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June 30, 2017 Volume 41, Issue 26

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Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 15, 2017 until July 3, 2017.

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 2017

Issue#	Rules Due Date	Date of Issue
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017

21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Dual Credit Courses
- 2) Code Citation: 23 Ill. Adm. Code 1009
- 3) Section Number: 1009.30 Proposed Action: Amendment
- 4) Statutory Authority: Dual Credit Quality Act [110 ILCS 27]
- 5) A Complete Description of the Subjects and Issues Involved: The Academic Affairs Committee (Committee) had the charge "to consider Illinois Board of Higher Education (IBHE) oversight of postsecondary institutions in an era of diminishing State resources that support the regulatory and other critical functions of the Academic Affairs division of the IBHE." The Committee members met with IBHE staff members to review the administrative rules, review suggested amendments, and provide direction on updating the rules.

The objectives of review included: (1) alignment, where relevant, across rules governing Academic Affairs oversight of public degree-granting institutions, non-public degree-granting institutions, and non-degree institutions; (2) alignment across long-standing and new mandates; (3) recognition of changes in higher education, such as expansion of competency-based learning and growing importance of non-degree completion credentials; and (4) updating fees structures to effectively support the work of the IBHE in the current era.

Staff consulted with the Proprietary Advisory Committee, the Faculty Advisory Council, the Academic Leadership group for public institutions, the Federation of Independent Illinois Colleges and Universities, and the Illinois Community College Board regarding the proposed amendment to this rule, i.e., align the faculty qualifications in Section 1009.30 (a)(2)(A) with the administrative rules for private colleges and universities (23 Ill. Adm. Code 1030) and public institutions (23 Ill. Adm. Code 1050).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemaking pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:
- Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377
- 217/557-7358
fax: 217/782-8548
e-mail: helland@ibhe.org
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because the Board did not anticipate the need for this rulemaking at that time.

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

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1009

DUAL CREDIT COURSES

Section

1009.10	Purpose
1009.20	Definitions
1009.30	Institution Approval Requirements
1009.40	Application for Approval
1009.50	Reporting Requirements
1009.60	Concurrent Credit
1009.70	Board Review
1009.80	Revocation of Authority

AUTHORITY: Implementing and authorized by the Dual Credit Quality Act [110 ILCS 27].

SOURCE: Adopted at 39 Ill. Reg. 14018, effective October 7, 2015; amended at 41 Ill. Reg. _____, effective _____.

Section 1009.30 Institution Approval Requirements

- a) In order to be approved to offer dual credit courses in Illinois, an institution must maintain the following standards:
 - 1) State Laws and Regulations and Accreditation Standards
 - A) Institutions must have operating authority, in the Higher Education Region in which coursework will be offered, under BHE rules (23 Ill. Adm. Code 1030 (Program Review (Private Colleges and Universities)) for private colleges and universities and 23 Ill. Adm. Code 1050 (Approval of New Units of Instruction, Research and Public Service at Public Institutions) for public universities).
 - B) Institutions must provide evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation.

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- C) Institutions must comply with all State laws, State agency regulations, accreditation standards, and institution policies that apply to courses and instructional procedures.
- D) All academic standards at the college or university must apply to college-level courses offered by the institution on campus, at off-campus sites, and at secondary schools.
- E) These policies, regulations, instructional procedures and academic standards apply to students, faculty and staff associated with these courses.

2) Faculty

- A) The instructors for these courses shall be selected, assigned and evaluated by the college or university. They shall be selected from individuals with appropriate credentials and demonstrated teaching competencies at the college level.
 - i) For transfer courses, these qualifications include a minimum of a Master's degree with 18 graduate hours appropriate to the academic field or discipline in which they are teaching.
 - ii) For Career and Technical Education (CTE) courses, these qualifications include 2,000 hours of work experience and the appropriate recognizable credential depending on the specific field.
 - iii) Exceptions may be made for professional experience, equivalent training and other qualifications; however, these should be the exceptions and not the rule in meeting faculty qualification requirements. These exceptions for faculty may be reviewed by the Board staff.
- B) *Institutions shall provide high school instructors with an orientation in course curriculum, assessment methods, and*

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administrative requirements before high school instructors are permitted to teach dual credit courses (Section 20 of the Act).

- C) *Dual credit instructors must be given the opportunity to participate in all activities available to other adjunct faculty, including professional development, seminars, site visits, and internal communication, provided that such opportunities do not interfere with an instructor's regular teaching duties (Section 20 of the Act).*

3) Qualification of Students

- A) Students accepted for enrollment in college-level courses must have appropriate academic qualifications, a high level of motivation, and adequate time to devote to studying a college-level course.
- B) Students shall select dual credit courses in consultation with high school counselors and/or principals and participation is restricted to those who are able to demonstrate readiness for college-level work, as determined by placement procedures consistent with those that would be used with college-level students at the offering institution of higher education.
- C) Students shall meet all college criteria and follow all college or university procedures for enrolling in courses.

4) Placement Testing and Prerequisites

High school students enrolling in college-level courses must satisfy course placement tests or course prerequisites established and administered by the college or university, when applicable, to ensure that they have the same qualifications and preparation as other college students.

5) Course Offerings

Institutions shall offer for dual credit only coursework that is also offered on campus. Courses must have been articulated with at least three regionally-accredited Illinois universities.

6) Course Requirements

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- A) The content of each dual credit course shall be the same as courses offered on campus and at other off-campus sites and shall contain the same content as the master course that has been articulated with coursework at Illinois institutions.
 - B) Course prerequisites, descriptions, outlines, requirements, learning outcomes and methods of evaluating students shall be the same as for on-campus offerings.
 - C) *Every dual credit course must be reviewed annually by faculty through the appropriate college or university department to ensure consistency with campus courses (Section 20 of the Act).*
- 7) **Publications and Information**
Higher education institutions offering dual credit courses must provide students with catalog information including: course descriptions, course prerequisites, enrollment and admissions processes, course costs, fail and repeatability policies, transcripts and records information, and information about situations in which earned credits will be accepted.
- 8) **Distance Education**
- A) The institution must provide students, faculty and staff with effective technical support and training for any educational technology hardware, software and delivery system that will be used.
 - B) The help desk function must be available to students during hours when it is likely to be needed, which shall be, at a minimum, 18 hours a day.
 - C) Appropriate admissions processes, policies and assessments must be used to ensure that students are capable of succeeding in an online environment and that students are adequately informed of the nature and expectations of online learning.
 - D) Appropriate measures of security systems must be maintained.

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- E) Assessments of student learning, especially exams, must take place in circumstances that include student identification and assurance of the integrity of student work.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Program Review (Private Colleges and Universities)
- 2) Code Citation: 23 Ill. Adm. Code 1030
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1030.10	Amendment
1030.20	Amendment
1030.30	Amendment
1030.60	Amendment
1030.70	Amendment
1030.80	Amendment
1030.90	Amendment
- 4) Statutory Authority: Board of Higher Education Act [110 ILCS 205/9.05], Private College Act [110 ILCS 1005/14.5 and 14.10], and Academic Degree Act [110 ILCS 1010/10.5 and 10.10]
- 5) A Complete Description of the Subjects and Issues Involved: The Academic Affairs Committee (Committee) had the charge "to consider Illinois Board of Higher Education (IBHE) oversight of postsecondary institutions in an era of diminishing State resources that support the regulatory and other critical functions of the Academic Affairs division of the IBHE." The Committee members met with IBHE staff members to review the administrative rules, review suggested amendments, and provide direction on updating the rules.

The objectives of review included: (1) alignment, where relevant, across rules governing Academic Affairs oversight of public degree-granting institutions, non-public degree-granting institutions, and non-degree institutions; (2) alignment across long-standing and new mandates; (3) recognition of changes in higher education, such as expansion of competency-based learning and growing importance of non-degree completion credentials; and (4) updating fees structures to effectively support the work of the IBHE.

Staff consulted with the Proprietary Advisory Committee, the Faculty Advisory Council, and the Federation of Independent Illinois Colleges and Universities regarding the proposed amendments to this rule. The major changes include:

- Inclusion of processes to approve degree-granting institutions' certificate programs, meeting institutional needs for appropriate state approvals

BOARD OF HIGHER EDUCATION

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- Addition of a criterion that Statewide Need be considered in approval of new programs.
 - Extensive detailed expectations for program or institutional closure processes.
 - Recognition of the importance of student complaints and addition of process for IBHE response to pervasive and substantial complaints.
 - Explication that compliance with data submission requirements is a factor in standing with the IBHE.
 - Alignment with the legal mandates of the Dual Credit Quality Act and associated 23 Ill. Adm. Code 1009.
 - Updated fees schedule which:
 - Simplifies the structure of the sliding scale,
 - Increases fees levels from those set in 2009, and
 - Expands universe of fee-paying institutions to include Illinois non-profit colleges and universities.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes, regulations promulgated by the US Department of Education.
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377

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217/557-7358
email: helland@ibhe.org
fax: 217/782-8548

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Board did not anticipate the need for this rulemaking at that time.

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

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1030

PROGRAM REVIEW (PRIVATE COLLEGES AND UNIVERSITIES)

Section

- 1030.10 Institutions Required to Receive Approval
1030.20 Definitions
1030.30 Institutional Approval
1030.40 Institutional Approval under the 1945 Act Only
1030.50 Institutional Authorization under the 1961 Act Only
1030.60 Degree Authorization under the 1961 Act
1030.70 Maintenance of Approval under the 1945 Act
1030.80 Maintenance of Authorization to Operate and/or Grant [Certificates and Degrees](#) under the 1961 Act
1030.90 Academic Application Processing Fees

1030.ILLUSTRATION A Map of Regions

AUTHORITY: Implementing and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05], Sections 14.5 and 14.10 of the Private College Act [110 ILCS 1005/14.5 and 14.10] and Sections 10.5 and 10.10 of the Academic Degree Act [110 ILCS 1010/10.5 and 10.10].

SOURCE: Amended and effective August 9, 1977; emergency rules adopted at 3 Ill. Reg. 26, p. 297, effective June 13, 1979, for a maximum of 150 days; adopted at 3 Ill. Reg. 38, p. 222, effective September 22, 1979; amended at 4 Ill. Reg. 48, p. 200, effective November 19, 1980; codified at 8 Ill. Reg. 1454; amended at 33 Ill. Reg. 49, effective December 23, 2008; emergency amendment at 33 Ill. Reg. 6099, effective April 9, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12397, effective August 21, 2009; amended at 36 Ill. Reg. 6525, effective April 11, 2012; amended at 41 Ill. Reg. _____, effective _____.

Section 1030.10 Institutions Required to Receive Approval

- a) Institutions Required to Receive Approval under the 1945 Act and this Part
- 1) Any private or public person, group of persons, partnership or corporation

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that is or contemplates offering degrees or credit bearing instruction in Illinois above the high school level, either

- A) in residence or correspondence; or
 - B) in the case of an institution offering online instruction, maintaining a physical facility in Illinois, providing instruction for students at a physical location, or physically providing core academic support services in Illinois, including but not limited to admission, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support.
- 2) After April 10, 2012, institutions described in subsection (a)(1) shall be limited to:
- A) Institutions that were not established and offering degrees in Illinois prior to July 17, 1945; or
 - B) Institutions that result from a merger of other institutions, whether or not the merged institutions were in existence prior to July 17, 1945; or
 - C) Institutions currently authorized or currently recognized by the Board that offer degrees or instruction in a new geographic location, whether or not the institution was in existence prior to July 17, 1945; or
 - D) Institutions that have terminated operation and subsequently wish to resume operations as degree granting institutions, whether or not the former institution was in existence prior to July 17, 1945.
- b) Institutions Required to Receive Approval under the 1961 Act and this Part
- 1) Any private or public person, group of persons, partnership or corporation that is or contemplates offering degrees or credit bearing instruction in Illinois above the high school level, either
 - A) in residence or correspondence; or

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- B) in the case of an institution offering online instruction, maintaining a physical facility in Illinois, providing instruction for students at a physical location, or physically providing, out of an institutionally owned, operated or rented facility, core academic support services in Illinois, including but not limited to admission, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support.
- 2) The institutions described in subsection (b)(1) shall not be an Illinois public tax supported higher education institution, a labor union training program or a business trade or other corporate in-service training program.
 - 3) After April 10, 2012, institutions described in subsection (b)(1) shall be limited to:
 - A) Institutions that were not operating or authorized to operate in Illinois on August 14, 1961; or
 - B) Institutions that result from a merger of other institutions, whether or not the merged institutions were authorized to operate on August 14, 1961; or
 - C) Institutions currently authorized or currently recognized by the Board that offer degrees or instruction in a new geographic location, whether or not the institution was authorized to operate on August 14, 1961; or
 - D) Institutions that have terminated operation and subsequently wish to resume operation as degree-granting institutions, whether or not the former institution was authorized to operate on August 14, 1961; or-
 - E) Institutions seeking to offer dual credit courses to Illinois high school students pursuant to the Dual Credit Quality Act [110 ILCS 27].
- c) Exemption from Approval Requirements

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- 1) Institutions offering degree programs at the University Center of Lake County and the Quad-Cities Graduate Center shall not be required to apply for Board approval when offering degree programs authorized for their home campus. For these institutions, center approval is required and the center shall be treated as part of the institution's home campus, provided the center has notified the Board of its approval of the new degree program.

- 2) Institutions with Limited Physical Presence in Illinois
Any public or private person, group of persons, partnership or corporation that is located outside of the State of Illinois that is or contemplates offering instruction in Illinois above the high school level is not required under either the 1945 Act or the 1961 Act to obtain a Certificate of Approval or operating or degree authorization if the institution has a limited physical presence in the State. No such institution shall be considered to have limited physical presence for any geographic location and program in Illinois unless it has received a written finding from the Board that it has such a limited physical presence. In determining whether an institution has a limited physical presence, the Board shall require the following:
 - A) Evidence of authorization to operate in at least one other state; and
 - B) Evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation; and
 - C) Evidence that the institution does not offer degrees or credit bearing coursework from a physical location owned, operated or rented by the institution in Illinois, or does not provide instruction for students at a physical location owned, operated or rented by the institution in Illinois; and
 - D) Evidence that the institution does not maintain a physical facility in Illinois or does not physically provide out of an institutionally owned, operated or rented facility_ core academic support services in Illinois, including but not limited to admissions, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support in the State of Illinois.

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- 3) Institutions participating in the State Authorization Reciprocity Agreement (SARA) that are determined by the Board to have limited physical presence do not need to apply for exemption~~exempted under the 1945 and/or 1961 Acts offering degree programs through mediated instruction do not require additional Board approval.~~
- 4) Approved institutions under the jurisdiction of the 1945 or 1961 Acts offering degree programs through mediated instruction do not require additional Board approval.
- 5) Additional Board approval is not required for Board approved institutions offering programs:
 - A) On federal military bases exclusively to base personnel and their family members;
 - B) At clinical or practice sites that are utilized as a part of Board approved degree programs;
 - C) Offering dual credit courses to high school students in high schools; or
 - D) Offering courses inside public correctional facilities.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1030.20 Definitions

Unless otherwise stated, all definitions apply to all terms used in this Part in conjunction with both the 1945 Act and the 1961 Act.

"The 1945 Act" means the Private College Act [110 ILCS 1005].

"The 1961 Act" means the Academic Degree Act [110 ILCS 1010].

"Ability to benefit" means a standard for admission by which a student who does not possess a high school diploma or GED has demonstrated that he or she can profit materially or personally from a certain course of study through passage of

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an ability to benefit test or alternative pathways that ~~have~~has been approved by the U.S. Department of Education and administered in compliance with U.S. Department of Education guidelines related to ability to benefit ~~test~~-policies and procedures outlined in federal financial aid regulations. (~~See 34 CFR 668.145 and 668.152.~~)

"Authorization to Grant Certificates or Degrees" means the letter from the Board giving an institution authorization to grant specific certificates and degrees under the 1961 Act.

"Authorization to Operate" means the letter from the Board authorizing an institution to operate under the 1961 Act.

"Board" means the Board of Higher Education. In those cases in which the term is used to refer to prior approval or lack of prior approval for either an institution or a certificate or degree program, the term "Board" shall mean either the Board of Higher Education or one of the two previous administrative agencies that administered higher education in Illinois (the Board of Education or the Superintendent of Public Instruction), as appropriate.

"Certificate of Approval" means the letter from the Board giving an institution approval to operate under the 1945 Act.

"Certificate or degree program" means a formal award that is included in an institution's catalog and completion of which is noted on students' official transcript certifying the satisfactory completion of undergraduate, post-baccalaureate or graduate organized program of study at a Board approved institution.

"Certificate program" means a formal award offered by a degree-granting institution that is included in an institutional catalog and on students' official transcripts certifying the satisfactory completion of undergraduate, post-baccalaureate or graduate coursework at a Board approved institution.

"Change request" means a written proposal to modify an approved certificate or degree program. A modification is a change to any of the following: certificate offered; degrees offered; certificate or degree title or designation; Classification of Instruction Programs~~reclassification of instructional programs~~ code (CIP code); program status; and the admission, retention, or graduation requirements of ~~the~~

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approved ~~programs~~program.

"Credit hour" means an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than:

One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for approximately 15 weeks for one semester or trimester hour of credit, or 10 to 12 weeks for one quarter hour of credit, or the equivalent amount of work over a different period of time; or

Documented student learning outcomes and evidence of student achievement resulting from a program provided through an alternative delivery method that demonstrates equivalency to those competencies achieved~~offered~~ through traditional classroom delivery; or

At least an equivalent amount of student work as required to achieve intended learning outcomes or competencies as verified by evidence of student achievement for other academic activities as established by the institution, including prior learning assessment, laboratory work, internships, practica, studio work and other academic work leading to the award of each credit hour.

"Degree" means any designation, appellation, series of letters or words, or other symbol that signifies or purports to signify that the recipient has satisfactorily completed an organized academic program of study beyond the secondary school level. For the purposes of this Part, an "organized academic program of study beyond the secondary school level" shall be defined as:

Any academic program, regardless of duration, that offers any designation, appellation, series of letters or words or other symbol known as or labeled as an associate degree, a bachelor's degree, a master's degree, a doctor's degree, a professional degree or a certificate of advanced study; or

Any academic postsecondary program ~~of more than 12 months in duration~~, except for a program that is devoted entirely to religion or theology, or a program offered by any institution operating under the authority of the Private Business and Vocational Schools Act [105 ILCS

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"Degree program" means the standard required course of study, or its equivalent, leading to a degree.

"Dual credit" means an instructional arrangement in which an academically qualified student currently enrolled in high school enrolls in a college-level course and, upon successful course completion, concurrently earns both college credit and high school credit.

"Faculty" means any individual or group of individuals who are qualified by education and experience to give expert instruction and evaluation in their specialties, to supervise curricular experiences, and to evaluate learning for credit.

"General education" provides students with a broad foundation of study upon which to build an undergraduate education.

"Home campus" is also known as "in-region". Both "home campus" and "in-region" are defined as the approval region within which an institution's original operating authority was granted.

"Illinois not-for-profit institution" means an institution described in Section 1030.10(a) and (b) that is not otherwise exempted in Section 1030.10(c) and meets the following criteria:

Private corporation, limited liability company, or other entity that is initially incorporated or organized in this State, if required by law; and

Maintains a place of business within the State; and

Holds a current certificate of good standing from the Secretary of State, if required by law to file with the State; and

Can demonstrate tax-exempt status; and

Conducts business for the benefit of the general public without shareholders and without a profit motive.

"Illinois proprietary institution" means an institution described in Section

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1030.10(a) and (b) that is not otherwise exempted in Section 1030.10(c) and meets the following criteria:

Private corporation, limited liability company, or other entity that is initially incorporated or organized in this State, if required by law; and

Maintains a place of business within the State; and

Holds a current certificate of good standing from the Secretary of State, if required by law to file with the State; and

Is investor-owned and/or organized for profit.

Illinois proprietary institutions do not include public institutions authorized under the domestic laws of this State, private not-for-profit institutions permitted to be exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code (26 USC 501(c)(3)), or religious institutions that have not applied for recognition of tax-exempt status but have filed as a not-for-profit entity with the Illinois Secretary of State.

"Institutional change" means a written notification of a change at an approved institution. These changes may include a change in ownership, address, institution name, leadership or status.

"Institution size" is determined by applying the formula for the calculation of FTE students (using fall student headcounts) developed by the Integrated Postsecondary Education Data System (IPEDS) to the data reported by the institution to IPEDS, which is the U.S. Department of Education postsecondary data collection program.

~~"Letter of intent" means the notice of intent form provided by the Board and completed by the institution that is seeking operating authority, as provided in Section 1030.30(b).~~

"Mediated instruction" means, for the purposes of this Part, the delivery of instruction at a distance facilitated by technology, such as via teleconferencing, video-conferencing, or internet.

"New certificate or degree program" means one or more of the following:

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A [certificate or](#) degree program offered at a different educational level from a ~~degree~~ program already approved at a given institution.

A [certificate or](#) degree program in a different six-digit CIP (Classification of Instructional Programs taxonomy developed by the National Center for Educational Statistics and used in the Integrated Postsecondary Education Data System) code from that already authorized.

A new professional or specialist degree or certificate.

"New geographic location" means an additional out-of-region instructional site at which 50 percent or more of a Board authorized [certificate or](#) degree program is offered. Institutions offering less than 50 percent of credit hours for a program that has either been authorized by the Board for delivery in the institution's home region or does not require Board authorization as a result of the exemption for institutions that have been in existence since prior to the 1961 Act as noted in Section 1030.10 does not require additional approval if the institution is authorized in that region. Any program offered in an initial operating region or a new region for which there is no current Board authorization must receive [certificate or](#) degree approval for the program before the 50 percent new geographic location definition applies for additional out-of-region locations.

"Notice of intent" or "NOI" means the [filing of intent for a new program or unit form provided by the Board and completed](#) by the institution that is seeking ~~authority to award one or more degrees as provided in Section 1030.60(b) operating authority or certificate or degree granting authority, as provided in Sections 1030.30(b) and 1030.60(b). Notices of intent shall be publicly posted on the Board's website for no less than 30 days prior to any Board action on the application and shall remain active for one year after the public posting period has expired.~~

"Out-of-state institution" means an institution described in Section 1030.10(a) or (b) that is not otherwise exempted in Section 1030.10(c) and meets one of the following:

Public institution authorized under domestic laws other than the laws of this State; or

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Private corporation, limited liability company, or other entity that is initially incorporated or organized under domestic laws other than the laws of this State, if required, and initially operated outside the State; or

Not-for-profit corporation, limited liability company, or other entity that maintains its primary place of business or home office outside this State; or

Any branch campus, subsidiary or other such affiliate of an out-of-state or international educational institution.

"PBVS Act" means the Private Business and Vocational Schools Act of 2012 [105 ILCS 426].

"Region" refers to a geographic area within which an institution may operate a unit of instruction and is not limited to the site within the region where the institution initially applied. A region consists of one or more coterminous community college districts. The community college districts are also property taxing districts established as provided in 110 ILCS 805/Art. III. The ten regions, described by community college district and community college district numbers, are as follows (see also Illustration A):

"North Suburban Region (1)" consists of the Lake County (532), Oakton (535), and William R. Harper (512) community college districts;

"Fox Valley Region (2)" consists of the Elgin (509), Kishwaukee (523), McHenry (528), Rock Valley (511), and Waubensee (516) community college districts;

"West Suburban Region (3)" consists of the DuPage (502), Morton (527), and Triton (504) community college districts;

"Western Region (4)" consists of the Black Hawk (503), Carl Sandburg (518), Highland (519), John Wood (539), Sauk Valley (506), and Spoon River (534) community college districts;

"Central Region (5)" consists of the Heartland (540), Illinois Central District (514), Illinois Valley (513), and Lincoln Land (526) community college districts;

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"South Metro Region (6)" consists of the Joliet (525), Kankakee (520), Moraine Valley (524), Prairie State (515), and South Suburban (510) community college districts;

"Prairie Region (7)" consists of the Danville (507), Lake Land (517), Parkland (505), and Richland (537) community college districts;

"Southwestern Region (8)" consists of the Illinois Eastern (529), Kaskaskia (501), Lewis and Clark (536), and Southwestern Illinois (522) community college districts;

"Southern Region (9)" consists of the John A. Logan (530), Rend Lake (521), Shawnee (531), and Southeastern (533) community college districts; and

"Chicago Region (10)" consists of the City Colleges of Chicago (508) community college district.

"State Authorization Reciprocity Agreement" or "SARA" means the voluntary program that implements reciprocity agreements amongst states, institutions and the National Council for SARA for interstate offering of postsecondary distance education courses and programs, pursuant to the Higher Education Distance Learning Act [110 ILCS 145].

"Terminal degree" means the highest level of college degree available in a particular field.

"Upper-division instruction" means course content and teaching appropriate for junior- and senior-year students in a baccalaureate program or other students with expertise in the subject.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1030.30 Institutional Approval

The following general rules apply to institutions seeking a Certificate of Approval under the 1945 Act and an Authorization to Operate under the 1961 Act. Section 1030.40 identifies exceptions to these rules for those institutions covered by only the 1945 Act. Section 1030.50

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identifies exceptions to the general rules for the institutions covered by only the 1961 Act.

- a) Criteria for Evaluation of the Application for a Certificate of Approval and/or Authorization to Operate
The following criteria are designed to measure the appropriateness of the stated educational objectives to the name and certificate or degree programs that require approval of a given institution and the extent to which suitable and proper processes have been developed for meeting those objectives:
 - 1) For institutions requiring approval, the objectives for the institution and its certificate and degree programs that require approval must be consistent with what the institutional name and degree-program titles imply.
 - A) The term "university" shall only be used in the name of an institution of higher education when the institutional structure includes two or more distinct colleges (e.g., College of Business, College of Education, and College of Liberal Arts and Sciences) providing instruction at the baccalaureate and graduate levels, and is involved in public service activities, scholarship and research.
 - B) The term "college" shall only be used to refer to an institution providing instruction at the postsecondary level.
 - C) Names of certificate and degree programs that require approval~~Degree program names~~ shall adhere to the Classification of Instructional Programs (CIP) developed by the National Center for Educational Statistics.
 - 2) During review for operating authority, Board staff will consider the following:
 - A) Alleged fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss.
 - B) Loss, suspension, probation or similar adverse action taken by an accrediting body with which the institution is or was affiliated.

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C) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.

D) Compliance with the requirements outlined under the PBVS Act, if applicable.

32) The caliber and content of each course or program of instruction, training or study shall be reasonable and adequate for achieving the stated ~~degree~~ objectives for which the course or program is offered. An undergraduate curriculum shall include general education in alignment with the degree level and objectives.

A) Approved~~Degree~~ program admission policies must include, at a minimum, the following:

- i) Undergraduate degrees must require a high school diploma or its equivalency, or passage of an ability to benefit test or alternative pathway that has been approved pursuant to U.S. Department of Education regulations ~~(see 34 CFR 668.145)~~. Home school students who have obtained a diploma or similar credential under applicable state law are considered to have met this equivalency requirement. Students who do not meet such a standard may be admitted provisionally but may only take non-credit bearing coursework until the student passes an ability to benefit test.
- ii) Graduate degrees must require at least a baccalaureate degree from an accrediting authority recognized by the U.S. Department of Education or the Council for Higher Education Accreditation or degree from another country evaluated for U.S. equivalency, with the exception of degrees for professional practice whose professional standards do not require baccalaureate degrees for entry or for dual degree programs that can demonstrate equivalency of student outcomes at both the undergraduate and graduate levels. For purposes of dual degree programs that allow

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individuals to complete a bachelor's degree and either a graduate or professional degree within the same program, a student is considered an undergraduate student for at least the first three years of that program.

- B) Institutions must show the capacity to develop, deliver, and support academic programs. Procedures and policies that will assure the effective design, conduct, and evaluation of the ~~degree~~ program under the academic control of the institution must be developed. Assessment plans must demonstrate that the institution has identified clear and appropriate program and student learning goals and must have defined appropriate outcomes. Appropriate data must be collected and may be requested by the Board to show the level of student learning that has occurred as a result of participation in the institution's programs of study.
- C) Provision must be made for guidance and counseling of students, evaluations of student performance, continuous monitoring of progress of students toward their certificate and/or degree objectives, and appropriate academic record keeping.
- D) IBHE staff approval is required for certificates tied to an approved degree program. Board approval is needed for the creation of a certificate program in a field or at a level in which there is not a previously approved degree program.
- E) Programs~~Degree programs~~ must meet the following ~~credit hour~~ requirements; variations from these standards require justification:
- i) Associate degree requires at least 60 semester credit hours or 90 quarter credit hours.
 - ii) Baccalaureate degree requires at least 120 semester credit hours or 180 quarter credit hours and at least 40 semester credit hours (60 quarter credit hours) in upper-division courses.

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- iii) Master's degree requires at least 30 semester credit hours or 45 quarter credit hours of appropriate post-baccalaureate coursework.
 - iv) Doctor's degree – Professional Practice requires completion of a program providing the knowledge and skills for the recognition, credential or license required for professional practice~~the completion of the academic requirements to begin practice in the profession~~; at least 60 semester hours of postsecondary credit required for admission to the program; and a total of at least six academic years of college work to complete the degree program, including prior required postsecondary work plus the length of the professional program itself.
 - v) Doctor's degree – Research and Scholarship requires the completion of an organized program of study beyond the master's ~~level degree and requires completion of an organized program of study~~. The program shall demonstrate full understanding of the level and range of doctoral scholarship; the function of a dissertation and its defense based on original research, or the planning and execution of an original project demonstrating substantial artistic or scholarly achievement; the nature of comprehensive examination; and other standards commonly held for ~~thesesuch~~ degrees; at least 2 full time years of advanced academic coursework beyond the master's degree; and an independent performance of basic or applied research at the level of the professional scholar, typically a dissertation, or to perform independently the work of a profession that involves the highest levels of knowledge and expertise.
 - vi) Certificate program requirements must be consistent with level and stated program objectives.
- FD) Success in student progression and graduation across all existing approved programs, and success rates in programs preparing students for certification and licensure, shall be consistent with

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expectations in higher education and the appropriate related field of study. At a minimum, the Board shall consider the following factors, based on results for similar institutions:

- i) Graduation rates, certificate and degree completion rates, retention rates, and pass rates for licensure and certification aligned with thresholds set by State or national regulatory bodies.
 - ii) Success rate, which shall be, at a minimum, higher than that of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.
- GE) Additional student success measures shall be considered in the review of applications for authorization. The Board shall establish minimum rates of success based on results for similar institutions or thresholds set by State or federal regulatory bodies.
- i) At a minimum these data shall include student loan default rates, student indebtedness rates, job placement rates, student learning measures and other success indicators.
 - ii) Institutions that participate in Federal Student Loan programs shall have 3-year Official Cohort Default rates no higher than 25 percent. Institutions with Federal Financial Responsibility Composite Scores shall have a score that is no lower than 1.0. Institutions that fail to meet these thresholds may be restricted from implementing new certificate or degree programs.
 - iii) The success rate shall be, at a minimum, higher than that of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions and primarily associate versus primarily

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baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.

