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September 2, 2022 Volume 46, Issue 36

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2022

Issue#	Rules Due Date	Date of Issue
1	December 20, 2021	January 3, 2022
2	December 27, 2021	January 7, 2022
3	January 3, 2022	January 14, 2022
4	January 10, 2022	January 21, 2022
5	January 18, 2022	January 28, 2022
6	January 24, 2022	February 4, 2022
7	January 31, 2022	February 14, 2022
8	February 7, 2022	February 18, 2022
9	February 14, 2022	February 25, 2022
10	February 22, 2022	March 4, 2022
11	February 28, 2022	March 11, 2022
12	March 7, 2022	March 18, 2022
13	March 14, 2022	March 25, 2022
14	March 21, 2022	April 1, 2022
15	March 28, 2022	April 8, 2022
16	April 4, 2022	April 15, 2022
17	April 11, 2022	April 22, 2022
18	April 18, 2022	April 29, 2022
19	April 25, 2022	May 6, 2022
20	May 2, 2022	May 13, 2022
21	May 9, 2022	May 20, 2022

22	May 16, 2022	May 27, 2022
23	May 23, 2022	June 3, 2022
24	May 31, 2022	June 10, 2022
25	June 6, 2022	June 17, 2022
26	June 13, 2022	June 24, 2022
27	June 21, 2022	July 1, 2022
28	June 27, 2022	July 8, 2022
29	July 5, 2022	July 15, 2022
30	July 11, 2022	July 22, 2022
31	July 18, 2022	July 29, 2022
32	July 25, 2022	August 5, 2022
33	August 1, 2022	August 12, 2022
34	August 8, 2022	August 19, 2022
35	August 15, 2022	August 26, 2022
36	August 22, 2022	September 2, 2022
37	August 29, 2022	September 9, 2022
38	September 6, 2022	September 16, 2022
39	September 12, 2022	September 23, 2022
40	September 19, 2022	September 30, 2022
41	September 26, 2022	October 7, 2022
42	October 3, 2022	October 14, 2022
43	October 11, 2022	October 21, 2022
44	October 17, 2022	October 28, 2022
45	October 24, 2022	November 4, 2022
46	October 31, 2022	November 14, 2022
47	November 7, 2022	November 18, 2022
48	November 14, 2022	November 28, 2022
49	November 21, 2022	December 2, 2022
50	November 28, 2022	December 9, 2022
51	December 5, 2022	December 16, 2022
52	December 12, 2022	December 27, 2022
53	December 19, 2022	December 30, 2022

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill. Adm. Code 2800
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2800.510	New Section
2800.610	New Section
- 4) Statutory Authority: Authorized by Sections 12-1 and 12-2 of the State Finance Act [30 ILCS 105/12-1 and 12-2] and by Section 710 of the Travel Regulation Council Rules (80 Ill. Adm. Code 3000.710)
- 5) A Complete Description of the Subjects and Issues Involved: The amendment codifies an existing Travel Update [12-06] as it relates to meal allowances and provides clarity as to allowed reimbursable expenses when an employee is on travel status and is traveling outside of the country.
- 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
- 11) Statement of Statewide Policy Objective: It 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: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Lexi Landers
State Travel Coordinator
Governor's Travel Control Board

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

100 E. Converse
Springfield, Illinois 62702

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: There is no adverse impact to small business.
- 15) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/
GOVERNOR'S TRAVEL CONTROL BOARD

PART 2800
TRAVEL

SUBPART A: GENERAL

- Section
2800.100 Definitions
2800.110 Application and Interpretation

SUBPART B: TRAVEL CONTROL SYSTEM

- Section
2800.200 Travel Control System
2800.210 Travel Coordinator
2800.220 Travel Authority
2800.230 Government Charge Cards (Repealed)
2800.235 Expenses at Headquarters or Residence
2800.240 Preparation and Submission of Travel Vouchers
2800.250 Approval and Submission of Travel Vouchers
2800.260 Items Directly Billed
2800.270 Conference Registration Fees

SUBPART C: TRANSPORTATION EXPENSES

- Section
2800.300 Incidental Expenses for Private and State Owned Automobiles

SUBPART D: LODGING

- Section
2800.400 Conference Lodging
2800.410 Employee Owned or Controlled Housing

SUBPART E: PER DIEM MEALS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section

2800.500 Conference Meals

[2800.510](#) [Meal Allowances](#)

SUBPART F: MISCELLANEOUS RULES

Section

2800.600 Lack of Receipts

[2800.610](#) [Out-of-Country Travel Expenses](#)

2800.650 Headquarter Designation for Agency Heads

SUBPART G: EXCEPTIONS TO THE RULES

Section

2800.700 Special Exceptions-Requested in Advance

2800.710 Ex Post Facto Exceptions

2800.APPENDIX A Reimbursement Schedule

AUTHORITY: Authorized by Sections 12-1 and 12-2 of the State Finance Act [30 ILCS 105/12-1 and 12-2] and by Section 710 of the Travel Regulation Council Rules (80 Ill. Adm. Code 3000.710).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 8 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17981, effective November 27, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. 13823, effective September 1, 1992; amended at 19 Ill. Reg. 36, effective January 1, 1995; amended at 19 Ill. Reg. 7858, effective July 1, 1995; amended at 20 Ill. Reg. 7379, effective May 13, 1996; emergency amendment at 22 Ill. Reg. 12082, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20036, effective November 6, 1998; emergency amendment at 24 Ill. Reg. 867, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 7655, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

May 9, 2000; amended at 26 Ill. Reg. 14979, effective October 8, 2002; emergency amendment at 27 Ill. Reg. 10476, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 17061, effective October 23, 2003; amended at 38 Ill. Reg. 11767, effective May 23, 2014; amended at 43 Ill. Reg. 11938, effective October 1, 2019; amended at 46 Ill. Reg. _____, effective _____.

SUBPART E: PER DIEM MEALS

Section 2800.510 Meal Allowances

An employee must be on travel status, work at least 10 consecutive hours and work at least two hours prior to or past their regular workday to be eligible for a meal allowance. This rule shall be applied as follows:

- a) For an employee to be eligible for a breakfast reimbursement, the employee must be on travel status, work 10 consecutive hours and leave headquarters or residence (if reporting directly to the destination) two hours prior to the start of the employee's regular workday.
- b) For an employee to be eligible for a dinner reimbursement, the employee must be on travel status, work 10 consecutive hours and arrive back at headquarters or residence (if reporting directly from destination) at least two hours following the end of the employee's regular workday.
- c) For employees commencing travel after the close of business, dinner is allowable if travel commences within 1.5 hours after the end of the employee's regular workday, but only in the event that the employee is not eligible for per diem.

(Source: Added at 46 Ill. Reg. _____, effective _____)

SUBPART F: MISCELLANEOUS RULES

Section 2800.610 Out-of-Country Travel Expenses

When an employee is on travel status and is travelling out of the country, all expenses related to lodging, transportation and meals shall be reimbursable by the State so long as such expenses are reasonable, as determined by the approving Agency head or their designee.

(Source: Added at 46 Ill. Reg. _____, effective _____)

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1800.110	Amendment
1800.250	Amendment
1800.265	New Section
1800.321	New Section
1800.330	Amendment
1800.530	Repealed
1800.540	Repealed
1800.570	Amendment
1800.595	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 78(a)(3) of the Video Gaming Act [230 ILCS 40/79(a)(3)], which provides that the Illinois Gaming Board shall "adopt rules for the purpose of administering the provisions of this Act."
- 5) A Complete Description of the Subjects and Issues Involved: Effective December 17, 2021, Public Act 102-689 amended the Video Gaming Act (the "Act") to require the licensing of sales agents and brokers soliciting use agreements on behalf of terminal operators. [230 ILCS 40/25(d-10)]. Prior to this amendment, terminal operators were required by Board Rule 220(e)(2) to disclose to the Board all individuals engaged in such solicitation, but those individuals were not subject to pre-approval. The present rulemaking implements this new license type, standardizes and clarifies certain activities related to the solicitation of use agreements, and makes other changes. Specifically, the proposed rulemaking does the following:

First, it specifies duties for the licensed sales agents and brokers which broadly match duties previously imposed on terminal operators as they relate to the solicitation of use agreements. The rulemaking also explicitly requires licensure to solicit all agreements that purport to control the placement of and control of video gaming terminals.

Second, the rulemaking codifies the temporary identification badge process that the Board currently uses for terminal handlers and technicians, expanding that process to the sales agents. Previously, the Board published lists of applicants that were either eligible or ineligible to work while their applications were pending, but that system was not governed by any promulgated rule. The proposed amendment to Section 1800.595 will

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

standardize this process and bring it in line with similar processes found in the Riverboat and Casino Gambling Part and Sports Wagering Part of the Illinois Administrative Code.

Third, the rulemaking expands upon and clarifies certain aspects of economic disassociation. It provides for the suspension of all payments owed to, or in connection with, the subject of the hearing during the pendency of the hearing process, and provides that after a Board order of economic disassociation no further payments may be made to the disassociated person other than fair market value consideration for a loss of ownership interest.

Lastly, the rulemaking makes clarifying and technical changes including standardization of certain terminology, elimination of fee schedules duplicated in statute, removal of an obsolete provision relating to submission of applications, and clarification of how Section 1800.570 (Renewal of License) interacts with Section 1800.210 (General Duties of All Video Gaming Licensees).

- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does the proposed rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1800.320	Amendment	46 Ill. Reg. 201; January 3, 2022.
1800.2070	New Section	46 Ill. Reg. 3939; March 11, 2022
1800.320	Amendment	46 Ill. Reg. 9295; June 10, 2022

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under [30 ILCS 805].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the *Illinois Register* to:

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Daniel Gerber
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

IGB.RuleComments@illinois.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking will affect terminal operators that are small businesses by governing their interactions with sales agents and brokers who solicit use agreements on their behalf.
- B) Reporting, bookkeeping or other procedures required for compliance: The rulemaking implements statutory governing sales agent and broker licensure established by P.A. 102-0689 (HB 3136), effective December 17, 2021.
- C) Types of professional skills necessary for compliance: License application review and investigation.

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule:
 - 55 Management of Companies and Enterprises
 - 71 Arts, Entertainment, and Recreation
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection
1800.130	Board Meetings
1800.140	Service Via E-mail

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Information
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.265	Duties of Sales Agents and Brokers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.321	Solicitation of Use Agreements or Agreements that Purport to Control the Placement and Operation of Video Gaming Terminals
1800.330	Economic Disassociation
1800.340	Change in Ownership of Terminal Operators and Assets Held by Terminal Operators
1800.350	Inducements

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

1800.360 Terminal Operator Record Retention

SUBPART D: LICENSING QUALIFICATIONS

Section

1800.410 Coverage of Subpart
1800.420 Qualifications for Licensure
1800.430 Persons with Significant Influence or Control
1800.440 Undue Economic Concentration

SUBPART E: LICENSING PROCEDURES

Section

1800.510 Coverage of Subpart
1800.520 Applications
1800.530 Submission of Application ([Repealed](#))
1800.540 Application Fees ([Repealed](#))
1800.550 Consideration of Applications by the Board
1800.555 Withdrawal of Applications and Surrender of Licenses
1800.560 Issuance of License
1800.570 Renewal of License
1800.580 Annual Fees
1800.590 Death and Change of Ownership of Video Gaming Licensee
[1800.595](#) [Temporary Identification Badge](#)

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610 Coverage of Subpart
1800.615 Requests for Hearing
1800.620 Appearances
1800.625 Appointment of Administrative Law Judge
1800.630 Discovery
1800.635 Subpoenas
1800.640 Motions for Summary Judgment
1800.650 Proceedings
1800.660 Evidence
1800.670 Prohibition on Ex Parte Communication
1800.680 Sanctions and Penalties

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1800.690 Transmittal of Record and Recommendation to the Board
1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

- 1800.710 Coverage of Subpart
1800.715 Notice of Proposed Disciplinary Action Against Licensees
1800.720 Hearings in Disciplinary Actions
1800.725 Appearances
1800.730 Appointment of Administrative Law Judge
1800.735 Discovery
1800.740 Subpoenas
1800.745 Motions for Summary Judgment
1800.750 Proceedings
1800.760 Evidence
1800.770 Prohibition on Ex Parte Communication
1800.780 Sanctions and Penalties
1800.790 Transmittal of Record and Recommendation to the Board
1800.795 Persons Subject to Proposed Orders of Economic Disassociation

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section

- 1800.810 Location and Placement of Video Gaming Terminals
1800.815 Licensed Video Gaming Locations Within Malls
1800.820 Measurement of Distances from Locations
1800.830 Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section

- 1800.910 Approvals Required, Applicability, Scope of Approval
1800.920 Notice of Enforcement of a Security Interest
1800.930 Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

ILLINOIS GAMING BOARD

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Section

- 1800.1010 Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
- 1800.1020 Transportation of Video Gaming Terminals into the State
- 1800.1030 Receipt of Video Gaming Terminals in the State
- 1800.1040 Transportation of Video Gaming Terminals Between Locations in the State
- 1800.1050 Approval to Transport Video Gaming Terminals Outside of the State
- 1800.1060 Placement of Video Gaming Terminals
- 1800.1065 Registration of Video Gaming Terminals
- 1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

Section

- 1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

Section

- 1800.1210 Definitions
- 1800.1220 Entities Authorized to Perform Fingerprinting
- 1800.1230 Qualification as a Livescan Vendor
- 1800.1240 Fingerprinting Requirements
- 1800.1250 Fees for Fingerprinting
- 1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

Section

- 1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section

- 1800.1410 Ticket Payout Devices
- 1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices
- [1800.1421 Redemption of Video Gaming Tickets During a Coin Shortage](#)

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART O: NON-PAYMENT OF TAXES

Section
1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

Section
1800.1610 Use of Gaming Device or Individual Game Performance Data

SUBPART Q: RESPONSIBLE GAMING

Section
1800.1710 Conversations About Responsible Gaming
1800.1720 Responsible Gaming Education Programs
1800.1730 Problem Gambling Registry
1800.1740 Utilization of Technology to Prevent Problem Gambling

SUBPART R: IMPLEMENTATION OF TECHNOLOGY

Section
1800.1810 Implementation of Technology

SUBPART S: INDEPENDENT TESTING LABORATORIES

Section
1800.1910 Independent Outside Testing Laboratories
1800.1920 Minimum Duties of an Independent Outside Testing Laboratory
1800.1930 Testing of Video Gaming Equipment
1800.1940 Approval of Video Gaming Equipment

SUBPART T: IN-LOCATION PROGRESSIVE GAMES

Section
1800.2010 In-location Progressive Games
1800.2020 Optional Nature of In-location Progressive Games
1800.2030 Procedures Within Licensed Video Gaming Locations
1800.2040 Payments of Progressive Jackpot Amount

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- 1800.2050 Deductions from Progressive Jackpots
1800.2060 Progressive Jackpot Coordinator

SUBPART U: UNDERAGE GAMBLING COMPLIANCE

Section

- 1800.2110 Statement of Purpose
1800.2120 Program Considerations
1800.2130 Utilization of Confidential Sources
1800.2140 Provision of Funds
1800.2150 Operational Procedures
1800.2160 Reporting and Evidence
1800.2170 Cooperation with Local Law Enforcement Agencies

- 1800.EXHIBIT A Youth Participant Consent Form
1800.EXHIBIT B Underage Gambling Participant Acknowledgment

AUTHORITY: Implementing and authorized by Section 78(a)(3) of the Video Gaming Act [230 ILCS 40/79(a)(3)].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg. 4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days; emergency amendment, except for the definition of "in-location bonus jackpot game" or "in-location progressive game" and the definition of "progressive jackpot" in Section 1800.110 and except for Section 1800.250(x), suspended at 43 Ill. Reg. 11061, effective September 18, 2019; amended at 44 Ill. Reg. 489, effective December 27, 2019; emergency amendment at 43 Ill. Reg. 9788, effective August 19, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 1961, effective December 31, 2019; emergency amendment at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3205, effective February 7, 2020; emergency amendment at 43 Ill. Reg. 13464, effective November 8, 2019, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 43 Ill. Reg. 13479, effective November 12, 2019; suspension withdrawn at 44 Ill. Reg. 3583; emergency amendment to emergency rule at 44 Ill. Reg. 3568, effective February 21, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 10891, effective June 10, 2020; amended at 43 Ill. Reg. 14099, effective November 21, 2019; emergency amendment at 44 Ill. Reg. 10193, effective May 27, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 16454, effective September 25, 2020; emergency amendment at 44 Ill. Reg. 11104, effective June 15, 2020, for a maximum of 150 days; emergency expired November 11, 2020; amended at 44 Ill. Reg. 11134, effective June 22, 2020; emergency amendment at 44 Ill. Reg. 13463, effective July 28, 2020, for a maximum of 150 days; emergency expired December 24, 2020; amended at 45 Ill. Reg. 3424, effective March 8, 2021; amended at 45 Ill. Reg. 5375, effective April 12, 2021; amended at 45 Ill. Reg. 9971, effective July 20, 2021; emergency amendment at 45 Ill. Reg. 10074, effective July 26, 2021, for a maximum of 150 days; emergency expired December 22, 2021; amended at 46 Ill. Reg. 5530, effective March 16, 2022; amended at 46 Ill. Reg. 6916, effective April 25, 2022; amended at 46 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1800.110 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Video Gaming Act [230 ILCS 40].

"Adjusted gross receipts": The gross receipts less winnings paid to wagerers. The value of expired vouchers shall be included in computing adjusted gross receipts.

"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, that person.

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Applicant": A person applying for any license under the Act.

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

Illinois laws, regulations and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

"Attributed interest": A direct or indirect interest in an enterprise deemed to be held by an individual not through the individual's actual holdings but either

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through the holdings of the individual's relatives or through a third party or parties on behalf of the individual pursuant to a plan, arrangement, agreement or contract.

"Board": The Illinois Gaming Board.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours and sells motor fuel and a limited selection of snacks and general goods.

"Credit": One, five, 10 or 25 cents.

"Distributor": An individual, partnership, corporation or limited liability company licensed under the Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on a video gaming terminal.

"Facility-pay" or "facility payment": A manual payment of currency by an authorized employee of a licensed video gaming location or an authorized

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employee of a terminal operator for amounts owed to a patron by a video gaming terminal when a video gaming terminal or ticket payout device has malfunctioned and is unable to produce or redeem a ticket.

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code (26 ~~U.S.C.~~ ~~USC~~ 501(c)(8) or (c)(10)).

"Game": A gambling activity that is played for money, property or anything of value, including without limitation those played with cards, chips, tokens, vouchers, dice, implements, or electronic, electrical or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any game.

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

With respect to an individual, an individual who is either:

domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

is required to file an Illinois tax return during the taxable year.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

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With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"Immediate family": A spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), parents, grandparents, siblings, children whether by blood, marriage or adoption, grandchildren, and step-children, whether by blood, marriage, or adoption.

"In-location bonus jackpot game" or "in-location progressive game": A video game in which the value of the top prize increases each time the game is played and the top prize is not won.

