact" or estimated.~~

~~Note:—(The purpose of the Form RF-3 is to provide information on changes in rate level based on the company's premium volume rating system and distribution of business, with respect to the kind of business to which the rate revision applies. The Form RF-3 is attached to the Rule. Supplies of it will not be furnished.)~~

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- e) ~~A company must maintain documentary data for rate level changes required by Section 754.20 (a) so that it will be available for review by the Department's Property and Casualty Evaluation Section.~~

(Source: Repealed at 39 Ill. Reg. 8266, effective May 26, 2015)

Section 754.30 Documentation – Individual Risks

- a) A company is not required to file under Section 754.10 ~~or Section 754.20~~ for individual risks in this State ~~that~~~~which~~ cannot be rated in the normal course of business rating because of special or unusual characteristics and ~~that~~~~which~~ must be rated on the basis of underwriting ~~judgment~~~~judgement~~. This procedure does not apply to ~~Workers'~~~~Worker's~~ Compensation insurance.
- b) A company must maintain documentary information regarding rates determined in ~~subsection Section 754.30(a)~~ for review by the Department's Property and Casualty ~~Compliance Unit~~~~Evaluation Section~~.
- c) A company is not required to file rates on individual risks in this State ~~when~~~~where~~ the development of the rate for the individual risk is dependent upon an inspection of improvements on real property and an application of a schedule, the elements of which include loss ratio, hazard analysis, risk analysis and classification of municipal fire defenses.
- d) A company must, however, maintain documentary information for the rates in ~~subsection Section 754.30(c)~~ by:
- 1) Maintaining the information in files and records in its offices ~~that~~~~which~~ will be available for review by the Department's Property and Casualty ~~Compliance Unit~~~~Evaluation Section~~; or
 - 2) Authorizing an advisory organization by use of an individual risk authorization letter to maintain documentary information for all rates in ~~subsection Section 754.30(c)~~ in its files and records ~~that~~~~which~~ will be available for review by the Department's Property and Casualty ~~Compliance Unit~~~~Evaluation Section~~; and
 - 3) Filing ~~and duplicate copies of an individual risk~~ authorization letter ~~that~~

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~~includes which must include:~~

- A) ~~The~~ name of ~~its~~~~their~~ authorized advisory organization;
- B) ~~The~~ kind of insurance for which the information will be maintained;
- C) ~~Authorization~~~~authorization~~ clause or language; and
- D) ~~Effective~~~~effective~~ date of authorization.

(Source: Amended at 39 Ill. Reg. 8266, effective May 26, 2015)

Section 754.40 Submission of Filings

- a) All rule and rate filings required in Sections 754.10, ~~754.20~~ and 754.30 ~~above~~ must be received no later than ~~10~~~~ten~~ days after their stated effective date or the stated effective date of the rule or rate filing to which the information or authorization relates.
- b) All filings required in Sections 754.10, ~~754.20~~ and 754.30 ~~above~~ must be submitted using SERFF received by:

~~Illinois Department of Insurance
Property and Casualty Evaluation Section
Springfield, Illinois 62767~~
- e) ~~All filings required in Sections 754.10, 754.20 and 754.30 above must be accompanied by a self-addressed envelope.~~

(Source: Amended at 39 Ill. Reg. 8266, effective May 26, 2015)

Section 754.50 Prohibited Acts and Practices

- a) The purpose of Article XXVI of the Illinois Insurance Code, entitled "Unfair Methods of Competition and Unfair and Deceptive Acts and Practices", according to Section 421 ~~of the Code~~, is to regulate trade practices in the business of insurance ~~in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Regulation of Insurance 15 U.S.C.A. 1011 et seq.)~~ by

DEPARTMENT OF INSURANCE

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prohibiting ~~those~~such trade practices.

- b) Violation of ~~any regulations adopted~~the Regulations, which are made by the Director of Insurance in ~~effecting or~~ implementing Article XXVI and Article VII-4, ~~or any Articles of the Illinois Insurance Code is a violation~~are violations of the Articles themselves and subjects the violators to the procedures and penalties provided by ~~those~~these Articles.
- c) Acts and practices related to activities authorized or permitted by Article VII-A and this Part ~~that~~754 Rules, which are prohibited by Article XXVI of the Act as constituting unfair methods of competition or unfair and deceptive acts and practices, whether committed or practiced by a company, an advisory organization or companies constituting a group, association, ~~or~~ organization authorized to engage in joint underwriting or joint reinsurance activities include the following:
- 1) Two or more companies, unless permitted or authorized by Article VII-A of the ~~Code or Act~~, this Part ~~754 Rules or Section 478.1 of the Act~~, may not act in concert with each other with respect to the compilation of insurance statistics; the preparation of insurance policies, bond forms, and underwriting rules; and the furnishing of that which it compiles and prepares to insurance companies, nor with respect to the activities of making rates.
 - 2) Two or more companies engaged in authorized joint underwriting or joint reinsurance activities, unless permitted or authorized by Article VII-A of the ~~Code or Act~~, this Part ~~754 Rules, or Section 478.1 of the Act~~, may not act in concert with each other with respect to the activities enumerated in ~~subsection~~ Section 754.50(c)(1) nor with respect to the activity of making rates.
 - 3) All companies making rate level changes ~~that~~which require the filing of ~~Company Rate Information Form RF-3~~ under Section 754.10~~(e)~~(f)(2) ~~or 754.20(a)~~ are prohibited from continuing to use the new rate level if the ~~Company Rate Information Form RF-3~~ has not been received by submitted ~~to the Illinois Department of Insurance~~ within ~~10~~ten days after its effective date.
 - 4) ~~All companies making a rule reference filing under Section 754.10(c)(2)~~

DEPARTMENT OF INSURANCE

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~~are prohibited from continuing to use the rule reference after ten days from its effective date filing unless or until the Form RF-1 required by Section 754.10(j) is submitted to the Illinois Department of Insurance.~~

- 5) ~~All companies authorizing an advisory organization to make a rule filing on its behalf under Section 754.10(c)(3) are prohibited from continuing to use the rule filings after ten days from its effective date unless or until the required rule authorization letter required by Section 754.10(m) is submitted to the Illinois Department of Insurance.~~
- 46) Groups, associations, organizations of companies authorized to engage in joint underwriting and joint reinsurance activities are prohibited from establishing rules ~~that~~~~which~~ in any way unreasonably inhibit a company from individually underwriting any risks.
- 57) All companies, advisory organizations, and groups, associations, or organizations of companies authorized to engage in joint underwriting activities are prohibited from practicing or sanctioning any plan or act of boycott or intimidation tending to result in the unreasonable restraint of trade or in a monopoly in the business of insurance.
- 68) All companies, advisory organizations, and ~~groups~~~~group~~, ~~associations~~~~association~~, or ~~organizations of~~~~organization of~~ companies authorized to engage in joint underwriting activities are prohibited from willfully withholding information from, or knowingly ~~giving~~~~give~~ false information or misleading information to, the Director or to any organization authorized by ~~the Director~~~~him~~ to receive information relative to underwriting rules, rating systems or rate filings required by Article VII-A of the Act or this Part ~~754~~~~rules~~.
- 79) All companies required by Section 754.30(d)(2) ~~above~~ to file an individual risk authorization letter are prohibited from using the rate developed unless or until the individual risk authorization letter has been submitted to the ~~Illinois~~~~Department of Insurance~~.

(Source: Amended at 39 Ill. Reg. 8266, effective May 26, 2015)

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NOTICE OF ADOPTED AMENDMENTS

Section 754.EXHIBIT A Summary Sheet (Form RF-3) (Repealed)

FORM (RF-3)

SUMMARY SHEET

Change in Company's premium or rate level produced by rate revision effective _____.

	(1)	(2)	(3)
	Coverage	Annual Premium Volume (Illinois) *	Percent Change (+or) **
1.	Automobile Liability Private Passenger	_____	_____
	Commercial	_____	_____
2.	Automobile Physical Damage Private Passenger	_____	_____
	Commercial	_____	_____
3.	Liability Other Than Auto	_____	_____
4.	Burglary and Theft	_____	_____
5.	Glass	_____	_____
6.	Fidelity	_____	_____
7.	Surety	_____	_____
8.	Boiler and Machinery	_____	_____
9.	Fire	_____	_____
10.	Extended Coverage	_____	_____
11.	Inland Marine	_____	_____
12.	Homeowners	_____	_____
13.	Commercial Multi-Peril	_____	_____
14.	Crop Hail	_____	_____
15.	Other _____	_____	_____

Life of Insurance

Does filing only apply to certain territory (territories) or certain Classes? If so, specify: _____

Brief description of filing. (If filing follows rates of an advisory Organization, specify organization): _____

DEPARTMENT OF INSURANCE

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~~*Adjusted to reflect all prior rate changes.~~

~~**Change in Company's premium level which will result from application of new rates.~~

Name of Company

Official Title

(Source: Repealed at 39 Ill. Reg. 8266, effective May 26, 2015)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 754.EXHIBIT B Automobile Annual Premium Comparison (Form RF-4)
(Repealed)

AUTOMOBILE ANNUAL PREMIUM COMPARISON								
COVERAGE	Liability—\$20/40,000 Bodily Injury \$15,000 Property Damage \$1,000 Medical Payments \$20/40,000 Uninsured Motorists				Physical Damage—\$100 Deductible Comprehensive \$250 Deductible Collision			
CAR	Ford Taurus L 4 Door (Current Model Year)							
DRIVERS	#1	- 36 year old married principal driver, no accidents or traffic violations in last five years, driving eight miles each way to and from work, 11,000 miles annually.						
	#2	- 16 year old single male, occasional operator (less than 25% usage), no accidents or traffic violations in last five years, driving eight miles each way to and from work, 11,000 miles annually.						
	#3	- 20 year old single female, principal operator (more than 50% usage), no accidents or traffic violations in last five years, driving eight miles each way to and from work, 11,000 miles annually.						
	#4	- 20 year old single male, principal operator (more than 50% usage), no accidents or traffic violations in last five years, driving eight miles each way to and from work, 11,000 miles annually.						
	Driver #1		Driver #2		Driver #3		Driver #4	
	Liability	Physical Damage	Liability	Physical Damage	Liability	Physical Damage	Liability	Physical Damage
Aurora								
Chicago*								
Chicago**								
Chicago***								
Danville								
East St. Louis								
Joliet								
Mt. Vernon								
Peoria								
Quincy								
Rockford								
Springfield								
Waukegan								
*5200 N. Western 60625 **2400 W. Roosevelt 60608 ***7900 S. Ashland 60620								
Effective Date	Name of Company							
	FEIN Number							

RF-4

(Source: Repealed at 39 Ill. Reg. 8266, effective May 26, 2015)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 754.EXHIBIT C Homeowners Annual Premium Comparison (Form RF-5)
(Repealed)

Coverage	HO-2 & 3 One-Family Dwelling, 20 years-old \$250 Deductible \$100,000 Personal Liability \$1,000 Medical Payments						HO-4 Six-unit Nonfire-Resistive Building \$250 Deductible \$100,000 Personal Liability \$1,000 Medical Payments					
Construction	Frame						Brick					
Forms	HO-2		HO-3		HO-4		HO-2		HO-3		HO-4	
Limits	\$70,000	\$120,000	\$70,000	\$120,000	\$30,000	\$60,000	\$70,000	\$120,000	\$70,000	\$120,000	\$30,000	\$60,000
Aurora												
Chicago*												
Chicago**												
Chicago***												
Danville												
East St. Louis												
Joliet												
Mt. Vernon												
Peoria												
Quincy												
Rockford												
Springfield												
Waukegan												
<p>* 5200 N. Western 60625 ** 2400 W. Roosevelt 60608 *** 7900 S. Ashland 60620</p>												
Effective Date	Name of Company											
	FEIN Number											

(Source: Repealed at 39 Ill. Reg. 8266, effective May 26, 2015)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Standard Health Applications
- 2) Code Citation: 50 Ill. Adm. Code 2030
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
2030.10	Repeal
2030.20	Repeal
2030.30	Repeal
2030.40	Repeal
2030.APPENDIX A	Repeal
2030.APPENDIX B	Repeal
2030.APPENDIX C	Repeal
- 4) Statutory Authority: Implementing Section 359b and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/359b and 401]
- 5) Effective Date of Repealer: June 1, 2015
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 1459; January 23, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

15) Summary and Purpose of Rulemaking: The implementing statutory authority, 215 ILCS 5/359(b) establishing a committee to create a uniform small employer group-health status questionnaire and individual health statement, was repealed by PA 98-969. Therefore, the corresponding rule is being repealed.

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

Cindy Colonius, Supervisor
Consumer Market Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-4572

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Accident and Health Expense Reporting
- 2) Code Citation: 50 Ill. Adm. Code 2043
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2043.10	Repeal
2043.20	Repeal
2043.30	Repeal
2043.40	Repeal
2043.APPENDIX A	Repeal
- 4) Statutory Authority: Implementing Section 359c and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/359c and 401]
- 5) Effective Date of Repealer: June 1, 2015
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 1499; January 23, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The implementing statutory authority, 215 ILCS 5/359c requiring that carriers of individual or group major medical policies of accident or

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

health insurance provide statements of aggregate administrative expenses, was repealed by Public Act 98-969. Therefore, the corresponding rule is being repealed.