- H) Statewide Needs
The unit of instruction is educationally and economically consistent with the educational priorities and needs of the State of Illinois.
- F) Requirements for Technologically Mediated Instruction Offered at a Distance. In addition to meeting other requirements in this Part, programs offered through electronically mediated distance learning must, at a minimum, meet the following requirements:
- i) The institution assures adequacy of technical and physical plant facilities, including appropriate staffing and technical assistance, to support its electronically offered programs.
 - ii) The institution provides students, faculty and staff with effective technical support and training for each educational technology hardware, software and delivery system required in a program. The institution provides adequate technical support to ensure students are able to complete coursework and make steady progress in their programs.~~The help desk function is available to students during hours when it is likely to be needed, which shall be, at a minimum, 18 hours a day.~~
 - iii) Appropriate measures for security of systems and adequacy of support are maintained. The selection of technologies is based on appropriateness for the students, faculty and curriculum.
 - iv) Faculty are full participants in decisions regarding curricula and program oversight.

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- v) Demonstration of student learning and program outcomes are appropriate to the field and degree level and consistent regardless of program delivery method.
 - vi) Appropriate admission processes, policies and assessments are used to ensure that students are capable of succeeding in an on-line learning environment. Students are adequately informed of the nature and expectations of on-line learning.
 - vii) Assessments of student learning, especially exams, take place in circumstances that include student identification and assurance of the integrity of student work.
 - viii) Assessment of electronically offered programs by the institution occurs in the context of the regular evaluation of all academic programs.
- 43) The institution shall have adequate and suitable space, equipment and instructional materials to support institutional programs~~provide education of suitable quality~~.
- A) The institution shall provide students, faculty and staff with appropriate library resources and support consistent with the degree type and level offered at the institution.
 - B) Library staff shall possess the necessary qualifications to support the needs of the programs.
- 54) The education, experience and other qualifications of faculty, staff and instructors shall reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.
- A) At a minimum, faculty shall have a degree from an institution accredited by a U.S. Department of Education and/or Council for Higher Education Accreditation recognized accrediting body or a degree from another country evaluated for U.S. equivalency in the discipline they will teach or for which they will develop curricula

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at least one level above that of the courses being taught or developed.

- i) Faculty providing undergraduate general education coursework shall possess, at a minimum, a master's degree with 18 graduate hours appropriate to the academic field or discipline in which they are teaching in the field of instruction.
 - ii) Faculty engaged in providing technical and career coursework at the associate degree level shall possess, at a minimum, at least 2,000 hours of work experience and the appropriate recognized credential, depending on the specific field ~~a bachelor's degree in the field of instruction or equivalent training in the occupational field.~~
 - iii) Faculty teaching in a baccalaureate degree program shall have, at a minimum, a master's in the field of instruction.
 - iv) Faculty teaching in a graduate program shall have a doctorate or terminal degree in the field of instruction.
 - v) Exceptions may be made for professional experience, equivalent training and other qualifications; however, these ~~will~~ should be the exceptions and not the rule in meeting faculty qualification requirements. These exceptions for faculty may be ~~reviewed~~ recommended by the Board staff.
- B) Faculty to student ratios and full time faculty to part time faculty ratios shall be factors in determining appropriate provision of qualified faculty. Institutions shall have policies in place that serve to ensure equivalency of instruction and program delivery across faculty members, including methods of measuring equivalency of student learning outcomes across faculty. The Board shall establish minimum rates of success based on data for similar institutions. The ratios shall be, at a minimum, higher than those of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions and primarily associate versus primarily baccalaureate

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granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.

C) Support personnel, including but not limited to counselors, administrators, clinical supervisors, and technical staff, that are directly assigned to the unit of instruction have the educational background and experience necessary to carry out their assigned responsibilities.

6) Support Services

A) Facilities, equipment and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computational equipment) necessary to support high quality academic work in the unit of instruction, research or public service are available and maintained.

B) Clinical sites necessary to meet the objectives of the unit of instruction, research or public service.

C) Library holdings and acquisitions, owned or contracted for by the institution, that are necessary to support high quality instruction and scholarship in the unit of instruction, research and public service, are conveniently available and accessible, and can be maintained.

75) Program Information

A) The institution shall provide to the public upon request a catalog, either in print or electronically, with the information listed in this subsection (a). This information shall be provided in print and on the institution's website without requiring the student to provide contact or other personal information in order to access the information. The catalog or brochure shall contain the following information:

i) Descriptions of the degree programs offered, program objectives, length of program and institutional calendars

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with degree program start and end dates;

- ii) Schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, and cancellation and refund policies;
- iii) A statement regarding the transferability of college credits, including the fact that the decision to accept transfer credits is currently made by receiving institutions;
- iv) A statement as to how the institution will advise students on the nature of the transfer process, including the importance of consulting with institutions to which the student may seek to transfer;
- v) Evidence of articulation arrangements with institutional counterparts, when these arrangements exist;
- vi) A statement of the institution's most recent graduation rates and the numbers of graduates and enrollments as provided by the institution to the Integrated Postsecondary Education Data System (IPEDS). There is no exception if the institution does not report data to IPEDS. ~~The State also requires the collection of data on student financial aid and dual credit offerings;~~
- vii) A statement of the institution's current accreditation status with a U.S. Department of Education and/or Council for Higher Education Accreditation recognized accrediting body. If no such accreditation exists, the institution must prominently state this in its advertising and published materials; and
- viii) Other material facts concerning the institution and the program or course of instruction as are likely to affect the decision of the student to enroll, together with any other information specified by the Board and defined in this Part.

B) The information listed in subsection (a)(~~75~~)(A) shall be available

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to prospective students prior to enrollment.

- 86) Upon satisfactory completion of the degree program, the student shall be ~~awarded~~given the appropriate degree by the institution, indicating that a specifically approved course of instruction or study has been satisfactorily completed by the student.
- 97) Adequate records shall be maintained by the institution to show attendance, progress or grades, and consistent standards should be enforced relating to attendance, progress and performance. Institutions must provide adequate security measures to protect student data and records and must comply with all State and federal laws relevant to protection of individual privacy and preservation of records.
- 108) The institution shall be maintained and operated in compliance with all pertinent local, State and national ordinances and laws.
- 119) The institution should be financially stable and capable of assuring the revenues needed for meeting stated objectives and fulfilling commitments to students.
- 124~~0~~) Neither the institution nor its agents should engage in advertising, recruiting sales, collection, credit or other practices of any type that are false, deceptive, misleading or unfair.
- 134~~1~~) The institution should have a fair and equitable cancellation and refund policy. This policy shall apply equally to all students regardless of whether the student receives federal or State financial aid.
- 144~~2~~) The faculty, staff and instructors of the institution shall be of good professional reputation and character.
- 154~~3~~) If the institution requires the student to sign an enrollment agreement or a similar agreement, the agreement shall provide consumer information including, but not limited to: an explanation of all criteria and requirements for retention, progress towards program completion~~degree~~, and graduation of the student; the institution's tuition, cancellation and refund policies; and a statement of the purpose and amount of any fees assessed.

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- A) No institution shall enter into any enrollment agreement in which the student waives the right to assert against the school or any assignee any claim or defense he or she may have against the school arising under the agreement.
- B) Although the school may use an enrollment agreement that sets forth the total cost of the program, no school may have a tuition policy or enrollment agreement that charges a student for multiple periods of enrollment prior to completion of the single semester, quarter, term or other period of enrollment.
- 1614) Any institution applying for a Certificate of Approval or authorization to operate in the State of Illinois must specify its accreditation status. New institutions without accreditation from an accrediting authority recognized by the U.S. Department of Education or the Council for Higher Education Accreditation shall provide a clearly defined plan to move from candidate to affiliate status. The plan should include the name of the accrediting organization, the basic outline of the accreditation process, and the projected time line for obtaining affiliate status within five years after the date of Board approval, unless the Board waives the original time line because it is found to be an unrealistic expectation. Appropriate steps shall be taken to assure that programmatic accreditation needed for licensure or entry into a profession as specified in the objectives of the unit of instruction will be sought in a reasonable amount of time and will be maintained throughout the life of the program.
- b) Procedures for Obtaining a Certificate of Approval and/or Authorization to Operate
Following is a description of the steps in the approval process:
- 1) Orientation
The agenda will include a discussion of criteria to be met by the institution and procedures used in applying for a Certificate of Approval and/or Authorization to Operate.
- 2) Notice ~~Letter~~ of Intent (NOI)
The Chief Executive Officer of the institution seeking a Certificate of Approval and/or Authorization to Operate a degree-granting

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postsecondary institution in the State of Illinois should make this intention known by filing a Notice of Intent with writing to the Board. Notices of Intent shall be publicly posted on the Board's website for no less than 30 days before Board action on the application and are active for one year. ~~Following receipt of this letter, the Board staff may arrange a preliminary conference with institutional representatives.~~

- 2) ~~Preliminary Conference~~
~~The agenda will include a discussion of criteria to be met by the institution and procedures used in applying for a Certificate of Approval and/or Authorization to Operate.~~
- 3) Submission ~~Letter~~ of Application and Supporting Documentation
Following the submission of a Notice of Intent ~~preliminary conference~~, the institutional representatives shall complete the application supplied by the Board. The application requests information and supporting evidence to demonstrate that the institution meets the criteria established. This information request includes a signed cover letter and audited financial statements.
- 4) Staff Analysis
Following the receipt of the formal application and accompanying documentation, staff will review and analyze all materials.
- 5) Site Visit
 - A) Following completion of documentation and staff analysis of the application, a site visit may be arranged in order to verify and supplement the information provided about the proposed institution. Site visits may be scheduled if:
 - i) the Board is not familiar with the physical facilities;
 - ii) the institution asks for a site visit;
 - iii) questions have been raised about the veracity of the application; or
 - iv) for other reasons the proposed institution/program does not lend itself to an in-office analysis.

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- B) The site visit may include interviews with prospective administrators, students, faculty and/or board members and observations of facilities, record systems, financial data and/or curricular resources.
- 6) **Outside Consultants**
The Executive Director of the Board, at his or her discretion, may utilize the services of outside consultants to assist the staff in the verification and/or evaluation of the documentation submitted or obtained through the site visit.
- 7) **Staff Report**
- A) ~~Following the site visit,~~ Board staff will prepare an analysis of the findings and develop a recommendation to the Board regarding the institutional application. This recommendation will be shared with the applicant.
- B) The recommendation will be one of the following:
- i) That the institution be issued a Certificate of Approval and/or Authorization to Operate, subject to annual reporting and the implementation and maintenance of the conditions under which approval/authorization has been granted; or
- ii) That the institution be denied a Certificate of Approval and/or Authorization to Operate.
- 8) **Staff Recommendations to the Board**
The Executive Director of the Board will submit the staff recommendation to the Board for action at a regular meeting. The Chief Executive Officer of the applicant institution or a designee will be invited to attend the meeting and ~~may be asked to respond to Board question~~~~comment on the recommendation.~~ In the event the staff recommendation is negative, the applicant shall be given an opportunity to respond in writing. This response shall be transmitted to the Board at the same time as the staff recommendation.

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- 9) Board Action
Following the Board's decision to issue a Certificate of Approval and/or Authorization to Operate or to deny a Certificate of Approval and/or Authorization to Operate, a letter signifying the action will be sent from the Executive Director of the Board to the Chief Executive Officer of the institution. A letter of approval will serve as the official Certificate of Approval/Authorization to Operate for the institution in the State of Illinois.
- c) Initial authorization to operate in Illinois for institutions new to the State shall be for five years. In the fifth year of operation, the Executive Director of the Board shall instruct staff to conduct a review. The Board may deny a continuation of the initial approval or offer a limited extension if the institution:
 - 1) Has failed to implement and maintain the conditions that were presented in its application and that formed the basis upon which authorizations were granted;
 - 2) Has failed to maintain sound fiscal status;
 - 3) Has failed to achieve accreditation through a U.S. Department of Education [and/or Council for Higher Education Accreditation](#) recognized accrediting body for degree granting institutions during the initial five year period. Failure to achieve accreditation shall be grounds for immediate revocation of approval. Until accreditation is achieved, the institution shall clearly and appropriately state in all promotional materials and advertisements and on its webpage that it is not accredited; or
 - 4) Has failed to demonstrate success in student progression and graduation and success rates in programs preparing students for certification and licensure that are consistent with expectations in higher education and the appropriate related field of study. At a minimum, the Board shall consider the following factors, based on results for similar institutions:
 - i) Graduation rates, [program degree](#) completion rates, retention rates, and pass rates for licensure and certification [aligned with thresholds set by State or national regulatory bodies](#).

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- ii) Success rate, which shall be, at a minimum, higher than that of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison institutions.
- iii) Additional student success measures shall be considered in the review of applications for authorization. The Board shall establish minimum rates of success based on results for similar institutions or thresholds set by State or federal regulatory bodies. At a minimum, ~~these, the~~ data shall include student loan default rates, student indebtedness rates, job placement rates, student learning measures and other success indicators.
- iv) Institutions that participate in Federal Student Loan programs shall have 3-year Official Cohort Default rates no higher than 25 percent. Institutions with Federal Financial Responsibility Composite Scores shall have a score that is no lower than 1.0. Institutions that fail to meet these thresholds may be restricted from implementing new certificate and/or degree programs.~~The success rate shall be, at a minimum, higher than that of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.~~
- d) Nothing in this Section shall be construed to prevent the Board from withdrawing Certification of Approval or Authorization to Operate at any time, including during the first five years of operation, if an institution has failed to implement and maintain the conditions that were presented in its applications and that form the basis upon which its certificate or authorization was granted.
- e) Publications and Information. Institutions shall be scrupulously ethical in all communication with the public and with prospective students. School publications, advertisements and statements shall be wholly accurate and in no

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way misleading. Violations of this subsection shall be grounds for immediate investigation of the institution pursuant to Section 1030.70 and, depending on the results of the investigation, may be grounds for revocation proceedings under Sections 1030.70 and 1030.80.

- 1) An institution may state that it is approved or authorized to operate in the State of Illinois only after approval has been officially granted and received in writing from the Board and while authorization is maintained.
 - A) Institutions authorized by the Board may use the authorization in advertising and promotional material and on letterhead stationery only if using the following language: (name of school) is authorized for operation by the Illinois Board of Higher Education. The entire statement must be used with the same size font and font type of print.
 - B) Institutions authorized by the Board that have presence, advertise or offer instruction via ~~Internet~~~~internet, world-wide web~~ or other electronic telecommunication means must state or have a link on the first page (as registered with standard web/internet search engines) to the following statement that can be readily viewed by the consumer: (name of school) is authorized to operate as a postsecondary educational institution by the Illinois Board of Higher Education. In the case of ~~a website~~~~an internet site~~, within the required statement ~~given above~~, the term "Illinois Board of Higher Education" must be ~~an electronic~~ link to the Board's website at www.ibhe.org.
- 2) No statement shall be made that the institution or its courses of instruction have been accredited unless the accreditation is identified as that of an appropriate U.S. Department of Education and/or Council for Higher Education Accreditation recognized accrediting agency. An institution shall not advertise or state in any manner that it is "accredited" by the Board.
- 3) No institution shall publish or otherwise communicate to prospective students, faculty, staff or the public misleading or erroneous information about the operating or degree-granting status of a given institution.

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- 4) Recruitment and informational materials of an institution that has received only approval and/or authorization from the Board to operate shall indicate that the institution is not yet authorized to award degrees.
- 5) No dollar amount shall be quoted in any advertisement as representative or indicative of the earning potential of graduates.
- 6) Institutions or representatives shall not use a photograph or other such illustration in public documents, sales literature or otherwise in such a manner as to convey a false impression as to size, importance or location of the institution or equipment and facilities associated with that institution.
- 7) Institutions or representatives shall not make deceptive statements concerning other institutional activities in attempting to enroll students.
- 8) No statement or representation shall be made that students will be guaranteed employment while enrolled in the institution or that employment will be guaranteed for students after graduation, nor shall any institution or representative misrepresent opportunities for employment upon completion of any course of study.
- 9) The Board, at any time, may require that an institution furnish proof to the Board of any of its advertising claims. If proof acceptable to the Board cannot be furnished, a retraction of the advertising claims, published in the same manner as the claims themselves, must be published by the institution and continuation of that advertising shall constitute cause for revocation of the institution's Certificate of Approval and Authorization to Operate.
- 10) Student loans offered to students by the institution or those agents it recommends must clearly state whether the loans are federal student aid loans.
- 11) No statement shall be made by an institution or its representatives that the programs and/or courses or exams are transferable to another institution without current documentation by an authorized official of the receiving institution.

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- 12) Each Board authorized institution or institution receiving a Board degree authorization must provide in its catalog and print promotional materials and on its website the Board's mailing address and the Board's website link for reporting complaints. For the website information, there must be ~~an electronic~~ link to the Board's website on the first page (as registered with standard web/internet search engines).
- A) Institutions authorized by the Board, or an institution receiving a Board degree authorization, must provide in their catalogs and print promotional materials and on the first page of their websites the institution's procedure for complaint resolution. The web page providing information on the institution's complaint procedure must also have the Board's website link for reporting complaints not resolved at the institution's level.
- B) Institutions authorized by the Board that receive a complaint report must provide official response within 10 business days after receiving the complaint from the Board.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1030.60 Degree Authorization under the 1961 Act

- a) Criteria for New Certificate and Degree Programs
The Board requires that a non-public or out-of-state public institution demonstrate that it can maintain and operate a new degree program that meets the standard criteria for those degree programs. The following standard criteria are designed to measure the appropriateness of the stated educational objectives to the certificate or degree programs of a given institution and the extent to which suitable and proper processes have been developed for meeting those objectives:
- 1) All rules, criteria, and procedures defined in Section 1030.30 shall apply.
 - 2) The objectives of the certificate or degree program must be consistent with what the degree program title implies.
 - 3) The requested certificate or degree program shall be congruent with the purpose, goals, objectives and mission of the institution.

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- 4) The caliber and content of the curriculum shall assure that the stated certificate or degree objectives for which the program is offered will be achieved.
 - 5) The institution shall have adequate and suitable space, equipment and instructional materials to support institutional programs~~provide education of suitable quality~~.
 - 6) The education, experience and other qualifications of directors, administrators, supervisors and instructors shall ensure that the students will receive education consistent with the objectives of the program.
 - 7) The information the institution provides for students and the public shall accurately describe the ~~degree~~ programs offered, program objectives, length of program, schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and such other material facts concerning the institution and the program or course of instruction as are likely to affect the decision of the student to enroll. This information, including any enrollment agreements or similar agreements, shall be available to prospective students prior to enrollment.
 - 8) Fiscal and personnel resources shall be sufficient to permit the institution to meet obligations to continuing programs while assuming additional resource responsibilities for the new certificate or degree program.
 - 9) The faculty, staff and instructors of the institution shall be of good professional reputation and character.
- b) Procedures for Obtaining Authority to Award One or More New Certificates and/or Degrees
- The Board shall approve all new certificate and degree programs in institutions described in Section 1030.10(b) that are not otherwise exempted in Section 1030.10(c). Institutions authorized to offer a ~~degree~~ program at a site within a region are not required to obtain additional approval to offer the same certificate or degree at a different site within the same region. Following is a description of the steps in the approval process:
- 1) New Certificate or Degree Program Request

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- A) The Chief Executive Officer of the institution seeking approval of a new certificate or degree program in the State of Illinois should make this intention known by completing a notice of intent on the form provided by the Board prior to submission of the request for approval. The notice of intent shall include the certificate or degree and program name, region where located, description of the program, demographics of the intended students, estimated enrollment, and contact person. Notices of Intent shall be publicly posted by the Board for no less than 30 days before Board action on the application and are active for one year after the public posting period expires.
- B) The institution requesting permission to offer a new certificate or degree program will complete an application provided by the Board.
- C) Information to be provided by the institution shall include:
- i) program titles and descriptions;
 - ii) program objectives;
 - iii) curriculum;
 - iv) relationship of new programs to existing programs;
 - v) faculty;
 - vi) recommendation of internal governance bodies;
 - vii) facilities;
 - viii) finances; and
 - ix) program publicity information.
- 2) **Governing Board Approval**
The application shall be approved by the institution's governing board

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prior to submission to the Board.

- 3) **Submission of the Application**
Applications may be submitted to the Board at any time.
- 4) **Board Staff Analysis**
Following receipt of the application, Board staff will review and analyze the application and documentation submitted.
- 5) **Additional Documentation and Site Visit**
In the case of a proposed new [certificate or](#) degree program for which Board staff determines it is necessary to verify or supplement the information supplied in the application, the staff may request additional written documentation and/or arrange for a site visit.
- 6) **Outside Consultants**
The Executive Director of the Board, at his or her discretion, may utilize the services of outside consultants to assist the staff in a site visit and in the evaluation of the documentation submitted.
- 7) **Staff Report**
Following the staff analysis, Board staff will summarize its findings and develop a recommendation to the Board regarding the new [certificate or](#) degree program request. This recommendation will be shared with the applicant. This recommendation will be one of the following:
 - A) That the [degree](#) program be approved to admit students, with the appropriate [certificates and/or](#) degrees being awarded upon program completion, but no sooner than one year after the approval date; or
 - B) That the [certificate or](#) degree authority requested not be granted.
- 8) **Staff Recommendations to the Board**
The Executive Director of the Board will submit the staff recommendation for action to the Board at a regular meeting. The Chief Executive Officer of the institution, or a designee, will be invited to attend and [may be asked to respond to Board questionscomment on the recommendation](#). In the event the staff recommendation is negative, the applicant shall be given an

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opportunity to respond in writing. This response shall be transmitted to the Board at the same time as the staff recommendation.

- 9) Board Action
Following the Board's decision to approve or deny the [certificate or](#) degree-granting request, a letter signifying the action will be sent from the Executive Director of the Board to the Chief Executive Officer of the institution. A letter of approval will serve as official authorization for the institution to award the stated [certificates and/or](#) degrees.
- 10) Awarding [Certificates and](#) Degrees
Institutions shall not award new degrees until one year after authorization by the Board to do so.
- 11) New Application
Any institution denied approval to award a new [certificate or](#) degree must file a new application in order to be given subsequent consideration for approval.
- 12) Advertising of [Certificate and/or](#) Degree Programs
 - A) An institution may state that it is approved or authorized to award a [certificate or](#) degree in the State of Illinois only after that approval has been officially granted and received in writing from the Board.
 - B) An institution shall not advertise or state in any manner that it is "accredited" by the Board to award [certificates and/or](#) degrees.
 - C) No institution shall publish or otherwise communicate to prospective students, faculty, staff or the public misleading or erroneous information about the [certificate- or](#) degree-granting status of a given institution.
- 13) No Program Changes for the First Year
Institutions applying after December 15, 2008 shall not deviate from the approved plan for one year after the date of the letter of approval.
- 14) Institutions Exempt from Approval
Institutions offering a previously authorized [certificate or](#) degree program

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at another site within the same region shall not be required to apply for additional Board approval.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1030.70 Maintenance of Approval under the 1945 Act

- a) Most institutions are approved to operate under both the 1945 Act and the 1961 Act. Institutions under only the 1945 Act shall comply with Section 1030.70. Institutions under only the 1961 Act shall comply with Section 1030.80. Institutions under both Acts shall comply with both Sections 1030.70 and 1030.80. When the two Sections are identical, the institution will be considered in compliance with the 1945 Act by complying with Section 1030.80 and vice versa.
- b) The following rules govern maintenance of the Certification of Approval under the 1945 Act:
 - 1) Annual ~~Reporting~~Report
 - A) Each approved institution shall file annually with the Board its current catalogs.
 - B) Compliance with all State and federal reporting mandates is required for maintenance of approvals.
 - 2) Reviews

The staff of the Board may conduct reviews and/or visitations of approved institutions as necessary for the implementation of the statute and this Part.
 - 3) Complaints

Each approved institution must respond in writing within 10 business days after receiving a student's complaint from the Board. The Board shall review the response and determine if additional information is needed from the institution.
 - 4) Investigations of Institutions

The status of institutions under investigation as described in this Section shall be reported in Board public materials as "Institutions under

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investigation: on hold pending review of Board approval status".

- A) The staff of the Board shall initiate an investigation upon receipt of a verified written complaint and may initiate an investigation in response to oral or written information concerning any of the following:
- i) Alleged violation of any of the conditions governing issuance of the Certificate of Approval;
 - ii) Alleged failure to comply with this Part;
 - iii) Alleged fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;
 - iv) Loss, suspension, probation or similar adverse action taken by an accrediting body with which the institution is or was affiliated;
 - v) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.
- B) The institution will be notified by the Board about the initiation of an investigation. During the investigation there may be a temporary hold placed on any of the institution's pending applications and requests to the Board for modification of existing approvals. The hold will be for a specified period of time not to exceed six months, unless the Board begins collection of pertinent information related to satisfying the issues associated with the investigation, such as the results of adverse actions by federal or state regulatory agencies, the results of pending court action for which a sworn affidavit has been filed, actions of accrediting bodies, or similar information. Upon completion of the investigation, the Board will accept the institution's request to

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voluntarily relinquish its approval, begin the process for revocation as provided in subsection (b)(4), at which time the hold continues, or remove the hold. Information that any current authorizations or future applications are on hold will be provided by the Board on its web page or in print materials that reference authorized institutions.

54) Revocation or Relinquishment of the Certificate of Approval

A) Grounds for revocation include any of the following:

- i) Violation of any of the conditions governing issuance of the Certificate of Approval;
- ii) Failure to comply with this Part;
- iii) Fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;
- iv) Failure to offer degrees or instruction for one continuous 12-month period;
- v) Abandonment of the institution;
- vi) Loss of accreditation status with an accrediting body with which the institution is or was affiliated;
- vii) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies;
- viii) Pervasive and substantial student complaints against the institution.

B) Procedures for Revocation

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- i) Before revoking any certificate to operate, the Board shall designate a Hearing Officer who shall schedule and conduct a hearing, as prescribed in Section 6-9 of the 1945 Act. The Board shall not be required to schedule a hearing and has the option to waive a hearing if the institution has not operated for one continuous 12-month period or the institution has been abandoned; even in these cases, however, the Board shall be required to revoke the certificate at a public meeting at which any opponent who is injured or impacted by the revocation must be given the opportunity to be heard.
 - ii) If the Board decides to grant a rehearing pursuant to Section 10 of the 1945 Act, it shall appoint another Hearing Officer, different from the first, who shall conduct a hearing upon only those grounds for which the rehearing was granted. The second Hearing Officer shall submit a written report of findings and recommendations to the Board, which shall make a final determination.
 - iii) Upon revocation of the Certificate to Operate, the Certificate of Approval shall be rendered invalid.
 - iv) At any time after revocation of a Certificate of Approval, the Board may restore it to the institution.
 - v) A closed institution shall arrange for its student records to be maintained in a safe and suitable place as determined by the Board (such as another like kind of institution or the Board).
- C) Voluntary Relinquishing of Approval
- i) Institutions may voluntarily relinquish their Certificate of Approval, Authorization to Operate, or Authorization to Grant Degrees. The voluntary relinquishment shall be in writing and does not require a hearing or any other Board action to be effective.

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- ii) Institutions relinquishing approval and/or authorization shall be required to provide for an appropriate repository of records and may be required to provide a student completion plan that must be approved by the Board.
- D) Change of Legal Status of the Institution
- i) An institution's Certificate of Approval, Authorization to Operate and Authorization to Award Degrees are granted to a specific legal entity based on the conditions under which the institution and/or its degrees were authorized. A change to the legal status of the entity shall result in immediate loss of the certificate or authorization.
 - ii) A change of legal status ends the exempted status of institutions described in Section 1030.10. After a change of legal status, institutions previously exempted must seek new operating and degree granting authority.
 - iii) Institutions that are planning a change of legal status shall inform the Board as early as possible. If new approvals will be sought by the institution, a plan should be developed in consultation with the Board to facilitate the transition process.
 - iv) In cases in which a change in shareholders results in new leadership of an institution, the Board shall require that the institution submit documentation demonstrating that no change has occurred in the operation of the institution that would affect the conditions under which the institution and/or its degrees were authorized.
 - v) Merger of two institutions resulting in the creation of a new institution causes both institutions to lose their approvals and results in the need for new authorizations.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 1030.80 Maintenance of Authorization to Operate and/or Grant Certificates and Degrees under the 1961 Act

- a) Most institutions are approved to operate under both the 1945 Act and the 1961 Act. Institutions under only the 1945 Act shall comply with Section 1030.70. Institutions under only the 1961 Act shall comply with Section 1030.80. Institutions under both Acts shall comply with both Sections 1030.70 and 1030.80. When the two Sections are identical, the institution will be considered in compliance with the 1945 Act by complying with Section 1030.80 and vice versa.
- b) This subsection (b) governs the Maintenance of the Authorization to Operate and/or Award Specific Certificates and Degrees procedure under the 1961 Act.
 - 1) Annual Report
Each authorized institution shall file annually with the Board its current catalogs. In addition, institutions must comply with any data requests to satisfy Board reporting requirements.
 - 2) Reviews
The staff of the Board may conduct reviews and/or visitations of authorized institutions and/or their certificate and degree programs as necessary for the implementation of the statute. This may include a review in the fifth year of a new ~~degree~~ program's existence. Board staff may review the ~~degree~~ program, in cooperation with institutional staff, to verify the institution's implementation and maintenance of the conditions that were presented in its applications and that formed the basis upon which the authorizations were granted. The fifth year review may also include information on improvements in the institution's capacity to efficiently and effectively deliver certificate and degree programs using technological innovation and comprehensive data systems. Evidence that the program meets standards enumerated in Section 1030.30(a) may be reviewed. Evidence that the program meets standards enumerated in Section 1030.30(a) may be reviewed. In the case of a program in which State licensure is required for employment in the field, a program can be found to be in good standing if the institution is able to provide evidence that program graduates are eligible to take the appropriate licensure examination and pass rates are maintained as specified in the objectives of the unit of instruction. If there is no such evidence, approval of the program may be withdrawn by the Board.