"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

An investment company registered under section 8 of the Investment Company Act of 1940 (15 U.S.C.~~USC~~ 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 U.S.C.~~USC~~ 80b-1 through 80b-21); or

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Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

"Licensed establishment": Any retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5] or a riverboat or casino licensed under the Illinois Gambling Act [230 ILCS 10].

"Licensed fraternal establishment": The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed large truck stop establishment": A facility located within 3 road miles from a freeway interchange, as measured in accordance with the Department of Transportation's rules regarding the criteria for the installation of business signs:

that is at least a 3-acre facility with a convenience store;

with separate diesel islands for fueling commercial motor vehicles;

that sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month; and

with parking spaces for commercial motor vehicles. "Commercial motor vehicle" has the meaning ascribed at Section 18b-101 of the Illinois Vehicle Code.

The requirement of this definition may be met by showing that estimated future sales or past sales average at least 50,000 gallons per month.

"Licensed technician": An individual who is licensed under the Act to repair, service and maintain video gaming terminals. A licensed technician is not licensed under the Act to possess or control a video gaming terminal or have

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access to the inner workings of a video gaming terminal (i.e., the logic area maintained in a separately locked cabinet of the video gaming terminal that houses electronic components that have the potential to significantly influence the operation of the video gaming terminal).

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under the Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. "Commercial motor vehicle" has the meaning ascribed at Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5]. The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

"Licensed veterans establishment": The location licensed under the Act where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, licensed truck stop establishment, or licensed large truck stop establishment, all as defined in Section 5 of the Act and this Part.

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

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"Manufacturer": An individual, partnership, corporation or limited liability company that is licensed under the Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Payout device": A device, approved by the Board and provided by a supplier or distributor, that redeems for cash tickets dispensed by a video gaming terminal in exchange for credits accumulated on a video gaming terminal.

"Person": Includes both individuals and business entities.

"Place of worship under the Religious Corporation Act": A structure belonging to, or operated by, a church, congregation or society formed for the purpose of religious worship and eligible for incorporation under the Religious Corporation Act [805 ILCS 110], provided that the structure is used primarily for purposes of religious worship and related activities.

"Problem gambling": "A repetitive set of gaming behaviors that negatively impacts someone's life.

"Progressive jackpot": The top prize in an in-location bonus jackpot game or in-location progressive game.

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"Redemption period": The one-year period, starting on the date of issuance, during which a ticket dispensed by a video gaming terminal may be redeemed for cash.

"Responsible gaming" means all of the following:

Policies for reducing harms related to gaming;

Providing a transparent and fair game;

Playing within time and money limits; and

Gaming for entertainment and fun.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

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When, with respect to a corporation, an individual or his or her spouse is an officer or director or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

"Supplier": An individual, partnership, corporation or limited liability company that is licensed under the Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location, and

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complying with all of the minimum standards for use agreements contained in Section 1800.320.

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 U.S.C.~~USC~~ 501(c)(19)).

"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

"Video gaming location": Any licensed video gaming location as defined in Section 1800.110, any applicant to become a licensed video gaming location, or any person that a terminal operator or sales agent and broker has reason to believe may apply to become a licensed video gaming location.

"Video gaming manager": An employee or owner or designated representative of a licensed video gaming location who manages, oversees or is responsible for video gaming operations at the location, and coordinates the video gaming operations with a terminal operator or the central communications system vendor.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART B: DUTIES OF LICENSEES

Section 1800.250 Duties of Terminal Operators

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In addition to all other duties and obligations required by the Act and this Part, each licensed terminal operator has an ongoing duty to comply with the following:

- a) Assume the primary responsibility for the operation and maintenance of video gaming terminals and for payment of tax remittance to the State as required by the Act;
- b) Maintain and provide, either directly or through a licensed manufacturer, distributor, supplier, licensed technician, or licensed terminal handler, an inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- c) Ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- d) Assume responsibility for the payment of valid receipt tickets issued by video gaming terminals it operates;
- e) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
- f) Assume responsibility for terminal and associated video gaming equipment malfunctions, including any claim for the payment of credits arising from malfunctions;
- g) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- h) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- i) Maintain a single bank account for all licensed video gaming locations with which it contracts for deposit of aggregate revenues generated from the play of video gaming terminals and allow for electronic fund transfers for tax payments;
- j) Only enter~~Enter~~ into written use agreements or agreements that purport to control placement and operations of video gaming terminals with ~~licensed~~ video gaming locations that comply with the Act and this Part;

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- k) Obtain and install, at no cost to the State and as required by the Board, all hardware, software and related accessories necessary to connect video gaming terminals to a central communications system;
- l) Offer or provide nothing of value to any ~~licensed~~ video gaming location or any agent or representative of any ~~licensed~~ video gaming location as an incentive or inducement to locate, keep or maintain video gaming terminals at the ~~licensed~~ video gaming location;
- m) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed large truck stop establishment, licensed fraternal establishment, or licensed veterans establishment;
- n) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- o) Respond to service calls within a reasonable time from the time of notification by the video gaming location;
- p) Immediately remove all video gaming terminals from the restricted area of play:
 - 1) upon order of the Board or an agent of the Board; or
 - 2) that have been out of service or otherwise inoperable for more than 72 hours;
- q) Provide the Board on a monthly basis a current list of video gaming terminals acquired for use in Illinois;
- r) Not install, remove or relocate any video gaming terminal without prior notification and approval of the Administrator or his designee;
- s) Provide prompt notice of an assignment of a use agreement to the Board, the affected location, and the central communications system vendor;
- t) Maintain a video gaming terminal access log for each video gaming terminal, which must be kept inside the video gaming terminal at all times, documenting all

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access to the video gaming terminal. The log format shall provide for the time and date of access, the persons who had access, the license number when applicable and the nature of the service or repair made during the access;

- u) Service, maintain or repair video gaming terminals at licensed video gaming locations only by licensed technicians or licensed terminal handlers;
- v) Purchase keys and locks for video gaming terminals that are approved by the Board and are specific to the terminal operator. All keys shall be numbered, reported to the Board and available for audits. The Board shall be provided with access to the logic box of a video gaming terminal upon request. If a terminal operator's actions necessitate a rekeying, the costs of rekeying shall be at the terminal operator's expense. A terminal operator shall immediately inform the Board if a key is lost or stolen;
- w) Provide, at the terminal operator's expense, digital surveillance cameras that continuously record at all times when video gaming terminals are operational. These cameras shall be maintained at all licensed video gaming locations with which the terminal operator has entered into a use agreement. The surveillance provided by these cameras shall extend to all areas where video gaming is being conducted and video gaming vouchers are redeemed. Recorded images must clearly and accurately display the time and date. Recordings shall not be destroyed or altered and shall be retained for at least 30 days. Surveillance recordings are subject to inspection by the Board through its agents and must be kept in a manner that allows the Board to view and obtain copies of the recordings immediately upon request. All surveillance recordings must record at a minimum of 10 frames per second and at a minimum resolution of 1280 x 720 px. All video surveillance data collected pursuant to this subsection shall be stored at the video gaming location or through offsite storage (e.g., cloud storage, offsite server). If stored at the video gaming location, neither the licensed location, nor any owner, person of significant influence or control, nor any of their employees, may access the video surveillance data. The retention of backed up video surveillance data shall take place twice monthly, by the first and fifteenth of each month, into a safe and secure location that shall not be accessible except by the terminal operator or a Board agent. The provisions of this subsection shall become operative on July 1, 2020; and
- x) Create a form for the use of licensed video gaming locations as a receipt for progressive jackpot winners. After the Administrator approves that form, the

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terminal operator shall distribute the forms to all licensed video gaming locations operating in-location bonus jackpot games or in-location progressive games with which the terminal operator has a use agreement. The form shall have payment instructions for the winning patron, identify contact information for the terminal operator, and be capable of having the following information recorded in triplicate:

- 1) The winner's name and address;
- 2) The date and time the progressive jackpot was won;
- 3) Identification number and location of the video gaming terminal on which the progressive jackpot was won; and
- 4) Game outcome (for example, reel symbols, card values or suits).

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1800.265 Duties of Sales Agents and Brokers

In addition to all other duties and obligations required by the Act and this Part, each licensed sales agent and broker, or any individual who owns, manages, or significantly influences or controls a terminal operator and is engaged in the solicitation of use agreements or any other agreement that purports to control the placement and operation of video gaming terminals for that terminal operator, has an ongoing duty to comply with the following:

- a) Carry and display identification issued by the Board when engaged in the active solicitation of use agreements on behalf of a terminal operator;
- b) Pay a fee of \$10 to the Board for any necessary replacement of identification;
- c) Return Board issued identification to the Board within 30 days upon expiration, surrender, or termination of licensure, or rescission of Board issued temporary identification;
- d) Only enter into written use agreements or agreements that purport to control the placement and operation of video gaming terminals with video gaming locations that comply with the Act and this Part;

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- e) Offer or provide nothing of value to any video gaming location, or any agent or representative of any video gaming location, as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;
- f) When soliciting use agreements or any agreements that purport to control the placement and operation of video gaming terminals, affirmatively disclose to every video gaming location being solicited the identity of any terminal operator on whose behalf the person is acting.

(Source: Added at 46 Ill. Reg. _____, effective _____)

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section 1800.321 Solicitation of Use Agreements or Agreements that Purport to Control the Placement and Operation of Video Gaming Terminals

- a) No person may solicit a video gaming location for any agreement that purports to control the placement and operation of video gaming terminals on behalf of a terminal operator unless that person either has a valid sales agent and broker license or has been previously identified as a person of significant influence or control of the terminal operator.
- b) No person shall be compensated by a terminal operator for solicitation of any agreement that purports to control the placement and operation of video gaming terminals if that person has had his or her sales agent and broker license revoked, denied renewal, or has been subject to an order of economic disassociation.