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

Cindy Colonius, Supervisor
Consumer Market Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-4572

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Legal Reserve Life Blank
- 2) Code Citation: 50 Ill. Adm. Code 2101
- 3) Section Number: 2101.10 Adopted Action:
Repeal
- 4) Statutory Authority: Implementing Section 223 and authorized by Section 401 of the Illinois Insurance Code
- 5) Effective Date of Repealer: June 1, 2015
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 1509; January 23, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rule relates to Articles XVI and XXI of the Illinois Insurance Code which were repealed by Public Acts 98-969 and 86-753, respectively. Accordingly, this rule is being repealed.
- 16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

Amy Stuart, Supervisor
Financial Corporate Division
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

217/782-9694

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULE

- 1) Heading of the Part: Producer Licensing
- 2) Code Citation: 50 Ill. Adm. Code 3121
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
3121.10	New Section
3121.20	New Section
3121.30	New Section
3121.40	New Section
3121.50	New Section
- 4) Statutory Authority: Implementing Section 500-10 through 500-155 and authorized by Section 401 of the Illinois Insurance Code
- 5) Effective Date of Rule: May 26, 2015
- 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 rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 38 Ill. Reg. 1513, October 24, 2014
- 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 and suggestions from JCAR:

3121.20, definition of "Resident" – replaced all text with "Resident" means an individual who is in this State for other than a temporary or transitory purpose during the taxable year for at least 51% of the year.

3120.30(a), 2nd line, changed "applicant's" to "license's biennial"; 4th line, added "after the date of issuance" after "months"

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULE

3120.30(c), 2nd line – changed "by any means acceptable to the Director" to ", through U.S. mail sent to the Department of Insurance, Licensing Unit, 320 West Washington Street, Springfield, Illinois 62727 and/or through contacting NIPR.com".

3121.40(b), 1st line – changed "non-resident" to "nonresident producer".

The Department also made several nonsubstantive stylistic changes at JCAR's request.

- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of this new rule is for guidance and oversight. Part 3121 establishes specific requirements for individual insurance producers and business entity producers, which include the following: defining the term "resident"; requiring the Designated Responsible Licensed Producer (DRLP) of a business entity to be an owner, partner, officer or director of the business entity; setting the expiration date of a business entity license to be reciprocal with the NAIC resident business rules; defining the expiration date of a first time individual insurance license to birth month; allowing the Department five business days to receive and distribute reported pre-licensing and continuing education before an applicant can apply or renew a license; requiring individual and business entities to provide an email address on their Insurance Producer and Business Entity Producer applications; and requiring that the individual or business entity notify the Director within 30 days of an email address change.
- 16) Information and questions regarding this adopted rule shall be directed to:

Kelly S. Kruger, Assistant Deputy Director
Producer Licensing
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/785-2263

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULE

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULE

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE
REPRESENTATIVES AND REGISTERED FIRMS

PART 3121
PRODUCER LICENSING

Section	
3121.10	Purpose
3121.20	Definitions
3121.30	Insurance Producer
3121.40	Business Entity Producer
3121.50	Severability

AUTHORITY: Implementing Sections 500-10 through 500-155 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/500-10 through 500-155 and 401].

SOURCE: Adopted at 39 Ill. Reg. 8288, effective May 26, 2015.

Section 3121.10 Purpose

The purpose of this Part is to establish requirements for individual insurance producers and business entity producers that the Director deems necessary to carry out the provisions of Sections 500-10 through 500-155 of the Illinois Insurance Code. Specifically, this Part establishes the following:

- a) defines the term "resident";
- b) requires the Designated Responsible Licensed Producer (DRLP) of a business entity to be an owner, partner, officer or director of the business entity;
- c) sets the expiration date of a business entity license to be reciprocal with the NAIC resident business rules;
- d) defines the expiration date of a first time individual insurance license as that person's birth month;

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NOTICE OF ADOPTED RULE

- e) allows the Department five business days to receive and distribute reported pre-licensing and continuing education before an applicant can apply or renew a license;
- f) requires individual and business entities to provide an email address on their Insurance Producer and Business Entity Producer applications; and
- g) requires that the individual or business entity notify the Director within 30 days after an email address change.

Section 3121.20 Definitions

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

"Business Entity Producer" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Department" means the Department of Insurance.

"Designated Responsible Licensed Producer" or "DRLP" means the individual responsible for the business entity's compliance with the insurance laws, rules and regulations of this State.

"Director" means the Director of the Department of Insurance of the State of Illinois or anyone to whom the Director's responsibilities and authority are lawfully delegated.

"Insurance Producer" means a person required to be licensed under the laws of this State to sell, solicit or negotiate insurance.

"Resident" means an individual who is in this State for other than a temporary or transitory purpose during the taxable year for at least 51% of the year.

Section 3121.30 Insurance Producer

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NOTICE OF ADOPTED RULE

- a) A first time applicant for an insurance producer license will receive a prorated fee for the initial insurance license so that the license's biennial expiration date can be set for the applicant's birth month. This date shall be no less than 18 months and no more than 29 months after the date of issuance.
- b) All individual applicants must allow five business days for the Department to receive and distribute reported pre-licensing and continuing education documentation before an applicant can apply or renew a license with the Department.
- c) Applicants must provide an email address on their insurance producer applications and notify the Director, through U.S. mail sent to the Department of Insurance, Licensing Unit, 320 West Washington Street, Springfield, Illinois 62767 and/or through contacting NIPR.com, of a change of email address within 30 days after the change.

Section 3121.40 Business Entity Producer

- a) A business entity producer license shall expire on May 31 biennially.
- b) The business entity's DRLP must have an active resident or nonresident producer license in Illinois and must be an owner, partner, officer or director of the business entity who is responsible for the business entity's compliance with the insurance laws and rules of this State.

Section 3121.50 Severability

If any Section or portion of a Section of this Part, or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of the Part, or the applicability to other persons or circumstances, shall not be affected.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Visa Waiver Program for International Medical Graduates
- 2) Code Citation: 77 Ill. Adm. Code 591
- 3) Section Number: 591.115 Adopted Action:
New Section
- 4) Statutory Authority: Sections 212(e) and 214(l) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(l)) and 22 CFR 62 (Exchange Visitor Program)
- 5) Effective Date of Rule: May 27, 2015
- 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 38 Ill. Reg. 20133; October 24, 2014
- 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 and suggestions from JCAR:

In Section 591.30(a)(3), the reference to the Court of Claims Act was removed from the proposal.

In Section 591.115(e), the following was deleted "Any disputes about the fee payments will be subject to the administrative hearing process. If the administrative law judge awards monies to the applicant, the applicant shall be paid by petitioning the Illinois Court of Claims."

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

DEPARTMENT OF PUBLIC HEALTH

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- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking implements PA 98-16 which gives the Department the authority to assess a fee on J-1 Visa Waiver applications. This rulemaking establishes that fee.
- 16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL
MEDICAL GRADUATES

PART 591
VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES

SUBPART A: GENERAL PROVISIONS

Section	
591.10	Applicability (Repealed)
591.20	Definitions
591.30	Incorporated and Referenced Materials
591.40	Administrative Hearings

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section	
591.100	Eligibility of Physicians and Facilities
591.110	Application Submission Time Frames
<u>591.115</u>	<u>Processing Fee</u>
591.120	Application Materials and Processing
591.130	Selection Process
591.140	Terms of Performance
591.150	Physician Termination
591.160	Physician Transfer
591.170	Completion of Waiver Requirements
591.180	National Interest Waiver

AUTHORITY: Authorized by and implementing sections 212(e) and 214(l) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(l)) and 22 CFR 62 (Exchange Visitor Program).

SOURCE: Adopted at 22 Ill. Reg. 14485, effective July 24, 1998; amended at 24 Ill. Reg. 7551, effective May 15, 2000; emergency amendment at 27 Ill. Reg. 2277, effective January 22, 2003, for a maximum of 150 days; emergency expired June 20, 2003; amended at 27 Ill. Reg. 10281, effective June 30, 2003; emergency amendment at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days; emergency expired September 11, 2004; amended at 29 Ill. Reg. 3327, effective February 16, 2005; emergency amendment at 29 Ill. Reg. 7825, effective May 10, 2005, for a maximum of 150 days; emergency expired October 6, 2005; amended at 30 Ill. Reg. 898,

DEPARTMENT OF PUBLIC HEALTH

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effective January 5, 2006; amended at 38 Ill. Reg. 23048, effective November 21, 2014; amended at 39 Ill. Reg. 8294, effective May 27, 2015.

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section 591.115 Processing Fee

- a) A processing fee of \$3,000 shall accompany each application submitted to the Department.
- b) Payment shall be by check or money order payable to the Illinois Department of Public Health.
- c) If the payment does not accompany the application, it will be considered to be incomplete (see Section 591.120(e)(1)(B)). The Department will take no action on the application until the required payment has been received.
- d) If the Department determines that the payment is not valid due to insufficient funds or other reasons, the application will be null and void. The Department may charge the applicant for any penalties incurred by the State for processing an applicant's bad payment. The Department will determine whether to collect based on cost effectiveness.
- e) Fee payments are not refundable.
- f) Fees collected from applicants shall be deposited into the Rural/Downstate Health Access Fund.

(Source: Added at 39 Ill. Reg. 8294, effective May 27, 2015)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Charter Schools
- 2) Code Citation: 23 Ill. Adm. Code 650
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
650.30	Amendment
650.35	New Section
650.50	Amendment
650.70	Amendment
650.100	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 27A
- 5) Effective Date of Rule: May 26, 2015
- 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 rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 6, 2015; 39 Ill. Reg. 2034
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 650.70(d)(4), mention of "teacher certification" was changed to "teacher licensure" to reflect the system currently in place.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This rulemaking responds to two recently enacted Public Acts, as described below.

PA 98-783, effective January 1, 2015, added Section 27A-10.10 to the School Code, which addresses the procedures for the disposition of unspent public funds and other property and assets at the time that a charter school closes. The new law is identical to the requirements set forth at Section 650.70(b); therefore, the rule has been modified to cross-reference the law rather than repeat the statutory requirements. The law will have no effect on agency practice as the rules have been in place since 2012.

PA 98-1048, effective August 25, 2014, amended Section 27A-6(e) of the School Code regarding material revisions to a certified charter school contract. Previously, the law required the State Board to certify any proposed material revision "as being consistent with the provisions" of the Charter Schools Law before the revision could take effect. Under the revised statute, material revisions may go into effect immediately upon agreement by both parties to the charter contract. If either or both parties to the charter contract have a concern that a proposed material revision may run afoul of the Charter Schools Law, however, they may request that the State Board review the revision and certify its compliance with the Charter Schools Law before it may go into effect.

Modifications in Section 650.50 reflect this new process and provide detail about the timing and content of submissions. Further changes in Section 650.50 remove from that Section discussion of the State Board's certification of charter renewal agreements. Section 650.30 currently outlines the process for the State Board's certifying a charter school renewal. Moreover, since the processes for certifying renewals and for certifying material revisions differ, mention of renewals in Section 650.50 is confusing and unnecessary.

New Section 650.35 provides a process for the State Charter School Commission to submit to the State Board of Education, for certification, reports regarding the Commission's approval of charter school applications either on appeal from a local school board's denial of the application or through a referendum process. The new Section acknowledges in rule that any charter application approved by the Commission must be certified by the State Board before it can take effect and states the requirements for obtaining certification. Additionally, Section 650.35 addresses reports of renewals and of denials, revocations or non-renewals.

Finally, a more general email address for the State Charter School Commission is being provided in Sections 650.30 and 650.100.

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- 16) Information and questions regarding this adopted rule should be directed to:

Jen Saba, Assistant General Counsel
Office of the General Counsel
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago IL 60602

312/814-2220

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 6: MISCELLANEOUS

PART 650

CHARTER SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section

650.10 Definitions

650.20 Purpose

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

Section

650.30 Submission to the State Board of Education: [Local Boards of Education](#)[650.35 Submission to the State Board of Education: Commission](#)

650.40 Review by the State Superintendent of Education of Local or Commission Approvals

650.50 Revision ~~and Renewal~~ of [Certified](#) Charters

650.55 Biennial Reporting Requirements

650.60 Appeal of Local School Board Decisions (Repealed)

650.65 Monitoring of Charter Authorizers by the State Board of Education; Corrective Action

650.70 Procedures for Closing a Charter School

SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSION

Section

650.100 Appeals to, and Requests for Consideration by, the Commission

650.110 Review of Appeals and Requests for Consideration; Decision

650.APPENDIX A Principles and Standards for Authorizing Charter Schools

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A].

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SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency expired; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days; new Part adopted at 20 Ill. Reg. 15284, effective November 15, 1996; emergency amendments at 22 Ill. Reg. 1479, effective January 1, 1998, for a maximum of 150 days; emergency expired; emergency amendment at 22 Ill. Reg. 5104, effective February 27, 1998, for a maximum of 150 days; emergency expired; amended at 22 Ill. Reg. 16455, effective September 3, 1998; amended at 36 Ill. Reg. 14801, effective September 20, 2012; amended at 38 Ill. Reg. 21916, effective November 3, 2014; amended at 39 Ill. Reg. 8298, effective May 26, 2015.