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- 3) **Complaints Concerning Institutional Degree Practices**
The staff of the Board may initiate an investigation in response to written or oral information suggesting that changes have occurred in the conditions under which Authorization to Operate and/or Award Specific Certificates and Degrees was given. During the investigation, there may be a temporary hold placed on the institution's applications to the Board for new program approvals and other programs. The hold will be for a specified period of time not to exceed six months, unless the Board begins the process for revocation as provided in subsection (b)(5), at which time the hold will continue until the Board decision is made.
- 4) **Temporary Suspension of Program**
An institution may place any approved program on temporary suspension after receiving Board approval. The institution shall provide an annual status report to the Board on any program under temporary suspension status. The Board will consider a program placed on temporary suspension status to be terminated if an annual status report is not received or if no reinstatement request is received within the first five years after the program was placed on temporary suspension. An institution may petition for reinstatement during the five-year period.
- 5) **Revocation or Relinquishment of Operating and/or Degree-Granting Authority**
 - A) **Grounds for revocation include:**
 - i) Failure to permit any duly authorized representative of the Board to enter upon the premises of the institution and to inspect or otherwise examine the institution and its books, papers or other records.
 - ii) Failure to maintain the conditions under which the institution and/or its certificates and/or its degrees were authorized.
 - iii) Failure to maintain the conditions observed during the fifth year review.

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- iv) Failure to offer degrees or instruction for one continuous 12-month period.
- vi~~v~~) Abandonment of the institution.
- vi) Loss of accreditation status with an accrediting body with which the institution is or was affiliated.
- vii) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.

B) Procedures for Revocation

- i) Following the Board staff investigation of the institutional degree practices, the staff may recommend to the Board revocation of the Authorization to Operate and/or Award Specific Certificates and Degrees.
- ii) If the Board votes to revoke the Authorization to Operate and/or Award Specific Certificates and Degrees, the institution may request a hearing. The Board shall not be required to schedule a hearing and has the option to waive a hearing if the institution has not operated for one continuous 12-month period or the institution has been abandoned; even in these cases, however, the Board shall be required to revoke the authority at a public hearing at which any opponent who is injured or impacted by the revocation must be given the opportunity to be heard.
- iii) The Board shall designate a Hearing Officer who shall schedule and conduct a hearing.
- iv) The Hearing Officer shall make a written report of findings and recommendation to the Board, which shall make a final determination and shall notify the institution of its decision.
- v) Following a Board decision to revoke the Authorization to

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Operate and/or Award Specific Certificates and Degrees, the letter of authorization shall be rendered invalid.

- vi) At any time after revocation, the Board may restore an Authority to Operate and/or Award Specific Certificates and Degrees.
- vii) A closed institution shall arrange for its student records to be maintained in a safe and suitable place as determined by the Board (such as another like kind of institution or the Board).

6) Institutional or Unit Closure and Teach Out
An institution that is closing entirely or one or more units, either voluntarily or involuntarily, shall send to the Board the following:

A) Notice Required

- i) Notice to the Board of the closure immediately by email or certified mail;
- ii) The name, address and telephone number of the person who will be responsible for closure processes;
- iii) A list of students affected and anticipated decisions regarding teach out for each student (e.g., graduation, transfer, remain at institution, and participate in teach out, etc.);
- iv) Information on the remaining credit and other requirements outstanding for each student to complete the program;
- v) Copies of the student-directed communication plan that includes the proposed timeline and methods for notifying students of teach-out options. Plans must include communication with any students who may be on approved leaves of absence or otherwise difficult to reach;

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- vi) Copies of the communication plans for informing faculty, staff and other institutional constituents;
- vii) Identification of an individual who will be empowered to act as official registrar, if needed, after the closure; and
- viii) Submission of a letter of permission to the Board to access all institutional properties in order to secure student records, if necessary.

B) Teach-Out Plan

- i) When a Board approved institution now or hereafter operating in this State proposes to discontinue its operation, that institution shall cause to be created a teach-out plan acceptable to the Board. The teach-out plan shall fulfill the institution's educational obligations to its students. Should the institution fail to deliver or act on the teach out plan, the Board is in no way responsible for providing the teach-out.
- ii) An institution shall have written plans designed to protect the contractual rights of its students and graduates in the event the institution closes or undergoes a change of status (e.g., if the institution changes location or if its authority is revoked), including the right to complete the course of instruction in which the students or graduates enrolled.
- iii) If students are receiving instruction prior to the institution's closing, the institution shall file a plan to ensure that the institution's students will continue to receive training of the same quality and content as that for which they contracted.

C) Arrangements for transferring students to a public or another approved institution shall be filed with the Board prior to any student transfer. Prior to approving the institution's arrangements for completing its teaching obligations to students, the Board shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted.

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D) Academic Records

In the event an institution proposes to discontinue its operations, the chief administrative officer of the institution shall arrange for all original or legible true copies of all such academic records of the institution to be maintained in a safe and suitable place as determined by the Board (such as a third party provider, a like institution, or the Board).

- i) These records shall include, at a minimum, the academic records of each former student that are traditionally provided on an academic transcript, such as, but not limited to, courses taken, terms, grades and other such information.
- ii) The institution shall make students aware of how to obtain transcripts from either the closed institution and/or new institution permanently retaining the records.
- iii) In the event it appears to the Board that any such records of an institution discontinuing its operations is in danger of being lost, hidden, destroyed or otherwise made unavailable to the Board, the Board may seize and take possession of the records, on its own motion and without order of court.
- iv) The institution must release any holds on student records before operation is discontinued and the records are transferred

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1030.90 Academic Application Processing Fees

- a) Fees
Fees are assessed in connection with applications for certificates of approval under the 1945 Act and applications for authorization to operate and authorization to grant certificates and degrees under the 1961 Act, including filing ~~letters of intent and~~ notices of intent and submitting change requests. ~~These fees apply beginning on April 9, 2009.~~

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1) Application Fees

A) Certificate of Approval or Authorization to Operate, ~~\$5,000~~. Only one fee ~~of \$5,000~~ shall be charged if both are sought in the same application. This is a one-time fee that does not apply to entities that have been previously approved or authorized by the Board. The fee amount is based on the type of institution and institution size as outlined in subsection (a)(2).

B) ~~Letter of Intent or~~ Notice of Intent, ~~\$500~~250. One fee shall be submitted with each filing.

C) Authorization to Grant Degrees

i) The fee is based on the type of institution, institution size, and certificate or degree level as outlined in subsection (a)(2).

ii) This fee applies to each request for authorization to grant a new certificate or degree or an additional certificate or degree in a region.

D) Change ~~Request~~request, \$250. The fee shall be charged for each request within a region. One submission with 10 requests shall be assessed for 10 change requests (\$2,500).

E) Exemption Fee, \$250. The fee shall be charged for each request submitted to the Board

2) Schedule of Fees

A) Illinois Not-for-Profit Institutions

	<u>Institution Size</u>	
	<u>< 1,000</u>	<u>1,000 or</u>
	<u>students</u>	<u>more</u>
		<u>students</u>
<u>Certificate of Approval or</u>	<u>\$ 3,000</u>	<u>\$ 4,000</u>

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<u>Authority to Operate</u>		
<u>Degree Granting Authority per</u>	<u>1,500</u>	<u>2,500</u>
<u>Region</u>		
<u>Certificate Approval per Region</u>	<u>750</u>	<u>750</u>
<u>Notice of Intent</u>	<u>500</u>	<u>500</u>
<u>Change Request per Region</u>	<u>250</u>	<u>250</u>
<u>Exemption Fee</u>	<u>250</u>	<u>250</u>

B) Illinois Proprietary Institutions

	Institution Size		
	<u>< 1,000</u> <u>200</u> Students	<u>200-500</u> <u>Students</u>	<u>1,000 or</u> <u>more</u> <u>> 500</u> Students
Certificate of Approval or Authorization to Operate	\$ <u>6,000</u> <u>5,000</u>	\$ <u>5,000</u>	\$ <u>7,000</u> <u>5,000</u>
<u>Degree Granting Authority per</u>			
<u>Region Associate Degree per</u>	<u>2,500</u>		<u>3,500</u>
<u>Region</u>	<u>750</u>	<u>950</u>	<u>1,250</u>
<u>Certificate Approval per</u>			
<u>Region Bachelor Degree per</u>	<u>1,000</u>	<u>1,650</u>	<u>1,000</u>
<u>Region</u>	<u>1,450</u>		<u>1,950</u>
<u>Masters Degree per Region</u>	<u>2,250</u>	<u>2,550</u>	<u>2,950</u>
<u>Doctoral/First Professional per</u>			
<u>Region</u>	<u>3,500</u>	<u>3,750</u>	<u>4,000</u>
<u>Letter or Notice of Intent</u>	<u>500</u> <u>250</u>	<u>250</u>	<u>500</u> <u>250</u>
<u>Change Request per Region</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Exemption Fee</u>	<u>250</u>		<u>250</u>

C) Out-of-State Institutions

	Institution Size		
	<u>< 1,000</u> <u>200</u> Students	<u>200-500</u> <u>Students</u>	<u>1,000 or</u> <u>more</u> <u>> 500</u> Students
Certificate of Approval or Authorization to Operate	\$ <u>7,000</u> <u>5,000</u>	\$ <u>5,000</u>	\$ <u>8,000</u> <u>5,000</u>

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<u>Degree Granting Authority per</u>			
<u>Region</u>	<u>3,500</u>		<u>4,500</u>
Associate Degree per	1,750	1,950	2,250
Region			
<u>Certificate Approval by</u>			
<u>Region</u>	<u>1,750</u>		<u>1,750</u>
Bachelor Degree per	2,450	2,650	2,950
Region			
Masters Degree per Region	3,250	3,550	3,950
Doctoral/First Professional per			
Region	4,500	4,750	5,000
Letter or Notice of Intent	500	250	500
Change Request per Region	250	250	250
<u>Exemption Fee</u>	<u>250</u>		<u>250</u>

b) Remittance

- 1) Fees shall be submitted as check, certified check, cashier's check, or money order payable to the Illinois Board of Higher Education.
- 2) ~~The Board shall return fees if, after further investigation, the Board determines that the institution's request does not require Board approval or authorization, minus a fee of \$250 for processing.~~ No refund shall be awarded for any application that requires Board approval and has been reviewed by Board staff. Applications withdrawn by the institution or returned by Board staff shall receive no refund.
- 3) Fees shall be submitted to:

Illinois Board of Higher Education
 Academic Affairs Fee Remittance
1 North Old State Capitol Plaza, Suite 333
~~431 East Adams, Second Floor~~
 Springfield IL, Illinois 62701-1404

c) Processing

- 1) Applications, notices, and change requests submitted to the Board with insufficient fees shall be considered incomplete. The Board will notify the institution of the amount due. No further action shall be taken by the Board until the full amount due is submitted.

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- 2) Applications, notices and change requests submitted to the Board with incorrect fees shall be considered incomplete. The incorrect fee amount will be returned to the institution. No further action shall be taken by the Board until the full and correct fee amount due is submitted.
- 3) The Board will not accept applications from institutions that have not provided the information necessary for the Board to process a previously submitted application.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Approval of New Units of Instruction, Research and Public Service at Public Institutions
- 2) Code Citation: 23 Ill. Adm. Code 1050
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1050.20	Amendment
1050.30	Amendment
1050.50	Amendment
- 4) Statutory Authority: Board of Higher Education Act [110 ILCs 205/7 and 9.05]
- 5) A Complete Description of the Subjects and Issues Involved: The Academic Affairs Committee (Committee) had the charge "to consider Illinois Board of Higher Education (IBHE) oversight of postsecondary institutions in an era of diminishing State resources that support the regulatory and other critical functions of the Academic Affairs division of the IBHE." The Committee members met with IBHE staff members to review the administrative rules, review suggested amendments, and provide direction on updating the rules.

The objectives of review included: (1) alignment, where relevant, across rules governing Academic Affairs oversight of public degree-granting institutions, non-public degree-granting institutions, and non-degree institutions; (2) alignment across long-standing and new mandates; (3) recognition of changes in higher education, such as expansion of competency-based learning and growing importance of non-degree completion credentials; and (4) updating fees structures to effectively support the work of the IBHE.

Staff consulted with the Academic Leadership group for public institutions and the staff of the Illinois Community College Board regarding the proposed amendments to this rule. The major changes include:

- Inclusion of processes to approve public institutions' certificate programs, meeting institutional needs for appropriate state approvals.
- Clarification of various processes, aligning Code to current practice.
- Alignment of expectations for faculty requirements with current practice and accreditation criteria.

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- Inclusion of program or institutional closure processes.
 - Alignment with the legal mandates of the Dual Credit Quality Act and associated 23 Ill. Adm. Code 1009.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:
- Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377
- 217/557-7358
fax: 217/782-8548
e-mail: helland@ibhe.org
- 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

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Board did not anticipate the need for this rulemaking at that time.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1050

APPROVAL OF NEW UNITS OF INSTRUCTION, RESEARCH
AND PUBLIC SERVICE AT PUBLIC INSTITUTIONS

Section

1050.10	Institutions Required to Receive Approval
1050.20	Definitions
1050.30	Criteria for Approval
1050.40	Procedures of Obtaining Approval
1050.50	Review of Existing Units of Instruction, Research and Public Service

1050.ILLUSTRATION A Map of Regions

AUTHORITY: Implementing Section 7 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/7 and 9.05].

SOURCE: Amended and effective April 15, 1976; rules repealed and new rules adopted and codified at 8 Ill. Reg. 16907, effective September 4, 1984; amended at 23 Ill. Reg. 13074, effective October 13, 1999; amended at 33 Ill. Reg. 78, effective December 23, 2008; amended at 36 Ill. Reg. 6566, effective April 11, 2012; amended at 41 Ill. Reg. _____, effective _____.

Section 1050.20 Definitions

"Ability to benefit" means a standard for admission by which a student who does not possess a high school diploma or GED has demonstrated that he or she can profit materially or personally from a certain course of study through passage of an ability to benefit test or alternative pathways that ~~have~~has been approved by the U.S. Department of Education and administered in compliance with U.S. Department of Education guidelines related to ability to benefit ~~test~~ policies and procedures outlined in federal financial aid regulations. ~~(See 34 CFR 668.145 and 668.152.)~~

"Annual listing of changes" means the annual notification to the Board of one or more of the following:

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Addition of an externally funded research or public service activity labeled as a center or institute because of grant requirements. The activity is temporary, not formally organized, and has no continuous mission.

Change in a degree title (e.g., the name of a discipline or major without changes in objectives or content, such as the change from "medical technology" to "clinical laboratory sciences").

Change in the name of an administrative (including departments), research or public service unit.

Elimination, temporary suspension or phase-down of an existing board-approved program.

Reorganization, restructuring, consolidation, elimination and other changes of existing administrative (including departments), research or public service units that do not result in an increase in subunits.

Creation of a certificate program in a field in which there is a previously approved degree program (e.g., undergraduate certificates at Levels 1 and 2 from a prior approved bachelor's program; post-baccalaureate certificates at Level 5 from a prior approved master's program).

Creation of a joint degree program from two previously approved programs.

"Board" refers to the Board of Higher Education.

"Board of Control" means one of the following:

The Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, the Illinois Community College Board, or the campuses under their governance or supervision.

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"Certificate or degree program" means a formal award that is included in an institution's catalog and completion of which is noted on students' official transcripts certifying the satisfactory completion of undergraduate, post-baccalaureate or graduate organized program of study at an institution.

"Credit hour" means an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than:

One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for approximately 15 weeks for one semester or trimester hour of credit, or 10 to 12 weeks for one quarter hour of credit, or the equivalent amount of work over a different period of time; or

Documented student learning outcomes and evidence of student achievement resulting from a program provided through an alternative delivery method that demonstrates equivalency to those competencies achieved~~offered~~ through traditional classroom delivery; or

At least an equivalent amount of student work as required to achieve intended learning outcomes or competencies as verified by evidence of student achievement for other academic activities ~~as~~ established by the institution, including prior learning assessment, laboratory work, internships, practica, studio work, and other academic work leading to the award of each credit hour.

"Degree" means any designation, appellation, series of letters or words, or other symbol that signifies or purports to signify that the recipient has satisfactorily completed an organized program of study of at least one year beyond the secondary school level. It shall include, but not be limited to, the following: certificate, associate, bachelor, post-baccalaureate certificate, master, post-master certificate, doctor's degree – professional practice (degree required for entry into specific profession such as law or medicine), and doctor's degree – research and scholarship.

"Dual credit" means an instructional arrangement in which an academically qualified student currently enrolled in high school enrolls in a college-level course

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and, upon successful course completion, concurrently earns both college credit and high school credit.

"Faculty" means any individual or group of individuals who are qualified by education and experience to give expert instruction and evaluation in their specialties, to supervise curricular experiences, and to evaluate learning for credit.

"General education" provides students with a broad foundation of study upon which to build an undergraduate education.

"Home campus" is also known as "in-region". Both "home campus" and "in-region" are defined as the Board approved region within which the institution's original campus would have been located had the regions existed at that time.

"Mediated instruction" means, for the purposes of this Part, the delivery of instruction at a distance facilitated by technology, such as via teleconferencing, video-conferencing, or internet.

"New branch" or "new campus" means a new site that houses a full range of instruction, as well as administrative and support services.

A "branch" is an administrative unit of an institution that has a continuing educational mission and serves as a secondary instructional site for the institution.

A "campus" is an organized administrative unit of an institution that has a continuing educational mission and serves as a primary instructional site for the institution.

A "new branch" or "new campus" is characterized by the following criteria: the site offers courses in educational programs leading to a degree, certificate or other recognized educational credential; it is permanent in nature; it has its own faculty and administrative or supervisory organization; and has its own budgetary and hiring authority.

"New instructional location" means an additional out-of-region instructional site separate from a branch or campus at which 50 percent or more of a program is offered, but that otherwise does not meet the definition of a new branch or campus. A new location does not constitute a new branch or campus unless the

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site meets the other criteria in the definition of a branch or campus. For programs that ~~are currently have been previously~~ authorized by the Board, institutions may request a ~~reasonable~~ ~~Reasonable~~ and ~~moderate extension~~ ~~Moderate Extension~~ request to add the program to an out-of-region new instructional location.

"New geographical location" is also known as "out-of-region". Both "new geographical location" and "out-of-region" sites are those sites located outside of the region within which the institution's original campus would have been located had the regions existed at that time.

"New unit of instruction" means one or more of the following:

Any new organized program of study beyond the secondary school level that results in the formal award of a degree to a student.

Any organized program of study beyond the secondary school level that is offered at a new geographical location and results in the award to a student of an existing degree (i.e., one that is currently granted by the institution).

Any new formally organized administrative entity that would have a continuing instructional mission, including but not limited to a campus, branch, college, school, department or division.

"New unit of instruction, research or public service" includes the establishment of a college, school, division, institute, department or other unit in any field of instruction, research or public service not previously included in the program of the institution, and includes the establishment of any new branch or campus. The term does not include reasonable and moderate extensions of existing curricula, research, or public service programs that have a direct relationship to existing programs; the Board may, under its rulemaking power, define the character of reasonable and moderate extensions. [110 ILCS 205/7]

"New unit of public service" means any new formally organized administrative entity that would have a continuing public service mission, including but not limited to a school, department, division, institute or center.

"New unit of research" means any new formally organized administrative entity that would have a continuing research mission, including but not limited to a school, department, division, institute or center.

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"Notice of intent" or "NOI" means the filing of intent for a new program or unit by the institution that is seeking certificate or degree granting authority. Notices of intent shall be publicly posted on the Board's website for no less than 30 days prior to any Board action on the application and shall remain active for one year after the public posting period has expired.

"Reasonable and moderate extension" or "RME" means one or more of the following:

~~An addition to or modification of an existing unit of instruction that has a direct relationship to the existing unit and that does not result in a significant change in curriculum, objectives or resources for the unit of instruction.~~

An addition of a unit supported primarily through external funding, including the establishment of a grant-funded center. When approved under this category, the unit would hold approval through the period of external funding and would not require additional approval unless the external funding was no longer available. The university would not commit to maintain the unit if the external funding was lost and the university would report elimination of the center through the annual listing process provided to the Board.

Creation of a new formally organized research or public service unit that has a temporary mission of up to five years. (Criteria for continuation and a date for submission and request for permanent approval should accompany the RME.)

Creation of a certificate program in a field or at a level in which there is not a previously approved degree program at that level or a higher level.

Creation of a new program that results from the reorganization or restructuring of the curricular elements of an existing program that have over time evolved into separate and distinct programs (e.g., split into two or more autonomous programs, or options have evolved into separate programs).

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Reclassification of a program resulting from incremental changes or consolidation of two or more degree programs into a single program with a change of the Classification of Instructional Programs (CIP) developed by the National Center for Educational Statistics.

Changes in degree designation at the same level (e.g., B.A. to B.F.A., B.B.A. to B.S., M.A. to M.S., or D.B.A. to Ph.D.).

Creation of an out-of-region degree program. As much as possible the proposed program should be functionally equivalent to the existing program offered on campus, including curriculum, faculty qualifications, instructional technology, and library resources. The program must have effective student support systems.~~An addition of an out-of-region Board approved program of study at a new instructional location.~~

~~An addition to or modification of an existing unit of research or public service that has a direct relationship to an existing unit of instruction, research or public service; is consistent with the existing research or public service mission of the campus; and will be concluded within a well defined time frame.~~

~~A change in classification, title or degree designation of an existing unit of instruction, research or public service that more accurately reflects the content, objectives and programmatic activities for the unit.~~

~~An addition of a certificate program from one or more existing units of instruction.~~

"Region" refers to a geographical area within which an institution may operate a unit of instruction, research and public service and is not limited to the site within the region where the institution initially applied. A region consists of one or more coterminous community college districts. The community college districts are also property taxing districts established as provided in 110 ILCS 805/Art. III. The ten regions, described by community college district and community college district numbers, are as follows (see also Illustration A):

"North Suburban Region (1)" consists of the Lake County (532), Oakton (535), and William R. Harper (512) community college districts;

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"Fox Valley Region (2)" consists of the Elgin (509), Kishwaukee (523), McHenry (528), Rock Valley (511), and Waubonsee (516) community college districts;

"West Suburban Region (3)" consists of the DuPage (502), Morton (527), and Triton (504) community college districts;

"Western Region (4)" consists of the Black Hawk (503), Carl Sandburg (518), Highland (519), John Wood (539), Sauk Valley (506), and Spoon River (534) community college districts;

"Central Region (5)" consists of the Heartland (540), Illinois Central District (514), Illinois Valley (513), and Lincoln Land (526) community college districts;

"South Metro Region (6)" consists of the Joliet (525), Kankakee (520), Moraine Valley (524), Prairie State (515), and South Suburban (510) community college districts;

"Prairie Region (7)" consists of the Danville (507), Lake Land (517), Parkland (505), and Richland (537) community college districts;

"Southwestern Region (8)" consists of the Illinois Eastern (529), Kaskaskia (501), Lewis and Clark (536), and Southwestern Illinois (522) community college districts;

"Southern Region (9)" consists of the John A. Logan (530), Rend Lake (521), Shawnee (531), and Southeastern (533) community college districts; and

"Chicago Region (10)" consists of the City Colleges of Chicago (508) community college district.

"State Authorization Reciprocity Agreement" or "SARA" means the voluntary program that implements reciprocity agreements amongst states, institutions and the National Council for SARA for interstate offering of postsecondary distance education courses and programs, pursuant to the Higher Education Distance Learning Act [110 ILCS 145].

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"Terminal degree" means the highest level of college degree available in a particular field.

"Upper-division instruction" means course content and teaching appropriate for junior- and senior-year students in a baccalaureate program or other students with expertise in the subject.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1050.30 Criteria for Approval

The Board of Higher Education will evaluate new units of instruction, research or public service by applying the following criteria:

- a) **Criteria Applicable to All Units of Instruction, Research and Public Service**
 - 1) **Mission and Objectives**
 - A) The objectives of the unit of instruction, research or public service are consistent with the mission of the college or university.
 - B) The objectives of the unit of instruction, research or public service are consistent with what the unit title implies.
 - 2) **Academic Control**

The design, conduct and evaluation of the unit of instruction, research or public service are under the direct and continuous control of the sponsoring institution's established processes for academic planning and quality maintenance.
 - 3) **Faculty and Staff**
 - A) The academic preparation and experience of faculty and staff ensure that the objectives of the unit of instruction, research or public service are met.
 - B) The academic preparation and experience of the faculty and staff, as evidenced by level of degrees held, professional experience in the field of study and demonstrated knowledge of the field, ensure

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that they are able to fulfill their academic responsibilities. At a minimum, faculty shall have a degree from an institution accredited by a U.S. Department of Education [and/or Council for Higher Education Accreditation](#) recognized accrediting body or a degree from another country evaluated for U.S. equivalency in the discipline they will teach or for which they will develop curricula at least one level above that of the courses being taught or developed.

- i) Faculty providing undergraduate general education coursework shall possess, at a minimum, a master's degree [with 18 graduate hours appropriate to the academic field or discipline in which they are teaching](#)~~in the field of instruction.~~
 - ii) Faculty engaged in providing technical and career coursework at the associate degree level shall possess, at a minimum, [at least 2,000 hours of work experience and the appropriate recognized credential depending on the specific field](#)~~a bachelor's degree in the field of instruction or equivalent training in the occupational field.~~
 - iii) Faculty teaching in a baccalaureate degree program shall have, at a minimum, a master's degree in the field of instruction.
 - iv) Faculty teaching in a graduate program shall have a doctorate or terminal degree in the field of instruction.
 - v) Exceptions may be made by the Board for professional experience, equivalent training and other qualifications; however, except in extraordinary circumstances, these should prove the exception and not the rule in meeting faculty qualification requirements.
- C) The involvement of faculty in the unit of instruction, research or public service is sufficient to cover the various fields of knowledge encompassed by the unit, to sustain scholarship appropriate to the unit, and to assure curricular continuity and consistency in student

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evaluation.

- D) Faculty to student ratios and full time faculty to part time faculty ratios shall be factors in determining appropriate provision of qualified faculty. Institutions shall have policies in place that serve to ensure equivalency of instruction and program delivery across faculty members, including methods of measuring equivalency of student learning outcomes across faculty. ~~The Board will establish minimum rates of success based on data for similar institutions. The ratios shall be, at a minimum, higher than those of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions, and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.~~
- E) Support personnel, including but not limited to counselors, administrators, clinical supervisors, and technical staff, that are directly assigned to the unit of instruction, research or public service, have the educational background and experience necessary to carry out their assigned responsibilities.
- 4) Support Services
- A) Facilities, equipment and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computational equipment) necessary to support high quality academic work in the unit of instruction, research or public service are available and maintained.
- B) Clinical sites necessary to meet the objectives of the unit of instruction, research or public service.
- C) Library holdings and acquisitions, owned or contracted for by the institution, that are necessary to support high quality instruction and scholarship in the unit of instruction, research and public service, are conveniently available and accessible, and can be maintained.

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- 5) Financial
 - A) The financial commitments to support the unit of instruction, research or public service are sufficient to ensure that the faculty and staff and support services necessary to offer the unit of instruction, research or public service can be acquired and maintained.
 - B) Projections of revenues necessary to support the unit of instruction, research or public service are based upon supportable estimates of state appropriations, local tax support, student tuition and fees, private gifts, and/or governmental grants and contracts.
- 6) Statewide Needs and Priorities
 - A) The unit of instruction, research or public service is educationally and economically ~~justified based on~~ consistent with the educational priorities and needs of the ~~State~~ citizens of Illinois.
 - B) The unit of instruction, research or public service meets a need that is not currently met by existing institutions and units of instruction, research or public service.
- b) Criteria Applicable Only to Units of Instruction
 - 1) Curriculum
 - A) The caliber and content of the curriculum must assure that the objectives of the unit of instruction will be achieved.
 - B) The breadth and depth of the curriculum must be consistent with what the title of the unit of instruction implies.
 - C) The admission and graduation requirements for the unit of instruction must be consistent with the stated objectives of the unit of instruction.

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- D) Institutions must show the capacity to develop, deliver and support academic programs. Procedures and policies that will assure the effective design, conduct and evaluation of the degree program under the academic control of the institution must be developed. Assessment plans must demonstrate that the institution has identified clear and appropriate program and student learning goals and has defined appropriate outcomes. Appropriate data must be collected and may be requested by the Board to show the level of student learning that has occurred as a result of participation in the institution's programs of study.
- E) Appropriate steps shall be taken to assure that programmatic accreditation needed for licensure or entry into a profession as specified in the objectives of the unit will be sought in a reasonable amount of time and will be maintained throughout the life of the program.
- ~~FE~~) Degree programs must meet the following credit hour requirements:
- i) Associate degree requires at least 60 semester credit hours or 90 quarter credit hours.
 - ii) Baccalaureate degree requires at least 120 semester credit hours or 180 quarter credit hours and at least 40 semester credit hours (60 quarter credit hours) in upper-division courses.
 - iii) Master's degree requires at least 30 semester credit hours or 45 quarter credit hours of appropriate post-baccalaureate coursework.
 - iv) Doctor's degree – Professional Practice requires the completion of a program providing the knowledge and skills for the recognition, credential or license required for professional practice~~the academic requirements to begin practice in the profession~~; at least 60 semester hours of postsecondary credit required for admission to the program; and a total of at least six academic years of college work to

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complete the degree program, including prior required postsecondary work plus the length of the professional program itself.

- v) Doctor's degree – Research and Scholarship requires the completion of an organized program of study beyond the master's level. The program shall demonstrate full understanding of the level and range of doctoral scholarship; the function of a dissertation and its defense based on original research, or the planning and execution of an original project demonstrating substantial artistic or scholarly achievement; the nature of comprehensive examination; and other standards commonly held for these degrees; at least 2 full time years of advanced academic coursework beyond the master's degree; and an independent performance of basic or applied research at the level of the professional scholar, typically a dissertation, or to perform independently the work of a profession that involves the highest levels of knowledge and expertise~~Research and Scholarship requires the completion of an organized program of study beyond the master's degree and requiring completion of an organized program of study. The program shall demonstrate full understanding of the level and range of doctoral scholarship, the function of a dissertation and its defense, the nature of comprehensive examination, and other standards commonly held for such degrees; at least 2 full time years of advanced academic coursework beyond the master's degree; and an independent performance of basic or applied research at the level of the professional scholar, typically a dissertation, or to perform independently the work of a profession that involves the highest levels of knowledge and expertise.~~

- GF) Provision must be made for guidance and counseling of students, evaluations of student performance, continuous monitoring of progress of students toward their degree objectives and appropriate academic record keeping.