(Source: Added at 46 Ill. Reg. _____, effective _____)

Section 1800.330 Economic Disassociation

- a) Each applicant or licensee shall provide a means for the economic disassociation of any person who, with respect to that applicant or licensee, is a Person With Significant Influence or Control, a holder of an Ownership Interest, or any licensed sales agent and broker~~person for whom a licensee, applicant or Person With Significant Influence or Control has a continuing duty to report information under Section 1800.220(e)(2)~~, in the event the economic disassociation is required by an order of the Board.

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- b) Based upon findings from an investigation into the character, reputation, experience, associations, business probity, and financial integrity of a Person With Significant Influence or Control, a holder of an Ownership Interest, or any ~~licensed sales agent and broker~~~~person for whom a licensee, applicant or Person With Significant Influence or Control has a continuing duty to report information under Section 1800.220(e)(2)~~, the Board may enter an order upon a licensee to require the economic disassociation of that person. A person whose economic disassociation has been ordered may contest the order under the provisions of Subpart G. A violation of an order of economic disassociation may result in a complaint against the licensee under Subpart G. Any hearing relating to an order of economic disassociation shall be a hearing on the merits of the Board's determination that economic disassociation is warranted. The licensee shall be considered the party to the hearing.
- c) The Board may enter an order of economic disassociation under this Section under any criteria for denial of license set forth in Section 9 of the ~~Illinois Riverboat~~ Gambling Act [230 ILCS 10] or Section 45 of the Video Gaming Act.
- d) If an order of economic disassociation is contested under subsection (b) of this Section, all payments owed to or in connection with the subject person shall be suspended until the Board issues its final Board order.
- e) If the final Board order under subsection (d) results in economic disassociation, no further payments may be made to the disassociated person other than fair market value consideration for a loss of ownership interest.
- f) If the final Board order under subsection (d) does not result in economic disassociation, then any payments suspended pursuant to subsection (d) of this Section may be paid.
- g) No licensee shall engage in any economic association with any person who has been subject to any final Board order of economic disassociation.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART E: LICENSING PROCEDURES

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Section 1800.530 Submission of Application (Repealed)

~~All applications shall be submitted to the Board at its office in Chicago (160 N. LaSalle St., Chicago IL 60601).~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 1800.540 Application Fees (Repealed)

~~All applicants for a license issued by the Board shall pay the following application fees, as applicable, at the time of filing their application:~~

- ~~a) Manufacturer = \$5,000~~
- ~~b) Distributor = \$5,000~~
- ~~c) Terminal Operator = \$5,000~~
- ~~d) Supplier = \$2,500~~
- ~~e) Technician = \$100~~
- ~~f) Terminal Handler = \$100~~
- ~~g) Licensed establishment, licensed truck stop establishment, licensed large truck stop establishment, licensed fraternal establishment, or licensed veterans establishment = \$100~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 1800.570 Renewal of License

- a) The Board may only renew a license upon receipt of the annual fee (see Section 45(g) of the Act) and any renewal forms provided by the Board.
- b) The Board may only renew a license if the licensee continues to meet all qualifications for licensure set forth in the Act and this Part. Renewal of a license is not a ruling on the merits of any currently pending or future disciplinary action.

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- c) A license shall expire if the annual fee is not received by the Board prior to the expiration of the license.
- d) A licensee whose license is not renewed by its renewal date, including but not limited to a licensee contesting a notice of nonrenewal or revocation of the license, shall still pay its annual fee each year. Failure to pay the scheduled annual fee shall cause the license to expire.
- e) If a ~~licensed~~ video gaming location license, ~~licensed~~ technician license, ~~or licensed~~ terminal handler license or sales agent and broker license has expired due to the non-payment of the annual fee, and the Board receives the licensee's annual fee within 10 business days following expiration of the license, the Board may renew the license without requiring reapplication provided the licensee continues to meet all qualifications for licensure set forth in the Act and this Part. Payment of an annual fee after expiration of a license in accordance with this subsection may still constitute failure by a licensee to keep current in its obligations to the State pursuant to Section 1800.210(g).

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1800.595 Temporary Identification Badge

The Administrator may issue a temporary identification badge to an applicant for a terminal handler, technician, or sales agent and broker license. The holder of a temporary identification badge of any type may perform duties as a holder of a license of the same type. The holder of a temporary identification badge is subject to the same duties and obligations as a holder of a license of the same type.

- a) To qualify for a temporary identification badge, an applicant must have already submitted an application that has been deemed complete by the Administrator, including fingerprints and a photograph.
- b) In determining whether to grant a temporary identification badge, the Administrator shall consider any relevant factor, including but not limited to:
 - 1) Facts that suggest an applicant may not be suitable for licensure under the Act and this Part; and

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- 2) Any past or pending disciplinary action against the applicant in any jurisdiction.
- c) Temporary identification badges are valid for one year from the date of the application unless rescinded or extended by the Administrator.
- d) A temporary identification badge is not transferable and upon rescission must be returned by the applicant to the Board within 30 days, or if employed by a licensed terminal operator, to his or her employer. A licensed terminal operator shall return any such badge to the Board within 21 days.
- e) The Administrator may rescind a temporary identification badge at any time for any just cause, including, but not limited to, the factors identified in Sections 1800.310 and 1800.420, and in subsection (b) of this Section.
- f) Rescission of a temporary identification badge by the Administrator is not a final ruling on the merits of an application.
- g) A temporary identification badge shall be rescinded upon issuance of a Notice of Denial of Application.

(Source: Added at 46 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) Section Number: 3030.255 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].
- 5) Effective Date of Rule: August 22, 2022
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the *Illinois Register*: 46 Ill. Reg. 8058; May 20, 2022
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: Grammatical changes.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter from JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part: No
- 15) A Complete Description of the Subjects and Issues Involved: Public library bidding thresholds were changed in The Illinois Local Library Act [75 ILCS 5/5-5] and Illinois Public Library Districts Act [75 ILCS 16/40-45] and the Public Library District Acts were amended by Public Act 100-338, effective August 25, 2017. The laws were changed to raise the threshold for bidding from \$20,000 to \$25,000. This rulemaking is to make

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library system procurement procedures reflect public library bidding procurement procedures.

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

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

217-558-4185
jnatale@ilsos.net

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

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

PART 3030
THE ILLINOIS LIBRARY SYSTEM ACT

SUBPART A: PURPOSE AND DEFINITIONS

Section	
3030.100	Purpose
3030.110	Definitions

SUBPART B: MULTITYPE LIBRARY SYSTEM

Section	
3030.200	Membership in a Multitype Library System
3030.205	Changes in Multitype Library System Membership Status
3030.210	Establishment of Systems
3030.215	Standards for Core Services to Members
3030.225	Geographic Boundaries and Demographics
3030.230	Adjustment of the Geographic Boundaries of Multitype Library Systems
3030.235	Mergers
3030.240	Liquidation
3030.245	Revocation of Approval
3030.250	Board of Directors Requirements
3030.255	Board of Directors Policies
3030.260	Finances and Records
3030.265	Annual Application
3030.270	Annual System Report

SUBPART C: PUBLIC LIBRARY SYSTEM

Section	
3030.300	Membership in a Public Library System
3030.310	Establishment of Systems
3030.315	Standards for Core Services
3030.325	Revocation of Approval
3030.330	Board of Directors Requirements

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- 3030.335 Board of Directors Policies
- 3030.340 Finances and Records
- 3030.345 Annual Application
- 3030.350 Annual System Report

SUBPART D: APPEALS PROCEDURES

Section

- 3030.400 Hearing
- 3030.410 Administrative Review of State Librarian's Decision in Contested Cases
- 3030.420 Notice of Hearing
- 3030.430 Conduct of Hearing
- 3030.440 Motions
- 3030.450 Order of the Hearing
- 3030.455 Authority of Administrative Law Judge
- 3030.460 Record of the Hearing
- 3030.470 Oral Proceedings
- 3030.480 Findings of Fact
- 3030.490 Rules of Evidence; Official Notice
- 3030.495 Decisions and Orders

3030.EXHIBIT A ILLINET Interlibrary Load Code

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

SOURCE: Rules and Regulations for Library Systems and State Aid, November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21187, effective November 23, 1993; amended at 17 Ill. Reg. 22048, effective December 14, 1993; amended at 18 Ill. Reg. 7452, effective May 3, 1994; expedited correction at 18 Ill. Reg. 13154, effective May 3, 1994; amended at 20 Ill. Reg. 3909, effective February 16, 1996; emergency amendment at 21 Ill. Reg. 4853, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 11774, effective August 11, 1997; amended at 26 Ill. Reg. 5969, effective July 1, 2002; amended at 28 Ill. Reg. 7666, effective June 1, 2004; amended at 31 Ill. Reg. 16273, effective November 20, 2007; amended at 32 Ill. Reg. 9635, effective June 23, 2008; amended at 36 Ill. Reg. 12377, effective July 18, 2012; old Part repealed at 39 Ill. Reg.

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5137 and new Part adopted at 39 Ill. Reg. 5140, effective March 20, 2015; emergency amendment at 44 Ill. Reg. 6148, effective April 6, 2020, for a maximum of 150 days; emergency expired September 2, 2020; emergency amendment at 44 Ill. Reg. 8585, effective May 7, 2020, for a maximum of 150 days; emergency expired October 3, 2020; amended at 46 Ill. Reg. 14771, effective August 22, 2022.