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

Section 650.30 Submission to the State Board of Education: Local Boards of Education

Local boards of education shall submit a final report to the State Board of Education as to the action by the local boards of education with regard to an application for, ~~revision of~~, renewal of, or revocation of a charter. A copy of the report shall be provided to the applicant or charter holder at the same time that the report is submitted to the State Board of Education. Reports shall be submitted as follows.

- a) The local board of education shall submit the report to the State Board of Education either by electronic mail or U.S. mail to the address in subsection (e) not later than seven days after the date of the public meeting at which the board acted on the charter request.
 - 1) For reports submitted by U.S. mail, the report must bear a postmark date of not later than seven days following the meeting date.
 - 2) In case of separate public meetings by each school board involved, the seven days shall begin when the last school board votes on the matter.
- b) Section 27A-6 of the School Code provides that a *proposed contract to open a new charter school or to renew the charter of an existing charter school* ~~between the governing body of a proposed charter school and the local school board~~ must be submitted to and certified by the State Board before it can take effect.
 - 1) Reports of approved applications or renewals shall consist of the charter school proposal voted upon by each of the local boards of education authorizing the charter school and the contractual agreement.

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- 2) The report also shall be accompanied by each of the forms, to be supplied by the State Superintendent of Education, listed in this subsection ~~(b)(2)(b)(1)~~. Reports lacking one or more of these documents shall be considered incomplete and shall not be reviewed for certification until all required items have been submitted.
- A) A form attesting to the local board of education's compliance with all of the procedural requirements and application components set forth in Article 27A of the School Code. The form and the proposed contractual agreement shall be signed by the president of each local school board that is a party to the application and the appropriate officers of the charter school governing body.
- B) A budget narrative and financial schedule for the term of the charter.
- C) A plan for the provision of special education services to students with disabilities enrolled in the charter school that aligns to the requirements of Article 14 of the School Code [105 ILCS 5/Art. 14] and 23 Ill. Adm. Code 226 (Special Education), and which, for approved applications, shall at least include, but not be limited to, an explanation of how parents of students with disabilities will be informed of their students' eligibility to participate in the charter school lottery held pursuant to Section 27A-4(h) of the School Code and how the charter school will identify students who may be eligible to receive special education services at the charter school.
- D) A plan for the provision of educational services for English learners that aligns to the requirements of Article 14C of the School Code [105 ILCS 5/Art. 14C] and 23 Ill. Adm. Code 228 (Transitional Bilingual Education).
- ~~2) Reports of approved revisions shall consist of the revised contractual agreement. The report also shall be accompanied by the form specified in subsection (b)(1)(A) and may include the forms specified in subsection (b)(1)(B) or (b)(1)(C), as applicable to the revisions being made.~~

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- c) Reports of denials, revocations or non-renewals shall consist of the charter proposal or current charter contract voted upon by each of the local boards of education; a copy of each board's resolution setting forth the board's action and its reasons for the action; a notice to the applicant or charter holder to the effect that a denial, revocation or non-renewal of a charter school application or contract revision may be appealed to the Commission within 30 days from the date that the school board voted to deny the application or revoke or not renew a contract; and any other documents upon which the board relied in denying the current proposal or revoking or not renewing the contract.
- d) Each submission under subsection (b) or (c) also shall include a certification of publication and a copy of the printed notice of the public meeting for each local board of education involved, as required by Section 27A-8(d) of the School Code.
- e) Reports shall be submitted via electronic submission to charter@isbe.net or by certified mail, return receipt requested, addressed to:

Illinois State Board of Education
Charter Schools
100 West Randolph Street
Suite 14-300
Chicago, Illinois 60601

- f) Reports and other documentation pertaining to denials, revocations or non-renewals also shall be submitted to the Commission within the timeframe set forth in subsection (a) via electronic submission to state.charter.commission@illinois.gov ~~Jeanne.Nowaczewski@Illinois.gov~~ or by certified mail, return receipt requested, addressed to:

State Charter School Commission
Michael A. Bilandic Building
160 North LaSalle Street, 6th Floor
Chicago, Illinois 60601

(Source: Amended at 39 Ill. Reg. 8298, effective May 26, 2015)

[Section 650.35 Submission to the State Board of Education: Commission](#)

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- a) Section 27A-9(f) of the School Code provides that, in the event that the Commission on appeal reverses a local board's decision or if a charter school is approved by referendum, the Commission shall act as the authorized chartering entity for the charter school. The State Board shall determine whether the charter proposal approved by the Commission is consistent with the provisions of Article 27A of the School Code and, if the approved proposal complies, certify the proposal.
- 1) The Commission shall submit a final report to the State Board of Education, in the manner set forth in Section 650.30(a), as to any decision to reverse, on appeal, a local school board's determination with respect to a charter application or renewal, or to approve a charter school proposal established by referendum.
- 2) Reports of a reversal on appeal or approval of charters established by referendum shall contain the charter school proposal and the contractual agreement. The report also shall be accompanied by each of the forms listed in Section 650.30(b). Forms that require signature shall be signed by the executive director of the Commission and the appropriate officers of the charter school governing body.
- b) The Commission also shall submit reports of renewal of its charters in the manner set forth in Section 650.30(a). The report shall be accompanied by each of the forms listed in Section 650.30(b). Forms that require signature shall be signed by the executive director of the Commission and the appropriate officers of the charter school governing body.
- c) Reports of denials, revocations or non-renewals shall consist of the charter proposal or current charter contract voted upon by the Commission; a copy of the Commission's resolution setting forth its action and the reasons for the action; and any other documents upon which the Commission relied in denying the current proposal or revoking or not renewing the contract.

(Source: Added at 39 Ill. Reg. 8298, effective May 26, 2015)

Section 650.50 Revision and Renewal of Certified Charters

No material revision to a previously certified contract or a renewal shall be effective unless and until the State Superintendent certifies that the revision or renewal is consistent with the

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~~provisions of Article 27A (Section 27A-6(e) of the School Code). Proposed revisions or renewals of a charter shall be submitted to the State Board of Education in the manner set forth in this Part.~~

- a) A material revision to a previously certified contract may go into effect immediately upon approval of both the authorizer and the governing body of the charter school. Should either the authorizer or the governing body of the charter school request in writing that the State Superintendent certify the material revision as being consistent with the provisions of Article 27A, the material revision shall not take effect unless and until the State Superintendent so certifies. (Section 27A-6(e) of the School Code)
- 1) A request for the State Superintendent to certify a material revision shall consist of the revised contractual agreement, any other materials that describe the need for the material revision, and an explanation from the local authorizer and/or charter school governing body as to any legal concerns raised by the material revision.
- 2) The request also shall be accompanied by the forms specified in Section 650.30(b)(2)(A) and may include the forms specified in Section 650.30(b)(2)(B), (b)(2)(C) or (b)(2)(D), as applicable to the proposed revision.
- b) A request for certification of a proposed revision shall be submitted to the State Board of Education in the manner set forth in Section 650.30(e). Within 30 days after receiving the request for certification, the State Superintendent shall either:
- 1) Certify that the proposed revision is consistent with the provisions of Article 27A of the School Code; or
- 2) Request additional information as may be needed to render a decision.
- c)a) ~~The following revisions to a certified contract or a renewal are considered material for purposes of this Section. Any proposed revision not listed in this subsection (c)-(a), except those set forth in subsection (d)(b) of this Section, should be presumed material and shall be subject to the requirements of this Section submitted to the State Board for certification before it may take effect.~~

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- 1) Enrollment growth beyond 20 percent or expansion beyond the grade levels listed in the certified charter.
- 2) Transferring the charter to another non-profit entity.
- 3) Altering the mission of the charter or the targeted student population.
- 4) Employing or terminating a management company.
- 5) Any change to the charter with respect to the National School Lunch Program (7 CFR 210.10 (2012)).
- 6) Any change to the charter with respect to the provision of student transportation.

d)h) The following revisions to a certified contract are not considered material for purposes of this Section.

- 1) Bylaws.
- 2) Relocation.
- 3) The name of the charter school.
- 4) The articles of incorporation.
- 5) Class sizes as stated in the application.
- 6) Length of school day and/or academic year.
- 7) Curriculum changes.

(Source: Amended at 39 Ill. Reg. 8298, effective May 26, 2015)

Section 650.70 Procedures for Closing a Charter School

The governing body of a charter school that is closing, whether voluntarily or involuntarily, shall be subject to the requirements of this Section.

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- a) Required Notices
- 1) Except in the case of an emergency, when the health, safety or education of the charter school's students is at risk, any notice of a charter school's closing required under subsection (a)(2) shall be provided:
 - A) at least 60 days before the end of the school year in which the closure will take place for a charter school that is closing involuntarily (i.e., has had its charter revoked or not renewed); or
 - B) at least 60 days before the scheduled closing date for a charter school that is voluntarily closing.
 - 2) The governing body or its designee shall provide notice of the charter school's closure:
 - A) to the charter school's employees, including the date of closure;
 - B) to the parents or guardians of the students attending the school and to the superintendent of each school district in which any of the charter school's students reside, including:
 - i) the date of closure; and
 - ii) the procedures the parents should follow in order to continue their children's education within the public schools;
 - C) to the entity that authorized the charter school and to the State Superintendent of Education, submitted by certified mail, return receipt requested, and including:
 - i) the date of closure;
 - ii) the name, address, and telephone number of the person who will be responsible for making arrangements for the closure; and

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- iii) copies of the notices required by subsections (a)(2)(A) and (a)(2)(B) of this Section.

- b) Disposition of Assets

Any unspent public funds and other property and assets of the charter school shall be disposed of in the manner set forth in Section 27A-10.10 of the School Code.

- 1) ~~When a charter school is authorized by one or more local boards of education, the governing body or its designee shall refund to the chartering entity or entities all unspent public funds. The charter school's other assets shall be dissolved under the provisions of the charter application and contract. If the contract is silent or ambiguous as to the disposition of any of the school's assets, all assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws enrollment, at no cost to the receiving district or districts, subject to each district's acceptance of the asset. Any unspent public funds or other assets received by the charter school directly from any State or federal agency shall be refunded to or revert back to that State or federal agency, respectively.~~
- 2) ~~When a charter school is authorized by the Commission, the governing body or its designee shall refund all unspent public funds to the State Board of Education. The charter school's other assets shall be dissolved under the provisions of the charter application and contract. If the contract is silent or ambiguous as to the disposition of any of the school's assets, all assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws its enrollment, at no cost to the receiving district or districts, subject to each district's acceptance of the asset. Any unspent public funds or other assets provided by a State agency other than the State Board of Education or by a federal agency shall be refunded to or revert back to that State or federal agency, respectively.~~

- c) Student Records

The governing body or its designee shall transfer its students' permanent and temporary records (see 23 Ill. Adm. Code 375.10; Definitions) to the school's chartering entity or entities, as set forth in 23 Ill. Adm. Code 375.75 (Public and

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Nonpublic Schools: Transmission of Records for Transfer Students), except that, if the Commission is the chartering entity, each student's permanent record shall be transferred to his or her district of residence.

d) Other Records

The governing body or its designee shall prepare all the school's records for transfer to the chartering entity or entities. These records shall include, but need not be limited to:

- 1) the minutes of the meetings of the governing body;
- 2) the school's policy manual;
- 3) the manuals setting forth the school's administrative, accounting, and personnel-related procedures;
- 4) all personnel files, including service records and information regarding teachers' licensure certification;
- 5) all teachers' schedules;
- 6) all inventory records for fixed assets (i.e., tangible property used in operating the charter school);
- 7) bank statements, including any canceled checks returned by the financial institution;
- 8) corporate credit card statements and invoices;
- 9) accounting reports, budgets, journals, ledgers, and registers;
- 10) annual financial reports prepared by independent auditors;
- 11) all agreements, contracts, and records of arrangements, including any exhibits, amendments, or other supporting documentation;
- 12) all Internal Revenue Service forms used and any supporting documentation;

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- 13) all Teachers' Retirement System forms used and any supporting documentation;
 - 14) purchase requisitions and purchase vouchers, including supporting documentation such as vendors' invoices, store receipts, or travel itineraries;
 - 15) vouchers for reimbursement of staff expenses, including travel, with any supporting documentation; and
 - 16) all electronic files containing financial records pertaining to the school.
- e) Requirements for Inventory Records

For each fixed asset of the charter school (i.e., land, buildings, machinery, equipment, furniture, and fixtures), the inventory record shall include the following information:

- 1) a description of the fixed asset;
- 2) a manufacturer's serial number, model number, federal or national stock number, or other identifying number, if applicable;
- 3) an indication as to whether local, State, and/or federal funds were used to acquire the asset, along with information from which the percentage of State and/or federal participation can be calculated;
- 4) whether title to the asset vests in the charter school, an agency of State government, or the federal government;
- 5) the acquisition date (or the date received, if the asset was furnished by a donor) and cost;
- 6) the location and condition of the fixed asset and the date as of which this information was last reported (e.g., the date of the last physical inventory taken by representatives of the charter school);

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- 7) information as to the ultimate disposition of the fixed asset, including the date of disposal and sale price, or, when the charter school has compensated a State or federal agency for its share in the asset, the method used to determine the current fair market value.
- f) Final Financial Accountability
- 1) The governing body or its designee shall cause a final audit of the charter school to be performed by an independent auditor after all the school's assets have been liquidated and its accounts payable have been settled. The governing body or its designee shall provide a copy of the audit report to the chartering entity.
 - 2) If the governing body has been unable to liquidate all the school's accounts payable, the governing body or its designee shall inform the chartering entity or entities of any outstanding obligations. The chartering entity shall not, however, be responsible for any obligation of a charter school not specified in the charter agreement.
 - 3) The governing body shall designate an individual who will complete any expenditure reports or other fiscal documentation that may be required by the State Board of Education.