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- HG) Success in student progression and graduation across all existing approved programs, and success rates in programs preparing students for certification and licensure, shall be consistent with expectations in higher education and the appropriate related field of study. At a minimum the Board shall consider these factors based on results for similar institutions.
- i) Graduation rates, certificate and degree completion rates, retention rates, and pass rates for licensure and certification aligned with thresholds set by State or national regulatory bodies.
 - ii) The success rate shall be, at a minimum, higher than those of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions, and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.
- HH) Additional student success measures shall be considered in the review of applications for authorization. The Board shall establish minimum rates of success based on results for similar institutions.
- i) At a minimum, these data shall include student loan default rates, student indebtedness rates, job placement rates, student learning measures and other success indicators.
 - ii) The success rate shall be, at a minimum, higher than those of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions, and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.

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- J) Requirements for Technologically Mediated Instruction Offered at a Distance. In addition to meeting other requirements in this Part, programs offered through electronically mediated distance learning must, at a minimum, meet the following requirements:
- i) The institution assures adequacy of technical and physical plant facilities, including appropriate staffing and technical assistance, to support its electronically offered programs.
 - ii) The institution provides students, faculty and staff with effective technical support and training for each educational technology hardware, software and delivery system required in a program. The institution provides adequate technical support to ensure students are able to complete coursework and make steady progress in their programs.~~The help desk function is available to students during hours when it is likely to be needed, at a minimum of 18 hours a day.~~
 - iii) Appropriate measures for security of systems and adequacy of support are maintained. The selection of technologies is based on appropriateness for the students, faculty and curriculum.
 - iv) Faculty are full participants in decisions regarding curricula and program oversight.
 - v) Demonstration of student learning and program outcomes are appropriate to the field and degree level and consistent regardless of program delivery method.
 - vi) Appropriate admission processes, policies and assessments are used to ensure that students are capable of succeeding in an on-line learning environment. Students shall be adequately informed of the nature and expectations of on-line learning.
 - vii) Assessments of student learning, especially exams, take place in circumstances that include definite student

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identification and assurance of the integrity of student work.

- viii) Assessment of electronically offered programs by the institution occurs in the context of the regular evaluation of all academic programs.

2) Program Information

- A) The information the institution provides for students and the public shall include the following:
 - i) An accurate description of the unit of instruction, including its objectives, length and residency requirements if any;
 - ii) Schedule of tuition, fees, and all other charges and expenses necessary for completion of the unit of instruction, and cancellation and refund policies;
 - iii) Student rights and responsibilities;
 - iv) A statement regarding the transferability of college credits, including the fact that the decision to accept transfer credits is determined by the receiving institutions;
 - v) A statement as to how the institution will advise students on the nature of the transfer process, including the importance of consulting with institutions to which the student may seek to transfer;
 - vi) Evidence of arrangements for the transfer of courses or credits or both to institutional counterparts, when these arrangements exist; these arrangements are also known as articulation agreements;
 - vii) A statement of the institution's most recent graduation rates and the number of graduates and enrollments as provided by the institution to the Integrated Postsecondary Education

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Data System (IPEDS) and any submissions of data to satisfy Board reporting requirements; and

- viii) Other material facts concerning the institution and the unit of instruction as are likely to affect the decision of the student to enroll.
- B) The information listed in subsection (b)(2)(A) shall be available to prospective students prior to enrollment and shall be included in the institution's catalog of programs.
- 3) Accreditation and Licensure
Appropriate steps shall be taken to assure that professional accreditation needed for licensure or entry into a profession as specified in the objectives of the unit of instruction is maintained or will be granted in a reasonable period of time.
- c) Institutions Exempt from Approval
 - 1) Institutions offering a Board approved degree program at another site within the same region shall not be required to apply for additional Board approval.
 - 2) Institutions offering a degree program at the University Center of Lake County or the Quad-Cities Graduate Center shall not be required to apply for additional Board approval when offering degree programs approved for their home campus. For these institutions, center approval is required and the center shall be treated as part of their home campus, provided the center has notified the Board of its approval of the new degree program.
 - 3) Institutions offering a Board approved degree program through mediated instruction shall not be required to apply for additional Board approval.
 - 4) Institutions offering temporary programs meeting the following criteria shall not be required to apply for Board approval:
 - A) The unit of instruction is approved for offering in-region, and the academic standards of the in-region unit are maintained at the out-of-region site; and

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- B) The out-of-region unit of instruction is offered under contract to a single business, service organization, or government agency and enrollment is restricted to employees of the contracting business, employees or members of the organization or agency, or, in the case of a regional office of education, to the employees of public school districts within the region; and
- C) The contractual arrangement assures that the out-of-region unit of instruction is self-supporting; that is, no State resources are required to support it; and
- D) The out-of-region unit of instruction is offered to a single group of entering students for a single cycle not to exceed three years. Should the institution wish to continue the unit of instruction at the out-of-region site beyond the single cycle, the institution must submit an application for Board of Higher Education approval.
- 5) Additional Board approval is not required for Board approved institutions offering ~~programs~~:
- A) Programs or courses on~~On~~ federal military bases exclusively to base personnel and their family members;
- B) Clinical~~At clinical~~ or practice sites that are utilized as a part of Board approved degree programs;
- C) Dual~~Offering dual~~ credit courses to Illinois high school students. This does not exclude institutions from annual reporting and evidence of compliance with the Dual Credit Quality Act [110 ILCS 27]~~in high schools~~; or
- D) Programs or courses~~Offering courses~~ inside public correctional facilities.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1050.50 Review of Existing Units of Instruction, Research and Public Service

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The Board of Higher Education is authorized to review, periodically, all existing programs of instruction, research and public service at the State universities and colleges and to advise the appropriate board of control if the contribution of each program is not educationally and economically justified. [110 ILCS 205/7]

- a) Units of Instruction Approved after December 23, 2008
 - 1) Third Year Progress Report

Three years after approval of a new program, the institution shall provide a program progress report to the Board as part of the institution's annual report. The third year progress report shall describe the institution's performance in meeting program objectives and show where any improvements are necessary. The placement of a program in voluntary temporary suspension will not negate the requirement of submitting a third year progress report.
 - 2) Third Year Status as Determined by the Institution
 - A) Program in Good Standing: The institution is meeting the program objectives as outlined in the original application that was submitted during the program approval process.
 - B) Program Flagged for Review: The institution is not meeting the program objectives as outlined in the original application that was submitted during the program approval process. In that event, the institution shall flag the program for review and shall submit a plan for improvement. The plan will outline the steps to be taken, benchmarks indicating adequate progress, and a timeline indicating step completion and/or benchmark achievement points.
 - C) Additional Requirement for Programs in which State Licensure is Required for Employment in the Field: In the case of a program in which State licensure is required for employment in the field, a program can be found to be in good standing if the institution is able to provide evidence that program graduates are eligible to take the appropriate licensure examination and pass rates are maintained as specified in the objectives of the unit of instruction. If there is no such evidence, the institution shall report the program as flagged for review.

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- 3) Upon completion of the third year progress report or the annual interim report required for programs flagged for review:
 - A) If the program is in good standing, the institution will add the program to the eight-year program review cycle as provided in subsection (b).
 - B) If the program has been flagged for review, the institution shall submit annual interim reports until the status of good standing is achieved. A flagged program will no longer be considered a Board approved program beyond the fifth anniversary of its original approval. If no required annual interim report is submitted for a flagged program, the Board will interpret the absence of an annual interim report as an indication that the institution has terminated the program and the program will no longer be considered a Board approved program.
 - C) Annual interim reports on flagged programs shall:
 - i) Delineate actions taken to resolve the issues or improve the program;
 - ii) Identify areas for further action or improvement; and
 - iii) Describe how the program will be monitored to ensure continued improvement until the next review.
 - D) An institution may request approval to place a program in voluntary temporary suspension. That status does not negate the requirement for submitting annual interim reports and does not negate the limitation of five years duration as a program flagged for review.
- 4) **Community Colleges**
Community colleges may be deemed compliant with the program review process by participating in a comparable review required by the Illinois Community College Board. This will not abrogate the Board of Higher Education's authority to request reviews of community college programs.

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- b) Existing and newly approved units of instruction that have been identified as being in good standing will be reviewed on an eight-year cycle.
- 1) Eight-year Program Review Process
Programs deemed to be in good standing will be reviewed by the institution on a staggered eight-year cycle, with the institution determining the schedule for individual programs, but requiring that each program be reviewed at least once every eight years. Each institution will implement a program review process that best meets its unique needs and that is consistent with Board requirements as contained in this subsection (b) for the eight-year cycle. Institutions have the discretion to use findings from specialized program accreditations and other reviews as the basis of the program review as long as the findings are not more than two years old. When an existing report or review is to be used, the institutions will inform the Board of the process prior to the review. While the institution is responsible for developing its unique program review procedures, it shall include, at a minimum, the following components:
- A) A statement of program goals and intended learning outcomes;
 - B) An end- or near-end-of-program assessment of student learning, in addition to course-by-course assessments;
 - C) Multiple performance measures, if necessary, that reflect the uniqueness of academic programs and disciplines;
 - D) Feedback from key stakeholders (e.g., current students, alumni, employers and graduate schools);
 - E) Evidence of a formal feedback or improvement mechanism (i.e., a regular review process in place) and that the results are used to improve curriculum, instruction and learning;
 - F) Improvements to its capacity to efficiently and effectively deliver programs using technological innovation and comprehensive data systems; and

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- G) Findings and recommendations for improvement, suspension or closure.
- 2) Status Report
- A) Upon the conclusion of the eight-year review, the institution shall provide to the Board a summary report that contains, at a minimum, the following:
 - i) Description and assessment of any major changes in the program, including changes in the discipline or field, student demand, societal needs, institutional context for offering the degree, and other elements appropriate to the discipline;
 - ii) Major findings and recommendations, including evidence of student learning outcomes and identification of opportunities for program improvement;
 - iii) Actions taken since the last review, including instructional resources and practices, and curricular changes; and
 - iv) Actions to be taken as a result of this review, including changes in instructional resources and practices, curriculum and assessment of student learning.
 - B) The institution shall determine the status of the program. A program may be in one of three categories: in good standing; flagged for review; or under temporary suspension.
- 3) Community Colleges
- Community colleges may be deemed compliant with the eight-year program review cycle by participating in a comparable review required by the Illinois Community College Board. This will not abrogate the Board of Higher Education's authority to request reviews of community college programs.

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- c) Units of instruction that have been reviewed as part of an eight-year review process and are not considered to be in good standing will be reviewed annually beginning December 23, 2008.
- 1) **Programs Flagged for Review**

If the program has been flagged for review, the institution shall submit annual interim reports until the status of good standing is achieved, but the program will no longer be considered a Board approved program beyond the fifth anniversary of the year the program was flagged for review. If no required annual interim report is submitted for a flagged program, the Board will interpret the absence of an annual interim report as an indication that the institution has terminated the program and the program will no longer be considered a Board approved program. Annual interim reports on flagged programs shall:

 - A) Delineate actions taken to resolve the issues or improve the program;
 - B) Identify areas for further action or improvement; and
 - C) Describe how the program will be monitored to ensure continued improvement until the next review.
 - 2) **Programs Placed in Temporary Suspension Status**

An institution may place any approved program on temporary suspension after receiving Board approval. The institution shall provide an annual status report to the Board on any program under temporary suspension status. The Board will consider a program placed on temporary suspension status to be terminated if an annual status report is not received or if no reinstatement request is received within the first five years after the program was placed on temporary suspension. An institution may petition for reinstatement during the five-year period.
 - 3) **Community Colleges**

Community colleges may be deemed compliant with the review process by participating in a comparable review required by the Illinois Community College Board. This will not abrogate the Board of Higher Education's authority to request reviews of community college programs.

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- 4) Annual Report
Each authorized institution shall file annually with the Board its current catalogs. In addition, institutions must comply with any data requests to satisfy Board reporting requirements.
- 5) Complaints Concerning Institutional Degree Practices
The staff of the Board may initiate an investigation in response to written or oral information suggesting that changes have occurred in the conditions under which authorization to award degrees was given. During the investigation, there may be a temporary hold placed on the institution's applications to the Board for new program approvals and other programs. The hold will be for a specified period of time not to exceed six months, at which time the hold will continue until the Board decision is made.
- 6) Voluntary Relinquishing of Approval
 - A) Institutions may voluntarily relinquish their approvals for units of instruction, research or public service, and for reasonable and moderate extensions. The voluntary relinquishment shall be in writing and does not require a hearing or any other Board action to be effective.
 - B) Institutions relinquishing approval shall be required to provide for an appropriate repository of records and may be required to provide a student completion plan that must be approved by the Board.
- 7) Institutional Closure and Teach Out
An institution that is closing one or more units shall send to the Board the following:
 - A) Notice Required
 - i) Notice of the closure immediately by email or certified mail;
 - ii) The name, address and telephone number of the person who will be responsible for closing arrangements;

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- iii) A list of students affected and anticipated decisions regarding teach out for each student (e.g., graduation, transfer, remain at institution, and participate in teach out, etc.);
- iv) Information on the remaining credit and other requirements outstanding for each student to complete the program;
- v) Copies of the student-directed communication plan that includes the proposed timeline and methods for notifying students of teach-out options. Plans must include communication with any students who may be on approved leaves of absence or otherwise difficult to reach.
- vi) Copies of the communication plans for informing faculty, staff and other institutional constituents.

B) Teach-Out Plan

- i) When an educational institution now or hereafter operating in this State proposes to discontinue its operation, that institution shall cause to be created a teach-out plan acceptable to the Board. The teach-out plan shall fulfill the institution's educational obligations to its students. Should the institution fail to deliver or act on the teach-out plan, the Board is in no way responsible for providing the teach out.
- ii) A school shall have written plans designed to protect the contractual rights of its students and graduates in the event the school closes or undergoes a change of status (e.g., if the school changes location or if its authority is revoked), including the right to complete the course of instruction in which the students or graduates enrolled.
- iii) If students are receiving instruction prior to the school's closing, the school shall file a plan to ensure that the school's students will continue to receive training of the same quality and content as that for which they contracted.

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- C) Arrangements for transferring students to a public or another approved private institution shall be filed with the Board prior to any student transfer. Prior to approving the school's arrangements for completing its teaching obligations to students, the Board shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted.
- D) Academic Records
In the event a school proposes to discontinue its operations, the chief administrative officer of the school shall arrange for all original or legible true copies of all such academic records of the institution to be maintained in a safe and suitable place as determined by the Board (such as a third party provider, a like institution, or the Board).
- i) These records shall include, at a minimum, the academic records of each former student that are traditionally provided on an academic transcript, such as, but not limited to, courses taken, terms, grades and other such information.
- ii) The institution shall make students aware of how to obtain transcripts from either the closed institution and/or new institution permanently retaining the records.
- iii) In the event it appears to the Board that any such records of an institution discontinuing its operations is in danger of being lost, hidden, destroyed or otherwise made unavailable to the Board, the Board may seize and take possession of the records, on its own motion and without order of court.
- iv) The institution must release any holds on student records before operation is discontinued and the records are transferred.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Private Business and Vocational Schools
- 2) Code Citation: 23 Ill. Adm. Code 1095
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1095.30	Amendment
1095.40	Amendment
1095.50	Amendment
1095.80	Amendment
1095.100	Amendment
1095.120	Amendment
1095.210	Amendment
1095.230	Amendment
1095.240	Amendment
1095.250	Amendment
1095.260	Amendment
1095.270	Amendment
- 4) Statutory Authority: Private Business and Vocational Schools Act of 2012 [105 ILCS 426]
- 5) A Complete Description of the Subjects and Issues Involved: The Academic Affairs Committee (Committee) had the charge "to consider Illinois Board of Higher Education (IBHE) oversight of postsecondary institutions in an era of diminishing State resources that support the regulatory and other critical functions of the Academic Affairs division of the IBHE." The Committee members met with IBHE staff members to review administrative rules, review suggested amendments, and provide direction on updating the rules.

The objectives of review included: (1) alignment, where relevant, across rules governing Academic Affairs oversight of public degree-granting institutions, non-public degree-granting institutions, and non-degree institutions; (2) alignment across long-standing and new mandates; (3) recognition of changes in higher education, such as expansion of competency-based learning and growing importance of non-degree completion credentials; and (4) updating fees structures to effectively support the work of the IBHE.

Staff consulted with the Private Business and Vocational Schools Advisory Council regarding the proposed amendments to this rule. The major changes include:

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- Streamlining of key processes, such as procedures for obtaining approval.
 - Establishment of appropriate requirements related to Academic Records.
 - Clarification of appropriate institutional governance.
 - Clarification of use of the term "tuition."
 - Updated fees schedule which:
 - Includes penalties for noncompliance.
 - Increases modestly the fees that were established in 2012.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an 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: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377

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217/557-7358
fax: 217/782-8548
e-mail: helland@ibhe.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was on the January 2017 Regulatory Agenda, published in Volume 41, Issue 3 of the Illinois Register, dated 1/20/2017.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1095

PRIVATE BUSINESS AND VOCATIONAL SCHOOLS

SUBPART A: SCHOOL APPROVAL

Section

1095.10	Introduction
1095.20	Institutions Required to Receive Approval
1095.30	Definitions
1095.40	Criteria for Evaluation of the Application for a Permit of Approval
1095.50	Procedures for Obtaining a Permit of Approval
1095.60	Criteria for Evaluation of the Application for a New Program
1095.70	Requirements for Technologically Mediated Instruction Offered from a Distance
1095.80	Procedures for Obtaining Approval to Offer One or More New Certificates
1095.90	Change of Location
1095.100	Classroom Extension
1095.110	Change of Ownership
1095.120	School Application and Renewal Fees

SUBPART B: MAINTENANCE OF APPROVAL

Section

1095.200	Annual Renewal
1095.210	Surety Bond
1095.220	Liability Insurance
1095.230	Lack of Compliance
1095.240	Disclosures
1095.250	Student Complaints
1095.260	Cease and Desist Orders
1095.270	School Closing and Student Transcripts

AUTHORITY: Implementing and authorized by the Private Business and Vocational Schools Act of 2012 [105 ILCS 426].

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SOURCE: Emergency rules adopted at 36 Ill. Reg. 3067, effective February 8, 2012, for a maximum of 150 days; emergency expired July 6, 2012; adopted at 36 Ill. Reg. 12262, effective July 18, 2012; amended at 41 Ill. Reg. _____, effective _____.

SUBPART A: SCHOOL APPROVAL

Section 1095.30 Definitions

"Ability to benefit" means a standard for admission by which a student who does not possess a high school diploma or GED has demonstrated that he or she can profit materially or personally from a certain course of study through passage of an ability to benefit test or alternative pathways that ~~have~~has been approved by the U.S. Department of Education and administered in compliance with U.S. Department of Education guidelines related to ability to benefit test policies and procedures outlined in federal financial aid regulations. (~~See 34 CFR 668.145 and 668.152.~~)

"Act" means the Private Business and Vocational Schools Act of 2012 [105 ILCS 426].

"Board" means the Board of Higher Education established under the Board of Higher Education Act [110 ILCS 205] or its Division of Public Business and Vocational Schools (Section 15 of the Act). In those cases in which the term is used to refer to prior approval or lack of prior approval for a school application prior to February 1, 2012, the term "Board" shall mean the State Board of Education or State Superintendent of Education.

"Certificate of completion" or "certificate" means any designation, appellation, series of letters or words, or other symbol that signifies or purports to signify that the recipient thereof has satisfactorily completed a private business and vocational school's program of study that is beyond the secondary school level, but not a post-secondary degree program at the associate, baccalaureate, master's, doctoral, or post-baccalaureate, professional degree level. (Section 15 of the Act)

"Chief managing employee" is the individual who is the head administrator or supervisor at a school's principal location. (Section 15 of the Act)

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"Classroom extension" means the school has existing approval or is seeking additional Board approval to offer an existing program of study at a location other than the school's principal location.

"Educational institution" or "institution" means an organization that promotes business and vocational education, even though the institution's principal effort may not be exclusively educational in nature. (Section 15 of the Act)

"Enrollment agreement" means any agreement or instrument, however named, that creates or evidences an obligation binding a student to purchase a program of study from a school. (Section 15 of the Act)

"Faculty" means any individual or group of individuals who are qualified by education and experience to give expert instruction and evaluation in their specialties, to supervise curricular experiences, and to evaluate learning for credit.

"Institution size" means the total number of students enrolled in the school during a fiscal year (i.e., July 1 to June 30 of the following year).

"Mediated instruction" means, for the purposes of this Part, the delivery of instruction from a distance facilitated by technology, such as via teleconferencing, video-conferencing, or internet.

"Non-degree program of study" or "program of study" means any designation, appellation, series of letters or words, or other symbol that signifies or purports to signify that the recipient has satisfactorily completed an organized academic program of study beyond the secondary school level, such as a certificate, but below the associate's degree level and that does not include any recognized degree program such as an associate's, baccalaureate, master's, or doctoral degree, a post-baccalaureate, professional degree, or a post-degree certificate, such as a post-baccalaureate certificate, post-master's certificate, or post-doctoral certificate. (Section 15 of the Act)

"Out-of-state school" means an institution described in this Part that is not otherwise exempted from approval and meets one of the following:

Private corporation, limited liability company, or other entity that is initially incorporated or organized under domestic laws other than the laws

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of this State, if required, and initially operated outside the State; or

Not-for-profit corporation, limited liability company, or other entity that maintains its primary place of business or home office outside this State.

"Permit of approval" means a non-transferable permit, issued by and pursuant to the authority of the Board of Higher Education through its Division of Private Business and Vocational Schools to a private business and vocational school in the name of the school, that authorizes the school to solicit students and to offer and maintain one or more courses of instruction in compliance with the provisions of the Act and such standards and rules as may be adopted by the Board in this Part. (Section 15 of the Act)

"Program of study" as used in this definition means any academic program beyond the secondary school level, except for a program that is devoted entirely to religion or theology, a program offered by an institution operating under the authority of the Private College Act, the Academic Degree Act, or the Board of Higher Education Act, or a program of study of less than one year in length operating under the statutory authority granted to the Department of Financial and Professional Regulation. (Section 15 of the Act)

"Tuition" means, solely for the purposes of this Part, the total ~~student~~ cost of the course of instruction and all other fees for services and facilities furnished or made available to the student by or through the school and/or third parties, including, without limitation, corporate partners or donors, in connection with ~~at~~ the student's matriculation and study and completion of a non-degree program of study, including all charges or expenditures made by the school and/or third parties, including, without limitation, corporate partners or donors, for tuition, room and board, books, materials, supplies, laboratory, shop and studio fees, and other expenses.

"Unearned prepaid tuition" means the amount paid to the school by a student or on behalf of a student for which educational services have not yet been rendered. For example, a student pays a school the total amount of \$500 dollars prior to the first day of class. In this scenario, the school initially holds \$500 in unearned prepaid tuition from that student. After 10% of the course is completed, the school will hold \$450 in unearned prepaid tuition from that student. After 20% of the

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course is completed, the school will hold \$400 in unearned prepaid tuition from that student and so on.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1095.40 Criteria for Evaluation of the Application for a Permit of Approval

The Board shall approve all schools described in Sections 1095.20(a) and (b) that are not otherwise exempted in Section 1095.20(d). *The following standard criteria are intended to measure the appropriateness of the stated educational objectives of the educational programs of a given institution and the extent to which suitable and proper processes have been developed for meeting those objectives. Information related to the satisfaction of the approval criteria outlined in Section 35 of the Act and this Part must be supplied to the Board by institutions on forms provided by the Board. Additional information may be requested by the Board to determine the institution's ability to satisfy the criteria.* (Section 35 of the Act)

- a) *Qualifications of Governing Board Members, Owners, and Senior Administrators*
At a minimum, these individuals must be of good moral character and have no felony criminal record. (Section 35 of the Act)
- 1) Governing Board Members, Owners and Senior Administrators have not been involved with a postsecondary educational institution that had institutional authorization to operate in a State revoked during the past 7 years.
 - 2) Governing Board Members, Owners and Senior Administrators have not controlled, managed, or been involved with a postsecondary educational institution that has ceased operation during the past 7 years that did not provide for the completion of programs by its students, did not provide tuition refunds, and/or resulted in the loss of time or money for enrollees.
 - 3) Governing Board Members, Owners and Senior Administrators have not knowingly falsified or withheld information from oversight agencies.
 - 4) Governing Board Members, Owners and Senior Administrators have not pled guilty or had a felony conviction involving moral turpitude, fraud or a capital crime.

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- b) *Qualifications of Faculty and Staff* (Section 35 of the Act)
- 1) The education, experience and other qualifications of faculty, staff and instructors shall reasonably ensure that the students will receive education consistent with the objectives of the program of study.
 - 2) The faculty, staff and instructors of the school shall be of good professional reputation and character.
 - 3) Schools are required to submit faculty credentials required for teaching a program of study as part of the submission for ~~institution's~~ institution's approval. Faculty do not have to be approved by the Board prior to the start of the instructional period. Individual faculty hires and their appropriate qualification will be submitted by the institution during designated reporting periods and need not be submitted prior to teaching the course. Failure to hire faculty according to the credentials outlined by the institution may be grounds for revocation of the permit of approval.
- c) *Demonstration of Student Learning and Quality of Program Delivery* (Section 35 of the Act)
- 1) Schools must show the capacity to develop, deliver and support academic programs. Procedures and policies that will assure the effective design, conduct and evaluation of the certificate program under the academic control of the school must be developed. Assessment plans must demonstrate that the school has identified clear and appropriate program and student learning goals and must have defined appropriate outcomes. Appropriate data must be collected and may be requested by the Board to show the level of student learning that has occurred as a result of participation in the school's programs of study.
 - 2) Adequate records shall be maintained by the school to show attendance, progress or grades, and consistent standards should be enforced relating to attendance, progress and performance.
 - 3) Upon satisfactory completion of the program of study, the student shall be given the appropriate certificate by the institution, indicating that a

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specifically approved course of instruction or study has been satisfactorily completed by the student.

- d) *Sufficiency of Institutional Finances* (Section 35 of the Act)
The school should be financially stable and capable of assuring the revenues needed for meeting stated objectives and fulfilling commitments to students.
- e) *Accuracy, Clarity, and Appropriateness of Program Descriptions*
Institutional promotional, advertising, and recruiting materials must be clear, appropriate, and accurate. (Section 35 of the Act)
- 1) *Prior to the issuance of a permit of approval by the Board, no person or organization shall advertise a school or any program of study or solicit prospective students unless the person or organization has applied for and received from the Board authorization to conduct that activity. If the Board has authorized the activity, all advertisements or solicitations must reference the Board's approval by stating that the school is approved by the "Division of Private Business and Vocational Schools of the Illinois Board of Higher Education".* (Section 65 of the Act)
- 2) Schools are required to submit information about the recruiting process and the information provided to students as a part of the submission for the school's approval. Individual recruiters do not have to be approved by the Board prior to the start of the employment period. Individual recruiters hired and their appropriate qualifications will be submitted by the institution during designated reporting periods and need not be submitted prior starting employment. The actions of the recruiters are the responsibility of the institution. Failure to adhere to the information about the recruiting process and the information provided to students outlined by the institution in the application process may be grounds for revocation of the permit of approval.
- 3) The Board, at any time, may require that a school furnish proof to the Board of any of its advertising claims. If proof acceptable to the Board cannot be furnished, a retraction of the advertising claims, published in the same manner as the claims themselves, must be published by the institution and continuation of that advertising shall constitute cause for revocation of the institution's permit of approval.

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- 4) For schools requiring approval, the objectives for the school and its programs of study must be consistent with what the school name and program titles imply.
 - A) The term "university" shall only be used in the name of an institution of higher education when the institutional structure includes two or more distinct colleges (e.g., College of Business, College of Education, and College of Liberal Arts and Sciences) providing instruction at the baccalaureate and graduate levels, and is involved in public service activities, scholarship and research.
 - B) The term "college" shall only be used to refer to a school providing instruction at the postsecondary level.
 - C) Program names shall adhere to the Classification of Instructional Programs (CIP) developed by the National Center for Educational Statistics.
- f) *Sufficiency of Facilities and Equipment*
At a minimum, these must be appropriate and must meet applicable safety code requirements and ordinances. (Section 35 of the Act)
 - 1) The school shall have adequate and suitable space, equipment and instructional materials to provide education of suitable quality.
 - 2) The school shall be maintained and operated in compliance with all pertinent local, State and national ordinances and laws.
- g) *Fair and Equitable Refund Policies*
At a minimum, these must be fair and equitable, must satisfy any related State or federal rules, and must abide by the standards established in the Act and this Part. (Section 35 of the Act)
 - 1) *The Board shall establish minimum standards for a fair and equitable refund policy that must be applied by all institutions subject to the Act (Section 60 of the Act).*

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- 2) *The same refund policy must be applied to all students even if they are not eligible for federal financial aid (Section 60 of the Act).*
 - 3) *Schools that are accredited by an accrediting body recognized by the U.S. Department of Education and approved to participate in offering Federal Title IV student financial aid may apply the required federal refund policy as long as the same policy is applied to all students even if they are not eligible for federal financial aid (Section 60 of the Act).*
- h) *Appropriate and Ethical Admissions and Recruitment Practices*
At a minimum, recruiting practices must be ethical and abide by any State or federal rules. (Section 35 of the Act)
- 1) Neither the school nor its agents shall engage in advertising, sales, collection, credit or other practices of any type that are false, deceptive, misleading or unfair.
 - 2) Schools and agents shall not:
 - A) Use a photograph or other such illustration in public documents, sales literature or otherwise in such a manner as to convey a false impression as to size, importance or location of the institution or equipment and facilities associated with the institution;
 - B) Make a deceptive statement concerning other institutional activities in attempting to enroll students;
 - C) Quote a dollar amount, other than the average starting salary for all school graduates employed during the most recent reporting period as specified in Section 1095.240(d) pursuant to Section 37 of the Act, in any advertisement as representative or indicative of the earning potential of graduates;
 - D) State or represent that students will be guaranteed employment while enrolled in the institution or that employment will be guaranteed for students after graduation;
 - E) Misrepresent opportunities for employment upon completion of

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any program of study;

- F) State or represent that the programs and/or courses or exams are transferable to another institution without current documentation by an authorized official of the receiving institution.

i) *Recognized Accreditation Status*

Accreditation with an accrediting body approved by the U.S. Department of Education may be counted as significant evidence of the institution's ability to meet curricular approval criteria. (Section 35 of the Act)

- 1) Any school applying for a permit of approval in the State of Illinois must specify its accreditation status.
- 2) The school must have the appropriate accreditation if the school offers a program in which professional qualification in a field is necessary for a graduate to obtain employment.
- 3) In the case of a program requiring accreditation pursuant to Section 1095.40(i)(2), an institution without accreditation from an accrediting authority recognized by the U.S. Department of Education or the Council for Higher Education Accreditation shall provide a clearly defined plan to move from candidate to affiliate status. The plan should include the name of the accrediting organization, the basic outline of the accreditation process, and the projected time line for obtaining affiliate status within five years after the date of Board approval, unless the Board waives the original time line because it is found to be an unrealistic expectation.

j) *Meeting Employment Requirements in the Field of Study (Section 35 of the Act)*

- 1) *The institution must clearly demonstrate how a student's completion of the program of study satisfies employment requirements in the occupational field. The information must be clearly and accurately provided to students. (Section 35 of the Act)*
- 2) *If licensure, certification, or their equivalent is required of program graduates to enter the field of employment, the institution must clearly*

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demonstrate that completion of the program will allow students to achieve this status. (Section 35 of the Act)

- k) *Enrollment Agreements that Meet the Requirements Outlined in the Act and this Part* (Section 35 of the Act)
- 1) *A copy of the enrollment agreement must be provided to the Board. Enrollment agreements may be used by schools only if approved by the Board.* (Section 40 of the Act)
 - 2) *The Board shall develop a standard enrollment agreement for use by schools approved or seeking approval under the Act and this Part. Schools may create an enrollment agreement that meets the minimum requirements of this Section and this Part, but it must be approved by the Board prior to implementation.* (Section 40 of the Act)
 - 3) Enrollment agreements shall include, at a minimum, the following:
 - A) *A clear description of costs, refund policies, program information and all disclosures required by the Act* (Section 40 of the Act);
 - B) *The Board's Internet website, the address and phone number of the Board for students to report complaints, and any additional information the Board may require by rule* (Section 40 of the Act);
 - C) An explanation of all criteria and requirements for retention, progress towards certificate, and graduation of the student;
 - D) The institution's tuition, cancellation and refund policies; ~~and~~
 - E) A statement of the purpose and amount of any fees assessed; and.
 - F) Information on warning, probation or any other type of conditional status from an accreditor, licensure body, certifying entity, or federal/State oversight agency.