SUBPART B: MULTITYPE LIBRARY SYSTEM

Section 3030.255 Board of Directors Policies

- a) Policies and bylaws adopted by the library system boards for the governance of library systems shall be filed with the Illinois State Library. Policies should cover, at a minimum, the following areas of system operations:
 - 1) Fiscal accountability;
 - 2) Personnel;
 - 3) Core services as specified in Section 3030.215;
 - 4) Technology, including plans for updating technological equipment and software and security measures to safeguard electronic financial information, employee data and other records.
- b) All library system policies and bylaws shall be in accordance with State law and subject to approval by the State Librarian.
- c) ~~Each~~Each~~No later than 60 days after these rules become effective, the~~ library system shall adopt, post on its web site and submit to the Illinois State Library a copy of policies that regulate activities of the library system in a manner no less restrictive than as follows:
 - 1) Contracts and Purchasing
 - A) Purchases of ~~\$25,000~~\$20,000 or More
 - i) All contracts for supplies, materials or work involving an expenditure of ~~\$25,000~~\$20,000 or more, other than professional services, shall be awarded to the lowest

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responsible bidder, after advertisement at least once in a newspaper or newspapers of general circulation within the area of the library system, not less than 14 days before the bid date.

- ii) All competitive bids for contracts involving an expenditure of ~~\$25,000~~~~\$20,000~~ or more must be sealed by the bidder and must be opened by a board member or employee of the library system at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 ~~days~~~~days~~ notice of the time and place of the bid opening.
 - iii) The library system board of directors may reject any and all bids and re-advertise. The system shall not be required to accept a bid that does not meet the library system's established terms of delivery, quality and serviceability.
 - iv) When the emergency expenditure is approved by $\frac{3}{4}$ of the members of the library system board of directors, a contract can be let without advertising for bids. When possible, emergency purchases shall be made on the basis of three informal competitive quotations.
- B) Purchases of More Than \$5,000 but Less Than ~~\$25,000~~~~\$20,000~~. Any purchase by a library system for services, materials, equipment or supplies, other than professional services, with a value greater than \$5,000 but less than ~~\$25,000~~~~\$20,000~~ shall be made, whenever feasible, on the basis of three or more informal competitive quotations.
- C) Governmental Agencies. The requirement to advertise for bids does not apply to contracts for goods or services procured from another governmental agency.
- D) Professional Services. Contracts that, by their nature, are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill when the ability or fitness of the individual plays an important

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part, contracts for utility services such as water, light or heat, contracts for the use, purchase, delivery, movement or installation of data processing equipment, software or services, telecommunications and interconnect equipment, software or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the district itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports are not subject to competitive bidding.

- 2) Conflict of Interest. No library system employee, nor the spouse or minor child of a system employee, may be in any manner financially interested directly in his or her own name or indirectly in the name of any other person, association, trust or corporation in any purchase or lease contract entered into by the system. This provision shall not apply if the purchase or lease contract is with a person, firm, partnership, association, corporation or cooperative association in which the interested employee, the employee's spouse, or the employee's minor child has less than a 7.5 percent share of the total distributable income. Any purchase or lease contract entered into by the system with an employee, ~~the employee's his or her~~ spouse, or minor child before the start of the employee's employment with the system in which the employee, ~~his or her~~ spouse, or minor child has a pecuniary interest is voidable if it cannot be completed within 365 days after the employee is employed.
- 3) Travel Expenditures. It is the policy of the system to reimburse full and part-time employees and members of the library system board of directors for reasonable authorized expenses incurred by them in the performance of their duties. The library system board of directors shall develop a policy for the control of travel sufficient to prevent obligation of funds exceeding budget limitations and to hold travel to the minimum required for the efficient and economical conduct of the library system's business. The policy for the control of travel established by the library system board of directors shall include a description of the library system's travel approval process, allowable transportation expenses, non-reimbursable expenses, and rates of reimbursement for mileage, including automobile, air and train; per diem/meals; and lodging. Travel reimbursements shall follow

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federal travel regulations (FTR) promulgated by the U.S. General Services Administration (41 CFR 300-304).

- 4) Secondary Employment. The board shall approve and regularly review a policy on secondary employment for system employees. No library system employee may accept employment that may cause a conflict of interest or infringe on official work time with the library system.

(Source: Amended at 46 Ill. Reg. 14771, effective August 22, 2022)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers: Adopted Actions:
1540.90 Amendment
1540.415 New Section
- 4) Statutory Authority: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5].
- 5) Effective Date of Rule: August 22, 2022
- 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 is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: 46 Ill. Reg. 7693; May 13, 2022
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: Technical corrections recommended by JCAR
- 12) Have all the changes agree upon by the Agency and JCAR been made as indicated in the agreement letter 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? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1540.81	New Section	46 Ill. Reg. 14192; August 12, 2022
1540.110	Amendment	46 Ill. Reg. 14192; August 12, 2022
1540.265	New Section	46 Ill. Reg. 14192; August 12, 2022

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

1540.395 Amendment 46 Ill. Reg. 14192; August 12, 2022

- 15) Summary and Purpose of Rulemaking: The adopted rules are summarized in the following manner:

Clarifies the method in which a survivor annuity is offset when the survivor receives occupation death benefits from the Workers' Compensation Commission (or Workers' Occupational Diseases Act. Prohibits a member from electing a rollover of any refund or any accelerated pension benefit payment to a Roth IRA or any other post-tax plan.

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

Jeff Houch
Assistant to the Executive Secretary
State Employees' Retirement System
2101 South Veterans Parkway
Springfield, IL 62794

217-524-8105
jeff.houch@srs.illinois.gov

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

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

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

Section

1540.5	Introduction (Repealed)
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits and Survivor's Annuities
1540.80	Disability Claims
1540.85	Benefit Suspension and Termination for Gainful Employment or Activity
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.125	Reversionary Annuity
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.195	Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
1540.200	Removal from the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions by the State (Repealed)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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- 1540.240 Actuarially Funded Basis (Repealed)
1540.250 Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255 Pick-up Option for Optional Service Contributions
1540.260 Contributions and Service Credit During Nonwork Periods
1540.270 Written Appeals and Hearings
1540.280 Availability for Public Inspection (Recodified)
1540.290 Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300 Organization of the State Employees' Retirement System (Recodified)
1540.310 Amendments
1540.320 Optional Forms of Benefits – Basis of Computation
1540.330 Board Elections
1540.340 Excess Benefit Arrangement
1540.350 Qualified Illinois Domestic Relations Orders (QILDRO)
1540.360 Election to be an Employee under Section 14-103.05(b)(3) of the Illinois Pension Code
1540.370 Americans With Disabilities Act
1540.380 Correction of Mistakes in Benefit Payments
1540.385 Suspension of Benefits from Uncashed Warrants
1540.390 Freedom of Information Act
1540.395 Accelerated Pension Benefit Payment Program
1540.400 Multiple Survivors of a Tier 2 Member
1540.410 Final Average Compensation for Certain Alternative Retirement Annuity Recipients
[1540.415 Prohibited Transactions](#)
1540.APPENDIX A Grievance Form
1540.TABLE A Optional Forms of Benefits – Basis of Computation

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

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 22, 2002; emergency amendment at 28 Ill. Reg. 8775, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005; amended at 30 Ill. Reg. 12303, effective July 1, 2006; amended at 31 Ill. Reg. 211, effective December 21, 2006; amended at 32 Ill. Reg. 17779, effective October 29, 2008; emergency amendment at 33 Ill. Reg. 9449, effective June 19, 2009, for a maximum of 150 days; emergency expired November 15, 2009; amended at 34 Ill. Reg. 285, effective December 15, 2009; amended at 34 Ill. Reg. 8313, effective June 10, 2010; amended at 38 Ill. Reg. 4023, effective January 24, 2014; emergency amendment at 39 Ill. Reg. 2792, effective February 6, 2015, for a maximum of 150 days; emergency amendment modified in response to Joint Committee on Administrative Rules Objection at 39 Ill. Adm. Code 5626, effective April 7, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 9582, effective June 26, 2015; amended at 41 Ill. Reg. 4217, effective March 22, 2017; amended at 42 Ill. Reg. 9568, effective May 29, 2018; emergency amendment at 42 Ill. Reg. 21436, effective November 13, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 768, effective December 19, 2018; amended at 43 Ill. Reg. 3965, effective March 18, 2019; amended at 43 Ill. Reg. 9252, effective August 16, 2019; amended at 44 Ill. Reg. 534, effective December 27, 2019; amended at 44 Ill. Reg. 7888, effective April 27, 2020; amended at 44 Ill. Reg. 11172, effective June 19, 2020; amended at 44 Ill. Reg. 19510, effective December 2, 2020; amended at 45 Ill. Reg. 3023, effective February 26, 2021; amended at 45 Ill. Reg. 6848, effective May 24, 2021; amended at 45 Ill. Reg. 9547, effective July 19, 2021; amended at

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46 Ill. Reg. 4100, effective February 23, 2022; amended at 46 Ill. Reg. 6945, effective April 21, 2022; amended at 46 Ill. Reg. 14779, effective August 22, 2022.