(Source: Amended at 39 Ill. Reg. 8298, effective May 26, 2015)

SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSION

Section 650.100 Appeals to, and Requests for Consideration by, the Commission

- a) An applicant for a charter or a charter holder may appeal to the Commission a local school board report that denies, revokes or refuses to renew a charter. An applicant for a charter also may submit its proposal to the Commission for consideration in situations in which the local school board fails to act on the proposal within a timely manner. (See Section 27A-8(d) and (e) of the School Code.) Any appeal or request for consideration shall be submitted to the Commission no later than 30 days after:
 - 1) the date that the school board voted to deny the application; or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) the date by which the school board was to, but did not, hold a public meeting (see Section 27A-8(d) of the School Code); or
 - 3) the date by which the school board was to, but did not, vote on the charter request (see Section 27A-8(e) of the School Code).
- b) The appeal or request for consideration must be submitted electronically to the Commission at state.charter.commission@illinois.gov ~~Jeanne.Nowaczewski@Illinois.gov~~, with a copy sent by certified mail or electronic mail to the school board.
- c) Appeals of School Board Decisions to Deny, Revoke or not Renew a Charter
The applicant, to the extent possible, must state the reasons why the decision of the school board should be reversed.
- d) Consideration of Requests Due to Local Inaction
- 1) The applicant shall state the reasons why the proposal should be granted.
 - 2) The applicant shall list the date the charter school proposal was submitted to the school board for consideration and, if a public meeting was held in accordance with Section 27A-8(c) of the School Code, the date of the public meeting and a statement that the school board failed to vote on the request within 30 days after the meeting being held.
- e) The parties shall submit to the Commission any additional information that the Commission determines is necessary to decide the appeal or consider a request submitted due to the local board's inaction.
- f) Any appeal or request for consideration not submitted within the applicable deadline specified in subsection (a) ~~of this Section~~ shall not be considered, and the Commission shall provide notification to the applicant to this effect.

(Source: Amended at 39 Ill. Reg. 8298, effective May 26, 2015)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Procurement by the State Board of Education
- 2) Code Citation: 44 Ill. Adm. Code 1105
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1105.5	Repeal
1105.10	Repeal
1105.20	Repeal
1105.30	Repeal
- 4) Statutory Authority: 30 ILCS 500/1-30(a)
- 5) Effective Date of Repealer: May 26, 2015
- 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 rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 6, 2015; 39 Ill. Reg. 2050
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: With the 1998 enactment of the Illinois Procurement Code, the State Board of Education has had procurement authority independent from Central Management Services (CMS), which has responsibility for procurements conducted by executive offices under the Office of the Governor.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

Originally, the State Board developed rules, rather than incorporate by reference the rules of CMS. Although these rules did not substantively differ from the procurement rules adopted by CMS, they did name the State Superintendent as SBE's CPO.

In 2005, the State Board conducted a comprehensive review of its rules and, as a result, repealed its procurement rules and adopted Part 1105. Part 1105 incorporated by reference the procurement standards of CMS. Part 1105 also named the State Superintendent as the agency's CPO and directed the State Superintendent to appoint one or more State Purchasing Officers (SPOs), as may be needed. By incorporating CMS's procurement rules, Part 1105 provided regulations that were more consistent with the Procurement Code's structure and intent. Additionally, relying on CMS's rules saved both staff and the Board the time and effort necessary to continually adopt amendments to the Agency's procurement rules that reflect statutory changes made to the Procurement Code.

Subsequent changes in the Procurement Code have required staff to re-examine the need for the agency to retain Part 1105. In particular, recent legislation (PA 96-795 and PA 96-920, both effective July 1, 2010) moved responsibility for procurement of State agencies from CMS to the jurisdiction of the Chief Procurement Officer for General Services (CPO-GS). Under the law, the CPO-GS and the Executive Ethics Commission have the authority to appoint state purchasing officers and procurement compliance monitors for State agencies. As a result of the legislative changes, the CPO-GS took the position that ISBE falls under that Office's jurisdiction. The Agency, however, maintained that the State Board is a "constitutional" officer (rather than a State administrative office under the Governor) and would be exempt from the requirements in the Procurement Code regarding the appointment of a CPO.

In late December 2012, a representative of the Attorney General's office issued an unofficial opinion (7-12-2016) in response to a joint request from the State Board and the Executive Ethics Commission as to whether SBE is a constitutional officer and, therefore, exempt from the requirements in the Procurement Code regarding the appointment of a CPO. The Attorney General's office found that the State Board is not a "constitutional officer" for purposes of the Procurement Code and, therefore, is not exempt. Rather than having the State Superintendent of Education serve as the agency's CPO, the State Board's CPO is now the CPO-GS who, along with the Executive Ethics Commission, has authority to appoint both the State Board's state purchasing officer and procurement compliance monitor. This action nullifies the provisions of Part 1105, thereby necessitating its repeal.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

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

Robert Wolfe
Chief Financial Officer
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/782-0249

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1600.145	New Section
1600.150	New Section
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) Effective Date of Rule: June 1, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted rule, including any material incorporated by reference, is on file at the SURS office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: February 20, 2015; 39 Ill. Reg. 2557
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various grammatical changes have been made since this rule was published on first notice.
- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 1600.145 is required in order to maintain compliance with federal tax laws pertaining to qualified plans. In a determination letter issued by the Internal Revenue Service dated November 7, 2014, the favorable qualified plan status of the SURS defined benefit plan was made contingent on the promulgation of the provisions in Proposed Section 1600.145.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

Section 1600.150 permits the commingling of assets of the SURS defined benefit plan and Self-Managed Plan in qualified group trusts conforming to federal law requirements under the Internal Revenue Code and IRS guidance.

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

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

217/378-8861 or
217/378-8813

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

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

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

Section

- 1600.100 Definitions
- 1600.110 Freedom of Information Act
- 1600.120 Open Meetings Act
- 1600.130 Procurement
- 1600.145 Compliance with Final 415 Treasury Regulations
- 1600.150 Group Trust Provisions

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section

- 1600.202 Return to Employment
- 1600.203 Independent Contractors
- 1600.205 Earnings Subject to Withholding and Crediting
- 1600.210 Crediting Interest on Participant Contributions and Other Reserves
- 1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
- 1600.230 Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
- 1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
- 1600.241 Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA
- 1600.250 Sick Leave Accrual Schedule
- 1600.260 Part-time/Concurrent Service Adjustment
- 1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

SUBPART C: SURVIVORS AND BENEFICIARIES

Section

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 1600.300 Effective Beneficiary Designations
- 1600.305 Full-Time Student Survivors Insurance Beneficiaries
- 1600.310 Dependency of Beneficiaries
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SUBPART D: BENEFIT CALCULATION AND PAYMENT

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- 1600.500 Administrative Staff Determinations and Rules for Appeal – Nature and Requirements of Formal Hearings
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- 1600.600 Definitions
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- 1600.660 Reciprocal Systems QILDRO Policy Statement
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SUBPART G: BOARD TRUSTEE ELECTION

Section

- 1600.700 Nomination of Candidates
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1600.715 Eligible Voters
1600.720 Election Materials
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1600.745 Candidate Informational Communication
1600.750 Filling a Vacancy in the Term of an Elected Trustee

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

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150

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days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg. 9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011; amended at 36 Ill. Reg. 3938, effective February 22, 2012; amended at 37 Ill. Reg. 1309, effective January 15, 2013; amended at 37 Ill. Reg. 3866, effective March 15, 2013; amended at 37 Ill. Reg. 10698, effective June 26, 2013; amended at 37 Ill. Reg. 15517, effective September 12, 2013; amended at 38 Ill. Reg. 5659, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 11376, effective May 9, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 16375, effective July 17, 2014; amended at 38 Ill. Reg. 17457, effective July 30, 2014; amended at 39 Ill. Reg. 8317, effective June 1, 2015.

SUBPART A: GENERAL

Section 1600.145 Compliance with Final 415 Treasury Regulations

- a) Subject to Section 1600.140(f), the limitations of this Section in compliance with IRC section 415 and the Final Treasury Regulations under IRC section 415 (26 CFR 1.415(a)-1 through (j)-1, T.D. 9319, April 5, 2007) shall apply in limitation years beginning on or after January 1, 2008, except as otherwise provided in this subsection (a).
- 1) The IRC section 415(b) limit with respect to any member who, at any time has been a participant in any other defined benefit plan (defined in IRC section 414(j)) maintained by the member's same employer in the System shall apply as if the total benefits payable under all such defined benefit plans in which the member has been a participant were payable from one plan.
 - 2) The IRC section 415(c) limit with respect to any member who, at any time, has been a participant of any other defined contribution plan, as defined in IRC section 414(i), that was maintained by the member's same employer in the System shall apply as if the total annual additions under all such defined contribution plans in which the member has been a participant were payable to one plan.
 - 3) For purposes of this Section, the "limitation year" shall be the calendar year, and "plan" shall be any one or more of the SURS retirement plans, as the context requires.

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b) Basic IRC Section 415(b) Limitation

- 1) Before January 1, 1995, a member may not receive an annual benefit that exceeds the limits specified in IRC section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a member may not receive an annual benefit that exceeds the dollar amount specified in IRC section 415(b)(1)(A), subject to the applicable adjustments in IRC section 415(b), and subject to any additional limits that may be specified in the Code. In no event shall a member's benefit payable under the System in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to IRC section 415(d) and 26 CFR 1.415(d)-1.
- 2) For purposes of IRC section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to IRC section 415(n)) and to rollover contributions (as defined in IRC section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with 26 CFR 1.415(b)-1(b).
 - A) Mandatory Employee Contributions. In the case of mandatory employee contributions, as defined in IRC section 411(c)(2)(C) and 26 CFR 1.411(c)-1(c)(4) (or contributions that would be mandatory employee contributions if section 411 applied to the plan), the annual benefit attributable to those contributions is determined by applying the factors applicable to mandatory employee contributions, as described in IRC section 411(c)(2)(B) and (C) and Treasury Regulations under section 411 to those contributions to determine the amount of a straight life annuity commencing at the annuity starting date, regardless of whether the requirements of sections 411 and 417 apply to that plan. For purposes of applying those factors to a plan that is not subject to the requirements of section 411, the applicable effective date of IRC section 411(a)(2) (which is used under 26 CFR 1.411(c)-1(c)(3) to determine the beginning date from which statutorily specified interest must be credited to mandatory employee contributions) must be determined as if IRC section 411 applied to the plan, and in determining the annual benefit that is

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actuarially equivalent to these accumulated contributions, the plan must determine the interest rate that would have been required under IRC section 417(e)(3) as if IRC 417 applied to the plan.

B) Voluntary Employee Contributions. If voluntary employee contributions are made to the plan (to the extent not made pursuant to IRC section 415(n)), the portion of the plan to which voluntary employee contributions are made is treated as a defined contribution plan pursuant to IRC section 414(k) and, accordingly, is a defined contribution plan pursuant to 26 CFR 1.415(c)-1(a)(2)(i). Accordingly, the portion of a plan to which voluntary employee contributions are made is not taken into account in determining the annual benefit.

C) Rollover Contributions. The annual benefit attributable to rollover contributions from an eligible retirement plan, as defined in IRC section 402(c)(8)(B), is determined in the same manner as the annual benefit attributable to mandatory employee contributions. Thus, in the case of rollover contributions from a defined contribution plan to a defined benefit plan to provide an annuity distribution, the annual benefit attributable to those rollover contributions for purposes of IRC section 415(b) is determined by applying the rules of IRC section 411(c) as described in subsection (b)(2)(A) of this Section, regardless of the assumptions used to compute the annuity distribution under the plan and regardless of whether the plan is subject to the requirements of IRC sections 411 and 417. Accordingly, in such a case, if the plan uses more favorable factors than those specified in IRC section 411(c) to determine the amount of annuity payments arising from rollover contributions, the annual benefit under the plan would reflect the excess of those annuity payments over the amounts that would be payable using the factors specified in IRC section 411(c).

c) Adjustments to Basic IRC Section 415(b) Limitation for Form of Benefit

1) If the benefit under the System is other than the form specified in subsection (b)(2), the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in 26 CFR 1.415(b).