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- 4) If the school requires the student to sign an enrollment agreement or a similar type of agreement with a different title, the document must be distributed as follows:
 - A) *The student must be given a copy of the enrollment agreement at the time the student signs that agreement and at the time of the agreement's acceptance, if those events occur at different times.* (Section 40 of the Act)
 - B) *The school shall retain a signed copy of the fully executed enrollment agreement as a part of the student's permanent record.* (Section 40 of the Act)
- 5) *No school may enter into an enrollment agreement in which the student waives the right to assert against the school or any assignee any claim or defense he or she may have against the school arising under the agreement. Any provisions in an enrollment agreement in which the student agrees to such a waiver shall be rendered void.* (Section 40 of the Act)
- 6) *No school may have an enrollment agreement that requires that a student register for more than a single semester, quarter, term, or other such period of enrollment as a condition of the enrollment nor shall any school charge a student for multiple periods of enrollment prior to completion of the single semester, quarter, term, or other such period of enrollment.* (Section 35 of the Act)
- 1) *Clearly Communicated Tuition and Fee Charges* (Section 35 of the Act)
 - 1) *Tuition and fees and any other expense charged by the school must be appropriate to the expected income that will be earned by graduates.* (Section 35 of the Act)
 - 2) *No school may have a tuition policy that requires that a student register for more than a single semester, quarter, term, or other such period of enrollment as a condition of the enrollment nor shall any school charge a student for multiple periods of enrollment prior to completion of the single*

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semester, quarter, term, or other such period of enrollment. (Section 35 of the Act)

- m) *Legal Action Against the Institution, Its Parent Company, Its Owners, Its Governing Board, or Its Board Members*
Any such legal action must be provided to the Board and may be considered as a reason for denial or revocation of the permit of approval. (Section 35 of the Act)
- n) Investigations and/or adverse actions by federal or State regulatory agencies, accrediting bodies, licensing boards, or certification entities against the Institution, Its Parent Company, Its Owners, Its Governing Board, or Its Board Members must be provided to the Board and may be considered as a reason for denial or revocation of the permit of approval
- on) The school shall provide a current catalog or brochure, either in print or electronically, to each prospective student prior to enrollment. If a school maintains a website, the current catalog must appear on the website. Upon request, the school shall provide a catalog or brochure without gathering personal information from an individual unless that information is volunteered. The catalog or brochure shall contain the following:
- 1) Descriptions of the programs offered, program objectives, lengths of program and institutional calendars with program start and end dates;
 - 2) Schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, and cancellation and refund policies;
 - 3) Student success data as required pursuant to Section 37 of the Act and this Part and any data to satisfy Board reporting requirements;
 - 4) A statement of the institution's accreditation status with a U.S. Department of Education recognized accrediting body. If no such accreditation exists, the institution must prominently state this in its advertising and published materials;
 - 5) Statements regarding the transferability of a certificate to other institutions of higher education and the importance of consulting with institutions to which the student may seek to transfer;

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- 6) Evidence of articulation arrangements with institutional counterparts, when these arrangements exist; ~~and~~
- 7) Other material facts concerning the institution and the program or course of instruction as are likely to affect the decision of the student to enroll, together with any other information specified by the Board and defined in this Part; ~~and-~~
- 8) Information on warning, probation or any other type of conditional status from an accreditor, licensure body, certifying entity or federal/State oversight agency.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1095.50 Procedures for Obtaining a Permit of Approval

Each application required to be filed in accordance with the provisions of the Act and this Part must be accompanied by the required fee under the provisions of the Act and this Part, and all such applications must be made on forms prepared and furnished by the Board. (Section 20 of the Act)

- a) The school representatives shall complete the application supplied by the Board. The application requests information and supporting evidence to demonstrate that the school meets the criteria established.
- b) *If an applicant school has not remedied all deficiencies cited by the Board within 12 months after the date of its original application for a certificate of approval, an additional original application fee for the continued cost of investigation of its application is added. (Section 75(6) of the Act)*
- c) Following the receipt of the formal application, accompanying documentation, and applicable fee, staff will review and analyze all materials.
- d) If a completed original application is rejected, the Board shall:
 - 1) Issue a written response specifying the reason for the rejection; or

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- 2) Issue a permit of approval only after the reasons for rejecting the application have been removed.
- e) If a school is in disagreement with the Board's findings regarding its original application, it may, within ~~3060~~ business days after receipt of the application deficiency report, petition the Board in writing for a reexamination of the application. The petition shall include the reasons for disagreement with the findings, and documentation and exhibits supporting the school's contentions of approvability. If, based on the petition and reexamination of the application, the Board finds and issues a report stating that the school still has not fulfilled all requirements for approval, the school may make a written request within 30 ~~business~~ days after receipt of this report for an informal hearing to show why it believes it has satisfied all application requirements. The request will be granted within ~~6030-business~~ days after receipt of that request. If, as a result of the presentation by the applicant, the Executive Director determines that application deficiencies cannot be resolved, the Executive Director shall call for a hearing as provided in Section 85 of the Act, to refuse to issue a permit of approval; or if it appears that the school can resolve application deficiencies within the time limitations of subsection (b), the Executive Director shall allow the applicant to continue efforts to remove application deficiencies, subject to subsection (b) of this Section.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1095.80 Procedures for Obtaining Approval to Offer One or More New Certificates

The Board shall approve all new programs of study in institutions described in Section 1095.20(a) that are not otherwise exempted in Section 1095.20(d). Following is a description of the steps in the approval process:

- a) New Program Request
 - 1) The school requesting permission to offer a new program or re-establish a program not offered in the last approval year will complete an application provided by the Board.
 - 2) Information to be provided by the school shall include:

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- A) Program titles and descriptions;
 - B) Program objectives;
 - C) Curriculum;
 - D) Relationship of new programs to existing programs;
 - E) Faculty;
 - F) Recommendation of internal governance bodies;
 - G) Facilities;
 - H) Finances; and
 - I) Program publicity information.
- b) **Staff Analysis**
Following receipt of the application, staff will review and analyze the application and documentation submitted.
- c) **Additional Documentation and Site Visit**
In the case of a proposed new program for which staff determines it is necessary to verify or supplement the information supplied in the application, the staff may request additional written documentation and/or arrange for a site visit.
- d) **Outside Consultants**
The Executive Director of the Board, at his or her discretion, may utilize the services of outside consultants to assist the staff in a site visit and in the evaluation of the documentation submitted.
- e) **Staff Report**
Following the analysis, staff will summarize its findings and develop a recommendation regarding the new program request. This recommendation will be shared with the applicant. This recommendation will be one of the following:

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- 1) That the program be approved to admit students, with the appropriate certificates being awarded upon program completion; or
 - 2) That the approval requested not be granted.
- f) **New Application**
Any school denied approval to award a new certificate must file a new application in order to be given subsequent consideration for approval.
- g) **Advertising of Programs**
- 1) *Advertisements or solicitations must reference the Board's approval by stating that the school is approved by the "Division of Private Business and Vocational Schools of the Illinois Board of Higher Education" (Section 65 of the Act).*
 - 2) A school may state that it is approved to award a certificate in the State of Illinois only after that approval has been officially granted and received in writing from the Board.
 - 3) A school shall not advertise or state in any manner that it is "accredited" by the Board to award certificates.
 - 4) No school shall publish or otherwise communicate to prospective students, faculty, staff or the public misleading or erroneous information about the certificate-granting status of a given school.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1095.100 Classroom Extension

A school must have approval prior to operating at a location and must make application to the Board for a classroom extension at a new or changed location. (Section 20 of the Act)

- a) A school shall be permitted to provide instructional services at locations other than its principal location only upon filing a separate application for approval of each classroom extension and payment of the application fee specified in this Part. There shall be no instruction conducted at any extension site without the

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Board's written approval of the site. If instruction has been conducted at the extension site during the previous approval year, the school shall make application for continued approval of the site with its annual renewal application.

- b) The approval year for extensions shall coincide with that of the original application or any renewal applications.
- c) Included in the original application for each extension shall be the following:
 - 1) The address and telephone number of the extension site;
 - 2) The name, business address and telephone number of the site administrators during hours of instruction;
 - 3) Inventories of instructional equipment;
 - 4) Facility plans showing space is available for the school to deliver programs in accordance with Sections 1095.40 and 1095.60;
 - 5) Certificate of liability insurance coverage for the site or a rider to the certificate indicating site coverage;
 - 6) Documentation verifying that the site meets local health and safety requirements (e.g., fire marshal reports, occupancy certificates, public health certificates);
 - 7) Descriptions of the specific courses of instruction to be offered;
 - 8) Projected enrollment figures;
 - 9) Description of the plans and procedures for ensuring supervision during the hours that instruction is being given and students are present;
 - 10) A list of all faculty and the subjects they are assigned to teach;
 - 11) Verification of qualification of faculty and administrators pursuant to requirements in Sections 1095.40 and 1095.60;

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- 12) Indication of surety bond coverage for the site (i.e., the surety bond indicating coverage of the site in the amount required in Section 1095.210);
 - 13) A copy of the new or revised catalog or a copy of the supplement to the catalog that gives information on the extension site; and
 - 14) Copies of advertising materials to be used for the extension site.
- d) A school shall have written policies and procedures for the administration and control of its extensions that describe provisions for continuous:
- 1) Supervision and control of activities at the site during its hours of operation; and
 - 2) Evaluation of instructional activities at the site.
- e) If an administrator appointed under this Part is not at the site when students are present and instruction is being given, the policies and procedures shall provide for an administrator to be immediately on call to answer student and faculty questions and give direction for any contingencies that may occur. The school shall furnish students and faculty with the name, address and telephone number of the extension administrator.
- f) The Board will deny or revoke approval of an extension if it is found that the extension's instructional program is not comparable to that provided at the principal location or other extension sites, or a school has not provided instruction at the extension site during the previous year, unless the school presents the Board with plans for correction of the problem.
- g) A school shall notify the Board at least ~~305-business~~ days prior to closure of any extension during any approval year.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1095.120 School Application and Renewal Fees

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Each school and each of the non-degree programs of study offered by the school shall be approved for 5 years, subject to the terms and conditions of approval, including without limitation the submission of required reporting and the payment of required charges and fees under the provisions of Section 75 of the Act and this Part, and compliance with any other requirements in the Act and this Part. (Section 50 of the Act)

a) Fees

Section 75 of the Act authorizes the Board to set fees. Fees are assessed in connection with school applications for the permit of approval, annual renewal of permit of approval, change of ownership, new program of study, change of location, and classroom extension.

1) Application Fees

The fees are based on the institution size as outlined in subsection (a)(2).

A) Permit of approval. This is the initial fee for the application for approval. Schools shall re-apply for the permit every 5 years. (See Sections 1095.20 and 1095.40.)

i) A fee will be assessed when an institution applies for a letter of exemption from the Board and re-certifies the exemption annually. (See Section 1095.20.)

ii) There will be a late fee assessed for Fifth Year Permit of Approval applications submitted up to 30 days after the due date. Fifth Year Permit of Approval applications over 30 days late will not be accepted.

B) Annual renewal. This fee is paid in each of the 4 years following the issuance of a permit of approval. (See Section 1095.200.)
There will be a late fee assessed for Annual Renewal applications submitted up to 30 days after the due date. Annual Renewal applications over 30 days late will not be accepted.

C) New program of study. This fee is submitted with the application when an approved school requests approval of a new or additional non-degree program of study. (See Sections 1095.60, 1095.70 and 1095.80.)

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- i) A fee will be assessed for changes made to an approved program.
- ii) If a school is found to have offered a program of study prior to Board approval, a penalty fee will be assessed.
- D) Change of ownership. This is the fee to submit with an application for a permit of approval whenever there is a change of ownership of an approved school. (See Section 1095.110.)
- E) Change of location. This is the fee to submit with the application for a change of location prior to moving the approved school's principal location. (See Section 1095.90.) If a school is found to have relocated prior to Board approval, a penalty fee will be assessed.
- F) Classroom extension. This fee is submitted with the application to expand the offering of instructional services at locations other than its principal location. (See Section 1095.100.) If a school is found to have opened an extension site prior to Board approval a penalty fee will be assessed.

2) Schedule of Fees

	Institution Size			
	< 100 Students	100-399 Students	400-700 Students	> 700 Students
Permit of Approval	\$ <u>1,000</u> 880	\$ <u>2,000</u> 1,760	\$ <u>4,000</u> 3,520	\$ 5,000
<u>Exemption Fee</u>	<u>250</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>5th Year Permit of Approval</u>	<u>1,000</u>	<u>2,000</u>	<u>4,000</u>	<u>5,000</u>
<u>Late Fee</u>	<u>250</u>	<u>500</u>	<u>750</u>	<u>950</u>
Annual Renewal	<u>500</u> 440	<u>1,000</u> 880	<u>2,000</u> 1,760	<u>3,000</u> 2,500

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<u>Late Fee</u>	<u>250</u>	<u>500</u>	<u>750</u>	<u>950</u>
New Program of Study	<u>350</u> <u>280</u>	<u>650</u> <u>560</u>	<u>1,300</u> <u>1,120</u>	<u>1,750</u> <u>1,590</u>
<u>Program change</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>
<u>Penalty Fee</u>	<u>500</u>	<u>750</u>	<u>1,000</u>	<u>1,250</u>
Change of Ownership	<u>1,000</u> <u>880</u>	<u>2,000</u> <u>1,760</u>	<u>4,000</u> <u>3,520</u>	5,000
Change of Location	<u>250</u> <u>130</u>	<u>450</u> <u>260</u>	<u>775</u> <u>520</u>	<u>1,000</u> <u>740</u>
<u>Penalty Fee</u>	<u>500</u>	<u>750</u>	<u>1,000</u>	<u>1,250</u>
Classroom Extension	<u>350</u> <u>260</u>	<u>650</u> <u>520</u>	<u>1,250</u> <u>1,040</u>	<u>1,750</u> <u>1,480</u>
<u>Penalty Fee</u>	<u>500</u>	<u>750</u>	<u>1,000</u>	<u>1,250</u>

b) Remittance

- 1) Fees shall be submitted as check, certified check, cashier's check or money order payable to the Illinois Board of Higher Education.
- 2) The Board shall return fees if, after further investigation, the Board determines that the institution's request does not require Board approval. This does not apply to the application for a letter of exemption from the Board. No refund shall be awarded for any application that requires Board approval and has been reviewed by Board staff. Applications withdrawn by the institution shall receive no refund.
- 3) Fees shall be submitted to:

Illinois Board of Higher Education
 Division of Private Business and Vocational Schools
1 N. Old State Capitol Plaza, Suite 333
~~431 East Adams, Second Floor~~
 Springfield ~~IL, Illinois~~ 62701-1404

c) Processing

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- 1) Applications submitted to the Board with insufficient fees shall be considered incomplete. The Board will notify the institution of the amount due. No further action shall be taken by the Board until the full amount due is submitted.
- 2) Applications submitted to the Board with incorrect fees shall be considered incomplete. The incorrect fee amount will be returned to the institution. No further action shall be taken by the Board until the full and correct fee amount due is submitted.
- 3) *If an applicant school has not remedied all deficiencies cited by the Board within 12 months after the date of its original application for a permit of approval, an additional original application fee for the continued cost of investigation of its application will be charged to the school (Section 75 (6) of the Act).*
- 4) The Board will not accept a new or additional application from an institution that has been unwilling or unresponsive to prior requests for information from the Board, unless the prior application is withdrawn by the applicant.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART B: MAINTENANCE OF APPROVAL

Section 1095.210 Surety Bond

Each school shall provide evidence to the Board of a surety bond to protect the interests of the students. *The amount of the bond must be sufficient to provide for the repayment of full tuition to all students enrolled at the institution in the event of closure of the institution. Evidence of the continuation of the bond must be filed annually with the Board.* (Section 55 of the Act)

- a) A school shall supply the Board with a copy of a fully executed, continuous surety bond written by a company authorized to do business in Illinois in an amount sufficient to provide cumulative unearned prepaid tuition for the Illinois students enrolled at any one time. The amount shall be no less than \$10,000.

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- b) The school shall submit its projection of greatest amount of unearned prepaid tuition with its initial application for a certificate and the actual amount, based upon the record of the previous fiscal year, with each succeeding application.
- c) Should the Board determine, after applying the provisions of this Section, that the school must increase the amount of bond coverage, the school shall file a bond rider acknowledging increased coverage within 30 calendar days after receipt of the Board's notice requiring the increase.
- d) In the event of cancellation of the bond by a bonding company, the school shall furnish a fully executed replacement bond to the Board within 30 calendar days after the Board's receipt of the notice of cancellation.
- e) The bonding company shall, on the Board's request, provide reasons for bond termination within 30 calendar days after the Board's receipt of notice of the termination.
- f) Termination of the school's surety bond coverage without a replacement provided to the Board prior to the cancellation date will result in~~shall be grounds for~~ revocation of the school's~~its~~ permit of approval.
- g) When the school provides instruction at extensions, the surety bond or riders attached to the bond shall indicate coverage for all Illinois students at all sites where instruction is or will be given.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1095.230 Lack of Compliance

A school shall permit the Board's Executive Director or his or her designees to inspect the school or classes from time to time with or without notice and to make available to the Board's Executive Director or his or her designees, at any time when required to do so, information, including, financial information, pertaining to the activities of the school required for the administration of the Act and this Part. (Section 55(8) of the Act)

- a) The staff of the Board shall initiate an investigation upon receipt of a verified written complaint and may initiate an investigation in response to oral or written information concerning any of the following:

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- 1) Alleged violation of any of the conditions governing issuance of the permit of approval;
 - 2) Alleged failure to comply with this Part;
 - 3) Alleged fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;
 - 4) Loss, suspension, probation or similar adverse action taken by an accrediting body with which the institution is or was affiliated;
 - 5) Actions of federal or ~~State~~ regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.
- b) Whenever an inspection or other information reveals lack of compliance with the Act or this Part, the Board shall send the school a report of deficiencies. The school shall have 10 ~~business~~ days to respond to the report of deficiencies and report on actions that have been taken to correct these deficiencies.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1095.240 Disclosures

All schools shall make, at a minimum, the disclosures required under Section 37 of the Act and this Part clearly and conspicuously on their Internet websites. The disclosure shall consist of a statement containing the following information for the most recent 12-month reporting period of July 1 through June 30 (Section 37 of the Act):

- a) For each program of study, report:
 - 1) The number of students who were admitted in the program as of July 1 of that reporting period.

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- 2) The number of additional students who were admitted in the program during the next 12 months and classified in one of the following categories:
 - A) New starts;
 - B) Re-enrollments; and
 - C) Transfers into the program from other programs at the school.
- 3) The total number of students admitted in the program during the 12-month reporting period (the number of students reported under subsection (a)(1) plus the total number of students reported under subsection (a)(2)).
- 4) The number of students enrolled in the program during the 12-month reporting period who:
 - A) Transferred out of the program and into another program at the school;
 - B) Completed or graduated from a program;
 - C) Withdrew from the school;
 - D) Are still enrolled.
- 5) The number of students enrolled in the program who were:
 - A) Placed in their field of study;
 - B) Placed in a related field;
 - C) Placed out of the field;
 - D) Not available for placement due to personal reasons;
 - E) Not employed.

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- b) *The number of students who took a State licensing examination or professional certification examination, if any, during the reporting period, as well as the number who passed. (Section 37 of the Act)*
- c) *The number of graduates who obtained employment in the field who did not use the school's placement assistance during the reporting period; such information may be compiled by reasonable efforts of the school to contact graduates by written correspondence. (Section 37 of the Act)*
- d) *The average starting salary for all school graduates employed during the reporting period; this information may be compiled by reasonable efforts of the school to contact graduates by written correspondence. (Section 37 of the Act)*
- e) *The following clear and conspicuous caption, set forth with the address and telephone number of the Board's office: "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE BOARD OF HIGHER EDUCATION". (Section 37 of the Act) (See Section 1095.250.)*
- f) Information on warning, probation or any other type of conditional status from an accreditor, licensure body, certifying entity or federal/State oversight agency.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1095.250 Student Complaints

Schools approved by the Board must *provide to the Board and each student the school's policy for addressing student complaints. Included in this process, the school must provide in its promotional materials and on its Internet website the Board's address and Internet website for reporting complaints.* (Section 55(2) of the Act)

- a) *Student complaints must be submitted in writing to the Board (Section 85(i)(1) of the Act).~~1) The Board will provide forms that may be used to submit a compliant.~~ Information about the complaint may be submitted online through the IBHE website (www.ibhe.org). Additional information regarding the complaint process can be obtained by contacting the Board at: Signed forms should be sent to the Board at:*

Illinois Board of Higher Education

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Division of Private Business and Vocational Schools
1 N. Old State Capitol Plaza, Suite 333
~~431 East Adams, Second Floor~~
Springfield, IL 62701-1404

Phone Number: (217) 782-2551

Fax Number: (217) 782-2551

- 2) ~~Verbal instructions on how to submit a student complaint are available by calling the Board at (217) 782-2551.~~
- b) *Board staff shall contact the school about the complaint by registered mail or other appropriate notification. The school has 10 business days to respond to the Board about the complaint. The Board shall provide a resolution determination to the school. The school may request a hearing about the proposed resolution within 10 business days after the delivery of the complaint by registered mail or other appropriate notification. If the school does not abide by the resolution determination, then the Board can issue a cease and desist order to the school. If the school does not comply with the cease and desist order, then the Board may revoke the school's permit of approval. (Section 85(i)(2) of the Act)*
- c) *The complaint may be forwarded to the institution's accrediting body. (Section 85(i)(3) of the Act)*
- d) *The Board shall annually issue a public report about the complaints received. At a minimum, the report shall include the institution, the nature of the complaint, and the current resolution status of the complaint. No individual student shall be named in the report. (Section 85(i)(4) of the Act)*

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1095.260 Cease and Desist Orders

The Board's Executive Director has the authority to order any school subject to the Act to cease and desist operations if the school is found to have acted contrary to the standards set forth in the Act and this Part. (Section 85 of the Act)

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- a) On receipt of a cease and desist order, the school shall immediately cease and desist from all sales, advertising, marketing and enrollment activities. It shall report to the Board in writing within 15 days on actions that will be taken to correct the deficiencies cited. The report shall include the dates for completion of corrective activities.
- b) The Board shall notify the school in writing immediately when conditions relating to issuance of the order have been rectified and the school is again eligible to resume its normal sales, advertising, marketing and enrollment functions.
- c) If deficiencies noted by the Board are not corrected within 30 days following the [Board's school's](#) receipt of the report, the Board shall proceed to a hearing to show why the school's permit of approval should not be placed on probation, suspended or revoked.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1095.270 School Closing and Student Transcripts

- a) Notice Required
A school that is closing, either voluntarily or involuntarily, shall send to the Board the following:
 - 1) Notice of the closure immediately by certified mail;
 - 2) The name, address and telephone number of the person who will be responsible for closing arrangements;
 - 3) The name, address and telephone number and the name of the course of instruction for each student who has not completed his or her course of instruction;
 - 4) Information on the amount of class time left for each student, to complete the course, with the amount of refund, if any, for which each student is eligible;

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- 5) Copies of the written notice being mailed to all enrolled students, explaining the procedures they are to follow to secure refunds or to continue their education; and
 - 6) Its permit of approval, returned immediately by mail upon cessation of instruction or termination of approved status.
- b) **Teach-Out Plan**
When a postsecondary educational institution now or hereafter operating in this State proposes to discontinue its operation, that institution shall cause to be created a teach-out plan acceptable to the Board, which shall fulfill the school's educational obligations to its students. Should the school fail to deliver or act on the teach-out plan, the Board is in no way responsible for providing the teach-out. (Section 70 of the Act)
- 1) A school shall have written plans designed to protect the contractual rights of its students and graduates in the event the school closes or undergoes a change of status (e.g., if the school changes location or if its permit of approval is revoked), including the right to complete the course of instruction in which the students or graduates enrolled.
 - 2) If students are receiving instruction prior to the school's closing, the school shall file a plan including the information described in subsection (b)(2)(A) with the Board to ensure that the school's students will continue to receive training of the same quality and content as that for which they contracted, as indicated in subsection (b)(2)(B).
 - A) Arrangements for transferring students to a public or another approved private school shall be filed with the Board prior to any student transfer.
 - B) Prior to approving the school's arrangements for completing its teaching obligations to students, the Board shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted.
- c) **Academic Records**

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In the event a school proposes to discontinue its operations, the chief administrative officer of the school shall cause to be filed with the Board the original or legible true copies of all such academic records of the institution as may be specified by the Board. (Section 70 of the Act)

- 1) Academic records include applications for enrollment and supporting documents, enrollment agreements, transcripts and attendance records.
- 2) *These records shall include, at a minimum, the academic records of each former student that is traditionally provided on an academic transcript, such as, but not limited to, courses taken, terms, grades, and other such information. (Section 70 of the Act)*
- ~~32)~~ *In the event it appears to the Board that any such records of an institution discontinuing its operations is in danger of being lost, hidden, destroyed, or otherwise made unavailable to the Board, the Board may seize and take possession of the records, on its own motion and without order of court. (Section 70 of the Act)*
- ~~43)~~ *The Board shall maintain or cause to be maintained a permanent file of records coming into its possession. (Section 70 of the Act)*
- ~~54)~~ *As an alternative to the deposit of records with the Board, the institution may propose to the Board a plan for permanent retention of the records that may include the transfer of records to a similar institution. The plan must be put into effect only with the approval of the Board. (Section 70 of the Act)*
- 6) If the institution is in possession of any record or material, paper or electronic, that is not an academic record but contains personal information, a term that is defined by Section 5 of the Illinois Personal Information Protection Act [815 ILCS 530], the institution must retain a document or material destruction company to destroy those documents or materials, if permitted by the Family Educational Rights and Privacy Act (20 USC 1232g), in accordance with Section 40 of the Illinois Personal Information Protection Act.

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- 7) If, pursuant to the federal Family Educational Rights and Privacy Act, the institution is required to retain any record or material that is not an academic record but contains personal information, a term that is defined by the Illinois Personal Information Protection Act, that institution must retain those records or materials in accordance with Section 45 of that Act.
- 8) The institution must send to the Board, the Illinois Attorney General's Office – Privacy Unit, and the Department of Education designee a certification that it has complied with its obligations under the federal Family Educational Rights and Privacy Act and the Illinois Personal Information Protection Act with respect to both academic records and non-academic records or materials that contain personal information. The requirements for the certification will be provided to the institution by the Board upon receipt of the Permit of Approval.
- 9) If a State or federal law requires an institution to provide greater protections to records or materials that contain personal information, and the institution is in compliance with the provisions of that State or federal law, the institution shall be deemed to be in compliance with Section 45 of the Illinois Personal Information Protection Act.
- 10) A violation of the Illinois Personal Information Protection Act constitutes an unlawful practice under the Illinois Consumer Fraud and Deceptive Practices Act [815 ILCS 505].

d) Refund Requirements

- 1) The school shall refund all tuition, fees and other charges if the Board, in any situation in which students are receiving instruction prior to a school's closing, determines that:
 - A) The school has not fulfilled its contractual obligations; or
 - B) A student has reasonable objections to transfer resulting from the closing.
- 2) *The school and its designated surety bonding company are responsible for the return to students of all prepaid, unearned tuition. As identified in*

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Section 55 of the Act, the surety bond must be a written agreement that provides for monetary compensation in the event that the school fails to fulfill its obligations. The surety bonding company shall guarantee the return to the school's students and their parents, guardians, or sponsors of all prepaid, unearned tuition in the event of school closure. Should the school or its surety bonding company fail to deliver or act to fulfill the obligation, the Board is in no way responsible for the repayment or any related damages or claims. (Section 70 of the Act) (See Section 1095.210 for requirements of the surety bond.)