Section 1540.90 Benefit Offset

- a) Occupational Disability, ~~and~~ Occupational Death, and Survivor's annuity
Any amounts received under the Workers' Compensation Act [820 ILCS 305] or the Workers' Occupational Diseases Act [820 ILCS 310] as compensation for the disability or death of a member shall be applied, for the period of time prescribed by those Acts for payments, as an offset against any occupational disability benefit, ~~or~~ occupational death benefit, or survivor's annuity provided under Article 14 of the Illinois Pension Code [40 ILCS 5] for that disability or death, as follows:
- 1) If the amount of compensation received under the Workers' Compensation Act or the Workers' Occupational Diseases Act for a month is less than the occupational disability, ~~or occupational~~ death benefit, or survivor's annuity provided under Article 14 of the Illinois Pension Code for that month, then only the amount of the monthly occupational disability, ~~or occupational~~ death benefit, or survivor's annuity that exceeds the monthly compensation received under the Workers' Compensation Act or the Workers' Occupational Diseases Act shall be payable by the Retirement System, subject, in the case of occupational death, to any minimum benefit provided by Sections 14-103.18 and 14-121(h) of the ~~Illinois~~ Pension Code. If the amount of compensation received under the Workers' Compensation Act or the Workers' Occupational Diseases Act for a month equals or exceeds the monthly occupational disability or death benefit provided under Article 14 of the ~~Illinois~~ Pension Code, then no benefit shall be payable by the Retirement System for that month.
 - 2) If the compensation for disability or death is received in a lump sum, or partly in a lump sum and partly in monthly or weekly sums, and if a period of time is not prescribed for payment of that compensation by the Workers' Compensation Act or the Workers' Occupational Diseases Act, then the Retirement System shall, for offset purposes, consider the compensation as if it had been paid using the average weekly wage as prescribed under those Acts. Salary or wages paid on or after the date of the member's disability shall not be included in the amount to be offset under this subsection against benefits payable under Article 14 of the

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Illinois Pension Code on account of the member's service.

- 3) In the event the whole or any part of the benefits received under the Workers' Compensation Act or Workers' Occupational Diseases Act is commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of the offset under this subsection.
- 4) No offset shall be applied under this subsection against the member's retirement annuity.
- 5) The offset described in this subsection shall be reduced by any legal expenses granted in the award.
- 6) The offset described in this subsection shall be reduced by amounts received or paid under the Workers' Compensation Act or Workers' Occupational Diseases Act for medical, hospital, or burial expenses, provided that, in the case of medical and hospital expenses, the expenses are incurred before either a final determination is made on the member's claim by the Illinois Workers' Compensation Commission or the member's claim is otherwise settled.
- 7) That portion of the occupational death benefit consisting of accumulated contributions of a member shall not be subject to any offset mentioned in this Section.
- 8) The termination of death benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act due to remarriage of the benefit recipient shall cause the offset to the Occupational Death Benefit applicable to the remarried benefit recipient to terminate effective with the last month of eligibility represented in the final benefit payment under the Workers' Compensation Act or Workers' Occupational Diseases Act.
- 9) In those cases in which the injury or death, for which an occupational disability, ~~or occupational~~ death benefit, or survivor's annuity is payable, creates a legal liability for damages on the part of some person other than the employer to pay damages, the Workers' Compensation offset shall be applied as follows:

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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- A) Any amounts paid under the Workers' Compensation Act or Workers' Occupational Diseases Act are subject to the offset provisions of Article 14 of the Pension Code ~~[40 ILCS 5]~~ and this Part, even though those amounts are recoverable under Section 5(b) of the Workers' Compensation Act (subrogation).
- B) In the event that benefits due under the Workers' Compensation Act or Workers' Occupational Diseases Act are commuted into one sum or waived in lieu of the member seeking recovery against a third party, the System shall use the amount of any judgment, settlement or payment for the injury by the third party as a credit against any benefits paid or payable by the System.
- 10) Any periods of disability for which payment under the Workers' Compensation Act is denied, due to the failure of the individual to comply with that Act, that result in a period of noncompensability under the Workers' Compensation Act will not be considered for Occupational Disability until the entire Workers' Compensation case has been finalized through the Illinois Workers' Compensation Commission.
- b) **Nonoccupational Disability and Temporary Disability**
As used in this Section, "full retirement age" means the age at which an individual is eligible to receive full Social Security retirement benefits.
- 1) The nonoccupational and temporary disability benefit payable to a covered member shall be offset before the full retirement age by the amount of Social Security disability benefit payable prior to the member attaining the full retirement age and after the full retirement age by the amount of the Social Security retirement benefit for which the individual is first eligible on or after attaining the full retirement age less legal expenses paid by the member to obtain the award up to the maximum allowed by the Social Security Administration.
- 2) The Social Security retirement benefit offset will be applied as follows, at the full retirement age. For a disability benefit recipient who received Social Security disability benefits before attaining the full retirement age, the Social Security disability benefit payment applied as the offset prior to attaining the full retirement age will remain in effect as the Social Security retirement benefit offset on or after attaining the full retirement age.

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- 3) Disability benefits payable from the System commencing after the full retirement age will be offset by Social Security retirement benefits for which the individual is eligible on the commencement of disability.
- c) Social Security Benefit Offset to Widow's and Survivor's Annuities
- 1) Beginning July 1, 2009, the Social Security survivor benefit offset (offset) shall not apply to any widow's or survivor's annuity of any person who began receiving a retirement annuity or a survivor's or widow's annuity prior to January 1, 1998.
 - 2) Beginning July 1, 2009, the offset shall not apply to the widow's or survivor's annuity of any person who began receiving a widow's or survivor's annuity on or after January 1, 1998 and prior to July 1, 2009.
 - 3) If the widow's or survivor's annuity is payable based on a coordinated employee's death in service, the offset shall not be applied to the widow's or survivor's annuity.
 - 4) Any person who began receiving a retirement annuity after January 1, 1998 and before July 1, 2009 may make a one-time election before July 1, 2009 to reduce the monthly retirement annuity payable by 3.825% in exchange for not having the offset applied to any survivor's annuity payable.
 - 5) Any employee with a retirement annuity effective date on or later than July 1, 2009 may, at the time of retirement, elect to reduce the monthly retirement annuity payable by 3.825% in exchange for not having the offset applied to any survivor's annuity payable.
 - 6) For a person on the level income option under Section 14-112 of the Illinois Pension Code who makes an election under subsection (c)(4) or (c)(5) [of this Section](#), the reduction shall be computed based on the reduced amount of the retirement annuity to be paid after the person has become eligible for old age payments under the federal Social Security Act plus any automatic annual increases received as of the date of the election.

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- 7) For a member whose accrued benefits are payable, in whole or in part, to an alternate payee pursuant to a QILDRO, as established by Section 1-119 of the ~~Illinois~~ Pension Code, any reduction due to an election made by the member under subsection (c)(4) or (c)(5) of this Section shall be computed based on the total amount of the member's retirement annuity prior to and without giving effect to any QILDRO reduction for amounts payable to an alternate payee. However, the actual reduction under subsection (c)(4) or (c)(5) shall be applied exclusively to the member's retirement annuity and not to any payment to an alternate payee.
- 8) If a coordinated employee does not elect to reduce the retirement annuity in exchange for not applying the offset to the SERS survivor's annuity, the survivor's annuity shall be reduced by one-half of any Social Security survivor's benefits for which all beneficiaries included in the widow's or survivor's annuity are eligible. The offset shall not reduce any survivor's or widow's benefit by more than 50%. If a coordinated employee does not elect to reduce the retirement annuity in exchange for not applying the offset to the SERS survivor's annuity, the offset will commence on the date the beneficiaries first become eligible to receive any portion of the Social Security benefit, regardless of whether the beneficiaries elect to accept the Social Security benefit on that date or if the beneficiaries' own earnings preclude payment of Social Security survivor's benefits.
- 9) If an annuitant who elected to have the retirement annuity reduced 3.825% to prevent an offset from taking place to any survivor benefits payable has a change in marital status due to death or divorce, that annuitant may make an irrevocable election to prospectively discontinue the reduction. However, no reimbursement of prior reductions will be made.
- 10) If, at the time the offset is to be commenced, the survivor is eligible to receive a monthly benefit amount from the Social Security Administration based on his/her own Primary Insurance Amount, that amount shall be deducted from the amount of survivor's benefit payable by Social Security and the offset computed on the difference. If the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount and a governmental pension offset would have been applied to the Social Security survivor's benefit, that amount shall be deducted from the amount of the survivor's benefit payable by Social Security and the offset computed on the difference.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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- 11) The Social Security reduction amount once established shall remain constant except for the following conditions:
- A) If a survivor under age 50 previously receiving the survivor's benefit because of minor children becomes a deferred annuitant, the offset amount will be recomputed when he or she first becomes eligible for Social Security survivor's benefits. The offset amount will be based on the original widow's or widower's Social Security survivor's amount, ignoring subsequent increases to the deceased's Primary Insurance Amount. The recomputed offset amount shall be the balance of the Social Security survivor's benefit minus the governmental pension offset, if any.
 - B) The offset amount will be adjusted when a child is removed from consideration for the System's annuity.
 - C) The offset amount will be adjusted when any benefit recipients become ineligible for Social Security benefits.
 - D) Beginning July 1, 2009, if a survivor under age 62 receiving a survivor's benefit subject to the Social Security offset becomes eligible to receive a monthly benefit amount based on a Primary Insurance Amount on his or her own record, the offset will be recomputed when he or she first becomes eligible to receive his or her own Primary Insurance Amount. The offset amount will be based on the estimated widow's or widower's Social Security survivor's amount determined at the date of death of the member less the estimated monthly benefit amount based on the Primary Insurance Amount of the survivor determined at the date of death of member, and the government pension offset, if any, ignoring any subsequent increases to the deceased Primary Insurance Amount or the survivor's Primary Insurance Amount. The monthly benefit amount based on the primary insurance amount of the survivor shall be determined from the Social Security Administration's Personal Earnings and Benefit Estimate Statement, including any adjustment due to the application of the Windfall Elimination Provision.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

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

(Source: Amended at 46 Ill. Reg. 14779, effective August 22, 2022)

Section 1540.415 Prohibited Transactions

The payment of any type of refund or any type of accelerated pension benefit payment provided under Article 14 of the Pension Code shall not be transferred to a Roth IRA or any other type of account in which a person can receive distributions on a tax-free basis.