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- 2) If the form of benefit, without regard to automatic annual increases, is not a straight life annuity or a qualified joint and survivor annuity, then subsection (c)(1) is applied by either reducing the IRC section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in 26 CFR 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:
- A) For a benefit paid in a form to which IRC section 417(e)(3) does not apply (such as a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:
- i) The annual amount of the straight life annuity (if any) payable to the member under the System commencing at the same annuity starting date as the form of benefit to the member; or
- ii) The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a 5% interest assumption (or the applicable statutory interest assumption) and:
- for limitation years prior to January 1, 2009, the applicable mortality tables described in 26 CFR 1.417(e)-1(d)(2) (Revenue Ruling 2001-62, or any subsequent Revenue Ruling modifying the applicable provisions of that Revenue Ruling; and
 - for limitation years after December 31, 2008, the applicable mortality tables described in IRC section 417(e)(3)(B) (Notice 2008-85, or any subsequent IRS guidance implementing IRC section 417(e)(3)(B)).
- B) For a benefit paid in a form to which IRC section 417(e)(3) applies (such as a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

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- i) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, adopted by the Board under Section 1600.140(g) for actuarial experience;
- ii) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5% interest assumption (or the applicable statutory interest assumption) and:
- for limitation years prior to January 1, 2009, the applicable mortality tables described in 26 CFR 1.417(e)-1(d)(2) (Revenue Ruling 2001-62, or any subsequent Revenue Ruling modifying the applicable provisions of **that** Revenue Ruling); and
 - for limitation years after December 31, 2008, the applicable mortality tables described in IRC section 417(e)(3)(B) (Notice 2008-85, or any subsequent **IRS** guidance implementing IRC section 417(e)(3)(B)); or
- iii) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under 26 CFR 1.417(e)-1(d)(3), using the rate in effect for the third month prior to the beginning of the plan year with a one-year stabilization period) and:
- for limitation years prior to January 1, 2009, the applicable mortality tables described in 26 CFR 1.417(e)-1(d)(2) (Revenue Ruling **2001-62**, or any subsequent **that** Revenue Ruling modifying the applicable provisions of **that** Revenue Ruling); and

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- for limitation years after December 31, 2008, the applicable mortality tables described in IRC section 417(e)(3)(B) (Notice 2008-85, or any subsequent IRS guidance implementing IRC section 417(e)(3)(B)), divided by 1.05.
- C) The System's actuary may adjust the IRC section 415(b) limit at the annuity starting date in accordance with subsection (c)(2)(A) and (B).
- d) Benefits for Which No Adjustment of IRC section 415(b) Limit Is Required. For purposes of this Section, the following benefits shall not be taken into account in applying these limits:
 - 1) Any ancillary benefit that is not directly related to retirement income benefits;
 - 2) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity;
 - 3) Any other benefit not required under IRC section 415(b)(2) and 26 CFR 1.415(b) to be taken into account for purposes of the limitation of IRC section 415(b)(1).
- e) Other Adjustments in IRC Section 415(b) Limitation
 - 1) In the event the member's retirement benefits become payable before age 62, the limit prescribed by this Section shall be reduced in accordance with 26 CFR 1.415(b), pursuant to the provisions of IRC section 415(b), so that the limit (as reduced) equals an annual straight life benefit (when the retirement annuity begins) that is equivalent to a \$160,000 (as adjusted) annual benefit beginning at age 62.
 - 2) In the event the member's benefit is based on at least 15 years of service as a full-time employee of any police department or fire department that is organized and operated by the state or political subdivision maintaining the defined benefit plan to provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of the state or political subdivision, or 15 years of service as a member of the

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Armed Forces of the United States, or is based on 15 years of combined service, the adjustments provided for in [subsection 1 \(e\)\(1\)](#) shall not apply.

- 3) The reductions provided for in [subsection \(e\)\(1\)](#) shall not apply to System benefits received as a pension, annuity or similar allowance as a result of the member becoming disabled by reason of personal injuries or sickness, or to amounts received by beneficiaries, survivors or the estate of the member as a result of the death of the member.
- f) Less than 10 Years of Participation or Service Adjustment for IRC Section 415(b) Limitations. The maximum retirement benefits payable to any member who has completed less than 10 years of participation shall be the amount determined under [subsection \(b\)](#), as adjusted under [subsection \(c\)](#) and/or [\(e\)](#), multiplied by a fraction, the numerator of which is the number of the member's years of participation and the denominator of which is 10. The limit under [subsection \(g\)](#) concerning the \$10,000 limit shall be similarly reduced for any member who has accrued less than 10 years of service, except the fraction shall be determined with respect to years of service instead of years of participation. The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reductions provided for in this [subsection](#) shall not be applicable to income received as a pension, annuity or similar allowance as a result of the member becoming disabled by reason of personal injuries or sickness, or to amounts received by beneficiaries, survivors or the estate of the member as a result of the death of the member.
- g) \$10,000 Limit. Notwithstanding the [other provisions of this Section](#), the retirement benefit payable with respect to a member shall be deemed not to exceed the IRC section 415(b) limit if the benefits payable, with respect to [a member under this System and under all other qualified defined benefit pension plans of the member's employer, do not exceed \\$10,000 for the applicable limitation year, and for any prior limitation year, and the employer has not, at any time, maintained a qualified defined contribution plan in which the member participated.](#)
- h) Effect of COLA without a Lump Sum Component on [IRC Section 415\(b\)](#) Testing. Effective on and after January 1, 2008, for purposes of applying the limits under IRC section 415(b) (the "[limit](#)") to a member with no lump sum benefit, the following will apply:

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- 1) A member's applicable limit will be applied to the member's annual benefit in the member's first limitation year without regard to any automatic annual increases under the System;
 - 2) To the extent that the member's annual benefit equals or exceeds the limit, the member will no longer be eligible for automatic annual increases from the System until such time as the benefit, plus the accumulated increases, is less than the limit; and
 - 3) Thereafter, in any subsequent limitation year, a member's annual benefit, including any automatic annual increases under the System, shall be tested under the then applicable benefit limit, including any adjustment to the IRC section 415(b)(1)(A) dollar limit under IRC section 415(d) and 26 CFR 1.415(b).
- i) Effect of COLA with a Lump Sum Component on IRC Section 415(b) Testing. On and after January 1, 2008, with respect to a member who receives a portion of the member's annual benefit in a lump sum, a member's applicable limit will be applied, taking into consideration cost-of-living increases as required by IRC section 415(b) and 26 CFR 1.415(b).
- j) IRC Section 415(c) Limit. After-tax member contributions or other annual additions with respect to a member may not exceed the lesser of \$40,000 (as adjusted pursuant to IRC section 415(d)) or 100% of the member's compensation.
- 1) Annual additions are defined to mean the sum (for any year) of employer contributions to a defined contribution plan, member contributions, and forfeitures credited to a member's individual account. Member contributions are determined without regard to rollover contributions and to picked-up employee contributions that are paid to a defined benefit plan.
 - 2) For purposes of applying the IRC Section 415(c) limits only and for no other purpose, the definition of compensation, when applicable, will be compensation actually paid or made available during a limitation year, except as noted in IRC Section 415(c) and as permitted by 26 CFR 1.415(c)-2; however, member contributions picked up under IRC section 414(h) shall not be treated as compensation.

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- 3) Unless another definition of compensation that is permitted by 26 CFR 1.415(c)-2 is specified by the plan, compensation will be defined as wages within the meaning of IRC section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under IRC sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under IRC section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in IRC section 3401(a)(2)).
- A) However, for limitation years beginning on and after January 1, 1998, compensation will also include amounts that would otherwise be included in compensation but for an election under IRC section 125(a), 402(e)(3), 402(h)(1)(B), 402(k) or 457(b). For limitation years beginning on and after January 1, 2001, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of IRC section 132(f)(4).
- B) For limitation years beginning on and after January 1, 2008, compensation for the limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:
- i) the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or
- ii) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

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C) Back pay, within the meaning of 26 CFR 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this subsection (j)(3).

k) Service Purchases under IRC Section 415(n)

1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the System, the requirements of IRC section 415(n) will be treated as met only if:

A) The requirements of IRC section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of IRC section 415(b); or

B) The requirements of IRC section 415(c) are met, determined by treating all such contributions as annual additions for purposes of IRC section 415(c).

2) For purposes of applying this Section, the System will not fail to meet the reduced limit under IRC section 415(b)(2)(C) solely by reason of this subsection (k)(2) and will not fail to meet the percentage limitation under IRC section 415(c)(1)(B) solely by reason of this Section.

3) Permissive Service Credit

A) For purposes of this Section, the term "permissive service credit" means service credit:

i) recognized by the System for purposes of calculating a member's benefit under the System;

ii) that the member has not received under the System; and

iii) that the member may receive only by making a voluntary additional contribution, in an amount determined under the

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System, that does not exceed the amount necessary to fund the benefit attributable to the service credit.

- B) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, "permissive service credit" may include service credit for periods for which there is no performance of service and, notwithstanding subsection (k)(3)(A)(ii), may include service credited in order to provide an increased benefit for service credit a member is receiving under the System.
- 4) The System will fail to meet the requirements of this Section if:
- A) more than 5 years of nonqualified service credit are taken into account for purposes of this subsection (k)(4)(A); or
- B) any nonqualified service credit is taken into account under this subsection (k)(4)(B) before the member has at least 5 years of participation under the System.
- 5) For purposes of subsection (k)(4), effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, the term "nonqualified service credit" means permissive service credit other than that allowed with respect to:
- A) service (including parental, medical, sabbatical and similar leave) as an employee of the Government of the United States, any state or political subdivision thereof, or any agency or instrumentality of any of the foregoing (other than military service or service for credit obtained as a result of a repayment described in IRC section 415(k)(3));
- B) service (including parental, medical, sabbatical and similar leave) as an employee (other than as an employee described in subsection (k)(5)(A) of an education organization described in IRC section 170(b)(1)(A)(ii) that is a public, private or sectarian school that provides elementary or secondary education (through grade 12), or a comparable level of education, as determined under the

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- applicable law of the jurisdiction in which the service was performed;
- C) service as an employee of an association of employees who are described in [subsection \(k\)\(5\)\(A\)](#); or
- D) military service (other than qualified military service under IRC section 414(u)) recognized by the System.
- 6) In the case of service described in [subsection \(k\)\(5\)\(A\)](#) through (C), that service will be nonqualified service if recognition of that service would cause a member to receive a retirement benefit for the same service under more than one plan.
- 7) In the case of a trustee-to-trustee transfer after December 31, 2001, to which IRC section 403(b)(13)(A) or IRC section 457(e)(17)(A) applies (without regard to whether the transfer is made between plans maintained by the same employer):
- A) the limitations of [subsection \(k\)\(4\)](#) will not apply in determining whether the transfer is for the purchase of permissive service credit; and
- B) the distribution rules applicable under federal law to the System will apply to amounts [transferred](#) and any benefits attributable to [those](#) amounts.
- 8) For an [eligible member](#), the limitation of IRC section 415(c)(1) shall not be applied to reduce the amount of permissive service credit [that](#) may be purchased to an amount less than the amount allowed to be purchased under the terms of [the System](#) in effect on August 5, 1997. For purposes of this [subsection \(k\)\(8\)](#), an [eligible member](#) is an individual who first became a member in the System before January 1, 1998.
- 9) Notwithstanding any other provision of law to the contrary, the System may modify a request by a member to make a contribution for the purchase of service credit if the amount of the contribution would exceed the limits provided in IRC section 415 by using the following methods:

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- A) If the law requires a lump sum payment for the purchase of service credit, the System may establish a periodic payment plan for the member to avoid a contribution in excess of the limits under IRC section 415(c) or 415(n).
- B) If payment pursuant to this subsection (k)(9) will not avoid a contribution in excess of the limits imposed by IRC section 415(c) or 415(n), a pension fund may either reduce the member's contribution to an amount within the limits of those IRC sections or refuse the member's contribution.
- l) Repayments of Refunds. Any repayment of contributions (including interest thereon) to the System with respect to an amount previously refunded upon a forfeiture of service credit under the System, or another governmental plan maintained by an employer, shall not be taken into account for purposes of IRC section 415, in accordance with IRC section 415(k)(3).
- m) Reduction of Benefits Priority. Reduction of benefits and/or contributions to all plans under the Illinois Pension Code that cover the same member, when required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which the member participated, with the reduction to be made first with respect to the plan in which the member most recently accrued benefits and thereafter in the priority determined by the plan and the plan administrator of the other plans and, next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, with the reduction to be made first with respect to the plan in which the member most recently accrued benefits and thereafter in the priority established by the plan and the plan administrator for the other plans provided; however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the plan and the plan administrator of all other plans covering the member.

(Source: Added at 39 Ill. Reg. 8317, effective June 1, 2015)

Section 1600.150 Group Trust Provisions

- a) Creation and Purpose. A Group Trust is hereby created effective April 1, 1998, pursuant to Section 15-177 of the Pension Code. The purpose of the Group Trust is to hold and jointly invest the assets of the SURS defined benefit plan and the Self-Managed Plan (collectively "Participating Trusts"), and make appropriate

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payments pursuant to directions from the respective trusts. The Board shall be the trustee of the Group Trust.