- e) Transcript Requests
- 1) The Board is the custodian of records for student transcripts from closed private business and vocational schools that have turned over their student records to the Board.
 - 2) The Board shall maintain a list of the private business and vocational schools that have closed and will publish the list on the Board website (www.ibhe.org).
 - 3) A student who attended a Board-approved school that has since closed shall use the transcript request form and procedure developed by the Board along with the applicable fees.
 - 4) The fee for a student transcript is \$10 per copy and shall be submitted as check, certified check, cashier's check or money order payable to the Illinois Board of Higher Education.
 - 5) Fees shall be submitted to:

Illinois Board of Higher Education
Division of Private Business and Vocational Schools
[1 N. Old State Capitol Plaza, Suite 333](#)
[431 East Adams, Second Floor](#)
Springfield ~~IL, Illinois~~ 62701-1404

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Licensing and Regulation of Pawnbrokers
- 2) Code Citation: 38 Ill. Adm. Code 360
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
360.110	Amendment
360.120	Amendment
360.135	Repealed
360.160	Amendment
360.170	Repealed
360.210	Amendment
- 4) Statutory Authority: Implementing and authorized by the Pawnbroker Regulation Act [205 ILCS 510].
- 5) A Complete Description of the Subjects and Issues Involved: These amendments will update the required disclosures in Section 360.110 by applicants for a pawnbroker license. Also, in keeping with Governor Rauner's efforts to modernize government, IDFPB- Division of Banking is consolidating the pawnbroker application instructions to our website and will eliminate outdated references to printed instructions contained in this Part. In addition, we are repealing Section 360.135, which contain the licensing requirements for managers of pawnbroker shops; changing the licensure renewal cycle from biannual to annual beginning December 31, 2018; and eliminating the requirement to display the pawnbrokers license at their place of business.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
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

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- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Not applicable
 - B) Reporting, bookkeeping or other procedures required for compliance: Please review the proposed amendments to this Part.
 - C) Types of professional skills necessary for compliance: Administrative
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because the Division of Banking did not anticipate the need to make changes to this Part.

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

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TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 360

LICENSING AND REGULATION OF PAWNBROKERS

SUBPART A: DEFINITIONS AND FEES

Section	
360.10	Definitions
360.20	Fees

SUBPART B: PAWNSHOP LICENSE

Section	
360.100	Purpose
360.110	Application for License
360.120	Processing of Application
360.130	Standards for Licensure
360.135	Licensing Requirements for Pawnbroker Managers (Repealed)
360.140	Initial Applications for License from Persons Operating or Who Have Operated a Pawnshop for the Two Years Preceding July 1, 1998
360.150	Change in Control or Form of Ownership, Change in Location, Change in Name of Pawnshop, Voluntary Surrender of License; Fees
360.160	Expiration and Renewal of Licenses; Fees
360.170	Display of License; Duplicate License (Repealed)

SUBPART C: FORMS

Section	
360.200	Purpose and Scope
360.210	Forms

SUBPART D: UNIFORM RULES FOR HEARINGS BEFORE THE SECRETARY

Section	
360.300	Scope
360.310	Procedure for Hearings before the Secretary

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SUBPART E: RULES AND PROCEDURES APPLICABLE
TO PROCEEDINGS RELATING TO ORDERS

Section	Scope
360.400	Scope
360.410	Grounds for an Order
360.420	Effective Date of Order; Service

SUBPART F: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS RELATING
TO ASSESSMENT AND COLLECTION OF CIVIL MONEY PENALTIES

Section	Scope
360.500	Scope
360.510	Assessment of Penalties
360.520	Effective Date of, Payment under, and Service of an Order to Pay

SUBPART G: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS FOR
REVOCAION OR SUSPENSION OF LICENSE

Section	Scope
360.600	Scope
360.610	Grounds for Suspension of License
360.620	Grounds for Revocation of License
360.630	Notice to Customers
360.640	Effective Date of Revocation or Suspension; Service

SUBPART H: FEE SCHEDULE FOR UNREGISTERED BUYERS

Section	Scope
360.700	Definitions
361.710	Temporary Buying Location Registration Fees

AUTHORITY: Implementing and authorized by the Pawnbroker Regulation Act [205 ILCS 510].

SOURCE: Emergency Rule adopted at 22 Ill. Reg. 12963, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 19730, effective October 29, 1998; amended at 28 Ill. Reg. 6967, effective April 29, 2004; amended at 35 Ill. Reg. 14957, effective September 9,

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2011; amended at 38 Ill. Reg. 20763, effective October 31, 2014; amended at 41 Ill. Reg. _____, effective _____.

SUBPART B: PAWNSHOP LICENSE

Section 360.110 Application for License

- a) Licensure Requirement, Where to File. Section 0.05(c) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(c)] provides that it is unlawful to operate a pawnshop without a license issued by the Secretary. All requests for ~~an~~ application ~~information may~~~~package~~~~must~~ be directed to the Department of Financial and Professional Regulation-Division of Banking, Pawnbroker Regulation Section, 320 W. Washington Street, ~~6th Floor,~~ Springfield, Illinois 62786; Telephone (217) 785-2900; or ~~can be found on the Department website at www.idfpr.com~~~~H.Pawnbroker@illinois.gov, by written correspondence, telephone or electronic communication.~~ A separate license is required for each pawnshop location.
- b) Instructions, Contents. ~~An application for a pawnshop license must be submitted on the form prescribed in Section 360.210.~~ An application for a license shall ~~be made under oath and~~ state the full name and address of the applicant, together with any other relevant information the Secretary shall require, ~~including.~~ ~~The application shall also include,~~ but not ~~be~~ limited to, the following requirements:
- 1) Disclosure of Principal Parties. The full name and place of residence of all principal parties, including all managers of the pawnshop, must be provided. A principal party is any person or entity owning or controlling 10% or more of the equity or voting stock of the pawnshop.
 - 2) In connection with an application for licensing, the applicant shall be required, at a minimum, to furnish information concerning the applicant's identity, including:
 - A) fingerprints of the applicant to a vendor approved by the Secretary for submission to the Federal Bureau of Investigation or any governmental agency or entity authorized to receive that information for a State, national and international criminal history background check; and

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- B) personal history and experience in a form prescribed by the Secretary or the Nationwide Mortgage Licensing System and Registry, including the submission of authorization for the Secretary or the Registry to obtain:
- i) an independent credit report obtained from a consumer reporting agency described in Section 603(p) of the Fair Credit Reporting Act (15 USC 1681a(p)); and
 - ii) information related to any administrative, civil or criminal findings by any governmental jurisdiction.
- 2) ~~Background Investigation. The Secretary may require that credit and criminal history record investigations be conducted on each applicant and principal party. Each applicant and principal party shall complete an Authorization For Release of Personal Information form that authorizes the Secretary to conduct a criminal history record investigation and a review of retail credit agencies' records (including credit reports and ratings). At the request of the Secretary, each applicant and principal party shall submit to, and have performed, a criminal history record investigation in the form and manner required by the Department of State Police and the Federal Bureau of Investigation. The Secretary need not cause additional criminal history record investigations to be conducted on an applicant or principal party for whom the Secretary or any other government agency has caused those investigations to have been conducted previously unless the additional investigations are otherwise required by law or unless the Secretary deems the additional investigations to be necessary for the purposes of carrying out the Secretary's statutory powers and responsibilities.~~
- 3) Insurance Requirement. The applicant, whether seeking a new license or renewing an existing license, shall provide the Secretary with proof of hazard insurance that evidences the name and address of the insuring company, the insurance policy number, the extent of coverage relating to the value of loans outstanding on pawned items~~property in active pawn~~, the amount of coverage, and the policy's expiration date. Thereafter, this information shall be held in file by the applicant for inspection at all times

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on demand by the Secretary.

- 4) Fees and Duration. The payment of a nonrefundable application fee in the amount of \$1000 shall~~the \$2,000 fee may~~ accompany an~~the~~ application for an annual license.~~The applicant's only other option is to pay a \$1,000 fee with the application and a second \$1,000 fee on June 30 of the following year.~~ Unless otherwise permitted by the Secretary, the payment of all fees shall be made by an electronic transfer of funds, or an automatic debit of an account.
- 5) Transition Period. Licenses issued prior to June 30, 2017 shall expire on June 30, 2017. Licenses issued or renewed after June 30, 2017 shall expire December 31, 2018.

- c) At the discretion of the Secretary, the forms and information prescribed by the Secretary, and all associated fees, shall be paid and filed with the Nationwide Mortgage Licensing System and Registry at <http://www.nationwidelicensing.com/>.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 360.120 Processing of Application

- a) Initial Review. The Secretary shall evaluate all applications within 30 business days after receipt and acknowledge completeness, identify deficiencies, and request additional information, if necessary. A completed application is one that conforms to the instructions provided on the Department's website at www.idfpr.com~~in the application package and~~ for which all fees have been paid.~~The Secretary may reject an incomplete application.~~
- b) Failure to Complete Application. If a complete application has not been filed with the Secretary within 30 business days after the Secretary's request for additional information, the application shall be denied and the applicable fee shall be forfeited, unless a further extension of time has been granted by the Secretary.
- c) Consideration of Completed Application. Upon receipt of a completed application and all required fees, a determination will be made by the Secretary within 30 business days to approve or deny the application request, unless the Secretary determines additional time is necessary (e.g., pending background

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investigations). A written notice of the Secretary's decision will be mailed to the applicant. The written notice for all denied applications will also include the reasons for denial. The applicable fee for all denied applications will not be refunded to the applicant.

- d) **Petition for Reconsideration.** An applicant has the right to petition the Secretary for reconsideration within 30 business days after receipt of the written notice of license denial. The petition must be in writing and should: address the reasons for denial as cited by the Secretary, specify reasons why the Secretary should reconsider the decision, and provide relevant information that supports the reasons ~~for reconsideration set forth above~~. The Secretary shall respond to all petitions within 30 business days after receipt, unless the Secretary determines additional time is necessary.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 360.135 Licensing Requirements for Pawnbroker Managers (Repealed)

- a) ~~Requirements and Conditions. Any individual who manages a pawnshop or who acts in a managerial capacity shall secure a managerial license from the Department. A license will be issued only after the individual has evidenced, through filing with the Department, that the individual has not been convicted of any criminal felony involving dishonesty or breach of trust during the five years preceding the application. The application shall include, but not be limited to:~~
- ~~1) Name of pawnshop manager, director or employee who will operate the pawnshop (applicant);~~
 - ~~2) Name of the pawnshop under which the applicant will operate, including any assumed names;~~
 - ~~3) The complete address of where the pawnshop is located and the business telephone number;~~
 - ~~4) The home address and social security number of the applicant;~~
 - ~~5) The question: Have you or any company with which you were associated been convicted of or ever pleaded guilty or nolo contendere (no contest) to any criminal matter (other than minor traffic violations)? If yes, please~~

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~~provide a complete explanation that includes, at a minimum, the name of the offender, the type of offense, the date the offense occurred and any mitigating circumstances. You are not obligated to disclose sealed or expunged records of conviction or arrest;~~

- ~~6) The question: Has the applicant or any principal party ever been adjudged bankrupt or placed in receivership? If yes, please provide a complete explanation that includes, at a minimum, the name of the person or business entity, the type of bankruptcy or receivership, the date of occurrence and any mitigating circumstances;~~
- ~~7) The question: Has the applicant had a business or professional license issued by a governmental agency suspended, revoked or otherwise disciplined? If yes, please provide a complete explanation that includes the type of business or professional license, the governmental agency, the date of the licensing action and any mitigating circumstances;~~
- ~~8) The question: Do you now or have you ever operated a pawnshop in Illinois or any other state? If so, list the names and locations of the shops;~~
- ~~9) Child support certifications. Each sole proprietor must certify to one of the statements listed in subsections (a)(9)(A) through (C). Failure to so certify shall result in disciplinary action, and the making of a false statement may subject the licensee to contempt of court. Failure to certify may also result in a delay in the processing of the application or may result in the application being denied.
 - ~~A) I am not more than 30 days delinquent in complying with a child support order;~~
 - ~~B) I am more than 30 days delinquent in complying with a child support order. (If so, attach a copy of a payment plan approved by the applicable child support enforcement agency.)~~
 - ~~C) I am not subject to a child support order;~~~~
- ~~10) A primary contact person to whom questions and other inquires should be directed concerning this application.~~

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- b) ~~Operating Standards. Each pawnshop shall employ at least one individual with the authority to act in a managerial capacity. At all times a pawnshop is open for business, an individual with the authority to act in a managerial capacity must be working.~~
- c) ~~Transferability of License. No managerial license shall be transferable but shall be valid in connection with the holder's employment at any pawnshops regulated by the Department.~~
- d) ~~Fees and Duration. Each managerial license application shall be submitted with a filing fee of \$50. Unless revoked or voluntarily surrendered, all managerial licenses issued by the Department shall be valid for a period of two years. This application and any questions concerning this application should be directed to:~~

~~Department of Financial and Professional Regulation
Division of Banking
Pawnbroker Regulation Section
320 West Washington Street
Springfield, Illinois 62786~~

~~217-785-2900 (Springfield)
217-557-0330 (Fax)~~

~~Email: IL.Pawnbrokers@illinois.gov~~

(Source: Repealed at 41 Ill. Reg. _____, effective _____)

Section 360.160 Expiration and Renewal of Licenses; Fees

- a) License Expiration. Every license shall expire on ~~December 31~~June 30 of each ~~odd-numbered year. A license issued on or before June 30, 2014 shall expire on June 30, 2015.~~ The holder of a license may request to renew the license by filing an application with the Secretary.
- b) License Renewal. All applications for pawnshop license renewal for the succeeding ~~year~~license period must be sent to the Secretary ~~between November 1 and December 31 of each year.~~by June 1 of the year the license will expire and, if mailed, shall be postmarked no later than June 1. An application package and related instructions will be mailed to all licensees prior to May 1 of the year in

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~~which the license will expire at the address listed on the licensee's most recent application. All applications must be submitted on the form prescribed in Section 360.210, in accordance with the Secretary's instructions. The payment of the Renewal Fee of \$2,000, or the first \$1,000 installment in payment of the Renewal Fee, shall accompany the application. The second \$1,000 shall be paid by June 30 of the second year of the biennial licensure period. In addition to the applicable Renewal Fee, a Late Filing Fee of \$50 per day will be assessed for all applications received electronically after June 1 or postmarked after June 1, unless an exception has been granted by the Secretary. All applications for license renewal will be held to the standards set forth in Section 360.130. The application process will be administered according to the rules set forth in Section 360.120. A licensee who fails to pay the second portion of the Renewal Fee on the date it is due may be subject to suspension of the license by the Secretary. Any order of suspension issued by the Secretary is subject to the Uniform Rules for Hearings before the Secretary set forth in Subpart D. In the event the Secretary utilizes the Nationwide Mortgage Licensing System and Registry, licensees shall be required to log on every year between November 1 and December 31 and confirm the accuracy of its registration information. Failure to confirm and update all required information shall constitute a forfeiture of the license.~~

- c) The payment of a nonrefundable application fee in the amount of \$1,000 shall accompany an application to renew a pawnshop license. Unless otherwise permitted by the Secretary, the payment of all fees shall be made by an electronic transfer of funds or an automatic debit of an account.~~Proration for Partial Year Licensure. Licensees who are issued a pawnshop license by the Department after commencement of the current 2-year licensure period shall pay an \$84.00 per month fee from the date of approval until the next June 30. If the next June 30 finishes the first year of the biennial licensure period, the licensee shall pay \$1,000 for the second year of the licensure period. If the next June 30 finishes the second year of the licensure period, the licensee may renew the license for the next licensure period, as described in subsection (b). With respect to proration of the fee, any portion of a calendar month a licensee is approved for a pawnshop license shall be considered a full month. A licensee who fails to pay the prescribed monthly fee when due may be subject to suspension of the license by the Secretary. Any order of suspension issued by the Secretary is subject to the Uniform Rules for Hearings before the Secretary set forth in Subpart D.~~
- d) Transition Period Renewal: All licenses issued or renewed after June 30, 2017 shall continue to operate without interruption until December 31, 2018, the new

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operator license expiration date. Thereafter, licenses shall be renewed for a period of one year, expiring December 31 of each year. Licenses shall renew subject to the requirements outlined in this Section.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 360.170 Display of License; Duplicate License (Repealed)

- a) ~~The license must be conspicuously displayed for public view at the place of business provided on the license.~~
- b) ~~Upon written request, a licensee may obtain a duplicate license. The fee for the issuance of a duplicate license is \$50.~~

(Source: Repealed at 41 Ill. Reg. _____, effective _____)

SUBPART C: FORMS

Section 360.210 Forms

- a) PAWNSHOP DISCLOSURE OF BUSINESS ACTIVITIES REPORT (Disclosure Report). This form is an annual report that shall be completed, by each pawnshop to disclose such information, for the preceding calendar year, as required by the Secretary pursuant to Section 7.5 of the Pawnbroker Regulation Act [205 ILCS 510/7.5]. The Secretary, as often as the Secretary shall deem necessary or proper, may require a pawnshop to submit a full and detailed report of its operations, including, but not limited to, the number of pawns made, the amount financed on pawn transactions, and the number and amount of pawns surrendered to law enforcement. The licensee must file the Disclosure Report with the Secretary no later than 30 calendar days following the end of each calendar year.
- b) ~~APPLICATION FOR LICENSE UNDER THE PAWNBROKER REGULATION ACT. This form shall be completed, according to the Secretary's instructions, in order to apply for a license or renewal of license as required in Section 0.05(c) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(c)] and Section 360.110 and Section 360.160 of this Part.~~
- be) APPLICATION FOR A CHANGE IN CONTROL OR A CHANGE IN THE

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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FORM OF OWNERSHIP OF AN ILLINOIS PAWNSHOP. This form shall be completed, according to the Secretary's instructions, in order to apply for the approval of a change in control or a change in the form of ownership of a pawnshop as required in Section 360.150 ~~of this Part~~. All requests for an application may be directed to the Department of Financial and Professional Regulation-Division of Banking, Pawnbroker Regulation Section, 320 W. Washington Street, Springfield, Illinois 62786, Telephone (217) 785-2900, or can be found on the Department website at www.idfpr.com.

- d) ~~APPLICATION TO CHANGE THE LOCATION OF AN ILLINOIS PAWNSHOP. This form shall be completed, according to the Secretary's instructions, in order to apply for a change in the location of a pawnshop as required in Section 360.150 of this Part.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Calculation, Assessment and Collection of Periodic Fees
- 2) Code Citation: 38 Ill Adm. Code 375
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
375.30	Repealed
- 4) Statutory Authority: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Executive Order 2016-13, issued by Governor Rauner on October 17, 2016, IDFPR – Division of Banking is repealing Section 375.30 of this Part under the "Cutting the Red Tape Initiative" to make certain that our regulatory standards are up to date; use plain language where appropriate; provide continuity across the balance of our Title 38 administrative rules; are not unduly burdensome to businesses or social service providers or recipients and are statutorily authorized. Specifically, the Division of Banking is taking this opportunity to repeal Section 375.30 because the calculation, assessment and collection of periodic fees are now statutorily set within Section 48.05 of the Illinois Banking Act [205 ILCS 5].
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 11) Statement of Statewide Policy Objective: This amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Not applicable
 - B) Reporting, bookkeeping or other procedures required for compliance: Not applicable
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This amendment was not included on either of the 2 most recent agendas because the Division of Banking did not anticipate the need to initiate this change.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OFFICE OF FINANCIAL AND PROFESSIONAL
REGULATION BANKS AND REAL ESTATE

PART 375

CALCULATION, ASSESSMENT AND COLLECTION OF PERIODIC FEES

Section

375.10	Purpose
375.20	Definitions
375.30	Call Report Fees <u>(Repealed)</u>
375.31	Electronic Data Processing Fee
375.32	Assessment of 3, 4, or 5 Rated State Banks
375.33	Foreign Banking Office Minimum Quarterly Fee
375.34	Corporate Fiduciary Regulatory Fees
375.36	Foreign Bank Representative Office Regulatory Fees
375.40	Calculation of Call Report and Electronic Data Processing Fees for Resulting State Banks
375.41	Calculation of Corporate Fiduciary Regulatory Fees for Resulting Corporate Fiduciaries
375.50	Assessment of Accrued Fees Against a Converting or Merging State Bank
375.51	Assessment of Accrued Fees Against a Corporate Fiduciary
375.60	Credits and Additional Assessments Not Applicable to Resulting National Banks
375.70	Payment by Electronic Transfer or Automatic Debit

AUTHORITY: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Adopted at 21 Ill. Reg. 8375, effective June 29, 1997; amended at 24 Ill. Reg. 225, effective December 31, 1999; amended at 27 Ill. Reg. 487, effective December 27, 2002; emergency amendment at 27 Ill. Reg. 16024, effective September 29, 2003, for a maximum of 150 days; emergency amendment suspended at 27 Ill. Reg. 18483, effective November 18, 2003; emergency suspension withdrawn at 28 Ill. Reg. 407, effective December 16, 2003; emergency repealed at 28 Ill. Reg. 410, effective December 16, 2003, in response to the objection and

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suspension of the Joint Committee on Administrative Rules; amended at 28 Ill. Reg. 773, effective December 29, 2003; amended at 41 Ill. Reg. _____, effective _____.

Section 375.30 Call Report Fees (Repealed)

~~Each state bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly installments equal to one fourth of the sum of the annual fixed fee of \$3,060, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 of the Illinois Banking Act [205 ILCS 5/47] for the preceding quarter according to the following schedule:~~

~~21.675¢ per \$1,000 of the first \$5,000,000 of total assets;~~

~~20.4¢ per \$1,000 of the next \$20,000,000 of total assets;~~

~~17.85¢ per \$1,000 of the next \$75,000,000 of total assets;~~

~~12.1125¢ per \$1,000 of the next \$400,000,000 of total assets;~~

~~9.5625¢ per \$1,000 of the next \$500,000,000 of total assets;~~

~~7.0125¢ per \$1,000 of the next \$19,000,000,000 of total assets;~~

~~2.55¢ per \$1,000 of the next \$30,000,000,000 of total assets;~~

~~1.275¢ per \$1,000 of the next \$50,000,000,000 of total assets; and~~

~~.6375¢ per \$1,000 of all assets in excess of \$100,000,000,000 of the state bank.~~

~~The Call Report Fee shall be calculated by the Commissioner and billed to state banks for remittance at the time of the quarterly statements of condition provided for in Section 47 of the Act.~~

(Source: Repealed at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1150.30	Amendment
1150.60	Amendment
- 4) Statutory Authority: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Executive Order 2016-13, issued by Governor Rauner on October 17, 2016, IDFPR is amending the Sections listed above, under the "Cutting the Red Tape Initiative" to make certain that our regulatory standards are up to date, use plain language where appropriate, provide continuity across the balance of our Title 68 administrative rules, are not unduly burdensome to businesses or social service providers or recipients and are statutorily authorized.

The proposed rulemaking simply updates the current application requirement of applicants having to include "a signed and dated affidavit attesting the applicant has read and understands the Act and this Part" as proof of completion of the necessary education and training. The proposed change allows the applicant to certify electronically as opposed to sending in a paper form.
- 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: This rulemaking has no impact on local governments.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice.

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Those employing licensed architects.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Architectural education and training is required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: These amendments were not included on either of the 2 most recent agendas because IDFPR could not have anticipated the signing of Executive Order 2016-13, issued by Governor Rauner on October 17, 2016.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1150

ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section

1150.10	Education Requirements and Diversified Professional Training Requirements
1150.20	Category II – Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)
1150.30	Application for Licensure by Examination/Acceptance of Examination
1150.40	Examination
1150.50	Approved Architecture Programs
1150.60	Licensure by Endorsement
1150.65	Inactive Status
1150.70	Restoration
1150.75	Fees
1150.80	Professional Design Firm
1150.85	Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act
1150.90	Standards of Professional Conduct
1150.95	Architecture Complaint Committee
1150.100	Renewals
1150.105	Continuing Education Requirements
1150.110	Granting Variances
1150.APPENDIX A	Categories of Diversified Professional Training (Repealed)
1150.APPENDIX B	Historical Summary of Minimum Requirements to Qualify for Examination for Licensure as an Architect in Illinois
1150.APPENDIX C	Historical Summary of Examination Requirements
1150.ILLUSTRATION A	Architect Seal Requirements

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5928, effective April 24, 1997; amended at 22 Ill. Reg. 15324, effective August 10, 1998; amended at 24 Ill. Reg. 559, effective December 31, 1999; amended at 24 Ill. Reg. 13710, effective August 28, 2000; amended at 25 Ill. Reg. 1754, effective January 8, 2001; amended at 26 Ill. Reg. 4667, effective March 11, 2002; amended at 26 Ill. Reg. 16954, effective November 12, 2002; amended at 27 Ill. Reg. 15468, effective September 19, 2003; amended at 28 Ill. Reg. 14424, effective October 20, 2004; amended at 33 Ill. Reg. 11477, effective July 22, 2009; amended at 35 Ill. Reg. 11358, effective June 28, 2011; amended at 39 Ill. Reg. 15738, effective December 11, 2015; amended at 41 Ill. Reg. 3966, effective April 7, 2017; amended at 41 Ill. Reg. _____, effective _____.

Section 1150.30 Application for Licensure by Examination/Acceptance of Examination

An applicant for licensure as an architect shall file an application on forms supplied by the Division. The application shall include:

- a) Proof of successful completion of the examination set forth in Section 1150.40;
- b) Proof of having completed the necessary education and training, as required by Section 1150.10.
 - 1) The proof shall be in the form of official transcripts completed by the school, college or university attended, and certification of completion of the training requirements.
 - 2) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense. Applicants shall obtain an EESA-NCARB Evaluation Report prepared by EESA, which is administered by NAAB. Applicants must establish an NCARB record in order to request an evaluation. The Board will review all transcripts and the comprehensive evaluation submitted to the Division to

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determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20;

- c) ~~Certification that~~ ~~A signed and dated affidavit attesting~~ the applicant has read and understands the Act and this Part;
- d) The required fee; and
- e) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English. However, any applicant who subsequently earned an advanced degree from an accredited educational institution in the United States or its territories shall not be subject to this requirement.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1150.60 Licensure by Endorsement

- a) An applicant who holds an active license or registration to practice architecture under the laws of another state or jurisdiction and who desires to become licensed by endorsement shall file an application with the Division together with:
 - 1) Either Council Certification or other proof of qualifications and licensure as follows:
 - A) Council Certification, issued by and forwarded directly to the Division by NCARB, showing proof of having met the requirements established in the NCARB Certification Guidelines (through professional degree, EESA evaluation, alternate pathway approved by NCARB or Mutual Recognition Agreement); or

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- B) Other Proof of Qualifications and Licensure
- i) Proof that the applicant has met requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by written examination in the other state or jurisdiction, including official transcripts and affidavits of training; and
 - ii) A certification by the state or jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the date of issuance of the applicant's license and the current status of each license; the basis of licensure and a description of all examinations by which the applicant was licensed in that state or jurisdiction and the date of passage of any such examinations; and whether the records of the licensing authority contain any record of disciplinary action taken against the applicant;
- 2) The required fee as set forth in Section 1150.75;
- 3) ~~Certification that A signed and dated affidavit attesting~~ the applicant has read and understands the Act and this Part.
- b) Applicants filing an application under subsection (a)(1)(B) are subject to the following requirements and provisions:
- 1) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense. Applicants shall obtain an EESA-NCARB Evaluation Report prepared by EESA, which is administered by NAAB. Applicants must establish an NCARB record in order to request an evaluation. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20.
 - 2) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English

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as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. However, any applicant who subsequently earned an advanced degree from an accredited educational institution in the United States or its territories shall not be subject to this requirement.

- 3) The Division shall examine each endorsement application to determine whether the requirements in the state or jurisdiction of original or subsequent licensure were substantially equivalent to the requirements then in force in this State. The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of the application.
 - 4) The Division may, in individual cases, upon recommendation of the Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the practice of architecture in another jurisdiction for a minimum of 5 years and has provided evidence demonstrating competence in the area or areas of the examination being considered for waiver (i.e., architectural education, training and experience). If an applicant has previously failed to pass a part or parts of the examination, the applicant shall not be granted a waiver for that part or parts pursuant to this provision.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 41 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>
1800.570	Amendment
1800.595	New Section
1800.615	Amendment
1800.715	Amendment
- 4) Statutory Authority: Authorized by Section 78 (a) (3) and (b) of the Video Gaming Act (Act) [230 ILCS 40].
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking provides the following:

Shutdown and reactivation of video gaming terminals due to non-payment of renewal fee ((new subsection e) of Section 1800.570). Where a video gaming location license has expired due to non-payment of an annual fee required by Section 45 (g) of the Act, the rulemaking provides that the location's video gaming terminals shall be shut off immediately upon expiration of the license, and shall not be reactivated until the location has paid the renewal fee in full, plus a reactivation fee of \$100 per video gaming terminal. These reactivation fees are equitable in light of the added expenses incurred by the Board in connection with reactivating the terminals.

Shutdown and reactivation of video gaming terminals following loss of a valid liquor license ((subsection a) of new Section 1800.595). The rulemaking provides, in accordance with Section 55 of the Act, that video gaming terminals shall be shut off following the loss of a valid liquor license by a licensed establishment, licensed fraternal establishment, or licensed veterans' establishment. Such a location shall not have its video gaming terminals reactivated until it has obtained a valid liquor license and payed a reactivation fee of \$100 per video gaming terminal. The Board shall not be precluded from bringing a disciplinary complaint against the location under subsection d) of Section 1800.220 or Subpart G.

Shutdown and reactivation of video gaming terminals following a tax delinquency exceeding 100 days ((subsection b) of new Section 1800.595): The rulemaking provides that video gaming terminals shall be shut off within a licensed video gaming location if the Board is notified by the Illinois Department of Revenue that the location is more than

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

100 days delinquent in the payment of any obligation or debt due to the State of Illinois. The video gaming terminals shall not be reactivated until the Board has determined that the location has done the following:

- Satisfied its obligation or debt due to the State of Illinois, or entered into a payment plan for the satisfaction of that obligation or debt; and
- Paid a reactivation fee of \$100 per video gaming terminal.

Waiver of re-activation fees ((subsection c) of new Section 1800.595): For all reactivations under this rulemaking, the Board shall waive reactivation fees if it determines that the video gaming terminals within a location should not have been shut off.

Completion of service in licensing and disciplinary cases (amendments to Sections 1800.615 and 1800.715). The rulemaking resolves a potential ambiguity by providing that service by personal or certified mail shall be deemed complete if it is completed earlier than the four-day period now provided.

- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule already 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 rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1800.320	Amendment	41 Ill. Reg. 2669; February 24, 2017
1800.250	Amendment	41 Ill. Reg. 2751; March 3, 2017
1800.110	Amendment	41 Ill. Reg. 2777; March 10, 2017
1800.320	Amendment	41 Ill. Reg. 2777; March 10, 2017
1800.1710	New Section	41 Ill. Reg. 2777; March 10, 2017
1800.1720	New Section	41 Ill. Reg. 2777; March 10, 2017
1800.1730	New Section	41 Ill. Reg. 2777; March 10, 2017
1800.1740	New Section	41 Ill. Reg. 2777; March 10, 2017

ILLINOIS GAMING BOARD

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1800.810 Amendment 41 Ill. Reg. 3088; March 17, 2017

- 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:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

fax: 312/814-7253
James.pellum@igb.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: The rulemaking will apply to all licensed video gaming locations, which qualify as small businesses.

 - B) Reporting, bookkeeping or other procedures required for compliance: The Board will be required to notify affected licensed video gaming locations of the video gaming terminal shut-offs and reactivation fees provided by this rulemaking, and to record these actions.

 - C) Types of professional skills necessary for compliance: The proposed rulemaking will impose no additional requirements.

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because the need for the rulemaking was not anticipated at the time the agendas were published.

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

SUBPART B: DUTIES OF LICENSEES

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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 Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

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1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
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ILLINOIS GAMING BOARD

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1800.440 Undue Economic Concentration

SUBPART E: LICENSING PROCEDURES

Section

- 1800.510 Coverage of Subpart
- 1800.520 Applications
- 1800.530 Submission of Application
- 1800.540 Application Fees
- 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 Renewal Fees and Dates
- 1800.590 Death and Change of Ownership of Video Gaming Licensee
- [1800.595 Shut-offs and Reactivations of Video Gaming Terminals](#)

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
- 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

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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

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

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- 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

SUBPART O: NON-PAYMENT OF TAXES

- Section
- 1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

- Section

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1800.1610 Use of Gaming Device or Individual Game Performance Data

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

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 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. _____, effective _____.

SUBPART E: LICENSING PROCEDURES

Section 1800.570 Renewal of License

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- a) The Board may only renew a license upon receipt of the applicable annual renewal fee required by 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.
- c) A license shall expire if the annual renewal fee is not received by the Board prior to the expiration of the license.
- d) If a licensed video gaming location license, licensed technician license or licensed terminal handler license has expired due to the non-payment of the annual renewal fee, and the Board receives the licensee's annual renewal 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.
- e) Notwithstanding the provisions of subsection (d), if a licensed video gaming location license has expired due to the non-payment of an annual fee required by Section 45(g) of the Act, its video gaming terminals shall be shut off immediately upon expiration of the license and shall not be reactivated until the location has paid the annual fee in full, plus a reactivation fee of \$100 per video gaming terminal.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1800.595 Shut-offs and Reactivations of Video Gaming Terminals

- a) In all cases of application for a licensed location, to operate a video gaming terminal, each licensed establishment, licensed fraternal establishment, or licensed veterans establishment shall possess a valid liquor license issued by the Illinois Liquor Control Commission in effect at the time of application and at all times thereafter during which a video gaming terminal is made available to the public for play at that location [230 ILCS 40/55]. If a licensed establishment, licensed fraternal establishment, or licensed veterans establishment fails to maintain a valid liquor license, its video gaming terminals shall be shut off and it shall not have its video gaming terminals reactivated until it has obtained a valid liquor license and paid a reactivation fee of \$100 per video gaming

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terminal. Nothing in this subsection shall preclude the Board from bringing a disciplinary complaint in accordance with Section 1800.220(d) or Subpart G.

- b) If the Board is notified by the Illinois Department of Revenue that a licensed video gaming location is more than 100 days delinquent in the payment of any obligation or debt due to the State of Illinois, the video gaming terminals within the location shall be shut off and shall not be reactivated until the Board has determined that the location has:
- 1) Satisfied its obligation or debt due to the State of Illinois or entered into a payment plan for the satisfaction of that obligation or debt; and
 - 2) Paid a reactivation fee of \$100 per video gaming terminal.
- c) The Board shall waive a reactivation fee for a licensed video gaming location under this Section if it determines that the video gaming terminals within the location should not have been shut down.

(Source: Added at 41 Ill. Reg. _____, effective _____)

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section 1800.615 Requests for Hearing

- a) If the Board finds that an applicant is not suitable for licensure, it shall issue the applicant a notice of denial.
- b) The Board shall serve notice on the applicant by personal service or U.S. certified mail and U.S. mail to the last known address of the applicant. Unless personal service or certified mail service is completed sooner, service~~Service~~ is complete four days after mailing.
- c) Should an applicant wish to contest the action the Board has taken regarding his application, the applicant must submit a request for hearing to the Board.
- d) All requests for hearing shall be in writing and shall include an original and one copy. The request shall contain the following:

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- 1) The name, current address and current telephone number of the petitioner (the applicant);
 - 2) Detailed reasons why and the facts upon which the petitioner will rely to show that the petitioner is suitable for licensure, including specific responses to any facts enumerated in the Board's notice of denial;
 - 3) A signature of the petitioner;
 - 4) A verification of the petition in the following form:
The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.
 - 5) The request must be notarized.
- e) A request for hearing must be made within 10 days after receipt of notice of denial from the Board. A request shall be deemed filed on the date on which it is postmarked.
 - f) If a request for hearing is not filed within 10 days after the receipt of notice from the Board, then the notice of denial becomes the final order of the Board denying the applicant's license application.
 - g) A request for hearing shall be deemed granted unless denied. The Board may deny a request for hearing if the statement of the reasons and facts that it contains does not establish a prima facie case or fails to comply with any of the other requirements of this Section. The Board's denial of a request for hearing is a final decision and the denial of licensure becomes a final order on the date the Board denies the request for hearing.
 - h) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the video gaming industry. If the Board allows a petitioner to withdraw a hearing request, the initial notice of denial becomes a final Board order on the date leave to withdraw is granted. If the petitioner does not prosecute his/her case after 21 days, the Board may move for entry of default

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judgment. Failure to prosecute shall result in entry of default judgment against the petitioner.

- i) The petitioner may submit a request for hearing by:
 - 1) personal delivery;
 - 2) certified mail, postage prepaid; or
 - 3) overnight express mail, postage prepaid.
- j) All requests for hearing must be submitted to the Administrator at the Board's offices in Chicago.
- k) If a request is granted, an Administrative Law Judge will be appointed to conduct a hearing.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section 1800.715 Notice of Proposed Disciplinary Action Against Licensees

- a) When notified of facts sufficient to support disciplinary action against a licensee or a person with significant influence or control, the Administrator shall immediately notify the Board and the licensee of the proposed disciplinary action. The notice shall advise the licensee of the following:
 - 1) A statement of the facts supporting the proposed disciplinary action;
 - 2) A description of the rule or statutory section the licensee has violated;
 - 3) A statement or description of the matters asserted and the consequences of the failure to respond;
 - 4) The name and mailing address of the Illinois Gaming Board.
- b) The Administrator shall serve the notice of proposed disciplinary action on the licensee by personal service or U.S. certified mail or U.S. regular mail to the last

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known address of the licensee. Unless personal service or certified mail service is completed sooner, serviceService is complete four days after mailing.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Race Track Security
- 2) Code Citation: 11 Ill. Adm. Code 425
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
425.10	Renumbered/Amendment
425.20	New Section
425.150	Renumbered
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking incorporates into Section 425.20 the provisions in PA 98-490. Section 425.20 requires the Board to establish goals for the award of contracts by organization licensees or inter-track wagering licensees to businesses owned by minorities, females, and persons with disabilities. These goals shall be expressed as percentages of a licensee's total dollar amount of contracts awarded during a calendar year. There are exceptions to the contracting goals in certain situations. As part of a good faith effort to meet a contracting goal, a licensee shall give consideration in minority, female, and disability-owned companies located in Illinois.

Provisions in the rulemaking include the filing of compliance reports by the licensees and establishing remedies for violations. In evaluating a licensee's compliance with the rule's good faith requirements, the fulfillment of a contracting goal shall be significant but not determinative.

Section 425.10 is identical to Section 425.150, which is being repealed.
- 6) Will this rulemaking replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:
- Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601
- 312/814-5017
Mickey.ezzo@illinois.gov
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses owned by minorities, females, and persons with disabilities may gain increased contracting opportunities with Illinois racetracks as a result of this rulemaking.
- B) Reporting, bookkeeping or other procedures required for compliance: The Illinois Racing Board will be required to compile information provided by Organization and Inter-Track Wagering Licensees on dollar percentages of contracts awarded to businesses owned by minorities, females, and persons with disabilities.
- C) Types of professional skills necessary for compliance: Compliance with the proposed rulemaking will not require specialized professional skills.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Board did not anticipate the need for this rulemaking at that time.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 425

RACE TRACK SECURITY AND CONTRACTING GOALS

Section

- ~~425.10~~~~425.150~~ Jockey Room and Driver Room Security
~~425.20~~ Contracting Goals for Organization Licensee or Inter-Track Wagering Licensee
425.150 Jockey Room and Driver Room Security (Renumbered)

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

SOURCE: Adopted and codified at 7 Ill. Reg. 2374, effective February 10, 1983; amended at 41 Ill. Reg. _____, effective _____.

Section ~~425.10~~~~425.150~~ Jockey Room and Driver Room Security

The organization licensee shall station a security guard at the entrance and exit of all jockey rooms and drivers rooms one ~~(1)~~ hour prior to the first race of each racing program continuously until ~~one-half~~ ~~(1/2)~~ hour after the end of the final race of that program has been made official. Where the physical location of the buildings permits the guard to observe both the paddock and the jockeys room or drivers room, the organization licensee will not be required to hire an additional guard in order to comply with this ~~Section~~~~rule~~.

(Source: Section 425.10 renumbered from Section 425.150 and amended at 41 Ill. Reg. _____, effective _____)

Section 425.20 Contracting Goals for Organization Licensee or Inter-Track Wagering Licensee

- a) Definitions. For purposes of this Section:
- 1) "Act" means the Illinois Horse Racing Act of 1975 [235 ILCS 5].

ILLINOIS RACING BOARD

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- 2) "Contract" is an agreement for the provision of goods and services.
 - 3) "Dollar Percentage" is the percentage of the total dollar value of an organization licensee's or inter-track wagering licensee's vendor contracts with minority owned businesses, female owned businesses, or businesses owned by a person with a disability during a calendar year, compared to the total dollar amount of all vendor contracts entered into during that calendar year, except for contracts covered under subsection (b)(2).
 - 4) "Emergency" is a situation in which one or more of the following have occurred or are at imminent risk of occurring:
 - A) Damage or disruption to all or part of an organization or inter-track wagering licensee's operation; or
 - B) Danger to the health, safety, comfort or welfare of patrons or employees.
- b) For each calendar year, the Board shall establish contracting goals, as defined in subsection (a)(3), for each organization licensee or inter-track wagering licensee, expressed as a dollar percentage as defined in subsection (a)(3). Contracting goals shall be established for minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. Each organization licensee or inter-track wagering licensee shall make every effort to meet the goals established by the Board.
- 1) By November 1 of each calendar year, each organization licensee or intertrack wagering licensee shall submit to the Board proposed contracting goals for the coming calendar year for minority owned businesses, female owned businesses and businesses owned by persons with disabilities. The Board may conduct fact-finding hearings to determine the appropriateness of a proposed contracting goal.
 - 2) When setting the goals for the award of contracts, the Board, in addition to those listed in Section 12.2(b) of the Act, shall not include contracts entered into in response to an emergency.
 - 3) An organization licensee or inter-track licensee may satisfy its goal for the award of contracts, in whole or in part, by counting the total dollar amount

ILLINOIS RACING BOARD

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of first and second tier subcontracts and purchase orders to businesses certified as vendors under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575] or by any other certifying agency approved by the Board.

- c) If the Board determines that its goals and policies are not being met by an organization licensee or inter-track wagering licensee, then the Board may, in addition to the remedies listed in Section 12.2(e) of the Act, also recommend remedies for those violations.
- d) The Board shall not establish any type of quota in connection with its enforcement of Section 12.2 of the Act.
- e) By January 31 of each year, each organization licensee or inter-track wagering licensee shall file with the Board an annual report required pursuant to Section 12.2(c) of the Act.
- f) The dollar percentages for an organization licensee or inter-track wagering licensee shall be determined according to the data in the organization licensee's or inter-track wagering licensee's annual report submitted to the Board under subsection (e).

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 425.150 Jockey Room and Driver Room Security (Renumbered)

~~The organization licensee shall station a security guard at the entrance and exit of all jockey rooms and drivers rooms one (1) hour prior to the first race of each racing program continuously until one half (½) hour after the end of the final race of that program has been made official. Where the physical location of the buildings permits the guard to observe both the paddock and the jockeys room or drivers room, the organization licensee will not be required to hire an additional guard in order to comply with this rule.~~

(Source: Section 425.150 renumbered to Section 425.10 at 41 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Race Track Leases
- 2) Code Citation: 11 Ill. Adm. Code 431
- 3) Section Number: 431.10 Proposed Action:
Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed because it is outdated and inapplicable. This rule requires any lessee of a racetrack in Illinois entering into a lease with the lessor of a racetrack, to include in its lease a provision that lessor can void the lease with the lessee if the Board issued race dates to the lessor instead of the lessee. This would require both the lessor and the lessee to apply for race dates. First, there are no current leases with racetrack owners entered into prior to 1974. Second, the contracting of leases between Illinois racetrack owners (lessors) and lessees should be controlled by the respective parties and not the Illinois Racing Board.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

Chicago IL 60601
312/814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 431
RACE TRACK LEASES (REPEALED)

Section

431.10 Lease of Race Track

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch. 8, par. 37-9(b)).

SOURCE: Adopted and codified at 6 Ill. Reg. 11064, effective September 1, 1982; repealed at 41 Ill. Reg. _____, effective _____.

Section 431.10 Lease of Race Track

- a) The Board shall not approve any application for racing dates made by an applicant which leases a race track enclosure unless the applicant's lease contains the following provision:

Lessor and lessee recognize that the Illinois Racing Board, pursuant to statutory authority, may allot a different number of racing days and also different dates and days than those requested by the various applicants to hold horse racing and harness racing meetings submitted to it each year. Accordingly, it is agreed by lessor and lessee with respect to any year for which lessor submits such an application and for which the said Illinois Racing Board awards dates to lessor, that, in the event the dates awarded to lessor are otherwise included within the term of this lease, this lease shall be void and of no effect for the period of such date award and the lessee shall not assert any claim or right hereunder to oppose lessor's right to take possession of the race track and to conduct thereon the meeting for which it has been awarded dates.

- b) No lease existing on October 25, 1974, under which the lessee has the unconditional and exclusive right of possession of a race track for a specified term or specified portion of a term and under which lessee is unconditionally obligated

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

to pay substantial rent to lessor shall be required to be amended to conform with this rule.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
502.90	Amendment
502.100	Amendment
502.840	Amendment
- 4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- 5) A Complete Description of the Subjects and Issues Involved: The amendments proposed intend to make the Board's licensing processes more efficient, reduce regulatory burdens, and be more in line with industry standards.

Section 15(c)(3) of the Illinois Horse Racing Act states that the Board may deny a license application. Section 502.90 is being amended to be consistent with the Act.

Section 502.100 is being amended to reflect current practices and circumstances. The Board currently honors suspensions, revocations, and denials issued by another racing jurisdiction until that jurisdiction advises otherwise. The proposed amendment is more in line with the model rule published by the Association of Racing Commissioners International.

The amendment to Section 502.840 clarifies that rulings by the Board against either a husband or wife may apply equally to both, unless the spouse of the ineligible person shows ownership and racing of his or her horses is independent and not under the control or influence of the ineligible spouse.

- 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

ILLINOIS RACING BOARD

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- 10) Are there any other rulemakings pending in this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
502.30	Amendment	41 Ill. Reg. 5793; May 26, 2017
502.680	Amendment	41 Ill. Reg. 5793; May 26, 2017

- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502
LICENSING

SUBPART A: PROCEDURE

Section	
502.10	Submission of Application
502.20	Complete Application
502.30	License Fees
502.40	Duration and Extent of Occupation Licenses
502.50	Rulings and Hearings
502.55	Denial of License
502.58	License to Participate

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section	
502.60	Denial of a License for Criminal Conviction
502.72	First-Time Applicant Who Has Been Convicted of a Crime
502.76	Prohibitions Against Persons on Conditional Discharge, Parole, Probation or Supervision
502.78	Probationary Nature of Licenses
502.80	Unqualified to Perform the Duties
502.90	Falsifying Answers or Omitting Facts
502.100	Reciprocity Just Cause
502.102	Burden of Going Forward
502.104	Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

SUBPART C: GENERAL CRITERIA

Section	
502.110	Criteria for Determining Eligibility
502.115	Standards Required of All Applicants

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SUBPART D: OWNERS

Section
502.120 Owners

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

Section
502.200 Trainers and Assistant Trainers
502.210 Prospective Trainers or Assistant Trainers
502.220 Workers' Compensation

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section
502.230 Jockeys and Apprentice Jockeys
502.235 Apprentice Jockeys, Criteria for Eligibility
502.238 Apprentice Contract or Certificate

SUBPART G: DRIVERS

Section
502.250 Harness Driver
502.260 Prospective Harness Drivers
502.270 "Q" Licenses
502.280 "P" Licenses
502.290 "A" Licenses

SUBPART H: OTHER LICENSEES

Section
502.300 Veterinarians
502.320 Veterinary Assistant
502.350 Farriers (Blacksmiths)
502.380 Exercise Riders
502.400 Pony Person
502.450 Stable Foreman
502.500 Jockey Agents
502.600 Authorized Agents

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502.650	Tack Shop Operators and Other Vendors
502.660	Vendor Helper
502.680	Thoroughbred Grooms
502.690	Harness Grooms
502.700	Hotwalker
502.790	Totalizator Employee
502.795	Business Agents

SUBPART I: CONFLICTS OF INTEREST

Section	
502.800	General Provisions
502.820	Dual Licensing
502.830	Limitations on License
502.840	Husbands and Wives
502.850	Transfer of a Horse

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

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989; amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993; amended at 18 Ill. Reg. 11615, effective July 7, 1994; amended at 19 Ill. Reg. 5034, effective April 1, 1995; amended at 19 Ill. Reg. 17190, effective January 1, 1996; amended at 20 Ill. Reg. 13052, effective October 1, 1996; amended at 22 Ill. Reg. 10656, effective June 1, 1998; amended at 28 Ill. Reg. 11244, effective August 1, 2004; amended at 29 Ill. Reg. 10248, effective August 1, 2005; amended at 32 Ill. Reg. 7391, effective May 1, 2008; amended at 33 Ill. Reg. 6696, effective May 1, 2009; emergency amendment at 37 Ill. Reg. 19740, effective November 20, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 6113, effective March 1, 2014; amended at 41 Ill. Reg. _____, effective _____.

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section 502.90 Falsifying Answers or Omitting Facts

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a) Pursuant to Section 15(c)(3) of the Act, the Board ~~may~~ shall deny a license application if the applicant:

- a1) Knowingly gives false answers to questions during the course of a steward's inquiry; or
 - b2) Knowingly gives false answers in a hearing by the Board; or
 - c3) Knowingly withholds information in ~~the~~his application.
- b) ~~Applicants are cautioned to read the application carefully and take care in providing their social security numbers and dates of birth. If the applicant has a question about the application, he may seek assistance from the Board's licensing personnel or the Stewards. However, the applicant will be solely responsible for the truth and correctness of all information furnished in the application.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 502.100 ReciprocityJust Cause

The Board shall suspend, revoke or deny a license if the applicant's license or permit has been suspended, revoked, or denied ~~for just cause~~ in another racing jurisdiction. ~~For the purpose of this Section and Section 502.104, "just cause" means a violation of the statutes, ordinances, or rules of another racing jurisdiction. Just cause shall not include any cause based solely on race, color, creed, national origin, or sex.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART I: CONFLICTS OF INTEREST

Section 502.840 Husbands and Wives

Stewards rulings against either a husband or wife may apply equally to both, unless the spouse of the ineligible person shows to the satisfaction of the Stewards that ownership and racing of his or her horses is independent of and not under the control or influence of the ineligible spouse. ~~Rules pertaining to licensees, and rulings against either a husband or a wife, shall apply equally to the licensee's spouse, unless the Board finds that the continued participation in racing by the affected spouse will not circumvent the intent of the rule or ruling by permitting one spouse to serve in~~

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~~essence as a substitute for a person ineligible to participate in a particular activity. In making such a decision, the stewards and the Board shall consider, but not be limited to, the following: the length of involvement in racing of the affected parties, the economic interdependence of the parties and the nature of the licenses. However, the spouse of a person suspended for a riding or driving infraction of 10 or fewer days shall not be suspended.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.60 Proposed Action:
Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking updates the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances, referenced in 603.60(a)(3), to version 13.2, dated April 20, 2017. The ARCI Uniform Classification Guidelines gives regulators, veterinarians, and horsemen guidelines to assist them in understanding the relative performance effects of various drugs and medications. The ARCI Guidelines are useful for regulators and horsemen nationwide, most of whom have little training or experience with drugs and their effects on racehorses. Updating Section 603.60 to the most recent version of the ARCI Guidelines assists racing jurisdictions in the making of racing regulatory policy.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines of Foreign Substances version 13.2, April 20, 2017.
- 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? Yes
- 10) Are there any other rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo

ILLINOIS RACING BOARD

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Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: July 2016

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	Androgenic-Anabolic Steroids (AAS)

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

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August

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1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 330, effective January 1, 2012; emergency amendment at 36 Ill. Reg. 3290, effective February 15, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 6057, effective April 6, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 8967, effective June 1, 2012; amended at 36 Ill. Reg. 12815, effective August 1, 2012; amended at 36 Ill. Reg. 17078, effective November 28, 2012; emergency amendment at 36 Ill. Reg. 17131, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4993, effective April 1, 2013; emergency amendment at 38 Ill. Reg. 9121, effective April 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18555, effective August 25, 2014; amended at 39 Ill. Reg. 11492, effective August 1, 2015; amended at 40 Ill. Reg. 9208, effective July 1, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
 - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more

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than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.

- 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone, flunixin, ketoprofen, pyrilamine, isoxsuprine and the therapeutic medications listed in subsection (f).
- 3) Laboratory reports of phenylbutazone in a concentration greater than or equal to 2 mcg/ml in serum or plasma, flunixin in a concentration greater than or equal to 20 ng/ml in serum or plasma, and ketoprofen in a concentration greater than or equal to 2 ng/ml in serum or plasma shall be treated as Class 4 drugs, category "C" penalty, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; [April 20, 2017](#)~~March 2016~~ version [13.212.00](#); this incorporation includes no later amendments or editions).
- 4) A finding by the Board's laboratory of any amount of oxyphenbutazone in the absence of phenylbutazone shall be treated as a Class 4 drug, as defined in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- 5) The use of multiple permitted NSAIDs shall be discontinued at least 48 hours prior to post time for the race in which the horse is entered. The presence of more than one NSAID is prohibited with the exceptions of:
 - A) Phenylbutazone – in a concentration less than 0.3 mcg/ml in serum or plasma.
 - B) Flunixin – in a concentration less than 3 ng/ml in serum or plasma.
 - C) Ketoprofen – in a concentration less than 1 ng/ml in serum or plasma.
- 6) If the phenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be

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subject to the same penalties as are set forth in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).

- 7) Penalties for violations of this Section shall be based on the following criteria:
 - A) previous warnings and rulings for violations of this Section;
 - B) the age and experience of the violator;
 - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - D) what action, if any, was taken to avoid the violation;
 - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal or anti-protozoal drugs, may be present in the body of a horse participating in a race.
 - 1) Anti-Bacterials
 - Amikacin
 - Ampicillin
 - Ampicillin sodium
 - Azolsulfamide
 - Chloramphenicol
 - Doxycycline
 - Enrofloxacin (Baytril)
 - Erythromycin sulfate
 - Gentamicin sulfate
 - Kanamycin sulfate

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Methenamine
Metronidazole
Neomycin sulfate
Nitrofurantoin
Oxytetracycline
Penicillin G. Benzathine
Penicillin G. Potassium
Sulfadimethozine
Sulfadimethoxine
Sulfamethoxazole
Sulfametranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)
Ponazuril (Marquis)
Pyrimethamine (Daraprim)

- d) This listing of anti-bacterial, anti-fungal and anti-protozoal drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal or anti-protozoal drug, except as provided in subsection (f).
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the [ARCI Guidelines for Foreign Substances \(incorporated by reference in subsection](#)

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~~(a)(3))Association of Racing Commissioners International (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; March 2016 version 12.00; this incorporation includes no later amendments or editions).~~

- f) Subject to the prohibition contained in Section 603.40 (24 hour ban), the use of the following therapeutic medications shall be permitted. The official test samples may contain the following therapeutic medications in concentrations less than the following threshold levels:
- 1) Acepromazine – 10 ng/ml as 2-(1-hydroxyethyl) promazine sulfoxide (HEPS) in urine.
 - 2) Albuterol – 1 ng/ml in urine.
 - 3) Betamethasone – 10 pg/ml in serum or plasma.
 - 4) Butorphanol – 300 ng/ml of total butorphanol in urine.
 - 5) Cetirizine – 6 ng/ml in serum or plasma.
 - 6) Cimetidine – 400 ng/ml in serum or plasma.
 - 7) Clenbuterol – 140 pg/ml in urine in thoroughbred and quarter horse breeds; and Limit of Detection (which is not less than 10 pg/ml) in serum or plasma in the standardbred breed.
 - 8) Dantrolene – 100 pg/ml of 5-hydroxydantrolene in serum or plasma.
 - 9) Detomidine – Level of Detection for detomidine in serum or plasma.
 - 10) Dexamethasone – 5 pg/ml in serum or plasma.
 - 11) Diclofenac – 5 ng/ml in serum or plasma.
 - 12) Dimethyl sulfoxide (DMSO) – 10 mcg/ml in serum or plasma.
 - 13) Firocoxib – 20 ng/ml in serum or plasma.
 - 14) Furosemide – 100 ng/ml in serum or plasma.

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- 15) Glycopyrrlate – 3 pg/ml in serum or plasma.
 - 16) Guaifenesin – 12 ng/ml in serum or plasma.
 - 17) Isoflupredone – 100 pg/ml in serum or plasma.
 - 18) Lidocaine – 20 pg/ml of total 3-hydroxylidocaine in serum or plasma.
 - 19) Mepivacaine – 10 ng total hydroxymepivacaine/ml in urine.
 - 20) Methocarbamol – 1 ng/ml in serum or plasma.
 - 21) Methylprednisolone – 100 pg/ml in serum or plasma.
 - 22) Omeprazole sulfide – 10 ng/ml in serum or plasma.
 - 23) Prednisolone – 1 ng/ml in serum or plasma.
 - 24) Procaine penicillin – 25 ng/ml of procaine in serum or plasma. Procaine penicillin must be reported to the Board at time of administration and shall not be administered after the horse is entered to race.
 - 25) Ranitidine – 40 ng/ml in serum or plasma.
 - 26) Triamcinolone acetonide – 100 pg/ml in serum or plasma.
 - 27) Xylazine – 200 pg/ml in serum or plasma.
- g) Laboratory reports of the therapeutic medications listed in subsection (f) greater than or equal to their respective threshold level shall be treated as they are defined and classified in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- h) Official test samples may contain any of the following drug substances, or theirs metabolites, in a concentration less than the threshold level:
- 1) Isoxsuprine – shall be less than 1,000 ng/ml in urine.

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- 2) Pyrilamine – shall be less than 50 ng/ml of O-desmethyl pyrilamine in urine.
- i) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.
- j) To help licensees determine the test levels of substances contained in this Section, the Board laboratory will test, at the sole expense of the licensee for the actual cost of processing the sample, all equine urine, serum or plasma samples submitted to it that are accompanied by a certification indicating time, method and route of administration.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
130.555	Amendment
130.701	Amendment
130.715	Amendment
- 4) Statutory Authority: 35 ILCS 120/12; 20 ILCS 2505/2505-795
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends 86 Ill. Adm. Code 130.555 (Vending Machine Information Returns), 130.701 (General Information on Obtaining a Certificate of Registration) and 130.715 (Sub-Certificates of Registration).

86 Ill. Adm. Code 130.555 and 130.715 are being amended to reflect the changes made pursuant to PA 97-335. That Public Act provided that effective January 1, 2012, persons who sell tangible personal property through vending machines are no longer required to report annually to the Department by January 31 the number of vending machines operated by their business. If such persons, though, add additional vending machines, they must contact the Department to request additional sub-certificates of registration, as applicable. With each such request, the persons must report the number of sub-certificates of registration being requested, as well as the total number of vending machines from which retail sales are being made.

86 Ill. Adm. Code 130.701 is being amended to reflect the change made pursuant to PA 98-974. That Public Act provided that effective January 1, 2015, the Department must notify a taxpayer, to whom a certificate of registration is issued and who is in default to the State for delinquent returns, within 60 days before the expiration of the taxpayer's certificate of registration that the certificate will not be automatically renewed (previously, the Department had to notify the taxpayer 120 days before the expiration date). The taxpayer will be notified that the certificate of registration will not be automatically renewed upon its expiration date unless the taxpayer files and pays the delinquent returns or defaulted amount in full.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

DEPARTMENT OF REVENUE

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- 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 proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
130.340	Amendment	40 Ill. Reg. 10083, July 29, 2016
130.311	Amendment	41 Ill. Reg. 3168, March 17, 2017
130.320	Amendment	41 Ill. Reg. 3817, March 31, 2017

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

Debra M. Boggess
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield IL 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect businesses that sell tangible personal property through vending machines and those that are in default to the State for delinquent returns.
- B) Reporting, bookkeeping or other procedures required for compliance: Basic bookkeeping
- C) Types of professional skills necessary for compliance: Bookkeeping

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section

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

SUBPART B: SALE AT RETAIL

Section

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

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section

- 130.305 Farm Machinery and Equipment
- 130.310 Food, Soft Drinks and Candy
- 130.311 Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
- 130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois
- 130.320 Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
- 130.321 Fuel Used by Air Common Carriers in Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its Possessions
- 130.325 Graphic Arts Machinery and Equipment Exemption
- 130.330 Manufacturing Machinery and Equipment

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130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
130.340	Rolling Stock
130.341	Commercial Distribution Fee Sales Tax Exemption
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

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

SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns – When Due – Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration – Separate

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

	Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments (Repealed)
130.605	Sales of Property Originating in Illinois; Questions of Interstate Commerce
130.610	Sales of Property Originating in Other States (Repealed)

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
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- 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
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- 130.2500 Direct Payment Program
 - 130.2505 Qualifying Transactions, Non-transferability of Permit
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- 130.ILLUSTRATION A Examples of Tax Exemption Cards
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AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

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SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874,

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effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. 17060, effective July 25, 2014; amended at 38 Ill. Reg. 17421, effective July 31, 2014; amended at 38 Ill. Reg. 17756, effective August 6, 2014; amended at 38

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Ill. Reg. 19998, effective October 1, 2014; amended at 39 Ill. Reg. 1793, effective January 12, 2015; amended at 39 Ill. Reg. 12597, effective August 26, 2015; amended at 39 Ill. Reg. 14616, effective October 22, 2015; amended at 40 Ill. Reg. 6130, effective April 1, 2016; amended at 40 Ill. Reg. 13448, effective September 9, 2016; amended at 41 Ill. Reg. _____, effective _____.