(Source: Added at 46 Ill. Reg. 14779, effective August 22, 2022)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 16 through August 22, 2022. These rulemakings are scheduled for the September 13, 2022 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.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/30/22	<u>Illinois Gaming Board</u> , Video Gaming (General) (11 Ill. Adm. Code 1800)	6/10/22 46 Ill. Reg. 9295	9/13/22
9/30/22	<u>Office of the Secretary of State</u> , Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	5/13/22 46 Ill. Reg. 7682	9/13/22
10/5/22	<u>Office of Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	5/6/22 46 Ill. Reg. 6905	9/13/22

EXECUTIVE ORDER

2022-18
EXECUTIVE ORDER 2022-18
(COVID-19 EXECUTIVE ORDER NO. 111)

WHEREAS, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 3,645,000, and taking the lives of more than 34,500 residents; and,

WHEREAS, as Illinois continues to respond to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the burden on residents, healthcare providers, first responders, and governments throughout the State has been unprecedented; and,

WHEREAS, numerous variants have emerged over the course of the pandemic and continue to emerge, each with different transmissibility and degrees of severity; and,

WHEREAS, predicting what will happen in the future in this pandemic continues to be a difficult task, and proven pandemic mitigations such as social distancing, face coverings and other public health precautions continue to work to slow and stop the spread of COVID-19; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) issued revised guidance on February 25, 2022 to lift its recommendation for universal indoor masking, including in K-12 settings; and,

WHEREAS, that guidance provided a framework for assessing community COVID-19 levels based on COVID-19 hospital admissions, inpatient bed availability, and number of COVID-19 cases; and,

WHEREAS, the CDC's current guidance recommends universal masking only in communities with high community COVID-19 levels; and,

WHEREAS, the CDC continues to advise that some community settings, such as schools and high-risk congregate settings may require additional layers of prevention based on the characteristics of the setting and in the event of an outbreak; and,

WHEREAS, even without a State mandate, K-12 schools, childcare facilities, and other settings may choose to require individuals to wear face masks based on the community COVID-19 level and other characteristics of the setting; and,

EXECUTIVE ORDER

WHEREAS, COVID-19 vaccines are effective at preventing COVID-19 disease, especially severe illness and death, but a proportion of the population remains unvaccinated and some residents, including children under six months of age, are not yet eligible for vaccination; and,

WHEREAS, some employers have entered collective bargaining agreements that continue to require individuals to wear face masks in certain settings, in addition to other mitigation measures; and,

WHEREAS, the CDC continues to recommend that individuals who are immunocompromised or at high risk for severe disease consider wearing a well-fitting mask indoors in public settings when the community COVID-19 level is high; and,

WHEREAS, the CDC continues to recommend that people with symptoms, a positive test, or exposure to someone with COVID-19 wear a mask; and,

WHEREAS, individuals may choose to wear a mask at any time to protect themselves or those around them from spread of COVID-19; and,

WHEREAS, CDC guidance continues to recommend that individuals who are not up-to-date on COVID-19 vaccinations or within 90 days of COVID-19 infection wear a mask for 10 days following exposure to COVID-19; and,

WHEREAS, CDC guidance continues to recommend that individuals who have tested positive for COVID-19 stay at home and isolate for at least 5 days after testing positive and wear a mask until day 10; and,

WHEREAS, the CDC continues to recommend that students, teachers, and staff should stay home when they have signs of any infectious illness, including COVID-19; and,

WHEREAS, schools should continue to collaborate with their local health departments to determine, consistent with CDC guidance, which students, teachers, and staff with positive COVID-19 results should stay home for the health and safety of the school community; and,

WHEREAS, the federal Centers for Medicare and Medicaid Services (CMS) continues to require staff at federally-certified healthcare providers to be fully vaccinated against COVID-19, and strongly recommends staff at federally-certified Long-Term Care and Skilled Nursing Facilities be up-to-date on COVID-19 vaccinations; and,

WHEREAS, CMS requires that staff at Long-Term Care and Skilled Nursing facilities who are not up-to-date on their vaccinations be tested at least once per week if the level of COVID-19

EXECUTIVE ORDER

community transmission is moderate, and at least twice per week if the level of COVID-19 community transmission is substantial or high; weekly testing is not required if the level of COVID-19 community transmission is low; and,

WHEREAS, in addition to causing the tragic loss of more than 34,500 Illinoisans and negatively impacting the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, the effects of the COVID-19 pandemic have resulted in a nationwide shortage of healthcare professionals that is impacting the delivery of healthcare services in Illinois including the availability of staff, beds, and healthcare services in health care facilities, including State-operated facilities; and,

WHEREAS, many executive agencies in the State continue to focus their limited resources on the ongoing response to the COVID-19 pandemic; and,

WHEREAS, on August 19, 2022, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-09, 2020-20, 2020-23, 2021-12, 2021-18, 2021-22, 2021-28, 2021-31, and 2022-06, and hereby incorporate the WHEREAS clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective August 19, 2022:

Part 1: Re-Issue of Executive Orders.

Executive Orders 2020-09, 2020-20, 2020-23, 2021-12, 2021-18, 2021-22, 2021-28, 2021-31, and 2022-06 are hereby re-issued as follows:

Executive Order 2020-09 (Telehealth):

Sections 9 and 10 of Executive Order 2020-09, as amended by Executive Order 2021-15, are re-issued and extended through **September 17, 2022**, whereafter Section 10 of Executive Order 2020-09 shall be rescinded.

EXECUTIVE ORDER

Executive Order 2020-20 (Public assistance requirements):

Executive Order 2020-20 is re-issued in its entirety and extended through **September 17, 2022**.

Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):

Executive Order 2020-23 is re-issued in its entirety and extended through **September 17, 2022**.

Executive Order 2021-12 (Phase 5 reopening):

Executive Order 2021-12, as amended by Executive Order 2022-12, is re-issued in its entirety and extended through **September 17, 2022**.

Executive Order 2021-18 (Mitigation measures):

Executive Order 2021-18, as amended by Executive Order 2021-19, Executive Order 2022-06, and Executive Order 2022-10, is re-issued in its entirety and extended through **September 17, 2022**.

Executive Order 2021-22 (Vaccination and testing requirements):

Sections 2, 3, 5, 6, 7, 8, and 9 of Executive Order 2021-22, as amended by Executive Order 2021-23, Executive Order 2021-27, Executive Order 2022-05, and Executive Order 2022-16, are re-issued and extended through **September 17, 2022**.

Executive Order 2021-28 (Day care vaccination and testing requirements):

Executive Order 2021-28, as amended by Executive Order 2021-30, is re-issued in its entirety and extended through **September 17, 2022**.

Executive Order 2021-31 (Suspending requirements for professional counselors, clinical professional counselors, social workers and clinical social workers, and clinical psychologists):

Executive Order 2021-31 is re-issued in its entirety and extended through **September 17, 2022**, whereafter Executive Order 2021-31 shall be rescinded.

Executive Order 2022-06 (Face covering requirements):

EXECUTIVE ORDER

Executive Order 2022-06, as amended by Executive Order 2022-11, is re-issued in its entirety and extended through **September 17, 2022**.

Part 2: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor August 19, 2022

Filed by the Secretary of State August 19, 2022

PROCLAMATION

2022-197

Gubernatorial Disaster Proclamation

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 3,645,000, and taking the lives of more than 34,500 residents; and,

WHEREAS, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, as Illinois continues to respond to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the burden on residents, healthcare providers, first responders, and governments throughout the State continues to be unprecedented; and,

WHEREAS, the World Health Organization initially declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and has now reported more than 591 million confirmed cases of COVID-19 and more than 6.4 million deaths attributable to COVID-19 globally; and,

WHEREAS, despite efforts to contain COVID-19, the virus continues to spread rapidly, resulting in the need for federal and State governments to continue to take significant steps; and,

WHEREAS, COVID-19 vaccines are effective at preventing COVID-19 disease, especially severe illness and death, but a proportion of the population remains unvaccinated, including some younger children who only recently became eligible for vaccination; and,

WHEREAS, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19; and,

WHEREAS, on March 13, 2020, the President declared a nationwide emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"), covering all states and territories, including Illinois; and,

WHEREAS, on March 26, 2020, the President declared a major disaster in Illinois pursuant to Section 401 of the Stafford Act; and,

PROCLAMATION

WHEREAS, on April 1, 2020, due to the exponential spread of COVID-19 in Illinois, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on April 30, 2020, due to the continued spread of COVID-19 in Illinois, the threatened shortages of hospital beds, ER beds, and ventilators, and the inadequate testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 29, 2020, due to the continued spread of COVID-19 in Illinois, and the resulting health and economic impacts of the virus, and the need to increase testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on June 26, 2020, due to the further spread of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on July 24, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on August 21, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on September 18, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on October 16, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on November 13, 2020, due to the increased spread of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

PROCLAMATION

WHEREAS, on December 11, 2020, due to the continued rapid spread of COVID-19 in Illinois, the health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on January 8, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on February 5, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on March 5, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on April 2, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on April 30, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 28, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on June 25, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on July 23, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on August 20, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Delta variant of the coronavirus, I declared all counties in the State of Illinois as a disaster area; and,

PROCLAMATION

WHEREAS, on September 17, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Delta variant of the coronavirus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on October 15, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Delta variant of the coronavirus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on November 12, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Delta variant of the coronavirus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on December 10, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Delta and Omicron variants of the coronavirus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on January 7, 2022, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Delta and Omicron variants of the coronavirus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on February 4, 2022, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Delta and Omicron variants of the coronavirus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on March 4, 2022, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Delta and Omicron variants of the coronavirus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on April 1, 2022, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Omicron variant of the coronavirus and its subvariants, I declared all counties in the State of Illinois as a disaster area; and,