- b) Tax Status. The Group Trust is intended to qualify as a group trust under IRC Sections 401(a) and 501(a), and Revenue Ruling 81-100, as modified by Revenue Rulings 2004-67, 2011-1 and 2014-24, and all provisions of this Section must be so construed. The Group Trust is established within the System and the Board shall generally assert that no taxes may be assessed on any income or interest of the Group Trust.
- c) Exclusive Benefit. Notwithstanding anything in this Section to the contrary, no part of the Group trust that equitably belongs to a Participating Trust, other than that portion required for reasonable fees, taxes and trust expenses applicable to the Participating Trust, may be used or diverted for any purpose other than the exclusive benefit of the Participating Trust's participants or their beneficiaries who are entitled to benefits under the Participating Trust.
- d) Nonassignment. No Participating Trust may assign or transfer any part of its equity or interest in the Group Trust, except in accordance with this Section.
- e) Authority of the Board. The Board's determination as to whether any investment is within the class or classes of property in which the Group Trust may be invested will be conclusive; provided, however, that all such decisions must be made in accordance with the then current investment policy adopted by the Board and consistent with any requirements under Article 1 of the Pension Code. The Board is solely and exclusively responsible for, and has exclusive authority and discretion for, the management and control of the Group Trust. Subject to the provisions of the preceding sentence, the Board may, at its reasonable expense, retain the services of such investment or other advisers and consultants as it may deem desirable to assist it in carrying out its responsibilities under this Section.
- f) Trust Accounting. The Group Trust will be invested and administered as a common investment fund. The equitable interest of each Participating Trust shall be accounted for separately in dollar amounts or proportional interest. Consistent with the selected accounting method, the Board shall maintain books and records that value the interest of each Participating Trust at least monthly.
- g) Admission to Participation. Participation in the Group Trust is limited to the qualified trusts administered by the Board under the SURS defined benefit

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programs and the Self-Managed Plan; pension, profit-sharing and stock bonus trusts or custodial accounts qualifying under IRC section 501(a); individual retirement accounts that are exempt under IRC section 408(e); eligible governmental plan trusts or custodial accounts under IRC section 457(b) that are exempt under IRC section 457(g); custodial accounts under IRC section 403(b)(7); retirement income accounts under IRC section 403(b)(9); and IRC section 401(a)(24) governmental plans. Each Participating Trust must adopt the terms of this Section by reference in its enabling statute, rules or plan document, as the case may be, and transfer all or any part of its assets to the Group Trust. This Section shall serve as the adopting instrument under which the SURS defined benefit plan shall participate in the Group Trust.

- h) Qualified Status of Participating Trusts. Each Participating Trust must satisfy the qualification requirements as a qualified governmental pension plan under IRC Sections 401(a) and 414(d) or a trust, a custodial account, or similar entity that is tax exempt under IRC section 408(e) or IRC section 501(a) (or is treated as tax exempt under IRC section 501(a)). A Participating Trust that is an IRC section 401(a)(24) governmental plan is treated as meeting this requirement if it is not subject to federal income taxation. A Participating Trust shall be deemed to satisfy this subsection (h) if it has a current determination letter issued by the Internal Revenue Service.
- i) Contributions. The Board shall accept transfers of assets only from the Participating Trusts and the plan sponsors of those Participating Trusts and not from any other person except as permitted by law. However, the Board shall also accept cash payments, rollovers, or plan-to-plan transfers for a purchase of service credit by a participant of a Participating Trust in accordance with the terms of the plan. The Board may accept assets in its sole discretion. The value of any non-cash asset shall be transferred on the basis of fair market value on the date of contribution and consistent with the terms of this Section.
- j) Termination of Participating Trust. The Board may terminate the participation of a Participating Trust in the Group Trust by amending this Section or amending the plan document under the Self-Managed Plan, as the case may be. In the event of termination of the participation of a Participating Trust, the Board shall distribute to the terminating Participating Trust its share of the Group Trust in cash, assets or otherwise determined by the Board.

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NOTICE OF ADOPTED AMENDMENTS

- k) Termination of Group Trust. The Board may terminate the Group Trust at any time by amending this Section. In the event of the termination of the Group Trust, the Board shall distribute to each Participating Trust its share of the Group Trust in cash, assets or otherwise as determined by the Trustee.
- l) Valuation of Assets upon Distribution. In all cases, at no time prior to the satisfaction of all liabilities with respect to participants and their beneficiaries under any Participating Trust shall that part of the corpus or income of the Group Trust that equitably belongs to that Participating Trust be used for, or diverted to, purposes other than for the exclusive benefit of the participants and their beneficiaries.
- m) Allocation and Apportionment of Trust Expenses. The Board may pay reasonable trust expenses from the Group Trust if these amounts would have been chargeable to the Participating Trusts if incurred in their separate administration. For each year, the Board shall determine and allocate to each Participating Trust the reasonable and quantifiable trust expenses from the previous fiscal year that the Board recorded as directly attributable to the Participating Trust. Investment manager fees, custodian fees, and other investment-related fees will be allocated based on the same proportion as the allocation of net assets to each Participating Trust as of the last Valuation Date. All other remaining expenses shall be allocated based on the same proportion as the number of total participants of a Participating Trust on the first day of the plan year is to the number of total participants of all Participating Trusts on the first day of the plan year.
- n) Duty of Board. For all purposes under this Section, the Board shall discharge its duties under this Section with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

(Source: Added at 39 Ill. Reg. 8317, effective June 1, 2015)

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits
- 2) Code Citation: 50 Ill. Adm. Code 1412
- 3) Date of Administrative Code Division Review: May 26, 2015
- 4) Reason for Recodification: Chapter I will be recodified from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-04.
- 5) Headings and Section Numbers of the Part Being Recodified:

Section Numbers:

1412.10

1412.20

1412.30

1412.40

1412.50

1412.60

1412.70

1412.APPENDIX A

1412.ILLUSTRATION A

1412.ILLUSTRATION B

1412.ILLUSTRATION C

1412.ILLUSTRATION D

1412.ILLUSTRATION E

1412.ILLUSTRATION F

1412.ILLUSTRATION G

Headings:

Purpose

Definitions

Applicability

Conditions

Applicability of the 2001 CSO Mortality Table to 50 Ill. Adm. Code 1409

Gender-Blended Tables

Use of 2001 CSO Preferred Class Structure Mortality Table

2001 CSO Mortality Tables

Male Composite Select & Ultimate Age Nearest Birthday

Male Nonsmoker Select & Ultimate Age Nearest Birthday

Male Smoker Select & Ultimate Age Nearest Birthday

Female Composite Select & Ultimate Age Nearest Birthday

Female Nonsmoker Select & Ultimate Age Nearest Birthday

Female Smoker Select & Ultimate Age Nearest Birthday

Ultimate Age Nearest Birthday (Male/Female Composite/Nonsmoker/Smoker)

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1412.ILLUSTRATION H	Male Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION I	Male Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION J	Male Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION K	Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION L	Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION M	Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION N	Ultimate Age Last Birthday (Male/Female Composite/Nonsmoker/Smoker)
1412.ILLUSTRATION O	Blended 80% Male, 20% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION P	Blended 60% Male, 40% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Q	Blended 50% Male, 50% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION R	Blended 40% Male, 60% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION S	Blended 20% Male, 80% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION T	Blended Composite Ultimate Age Nearest Birthday
1412.ILLUSTRATION U	Blended 80% Male, 20% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION V	Blended 60% Male, 40% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION W	Blended 50% Male, 50% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION X	Blended 40% Male, 60% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Y	Blended 20% Male, 80% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Z	Blended Nonsmoker Ultimate Age Nearest Birthday
1412.ILLUSTRATION AA	Blended 80% Male, 20% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION BB	Blended 60% Male, 40% Female Smoker Select & Ultimate Age Nearest Birthday

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1412.ILLUSTRATION CC	Blended 50% Male, 50% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION DD	Blended 40% Male, 60% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION EE	Blended 20% Male, 80% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION FF	Blended Smoker Ultimate Age Nearest Birthday
1412.ILLUSTRATION GG	Blended 80% Male, 20% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION HH	Blended 60% Male, 40% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION II	Blended 50% Male, 50% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION JJ	Blended 40% Male, 60% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION KK	Blended 20% Male, 80% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION LL	Blended Composite Ultimate Age Last Birthday
1412.ILLUSTRATION MM	Blended 80% Male, 20% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION NN	Blended 60% Male, 40% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION OO	Blended 50% Male, 50% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION PP	Blended 40% Male, 60% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION QQ	Blended 20% Male, 80% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION RR	Blended Nonsmoker Ultimate Age Last Birthday
1412.ILLUSTRATION SS	Blended 80% Male, 20% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION TT	Blended 60% Male, 40% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION UU	Blended 50% Male, 50% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION VV	Blended 40% Male, 60% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION WW	Blended 20% Male, 80% Female Smoker Select & Ultimate Age Last Birthday

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1412.ILLUSTRATION XX Blended Smoker Ultimate Age Last Birthday

6) Outline of the Section Numbers and Headings of the Part as Recodified:Section Numbers:

1412.10

1412.20

1412.30

1412.40

1412.50

1412.60

1412.70

1412.APPENDIX A

1412.ILLUSTRATION A

1412.ILLUSTRATION B

1412.ILLUSTRATION C

1412.ILLUSTRATION D

1412.ILLUSTRATION E

1412.ILLUSTRATION F

1412.ILLUSTRATION G

1412.ILLUSTRATION H

1412.ILLUSTRATION I

1412.ILLUSTRATION J

1412.ILLUSTRATION K

1412.ILLUSTRATION L

Headings:

Purpose

Definitions

Applicability

Conditions

Applicability of the 2001 CSO Mortality Table to
50 Ill. Adm. Code 1409

Gender-Blended Tables

Use of 2001 CSO Preferred Class Structure
Mortality Table

2001 CSO Mortality Tables

Male Composite Select & Ultimate Age Nearest
BirthdayMale Nonsmoker Select & Ultimate Age Nearest
BirthdayMale Smoker Select & Ultimate Age Nearest
BirthdayFemale Composite Select & Ultimate Age Nearest
BirthdayFemale Nonsmoker Select & Ultimate Age Nearest
BirthdayFemale Smoker Select & Ultimate Age Nearest
BirthdayUltimate Age Nearest Birthday (Male/Female
Composite/Nonsmoker/Smoker)Male Composite Select & Ultimate Age Last
BirthdayMale Nonsmoker Select & Ultimate Age Last
Birthday

Male Smoker Select & Ultimate Age Last Birthday

Female Composite Select & Ultimate Age Last
BirthdayFemale Nonsmoker Select & Ultimate Age Last
Birthday

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1412.ILLUSTRATION M	Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION N	Ultimate Age Last Birthday (Male/Female Composite/Nonsmoker/Smoker)
1412.ILLUSTRATION O	Blended 80% Male, 20% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION P	Blended 60% Male, 40% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Q	Blended 50% Male, 50% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION R	Blended 40% Male, 60% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION S	Blended 20% Male, 80% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION T	Blended Composite Ultimate Age Nearest Birthday
1412.ILLUSTRATION U	Blended 80% Male, 20% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION V	Blended 60% Male, 40% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION W	Blended 50% Male, 50% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION X	Blended 40% Male, 60% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Y	Blended 20% Male, 80% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Z	Blended Nonsmoker Ultimate Age Nearest Birthday
1412.ILLUSTRATION AA	Blended 80% Male, 20% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION BB	Blended 60% Male, 40% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION CC	Blended 50% Male, 50% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION DD	Blended 40% Male, 60% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION EE	Blended 20% Male, 80% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION FF	Blended Smoker Ultimate Age Nearest Birthday
1412.ILLUSTRATION GG	Blended 80% Male, 20% Female Composite Select & Ultimate Age Last Birthday

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1412.ILLUSTRATION HH	Blended 60% Male, 40% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION II	Blended 50% Male, 50% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION JJ	Blended 40% Male, 60% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION KK	Blended 20% Male, 80% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION LL	Blended Composite Ultimate Age Last Birthday
1412.ILLUSTRATION MM	Blended 80% Male, 20% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION NN	Blended 60% Male, 40% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION OO	Blended 50% Male, 50% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION PP	Blended 40% Male, 60% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION QQ	Blended 20% Male, 80% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION RR	Blended Nonsmoker Ultimate Age Last Birthday
1412.ILLUSTRATION SS	Blended 80% Male, 20% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION TT	Blended 60% Male, 40% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION UU	Blended 50% Male, 50% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION VV	Blended 40% Male, 60% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION WW	Blended 20% Male, 80% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION XX	Blended Smoker Ultimate Age Last Birthday

7) Conversion Table of Present and Recodified Sections:Present Part:

1412.10
 1412.20
 1412.30
 1412.40

Recodified Part:

1412.10
 1412.20
 1412.30
 1412.40

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1412.50

1412.50

1412.60

1412.60

1412.70

1412.70

1412.APPENDIX A

1412.APPENDIX A

1412.ILLUSTRATION A

1412.ILLUSTRATION A

1412.ILLUSTRATION B

1412.ILLUSTRATION B

1412.ILLUSTRATION C

1412.ILLUSTRATION C

1412.ILLUSTRATION D

1412.ILLUSTRATION D

1412.ILLUSTRATION E

1412.ILLUSTRATION E

1412.ILLUSTRATION F

1412.ILLUSTRATION F

1412.ILLUSTRATION G

1412.ILLUSTRATION G

1412.ILLUSTRATION H

1412.ILLUSTRATION H

1412.ILLUSTRATION I

1412.ILLUSTRATION I

1412.ILLUSTRATION J

1412.ILLUSTRATION J

1412.ILLUSTRATION K

1412.ILLUSTRATION K

1412.ILLUSTRATION L

1412.ILLUSTRATION L

1412.ILLUSTRATION M

1412.ILLUSTRATION M

1412.ILLUSTRATION N

1412.ILLUSTRATION N

1412.ILLUSTRATION O

1412.ILLUSTRATION O

1412.ILLUSTRATION P

1412.ILLUSTRATION P

1412.ILLUSTRATION Q

1412.ILLUSTRATION Q

1412.ILLUSTRATION R

1412.ILLUSTRATION R

1412.ILLUSTRATION S

1412.ILLUSTRATION S

1412.ILLUSTRATION T

1412.ILLUSTRATION T

1412.ILLUSTRATION U

1412.ILLUSTRATION U

1412.ILLUSTRATION V

1412.ILLUSTRATION V

1412.ILLUSTRATION W

1412.ILLUSTRATION W

1412.ILLUSTRATION X

1412.ILLUSTRATION X

1412.ILLUSTRATION Y

1412.ILLUSTRATION Y

1412.ILLUSTRATION Z

1412.ILLUSTRATION Z

1412.ILLUSTRATION AA

1412.ILLUSTRATION AA

1412.ILLUSTRATION BB

1412.ILLUSTRATION BB

1412.ILLUSTRATION CC

1412.ILLUSTRATION CC

1412.ILLUSTRATION DD

1412.ILLUSTRATION DD

1412.ILLUSTRATION EE

1412.ILLUSTRATION EE

1412.ILLUSTRATION FF

1412.ILLUSTRATION FF

1412.ILLUSTRATION GG

1412.ILLUSTRATION GG

1412.ILLUSTRATION HH

1412.ILLUSTRATION HH

1412.ILLUSTRATION II

1412.ILLUSTRATION II

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1412.ILLUSTRATION JJ	1412.ILLUSTRATION JJ
1412.ILLUSTRATION KK	1412.ILLUSTRATION KK
1412.ILLUSTRATION LL	1412.ILLUSTRATION LL
1412.ILLUSTRATION MM	1412.ILLUSTRATION MM
1412.ILLUSTRATION NN	1412.ILLUSTRATION NN
1412.ILLUSTRATION OO	1412.ILLUSTRATION OO
1412.ILLUSTRATION PP	1412.ILLUSTRATION PP
1412.ILLUSTRATION QQ	1412.ILLUSTRATION QQ
1412.ILLUSTRATION RR	1412.ILLUSTRATION RR
1412.ILLUSTRATION SS	1412.ILLUSTRATION SS
1412.ILLUSTRATION TT	1412.ILLUSTRATION TT
1412.ILLUSTRATION UU	1412.ILLUSTRATION UU
1412.ILLUSTRATION VV	1412.ILLUSTRATION VV
1412.ILLUSTRATION WW	1412.ILLUSTRATION WW
1412.ILLUSTRATION XX	1412.ILLUSTRATION XX

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2008
- 3) Date of Administrative Code Division Review: May 26, 2015
- 4) Headings and Section Numbers of the Part Being Recodified: The Department of Insurance is recodifying the Part from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-04.
- 5) Headings and Section Numbers of the Part Being Recodified:

Section Numbers:

2008.10

2008.20

2008.30

2008.35

2008.40

2008.45

2008.50

2008.60

2008.61

2008.64

2008.67

2008.70

2008.71

Headings:

Authority

Purpose

Applicability and Scope

Effective Date (Repealed)

Definitions

Creditable Coverage

Policy Definitions and Terms

Policy Provisions

Benefit Conversion Requirements During Transition
(Repealed)Benefit Standards for 2010 Standardized Medicare
Supplement Benefit Plan Policies or Certificates Issued for
Delivery with an Effective Date for Coverage on or after
June 1, 2010Standard Medicare Supplement Benefit Plans for 2010
Standardized Medicare Supplement Benefit Plan Policies or
Certificates Issued for Delivery with an Effective Date for
Coverage on or after June 1, 2010Minimum Benefit Standards for Pre-Standardized Medicare
Supplement Benefit Plan Policies or Certificates Issued for
Delivery Prior to February 11, 1992Benefit Standards for 1990 Standardized Medicare
Supplement Benefit Plan Policies or Certificates Issued for
Delivery after February 11, 1992 and with an Effective
Date for Coverage Prior to June 1, 2010

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

2008.72	Standard Medicare Supplement Benefit Plans for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or after February 11, 1992 and with an Effective Date for Coverage Prior to June 1, 2010
2008.73	Medicare Select Policies and Certificates
2008.74	Open Enrollment
2008.75	Guaranteed Issue for Eligible Persons
2008.76	Standards for Claims Payment
2008.80	Loss Ratio Standards and Refund or Credit of Premium
2008.81	Filing and Approval of Policies and Certificates and Premium Rates
2008.82	Permitted Compensation Arrangements
2008.90	Required Disclosure Provisions
2008.91	Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare
2008.100	Requirements for Application Forms and Replacement Coverage
2008.101	Standards for Marketing
2008.102	Appropriateness of Recommended Purchase and Excessive Insurance
2008.103	Reporting of Multiple Policies
2008.104	Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates
2008.107	Prohibition Against Use of Genetic Information and Requests for Genetic Testing
2008.110	Severability
2008.120	Effective Date (Repealed)
2008.APPENDIX A	Policy Checklist
2008.APPENDIX B	Outline of Medicare Supplement Coverage – Cover Page for Medicare Supplement Plans Sold Prior to June 1, 2010
	2008.APPENDIX C Plan A (for plans issued prior to June 1, 2010)
	Plan B (for plans issued prior to June 1, 2010)
2008.APPENDIX D	Plan C (for plans issued prior to June 1, 2010)
2008.APPENDIX E	Plan D (for plans issued prior to June 1, 2010)
2008.APPENDIX F	Plan E (not available after May 31, 2010)
2008.APPENDIX G	

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

2008.APPENDIX H	Plan F or High Deductible Plan F (for plans issued prior to June 1, 2010)
2008.APPENDIX I	Plan G (for plans issued prior to June 1, 2010)
2008.APPENDIX J	Plan H (not available after May 31, 2010)
2008.APPENDIX K	Plan I (not available after May 31, 2010)
2008.APPENDIX L	Plan J or High Deductible Plan J (not available after May 31, 2010)
2008.APPENDIX M	Plan K (for plans issued prior to June 1, 2010)
2008.APPENDIX N	Plan L (for plans issued prior to June 1, 2010)
2008.APPENDIX O	Notice of Medicare Changes (Renumbered)
2008.APPENDIX P	Medicare Supplement Policies Report (Renumbered)
2008.APPENDIX Q	Disclosure Statements (Renumbered)
2008.APPENDIX R	Notice to Applicant Regarding Replacement of Medicare Supplement Insurance or Medicare Advantage
2008.APPENDIX S	Medicare Supplement Refund Calculation Format
2008.APPENDIX T	Notice of Medicare Changes
2008.APPENDIX U	Medicare Supplement Policies Report
2008.APPENDIX V	Disclosure Statements
2008.APPENDIX W	Outline of Medicare Supplement Coverage – Cover Page for Medicare Supplement Plans Sold on or after June 1, 2010
2008.APPENDIX AA	Plan A (for plans issued on or after June 1, 2010)
2008.APPENDIX BB	Plan B (for plans issued on or after June 1, 2010)
2008.APPENDIX CC	Plan C (for plans issued on or after June 1, 2010)
2008.APPENDIX DD	Plan D (for plans issued on or after June 1, 2010)
2008.APPENDIX EE	Plan F or High Deductible Plan F (for plans issued on or after June 1, 2010)
2008.APPENDIX FF	Plan G (for plans issued on or after June 1, 2010)
2008.APPENDIX GG	Plan K (for plans issued on or after June 1, 2010)
2008.APPENDIX HH	Plan L (for plans issued on or after June 1, 2010)
2008.APPENDIX II	Plan M (for plans issued on or after June 1, 2010)
2008.APPENDIX JJ	Plan N (for plans issued on or after June 1, 2010)

6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2008.10	Authority
2008.20	Purpose
2008.30	Applicability and Scope

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

2008.35	Effective Date (Repealed)
2008.40	Definitions
2008.45	Creditable Coverage
2008.50	Policy Definitions and Terms
2008.60	Policy Provisions
2008.61	Benefit Conversion Requirements During Transition (Repealed)
2008.64	Benefit Standards for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or after June 1, 2010
2008.67	Standard Medicare Supplement Benefit Plans for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or after June 1, 2010
2008.70	Minimum Benefit Standards for Pre-Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery Prior to February 11, 1992
2008.71	Benefit Standards for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery after February 11, 1992 and with an Effective Date for Coverage Prior to June 1, 2010
2008.72	Standard Medicare Supplement Benefit Plans for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or after February 11, 1992 and with an Effective Date for Coverage Prior to June 1, 2010
2008.73	Medicare Select Policies and Certificates
2008.74	Open Enrollment
2008.75	Guaranteed Issue for Eligible Persons
2008.76	Standards for Claims Payment
2008.80	Loss Ratio Standards and Refund or Credit of Premium
2008.81	Filing and Approval of Policies and Certificates and Premium Rates
2008.82	Permitted Compensation Arrangements
2008.90	Required Disclosure Provisions
2008.91	Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

2008.100	Requirements for Application Forms and Replacement Coverage
2008.101	Standards for Marketing
2008.102	Appropriateness of Recommended Purchase and Excessive Insurance
2008.103	Reporting of Multiple Policies
2008.104	Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates
2008.107	Prohibition Against Use of Genetic Information and Requests for Genetic Testing
2008.110	Severability
2008.120	Effective Date (Repealed)
2008.APPENDIX A	Policy Checklist
2008.APPENDIX B	Outline of Medicare Supplement Coverage – Cover Page for Medicare Supplement Plans Sold Prior to June 1, 2010
2008.APPENDIX C	Plan A (for plans issued prior to June 1, 2010)
2008.APPENDIX D	Plan B (for plans issued prior to June 1, 2010)
2008.APPENDIX E	Plan C (for plans issued prior to June 1, 2010)
2008.APPENDIX F	Plan D (for plans issued prior to June 1, 2010)
2008.APPENDIX G	Plan E (not available after May 31, 2010)
2008.APPENDIX H	Plan F or High Deductible Plan F (for plans issued prior to June 1, 2010)
2008.APPENDIX I	Plan G (for plans issued prior to June 1, 2010)
2008.APPENDIX J	Plan H (not available after May 31, 2010)
2008.APPENDIX K	Plan I (not available after May 31, 2010)
2008.APPENDIX L	Plan J or High Deductible Plan J (not available after May 31, 2010)
2008.APPENDIX M	Plan K (for plans issued prior to June 1, 2010)
2008.APPENDIX N	Plan L (for plans issued prior to June 1, 2010)
2008.APPENDIX O	Notice of Medicare Changes (Renumbered)
2008.APPENDIX P	Medicare Supplement Policies Report (Renumbered)
2008.APPENDIX Q	Disclosure Statements (Renumbered)
2008.APPENDIX R	Notice to Applicant Regarding Replacement of Medicare Supplement Insurance or Medicare Advantage
2008.APPENDIX S	Medicare Supplement Refund Calculation Format
2008.APPENDIX T	Notice of Medicare Changes
2008.APPENDIX U	Medicare Supplement Policies Report
2008.APPENDIX V	Disclosure Statements

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

2008.APPENDIX W	Outline of Medicare Supplement Coverage – Cover Page for Medicare Supplement Plans Sold on or after June 1, 2010
2008.APPENDIX AA	Plan A (for plans issued on or after June 1, 2010)
2008.APPENDIX BB	Plan B (for plans issued on or after June 1, 2010)
2008.APPENDIX CC	Plan C (for plans issued on or after June 1, 2010)
2008.APPENDIX DD	Plan D (for plans issued on or after June 1, 2010)
2008.APPENDIX EE	Plan F or High Deductible Plan F (for plans issued on or after June 1, 2010)
2008.APPENDIX FF	Plan G (for plans issued on or after June 1, 2010)
2008.APPENDIX GG	Plan K (for plans issued on or after June 1, 2010)
2008.APPENDIX HH	Plan L (for plans issued on or after June 1, 2010)
2008.APPENDIX II	Plan M (for plans issued on or after June 1, 2010)
2008.APPENDIX JJ	Plan N (for plans issued on or after June 1, 2010)