PROCLAMATION

WHEREAS, on April 29, 2022, due to the continued spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Omicron variant of the coronavirus and its subvariants, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 27, 2022, due to the continued spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Omicron variant of the coronavirus and its subvariants, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on June 24, 2022, due to the continued spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Omicron variant of the coronavirus and its subvariants, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on July 22, 2022, due to the continued spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, including the additional risk and harm of the Omicron variant of the coronavirus and its subvariants, including the BA.5 subvariant, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, as circumstances surrounding COVID-19 have evolved and new evidence has emerged, there have been frequent changes in information and public health guidance; and,

WHEREAS, the unprecedented nature of COVID-19, including the health consequences it has on not just the respiratory system but the heart, brain, kidneys, and the body's immune response, has made and continues to make the virus's effects and its path difficult to predict; and,

WHEREAS, the Omicron variant is more transmissible than prior variants and led to significant increases in the number of COVID-19 cases; and,

WHEREAS, the rapid spread of the Omicron variant resulted in more hospitalizations throughout the State than at any prior point during the COVID-19 pandemic; and,

WHEREAS, a new Omicron subvariant, BA.5, has driven surges in cases, hospitalizations, and deaths in other parts of the world, and has led to a recent increase in the number of COVID-19 cases in the State; and,

WHEREAS, social distancing, face coverings, and other public health precautions have proven to be critical in slowing and stopping the spread of COVID-19, especially when community spread of the disease is high; and,

PROCLAMATION

WHEREAS, the Centers for Disease Control and Prevention (CDC) issued revised guidance on February 25, 2022 to lift its recommendation for universal indoor masking, including in K-12 settings; and,

WHEREAS, that CDC guidance provided a framework for assessing community COVID-19 levels based on COVID-19 hospital admissions, inpatient bed availability, and number of COVID-19 cases; and,

WHEREAS, the CDC's guidance now only recommends universal masking in communities with high community COVID-19 levels; and,

WHEREAS, the CDC continues to advise that some community settings, such as schools and high-risk congregate settings may require additional layers of prevention based on the characteristics of the setting and in the event of an outbreak; and,

WHEREAS, some people infected by the virus remain asymptomatic but nonetheless may spread it to others; and,

WHEREAS, public health guidance advises that minimizing physical interactions between people who are not fully vaccinated and who do not reside in the same household is critical to slowing the spread of COVID-19; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, at the time I issued the first Gubernatorial Disaster Proclamation, there were 11 confirmed cases of COVID-19 in one Illinois county; and,

WHEREAS, as of today, there have been over 3,645,000 confirmed cases of COVID-19 in all 102 Illinois counties; and,

WHEREAS, the first death attributed to COVID-19 in Illinois was announced on March 17, 2020; and,

WHEREAS, as of today, more than 34,500 residents of Illinois have died due to COVID-19; and,

PROCLAMATION

WHEREAS, from the outset, studies have suggested that for every confirmed case there are many more unknown cases, some of which are asymptomatic individuals who can pass the virus to others without knowing; and,

WHEREAS, the number of new COVID-19 cases in Illinois has increased recently, and the virus continues to infect too many individuals and claim the lives of too many Illinoisans each day; and,

WHEREAS, it is important for the State to prepare for potential surges and new variants of COVID-19, such as the BA.5 Omicron subvariant; and,

WHEREAS, the fact that the BA.5 Omicron subvariant has caused surges in cases, hospitalizations, and deaths in other parts of the world, and has led to an increase of cases and hospitalizations in Illinois, indicates that the COVID-19 situation remains fluid; and,

WHEREAS, the COVID-19 pandemic is not limited to the most populous counties, and all regions of the State continue to face significant COVID-19 risk; and,

WHEREAS, without precautions COVID-19 can spread exponentially, even in less populous areas; and,

WHEREAS, the U.S. has had more than 93 million total cases and more than 1,034,000 deaths; and,

WHEREAS, COVID-19 has claimed the lives of and continues to impact the health of Black and Hispanic Illinoisans at a disproportionately high rate – magnifying significant health disparities and inequities; and,

WHEREAS, the Illinois Department of Public Health activated its Illinois Emergency Operations Plan and its Emergency Support Function 8 Plan to coordinate emergency response efforts by hospitals, local health departments, and emergency management systems in order to avoid a surge in the use of hospital resources and capacity; and,

WHEREAS, as the virus has progressed through Illinois, the crisis facing the State continues to develop and requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance that continues to be updated; and,

WHEREAS, in order to ensure that health care professionals, first responders, hospitals and other facilities are able to meet the health care needs of all residents of Illinois, the State must have critical supplies, including PPE, such as masks, face shields, gowns, and gloves; and,

PROCLAMATION

WHEREAS, the State of Illinois maintains a stockpile that supports the existing PPE supply chains and stocks at various healthcare facilities; and,

WHEREAS, while the State continues to make every effort to ensure an adequate supply of PPE, if those procurement efforts are disrupted or Illinois experiences a surge in COVID-19 cases, the State may face a life-threatening shortage of critical supplies for health care workers and first responders; and,

WHEREAS, Illinois continues to use a significant number of hospital beds and ICU beds; and, if COVID-19 cases surge, the State could face a shortage of critical health care resources and health care staff; and,

WHEREAS, the effects of the COVID-19 pandemic have resulted in a nationwide shortage of healthcare professionals that is impacting the delivery of healthcare services in Illinois including the availability of staff, beds, and healthcare services in health care facilities, including State-operated facilities; and,

WHEREAS, during the recent Omicron wave Illinois had more COVID-19 patients hospitalized throughout the State than any other point during the pandemic; and,

WHEREAS, in addition to causing the tragic loss of more than 34,500 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, nationwide, more than 80 million people filed unemployment claims since the start of the pandemic; and,

WHEREAS, the Illinois Department of Employment Security is responding to the economic crisis in a number of ways to address the unprecedented economic effects of the pandemic; and,

WHEREAS, the Department of Commerce and Economic Opportunity is working to address the economic crisis, including through assistance programs such as the Business Interruption Grants Program for businesses that experienced a limited ability to operate due to COVID-19 related closures; and,

WHEREAS, many executive agencies in the State continue to focus significant resources on the ongoing response to the COVID-19 pandemic; and,

PROCLAMATION

WHEREAS, many State agencies will have a role in administering American Rescue Plan and Coronavirus State and Local Fiscal Recovery Funds over the coming months; and,

WHEREAS, the economic loss and insecurity caused by COVID-19 threatens the viability of business and the access to housing, medical care, food, and other critical resources that directly impact the health and safety of residents; and,

WHEREAS, COVID-19 also has been extraordinarily disruptive to schools, and it is among the highest priorities of the State to ensure that students are able to obtain a quality education and that schools are able to provide an environment that is safe for students, teachers, and the community; and,

WHEREAS, based on the foregoing facts, and considering the rapid spread of COVID-19 and the ongoing health and economic impacts that will be felt over the coming month by people across the State, the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, based on the foregoing, the continuing burden on hospital resources, the ongoing potential that the State could face shortages of these resources in the event of a surge in infections, and the critical need to increase the purchase and distribution of PPE as well as to continue to expand COVID-19 testing capacity constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, it is the policy of the State of Illinois to be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that that our healthcare delivery system is capable of serving those who are sick and that Illinoisans remain safe and secure and able to obtain medical care; and,

WHEREAS, this proclamation will assist the State in facilitating economic recovery for individuals and businesses in an effort to prevent further devastating consequences from the economic instability COVID-19 has caused; and,

WHEREAS, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including materials needed to test for COVID-19, personal protective equipment, and medicines, in an effort to support the State responses as well as the responses of local governments to the present public health emergency; and,

WHEREAS, this proclamation will assist Illinois agencies in coordinating State and Federal recovery funds; and,

PROCLAMATION

WHEREAS, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the new issuance of a proclamation of disaster; and,

WHEREAS, the Illinois Constitution, in Article V, Section 8, provides that “the Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws,” and states, in the Preamble, that a central purpose of the Illinois Constitution is “provide for the health, safety, and welfare of the people”;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare all counties in the State of Illinois as a disaster area. The proclamation authorizes the exercise of all of the emergency powers provided in Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, including but not limited to those specific emergency powers set forth below.

Section 2. The Illinois Department of Public Health and the Illinois Emergency Management Agency are directed to coordinate with each other with respect to planning for and responding to the present public health emergency.

Section 3. The Illinois Department of Public Health is further directed to cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development and implementation of strategies and plans to protect the public health in connection with the present public health emergency.

Section 4. The Illinois Emergency Management Agency is directed to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.

Section 5. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

PROCLAMATION

Section 6. Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

Section 7. The Illinois Department of Public Health, Illinois Department of Insurance and the Illinois Department of Healthcare and Family Services are directed to recommend, and, as appropriate, take necessary actions to ensure expanded access to testing for COVID-19 and that consumers do not face financial barriers in accessing diagnostic testing and treatment services for COVID-19.

Section 8. The Illinois State Board of Education is directed to recommend, and, as appropriate, take necessary actions to address any impact to learning associated with the present public health emergency and to continue to alleviate any barriers to the use of remote learning during the effect of this proclamation that exist in the Illinois School Code, 105 ILCS 5/1-1 et. seq.

Section 9. All State agencies are directed to cooperate with the Governor, other State agencies and local authorities in the development and implementation of strategies and plans to cope with and recover from the economic impact of the present public health emergency.

Section 10. Pursuant to Section 7(14) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(14), increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of or treatment and recovery of COVID-19, shall be prohibited in the State of Illinois while this proclamation is in effect.

Section 11. This proclamation can facilitate requests for federal emergency and/or disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 12. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor: August 19, 2022

Filed by the Secretary of State: August 19, 2022

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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