7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
2008.10	2008.10
2008.20	2008.20
2008.30	2008.30
2008.35	2008.35
2008.40	2008.40
2008.45	2008.45
2008.50	2008.50
2008.60	2008.60
2008.61	2008.61
2008.64	2008.64
2008.67	2008.67
2008.70	2008.70
2008.71	2008.71
2008.72	2008.72
2008.73	2008.73
2008.74	2008.74
2008.75	2008.75
2008.76	2008.76
2008.80	2008.80
2008.81	2008.81
2008.82	2008.82

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

2008.90	2008.90
2008.91	2008.91
2008.100	2008.100
2008.101	2008.101
2008.102	2008.102
2008.103	2008.103
2008.104	2008.104
2008.107	2008.107
2008.110	2008.110
2008.120	2008.120
2008.APPENDIX A	2008.APPENDIX A
2008.APPENDIX B	2008.APPENDIX B
2008.APPENDIX C	2008.APPENDIX C
2008.APPENDIX D	2008.APPENDIX D
2008.APPENDIX E	2008.APPENDIX E
2008.APPENDIX F	2008.APPENDIX F
2008.APPENDIX G	2008.APPENDIX G
2008.APPENDIX H	2008.APPENDIX H
2008.APPENDIX I	2008.APPENDIX I
2008.APPENDIX J	2008.APPENDIX J
2008.APPENDIX K	2008.APPENDIX K
2008.APPENDIX L	2008.APPENDIX L
2008.APPENDIX M	2008.APPENDIX M
2008.APPENDIX N	2008.APPENDIX N
2008.APPENDIX O	2008.APPENDIX O
2008.APPENDIX P	2008.APPENDIX P
2008.APPENDIX Q	2008.APPENDIX Q
2008.APPENDIX R	2008.APPENDIX R
2008.APPENDIX S	2008.APPENDIX S
2008.APPENDIX T	2008.APPENDIX T
2008.APPENDIX U	2008.APPENDIX U
2008.APPENDIX V	2008.APPENDIX V
2008.APPENDIX W	2008.APPENDIX W
2008.APPENDIX AA	2008.APPENDIX AA
2008.APPENDIX BB	2008.APPENDIX BB
2008.APPENDIX CC	2008.APPENDIX CC
2008.APPENDIX DD	2008.APPENDIX DD
2008.APPENDIX EE	2008.APPENDIX EE
2008.APPENDIX FF	2008.APPENDIX FF

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

2008.APPENDIX GG	2008.APPENDIX GG
2008.APPENDIX HH	2008.APPENDIX HH
2008.APPENDIX II	2008.APPENDIX II
2008.APPENDIX JJ	2008.APPENDIX JJ

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JUNE AGENDA

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
JUNE 16, 2015
11:30 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSCommerce Commission

1. Standards of Service for Gas Utilities (Repealer) (83 Ill. Adm. Code 500)
 - First Notice Published: 38 Ill. Reg. 17941 – 8/29/14
 - Expiration of Second Notice: 6/17/15
2. Standards of Service for Gas Utilities and Alternative Gas Suppliers (83 Ill. Adm. Code 500)
 - First Notice Published: 38 Ill. Reg. 17970 – 8/29/14
 - Expiration of Second Notice: 6/17/15

Education

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JUNE AGENDA

3. Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 Ill. Adm. Code 100)
 - First Notice Published: 39 Ill. Reg. 2916 – 2/27/15
 - Expiration of Second Notice: 7/1/15
4. Pupil Transportation Reimbursement (23 Ill. Adm. Code 120)
 - First Notice Published: 39 Ill. Reg. 2961 – 2/27/15
 - Expiration of Second Notice: 7/1/15
5. School Construction Program (23 Ill. Adm. Code 151)
 - First Notice Published: 39 Ill. Reg. 2970 – 2/27/15
 - Expiration of Second Notice: 7/1/15
6. Children's Low-cost Laptop Program (Repealer) (23 Ill. Adm. Code 365)
 - First Notice Published: 39 Ill. Reg. 2978 – 2/27/15
 - Expiration of Second Notice: 7/1/15
7. Regional Offices of Education and Intermediate Services (Repealer) (23 Ill. Adm. Code 525)
 - First Notice Published: 39 Ill. Reg. 2986 – 2/27/15
 - Expiration of Second Notice: 7/1/15
8. Intermediate Services (23 Ill. Adm. Code 525)
 - First Notice Published: 39 Ill. Reg. 3007 – 2/27/15
 - Expiration of Second Notice: 7/1/15
9. Parental Participation Pilot Project (Repealer) (23 Ill. Adm. Code 560)
 - First Notice Published: 39 Ill. Reg. 3024 – 2/27/15
 - Expiration of Second Notice: 7/1/15

Emergency Management Agency

10. Training and Education Program (Repealer) (29 Ill. Adm. Code 110)
 - First Notice Published: 39 Ill. Reg. 3450 – 3/13/15
 - Expiration of Second Notice: 6/20/15

Employment Security

11. Notices, Records, Reports (56 Ill. Adm. Code 2760)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JUNE AGENDA

- First Notice Published: 39 Ill. Reg. 2464 – 2/20/15
- Expiration of Second Notice: 6/17/15

12. Payment of Unemployment Contributions, Interest and Penalties (56 Ill. Adm. Code 2765)

- First Notice Published: 39 Ill. Reg. 2477 – 2/20/15
- Expiration of Second Notice: 6/17/15

Healthcare and Family Services

13. Hospital Services (89 Ill. Adm. Code 148)

- First Notice Published: 38 Ill. Reg. 23861 – 12/26/14
- Expiration of Second Notice: 7/11/15

Insurance

14. Variable Contracts (50 Ill. Adm. Code 1451)

- First Notice Published: 39 Ill. Reg. 2810 – 2/27/15
- Expiration of Second Notice: 7/5/15

Natural Resources

15. Outfitter Regulations (17 Ill. Adm. Code 640)

- First Notice Published: 39 Ill. Reg. 2487 – 2/20/15
- Expiration of Second Notice: 7/19/15

16. Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life (17 Ill. Adm. Code 870)

- First Notice Published: 39 Ill. Reg. 3249 – 3/6/15
- Expiration of Second Notice: 7/25/15

17. Recreational Trails Program (17 Ill. Adm. Code 3090)

- First Notice Published: 39 Ill. Reg. 5325 – 4/10/15
- Expiration of Second Notice: 7/12/15

Pollution Control Board

18. Water Quality Standards (35 Ill. Adm. Code 302)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JUNE AGENDA

- First Notice Published: 38 Ill. Reg. 19366 – 10/3/14
- Expiration of Second Notice: 6/28/15

19. Water Use Designations and Site-Specific Water Quality Standards (35 Ill. Adm. Code 303)
 - First Notice Published: 38 Ill. Reg. 19401 – 10/3/14
 - Expiration of Second Notice: 6/28/15
20. Permits (35 Ill. Adm. Code 309)
 - First Notice Published: 38 Ill. Reg. 19416 – 10/3/14
 - Expiration of Second Notice: 6/28/15

Public Health

21. Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - First Notice Published: 39 Ill. Reg. 4837 – 4/3/15
 - Expiration of Second Notice: 7/9/15
22. AIDS Drug Assistance Program (77 Ill. Adm. Code 692)
 - First Notice Published: 39 Ill. Reg. 4860 – 4/3/15
 - Expiration of Second Notice: 7/9/15
23. Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - First Notice Published: 39 Ill. Reg. 4865 – 4/3/15
 - Expiration of Second Notice: 7/11/15

Racing Board

24. Medication (11 Ill. Adm. Code 603)
 - First Notice Published: 38 Ill. Reg. 22022 – 12/1/14
 - Expiration of Second Notice: 6/21/15
25. Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)
 - First Notice Published: 39 Ill. Reg. 3415 – 3/6/15
 - Expiration of Second Notice: 6/24/15

Secretary of State

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JUNE AGENDA

26. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
-First Notice Published: 39 Ill. Reg. 3457 – 3/13/15
-Expiration of Second Notice: 6/20/15

State Employees Retirement System

27. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)
-First Notice Published: 39 Ill. Reg. 2538 – 2/20/15
-Expiration of Second Notice: 7/12/15

State Police

28. Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 Ill. Adm. Code 1286)
-First Notice Published: 39 Ill. Reg. 2540 – 2/20/15
-Expiration of Second Notice: 6/26/15

Student Assistance Commission

29. Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775)
-First Notice Published: 39 Ill. Reg. 2133 – 2/6/15
-Expiration of Second Notice: 7/6/15

Transportation

30. Airport Hazard Zoning (92 Ill. Adm. Code 16)
-First Notice Published: 39 Ill. Reg. 4333 – 3/27/15
-Expiration of Second Notice: 7/11/15
31. Fairfield Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 41)
-First Notice Published: 39 Ill. Reg. 4340 – 3/27/15
-Expiration of Second Notice: 7/11/15

EMERGENCY RULEMAKINGSBoard of Higher Education

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JUNE AGENDA

32. Higher Education Distance Learning and Interstate Reciprocity (23 Ill. Adm. Code 1033)
-First Notice Published: 39 Ill. Reg. 6042 – 5/1/15

Healthcare and Family Services

33. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 39 Ill. Reg. 6903 – 5/15/15
34. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
-First Notice Published: 39 Ill. Reg. 6945 – 5/15/15
35. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)
-First Notice Published: 39 Ill. Reg. 6956 – 5/15/15

Racing Board

36. Trifecta (11 Ill. Adm. Code 306)
-First Notice Published: 39 Ill. Reg. 7284 – 5/22/15
37. Superfecta (11 Ill. Adm. Code 311)
-First Notice Published: 39 Ill. Reg. 7288 – 5/22/15
38. Trifecta (11 Ill. Adm. Code 324)
-First Notice Published: 39 Ill. Reg. 7292 – 5/22/15

PEREMPTORY RULEMAKINGCentral Management Services

39. Pay Plan (80 Ill. Adm. Code 310)
-First Notice Published: 39 Ill. Reg. 6964 – 5/1/15

INTERNAL RULEMAKINGPurchased Care Review Board

40. Public Information, Rulemaking and Organization (2 Ill. Adm. Code 1850)
-First Notice Published: 39 Ill. Reg. 6640 – 5/8/15

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JUNE AGENDA

AGENCY RESPONSE

Children and Family Services

41. Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431)
 - Notice of Emergency Published: 38 Ill. Reg. 10700 – 5/23/14
 - Agency Response: Agreement

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the *Illinois Register*.
2. Name of Contributor: Terry M. Buhs, President, Wegman Electric Company.
3. Date of Violation: October 20, 2014.
4. Description of Violation: Terry M. Buhs, an affiliated person of the business entity Wegman Electric Company, made a contribution of \$250.00 to Citizens for Rauner, Inc., a campaign committee established to support the election of Bruce Rauner for Governor. At the time of the contribution, Bruce Rauner was a declared candidate for the office of Governor, and Wegman Electric Company had in place an active contract with CDB, as well as having bid on a project posted to the Procurement Bulletin just prior to the contribution, the total annual combined value of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for CDB has notified Wegman Electric Company of the apparent violation, reviewed responsive material provided by them, and has considered the value, status, and necessity of the contracts. In addition, the Chief Procurement Officer has taken into consideration the recognition by Wegman/Terry M. Buhs of the violation and his understanding of the necessity to avoid such situations in the future. The Chief Procurement Officer finds that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Citizens for Rauner, Inc., is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of May 26, 2015 through June 1, 2015. Rulemaking are scheduled for review at the Committee's June 16, 2015 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>
7/11/15	<u>Department of Healthcare and Family Services</u> , Hospital Services (89 Ill. Adm. Code 148)	12/26/14 38 Ill. Reg. 23861	6/16/15
7/11/15	<u>Department of Transportation</u> , Airport Hazard Zoning (92 Ill. Adm. Code 16)	3/27/15 39 Ill. Reg. 4333	6/16/15
7/11/15	<u>Department of Transportation</u> , Fairfield Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 41)	3/27/15 39 Ill. Reg. 4340	6/16/15
7/11/15	<u>Department of Public Health</u> , Food Service Sanitation Code (77 Ill. Adm. Code 750)	4/3/15 39 Ill. Reg. 4865	6/16/15
7/12/15	<u>Department of Natural Resources</u> , Recreational Trails Program (17 Ill. Adm. Code 3090)	4/10/15 39 Ill. Reg. 5325	6/16/15

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 24 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.

PROPOSED RULES

80 - 1650 8243

ADOPTED RULES

50 - 754 5/26/2015 8266

50 - 2030 6/1/2015 8282

50 - 2043 6/1/2015 8284

50 - 2101 6/1/2015 8286

50 - 3121 5/26/2015 8288

77 - 591 5/27/2015 8294

23 - 650 5/26/2015 8298

44 - 1105 5/26/2015 8314

80 - 1600 6/1/2015 8317

NOTICE OF CODIFICATION CHANGES

50 - 1412 8338

50 - 2008 8346

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