SUBPART E: RETURNS

Section 130.555 Vending Machine Information Returns

Any person who engages in the business of selling tangible personal property at retail through a vending machine or through vending machines shall file an information report or return with the Department by January 31 of the number of vending machines ~~that person~~~~which such person~~ was using in his ~~or her~~ business of selling tangible personal property at retail on the preceding December 31. For information as to what constitutes engaging in the business of selling tangible personal property at retail through vending machines, see Section 130.2135 ~~of this Part~~. Beginning January 1, 2012, if a person who is registered to sell tangible personal property through a vending machine adds an additional vending machine, he or she shall request an additional sub-certificate and report to the Department the number of sub-certificates of registration being requested, as well as the total number of vending machines from which he or she makes retail sales. Additional sub-certificates of registration may be requested electronically on the Department's website at www.tax.illinois.gov.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART G: CERTIFICATE OF REGISTRATION

Section 130.701 General Information on Obtaining a Certificate of Registration

- a) It shall be unlawful for any person to engage in the business of selling tangible personal property at retail in this State without a certificate of registration from the Department.
- b) Every person who engages in the business of selling tangible personal property at retail in this State must procure a certificate of registration (and sub-certificate of registration when required) from the Department.
- c) For information with respect to penalties for violating this requirement, see Subpart I of this Part.

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- d) The application to register must be made on a form prescribed and furnished by the Department for that purpose. Upon request therefor, made to the Department of Revenue, an application form will be furnished. Each ~~such~~ application shall be signed and verified. The application shall contain an acceptance of responsibility by the person or persons who will be responsible for filing returns and payment of the taxes due under the Act. Applications to register may be submitted electronically on the Department's website at www.tax.illinois.gov.
- e) **Special Requirements Pertaining to Vending Machines**
If the applicant will sell tangible personal property at retail through vending machines, his or her application to register shall indicate the number of vending machines to be so operated; and thereafter, he or she shall notify the Department by January 31 of the number of vending machines ~~that her or she~~which such person was using in his or her business of selling tangible personal property at retail on the preceding December 31. Beginning January 1, 2012, persons who add additional vending machines must contact the Department to request additional sub-certificates of registration, as well as inform the Department of the total number of vending machines from which retail sales are being made. Additional sub-certificates of registration may be requested on the Department's website at www.tax.illinois.gov.
- f) **Posting Bond or Other Security**
- 1) Every applicant for a certificate of registration shall, within 30 days after he or she commences to engage in the business of selling tangible personal property at retail, furnish a bond from a surety company authorized to do business in the State of Illinois, or a bond signed by 2 personal sureties who have filed, with the Department, sworn statements disclosing net assets equal to at least 3 times the amount of the bond to be required of ~~the~~such applicant, or a bond secured by an assignment of a bank account or certificate of deposit, stocks or bonds, conditioned upon the applicant paying to the State of Illinois all moneys becoming due under the Retailers' Occupation Tax Act and under any other State tax law or municipal or county tax ordinance or resolution under which the certificate of registration that is issued to the applicant under the Retailers' Occupation Tax Act will permit the applicant to engage in business without registering separately under such other law, ordinance or resolution.

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- 2) Maximum Amount of Bond or Other Security
 - A) The Department shall fix the amount of such security in each case, taking into consideration the amount of money expected to become due from the applicant under the Retailers' Occupation Tax Act and under any other State tax law or municipal or county tax ordinance or resolution under which the certificate of registration that is issued to the applicant under the Retailers' Occupation Tax Act will permit the applicant to engage in business without registering separately under such other law, ordinance or resolution. The amount of security required by the Department shall be such as, in its opinion, will protect the State of Illinois against failure to pay the amount which may become due from the applicant under the Retailers' Occupation Tax Act and under any other State tax law or municipal or county tax ordinance or resolution under which the certificate of registration that is issued to the applicant under the Retailers' Occupation Tax Act will permit the applicant to engage in business without registering separately under such other law, ordinance or resolution, but the amount of the security required by the Department shall not exceed three times the amount of the applicant's average monthly tax liability, or \$50,000, whichever amount is lower.
 - B) No certificate of registration under the Retailers' Occupation Tax Act shall be issued by the Department until the applicant provides the Department with satisfactory security as ~~herein~~ provided for [in this subsection \(f\)](#).
- 3) Exception from Security Requirements for Prior Continuous Compliance Taxpayers

Any taxpayer who has, as verified by the Department, faithfully and continuously complied with the condition of his [or her](#) bond or other security under the provisions of the Act for a period of 3 consecutive years shall be considered to be a Prior Continuous Compliance taxpayer. Every Prior Continuous Compliance taxpayer shall be exempt from all requirements under the Act concerning the furnishing of security as a condition precedent to his being authorized to engage in the business of selling tangible personal property at retail in this State. This exemption

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shall continue for each such taxpayer until ~~such time as he or she~~ may be determined by the Department to be delinquent in the filing of any returns, or is determined by the Department (either through the Department's issuance of a final assessment ~~that which~~ has become final under the Act, or by the taxpayer's filing of a return ~~that which~~ admits tax that is not paid to be due) to be delinquent or deficient in the paying of any tax under the Retailers' Occupation Tax Act or under any other State tax law or municipal or county tax ordinance or resolution under which the certificate of registration that is issued to the registrant under the Retailers' Occupation Tax Act will permit the registrant to engage in business without registering separately under such other law, ordinance or resolution, at which time that taxpayer shall become subject to all the financial responsibility requirements of the Act and, as a condition of being allowed to continue to engage in the business of selling tangible personal property at retail, shall be required to post bond or other acceptable security with the Department covering liability ~~that the which~~ ~~such~~-taxpayer may thereafter incur. Any taxpayer who fails to pay an admitted or established liability under the Act may also be required to post bond or other acceptable security with this Department guaranteeing the payment of ~~the such~~ admitted or established liability.

- g) Issuance of Certificate of Registration
Upon receipt of the application for certificate of registration in proper form, and upon approval by the Department of the security furnished by the applicant, the Department shall issue to ~~the such~~ applicant a certificate of registration ~~that which~~ shall permit the person to whom it is issued to engage in the business of selling tangible personal property at retail in this State.
- h) *No certificate of registration issued to a taxpayer who files returns required by this Act on a monthly basis shall be valid after the expiration of 5 years from the date of its issuance or last renewal. The expiration date of a sub-certificate of registration shall be that of the certificate of registration to which the sub-certificate relates. A certificate of registration shall be automatically renewed, subject to revocation as provided by ~~the this~~ Act, for an additional 5 years from the date of its expiration unless otherwise notified by the Department. A certificate of registration issued under ~~the this~~ Act more than 5 years before the effective date of ~~the this~~ amendatory Act of 1989 shall expire and be subject to the renewal provisions of this Section on the next anniversary of the date of issuance of ~~the such~~ certificate which occurs more than 6 months after the effective date of*

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~~the#his~~ Amendatory Act of 1989. A certificate of registration issued less than 5 years before the effective date of this Amendatory Act of 1989 shall expire and be subject to the renewal provisions of this Section on the 5th anniversary of the issuance of the certificate.

- i) Where a taxpayer to whom a certificate of registration is issued under ~~the#his~~ Act is in default to the State of Illinois for delinquent returns or for moneys due under ~~the#his~~ Act or any other State tax law or municipal or county ordinance administered or enforced by the Department, the Department shall, not less than 120 days before the expiration of ~~thesueh~~ certificate of registration, give notice to the taxpayer to whom the certificate was issued of the account period of the delinquent returns, the amount of tax, penalty and interest due and owing from the taxpayer, and that the certificate of registration shall not be automatically renewed upon its expiration date unless the taxpayer, on or before the date of expiration, has filed and paid the delinquent returns or paid the defaulted amount in full. Beginning January 1, 2015, where a taxpayer to whom a certificate of registration is issued under the Act is in default to the State of Illinois for delinquent returns or for moneys due under the Act or any other State tax law or municipal or county ordinance administered or enforced by the Department, the Department shall, not less than 60 days before the expiration of the certificate of registration, give notice to the taxpayer to whom the certificate was issued of the account period of the delinquent returns, the amount of tax, penalty and interest due and owing from the taxpayer, and that the certificate of registration shall not be automatically renewed upon its expiration date unless the taxpayer, on or before the date of expiration, has filed and paid the delinquent returns or paid the defaulted amount in full.
- j) The Department may, in its discretion, approve renewal by an applicant who is in default if, at the time of application for renewal, the applicant files all of the delinquent returns or pays to the Department ~~thesueh~~ percentage of the defaulted amount as may be determined by the Department and agrees in writing to waive all limitations upon the Department for collection of the remaining defaulted amount to the Department over a period not to exceed 5 years from the date of renewal of the certificate; however, no renewal application submitted by an applicant who is in default shall be approved if the immediately preceding renewal by the applicant was conditioned upon the installment payment agreement described in this Section. The payment agreement ~~herein provided for~~ shall be in addition to, and not in lieu of, the security required by this Section of a taxpayer who is no longer considered a continuous compliance taxpayer. The

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execution of the payment agreement as provided in ~~the~~^{this} Act shall not toll the accrual of interest at the statutory rate. (Section 2a of the Act)

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 130.715 Sub-Certificates of Registration

- a) ~~When~~^{Where} a registered taxpayer, such as a company operating chain stores, engages in the business of selling tangible personal property at retail in this State from more than one location, the Department shall furnish to ~~that registered taxpayer~~^{him} a sub-certificate of registration for each ~~such~~ additional place of business.
- b) Each sub-certificate will bear the same registration number as that appearing upon the certificate of registration to which ~~the~~^{such} sub-certificate relates.
- c) If the applicant will sell tangible personal property at retail through vending machines, the Department shall furnish ~~the applicant~~^{him} with a sub-certificate of registration for each ~~such~~ vending machine, and the applicant shall display the appropriate sub-certificate of registration on each ~~such~~ vending machine by attaching the sub-certificate of registration to a conspicuous part of ~~the~~^{such} vending machine.
- d) Beginning January 1, 2012, if a person who is registered to sell tangible personal property at retail through vending machines adds an additional vending machine or additional vending machines to the number of vending machines he or she uses in his or her business of selling tangible personal property at retail, he or she shall contact the Department, on a form prescribed by the Department, to request an additional sub-certificate or additional sub-certificates of registration, as applicable. With each such request, the applicant shall report the number of sub-certificates of registration being requested, as well as the total number of vending machines from which retail sales are being made. (Section 2a of the Act)
Additional sub-certificates of registration may be requested electronically on the Department's website at www.tax.illinois.gov.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards for School Support Personnel Endorsements
- 2) Code Citation: 23 Ill. Adm. Code 23
- 3) Section Number: 23.150 Proposed Action:
New Section
- 4) Statutory Authority: 105 ILCS 5/21B-25(2)(G)
- 5) A Complete Description of the Subjects and Issues Involved: PA 98-413, effective August 8, 2013, amended Section 21B-25 by adding marriage and family therapists to the list of individuals who can obtain a school support personnel endorsement.

The proposed rule creates a new Section establishing the standards marriage and family therapists must meet in order to obtain the endorsement. Specifically, all school marriage and family therapists must show competence in the listed knowledge and performance indicators for the following topics:

- Child and adolescent development
- Assessment and evaluation
- School-based systems theory
- Intervention in schools and crisis intervention
- Consultation and collaborative relationships
- Diversity
- Professional conduct and ethics

The listed indicators are intended to illustrate that the school marriage and family therapist understands human growth and development, how to use assessment and evaluative instruments in an academic setting, diverse family settings, systematic intervention strategies, the importance of consultative and collaborative relationships, issues of diversity, and current legal and ethical guidelines.

- 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

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- 9) Does this rulemaking contain incorporations by reference? Yes, see Section 25.150(g)(1)(C)
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:
- Lindsay M. Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001
- 217/782-5270
rules@isbe.net
- 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: Licensure by the Illinois Department of Financial and Professional Regulation as a marriage and family therapist
- 14) This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: It was not anticipated at the time the Regulatory Agendas were prepared.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNELPART 23
STANDARDS FOR SCHOOL SUPPORT
PERSONNEL ENDORSEMENTS

Section

23.100	Purpose and Effective Dates
23.110	Standards for the School Counselor
23.120	Standards for the School Nurse
23.130	Standards for the School Psychologist
23.140	Standards for the School Social Worker
<u>23.150</u>	<u>Standards for School Marriage and Family Therapists</u>

AUTHORITY: Implementing Article 21B and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21B and 2-3.6].

SOURCE: Adopted at 26 Ill. Reg. 9743, effective June 19, 2002; amended at 38 Ill. Reg. 6230, effective February 27, 2014; amended at 41 Ill. Reg. _____, effective _____.

Section 23.150 Standards for School Marriage and Family Therapists

- a) Child and Adolescent Development
The competent school marriage and family therapist understands the individual diversity of human growth, development and learning and provides experiences that promote the physical, intellectual, social and emotional development of the student.
 - 1) Knowledge Indicators – The competent school marriage and family therapist understands:
 - A) theories of individual and family development and transitions across life;
 - B) that students' physical, social, emotional, cognitive, ethical and moral development influences learning;

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- C) theories of learning, personality development, attachment, child and adolescent development, and the range of individual variation;
 - D) how students construct knowledge, acquire skills and develop habits of mind;
 - E) that differences in approaches to learning and performance interact with development;
 - F) how systemic approaches and appropriate interventions apply to the developmental stages of children and adolescents;
 - G) human behaviors, including developmental crises, disability, addictive behavior and psychopathology, and situational and environmental factors as they affect children and adolescents in the peer, family and school settings;
 - H) the characteristics and effects of the cultural and environmental milieu of the child and the family, including cultural and linguistic diversity, socioeconomic level, abuse/neglect and substance abuse;
 - I) the role of medications as they affect students' behavior; and
 - J) the characteristics of normal, delayed, and disordered patterns of communication and interaction in peer, family and school settings and their impact on learning.
- 2) Performance Indicators – The competent school marriage and family therapist:
- A) uses theories of learning, personality and human development to plan activities and experiences that respond to students' individual, group, family and school needs at the appropriate level of development;
 - B) analyzes individual and group performance in order to design interventions that meet learners' current needs in the cognitive,

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social, emotional, ethical and moral, and physical domains at the appropriate grade level;

- C) plans interventions appropriate to students' developmental levels;
- D) utilizes strategies for facilitating optimum student development over the life-span;
- E) recognizes the characteristics of individuals with various disabilities and the effects these may have on individuals;
- F) implements interventions relevant to students' developmental levels;
- G) recognizes the effects of addictive behavior, psychopathology and situational and environmental factors as they affect children and adolescents in the peer, family and school settings;
- H) recognizes the effects of cultural and environmental factors on students' performance; and
- I) recognizes that medications can have effects on the educational, cognitive, physical, social and emotional behaviors of individuals.

b) Assessment and Evaluation

The competent school marriage and family therapist understands basic concepts of, technology for, and implications of various assessment and evaluative instruments used within academic settings.

- 1) Knowledge Indicators – The competent school marriage and family therapist understands:
 - A) the purposes and meaning of assessment from multiple perspectives (historical, sociological, educational and emotional) and utilizes both standardized tests and observational methods of assessment;

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- B) the basic concepts of standardized and non-standardized testing and other assessment techniques in the assessment of behavior in individuals, families and other dyadic interactions;
 - C) the use of technology in assessment;
 - D) the statistical concepts, including scales of measurement, measures of central tendency, indices or variability, shapes and types of distributions and correlation;
 - E) reliability (theory of measurement error, models of reliability, and the use of reliability information) and validity (evidence of validity, types of validity), and the relationship between reliability and validity; and
 - F) the implications of age, gender, sexual orientation, ethnicity, language, disability, culture, spirituality and other factors related to assessment and evaluation.
- 2) Performance Indicators – The competent school marriage and family therapist:
- A) analyzes testing information needed and selects appropriate tests, methods and/or materials to gather information and/or perform assessments;
 - B) uses various strategies for selecting, administering and interpreting assessment and evaluation instruments and techniques in therapy;
 - C) interprets and accurately uses the statistical concepts, including scales of measurement, measures of central tendency, indices of variability, shapes and types of distributions and correlation;
 - D) accurately selects and interprets assessment tools based on reliability and validity when appropriate;
 - E) interprets assessments accurately with understanding of diversity and its implications;

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- F) uses and applies appropriate technology in assessment; and
- G) interprets results accurately and at the level that clients and families can best understand the assessment outcomes.

c) School-based Systems Theory

The competent school marriage and family therapist has knowledge of diverse family systems (e.g., single parent, foster parents, bi-racial parents, sexual orientation of parents) and understands influences on students' development, learning and behavior. Further, the competent school marriage and family therapist has knowledge of systemic methods for involving families in education and service delivery. The competent school marriage and family therapist works effectively with families, educators and others in the community to promote and provide comprehensive services to children and families.

1) Knowledge Indicators – The competent school marriage and family therapist:A) understands:

- i) how diverse family systems affect students;
- ii) the importance of family involvement in education;
- iii) the school-based systems theory and model;
- iv) methods of promoting collaboration and partnerships between families/guardians and educators that improve outcomes for students; and
- v) the implications of cultural diversity on family, home, school and community collaborations; and

B) has knowledge of school and community resources and agencies available to students and families/guardians.2) Performance Indicators – The competent school marriage and family therapist:

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- A) designs, implements, monitors and evaluates programs that promote school, family and/or community partnerships and enhance academic and behavioral outcomes for students;
 - B) facilitates collaboration between schools and parents/guardians by designing educational and therapeutic interventions; and
 - C) identifies resources and facilitates communication between schools, families/guardians and community agencies.
- d) Intervention in Schools and Crisis Intervention
The competent school marriage and family therapist utilizes a variety of systemic intervention strategies that support and enhance students' educational and emotional development. Furthermore, the competent school marriage and family therapist has training and experience in working with various crises and trauma that might occur in the school or family environments.
- 1) Knowledge Indicators – The competent school marriage and family therapist understands:
 - A) the theory, process, techniques and methods of individual, group and family crisis intervention and counseling;
 - B) and develops skills in advocacy, case management, community organization, consultation and in-service training;
 - C) the application of systemic concepts, theories and techniques to identify and develop broad-based prevention and interventions;
 - D) the interdisciplinary approach to collaborative service delivery within the educational environment;
 - E) how to integrate content and process knowledge for appropriate intervention; and
 - F) the role of mandated reporters of suspected child abuse and neglect and the function of the State's child welfare agency.

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- 2) Performance Indicators – The competent school marriage and family therapist:
- A) develops and implements prevention and intervention plans that enable children to benefit from their educational, emotional and relational experiences;
 - B) provides individual, group and/or family counseling and other services to enhance relational functioning while increasing success in the educational process;
 - C) provides crisis intervention therapy and other services to the school community;
 - D) provides consultation to teachers, administrators, parents and community agencies;
 - E) develops and provides training and educational programs in the school and community;
 - F) conducts diagnostic assessments and participates in eligibility conferences for special education and other programmatic options, students' educational planning conferences, and conferences with parents;
 - G) initiates referrals and linkages to community agencies and maintains follow-up services on behalf of identified students;
 - H) mobilizes the resources of the school and community to meet the needs of children and their families; and
 - I) initiates the appropriate reporting of suspected child abuse and neglect to the State's child welfare agency.
- e) Consultation and Collaborative Relationships
The competent school marriage and family therapist develops consultative and collaborative relationships with colleagues, parents, teachers and the community to support students' learning and well-being.

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- 1) Knowledge Indicators – The competent marriage and family therapist understands:
 - A) the principles, practices and processes of individual, family and organizational consultation;
 - B) the collaborative process with parents, school personnel, community-based organizations and agencies to enhance the student's educational functioning;
 - C) the school's role within the context of the larger community;
 - D) the variations in beliefs, traditions and values across cultures and their effect on interactions among group members;
 - E) the importance of audience and purpose when selecting ways to communicate ideas;
 - F) how formal and informal political implications affect communication;
 - G) language development, communication techniques, and the role of communication in the learning environment; and
 - H) the role of school personnel as mandated reporters of child abuse and neglect.

- 2) Performance Indicators – The competent school marriage and family therapist:
 - A) initiates, develops and implements consultative relationships;
 - B) models and promotes ethical practices for confidential communication;
 - C) collaborates with colleagues, parents/guardians and community personnel about students' needs;

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- D) encourages relationships among colleagues to promote a positive learning environment;
 - E) participates in collaborative decision-making and problem-solving to promote students' success;
 - F) facilitates a collaborative relationship between general and special education systems to promote a unified system of education;
 - G) models and promotes effective communication among group members or between groups;
 - H) uses a variety of effective communication modes with diverse target groups; and
 - I) assists mandated reporters of child abuse and neglect in relaying and documenting information to the State's child welfare agency.
- f) Diversity
The competent school marriage and family therapist possesses the knowledge and skills to appropriately address issues of diversity, cultural difference and change with different types of learners.
- 1) Knowledge Indicators – The competent school marriage and family therapist understands:
 - A) the implications of his or her own social and cultural background;
 - B) how his or her own cultural background and experiences influence his or her attitudes, values and biases about psychological processes;
 - C) the diverse groups with which she or he may work;
 - D) how race, culture, ethnicity, sexual orientation, physical and mental characteristics, and other areas of diversity affect personality formation, vocational choice and manifestation of difficulties and strengths in academic, career and personal/social development;

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- E) how gender affects personality formation, academic choice, vocational choice, and manifestations of difficulties and strengths in academic, career, and personal and social development;
 - F) the impact of sexual harassment on students' personal, social, emotional and academic development;
 - G) the impact of students' learning abilities, styles and capabilities on academic, career, and personal and social development; and
 - H) the specialized needs and resources available for students who are disabled, gifted or at risk, or who have dropped out.
- 2) Performance Indicators – The competent school marriage and family therapist:
- A) incorporates an approach to social and cultural diversity that is equitable for all students;
 - B) adopts intervention skills appropriate to the specific diverse needs of the student;
 - C) develops programs for students that acknowledge their diversity and meet special needs as appropriate;
 - D) incorporates a gender-equitable and culturally sensitive approach in dealing with students, families, staff and the community;
 - E) adopts appropriate methods to intervene when students use inappropriate language or behaviors relating to issues of social and cultural diversity; and
 - F) teaches how oppression, racism, discrimination, intolerance, homophobia, heterosexism and stereotyping may affect students personally and their work.
- g) Professional Conduct and Ethics

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The competent school marriage and family therapist is aware of current legal issues and ethical guidelines of the profession and acts accordingly.

- 1) Indicators – The competent school marriage and family therapist understands:
 - A) legal standards, including the Illinois School Code [105 ILCS 5] and the Mental Health and Developmental Disabilities Code [405 ILCS 5], that apply to the therapy and educational process;
 - B) the school marriage and family therapist's responsibility for knowing and complying with federal, State and local legislation, regulations and policies; and
 - C) that, in the event a conflict arises among competing expectations, the school marriage and family therapist shall be guided by the AAMFT Code of Ethics, published by the American Association for Marriage and Family Therapy, 112 South Alfred Street, Alexandria VA 22314-3061, <http://dx5br1z4f6n0k.cloudfront.net/imis15/Documents/Legal%20Ethics/AAMFT-code-of-ethics.pdf> (January 1, 2015). No later amendments to or editions of these standards are incorporated.
- 2) Performance Indicators – The competent school marriage and family therapist:
 - A) demonstrates commitment to the values and ethics of the marriage and family therapist profession;
 - B) adheres to the AAMFT professional standards and Code of Ethics as a guide to ethical decision-making;
 - C) maintains adequate safeguards for the privacy and confidentiality of information;
 - D) informs students of their ethical rights, the limitations of the counseling relationship, and the confidentiality of the counseling relationship; and

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- E) follows State and federal laws, including the School Code, the Mental Health and Developmental Disabilities Code, the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act (20 USC 1232g).

(Source: Added at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Agricultural Education Program
- 2) Code Citation: 23 Ill. Adm. Code 75
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
75.500	New Section
75.510	New Section
75.520	New Section
75.530	New Section
75.540	New Section
75.550	New Section
75.560	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.80b
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-826 created a new grant program for school districts to cover the personal services costs of agricultural education teachers beyond their regularly scheduled teaching duties (extended contract) up to 60 days or 400 hours. Eligible entities are public school districts or area vocational education centers offering a State-approved agricultural education program. This new formula grant is designed to partner with districts to cover up to 50 percent of this personal services cost beyond the instructional time in the standard nine-month contract. Districts implementing a new agricultural education program may apply for up to 100 percent of this cost in the first two years of the program and 80 percent of the cost in years three and four. The paid time would be related to working with students and/or individually on improvement of instruction, work-based learning activities, and/or state-approved career and technical student organization activities where concepts are being applied in various means. The grant must also create a system for tracking the hours completed.

The proposed rules establish the following application procedures:

- Applications must include the names of teachers, current year base salaries, anticipated number of additional hours worked, how those hours are an extension of the teacher's regular duties, and the anticipated number of individuals impacted.
- Initial prorated funding level the district would elect to opt out of the grant.
- Applicants will have a minimum of 30 days from the date of application is released to submit their intent to apply for grant funds.

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Grant funds will be distributed as follows:

- If the amounts requested by the school districts exceed the amount appropriated, then each school will receive the prorated amount listed on their application unless it chooses to opt out. If school districts elect to opt out, the remaining school districts will be recalculated to determine the final allocation.
- If the amounts requested by the school districts are less than the amount appropriated, the preliminary allocations will become the final allocations.

Grantees must show satisfactory progress in the previous grant cycle to be eligible for future grants. Only hours the teacher is representing the agricultural education program/chapter are eligible to be paid out under this grant.

All grantees must report the hours the teachers spend on approved activities. School districts must provide ISBE with a report that must be submitted prior to the next grant cycle and shall include the following:

- The school district's and teachers' names
- Date and times of activities
- A description of how the activity performed relates to the activities approved under the grant
- The number of hours spent on the activity
- The number of individuals impacted.

The terms of the grants are as follows:

- The teacher must be a full-time agricultural education teacher
- School districts may apply for a grant for each full-time agricultural education teacher
- Funded activities shall occur outside the teaching day
- Grants are available to assist with personal service costs beyond the nine month contract but not to exceed the total 12 months in any given year
- Each teacher receiving funds under this grant must document the 400 hours of activity
- If the teacher is on leave or long-term illness, the school district may request that a long-term substitute or equivalent fulfill the hours to receive funds.

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- 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: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Lindsay M. Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001

217/782-5270
rules@isbe.net
- 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) This rulemaking was included on the most recent Regulatory Agenda: January 2017

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 75

AGRICULTURAL EDUCATION PROGRAM

SUBPART A: INCENTIVE GRANTS FOR AGRICULTURAL
SCIENCE TEACHER EDUCATION

Section

- 75.10 Purpose and Applicability
- 75.20 Eligible Applicants
- 75.30 Application Procedure
- 75.40 Program Specifications; Allowable Expenditures
- 75.50 Criteria for the Review of Proposals; Allocation of Funds

SUBPART B: INCENTIVE GRANTS FOR SECONDARY AGRICULTURAL EDUCATION

Section

- 75.200 Purpose and Applicability
- 75.210 Eligible Applicants
- 75.220 Program Goals and Minimum Standards
- 75.230 Quality Indicators
- 75.240 Determination of Individual Grant Allocations
- 75.250 Application Procedure
- 75.260 Terms of the Grant

SUBPART C: INCENTIVE GRANTS FOR AGRICULTURAL
TEACHER PREPARATION PROGRAMS

Section

- 75.300 Purpose and Eligible Applicants
- 75.310 Program Goals and Minimum Standards
- 75.320 Quality Indicators
- 75.330 Determination of Individual Grant Allocations
- 75.340 Application Procedure
- 75.350 Terms of the Grant

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SUBPART D: FACILITATING THE COORDINATION OF AGRICULTURAL EDUCATION

Section

75.400	Purpose and Objectives
75.410	Eligible Applicants
75.420	Application Procedure for Initial Proposals
75.430	Criteria for the Review of Initial Proposals; Allocation of Funds
75.435	Application Content and Approval for Continuation Programs
75.440	Terms of the Grant

SUBPART E: AGRICULTURE EDUCATION TEACHER
THREE CIRCLES GRANT PROGRAM

Section

<u>75.500</u>	<u>Definitions</u>
<u>75.510</u>	<u>Purpose and Objectives</u>
<u>75.520</u>	<u>Eligible Applicants</u>
<u>75.530</u>	<u>Application Procedure</u>
<u>75.540</u>	<u>Allocation of Funds</u>
<u>75.550</u>	<u>System for Reporting Hours</u>
<u>75.560</u>	<u>Terms of the Grant</u>

AUTHORITY: Implementing Sections 2-3.80, 2-3.80a and 2-30b of the School Code and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.80, 2-3.80a, 2-30b and 2-3.6].

SOURCE: Adopted at 32 Ill. Reg. 19170, effective November 26, 2008; amended at 35 Ill. Reg. 16839, effective September 29, 2011; amended at 36 Ill. Reg. 18903, effective December 17, 2012; amended at 37 Ill. Reg. 15932, effective September 27, 2013; amended at 41 Ill. Reg. _____, effective _____.

SUBPART E: AGRICULTURE EDUCATION TEACHER
THREE CIRCLES GRANT PROGRAM

Section 75.500 Definitions

"Approvable Agricultural Education Program at the Middle School Level" means an agricultural education program that includes at least one State approved introductory agricultural education course with an appropriately licensed teacher

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in an agricultural education career pathway that connects to a secondary program. This introductory course shall include a career exploration component with SAE as a part of instruction. A middle school program shall also connect either to a stand-alone middle school or a secondary FFA chapter.

"Curricular/Intra-curricular Related Activities" means activities that are connected to the classroom instruction. Grant funds shall only be used to support activities related to the classroom outside of the collective bargaining agreement. Examples of these activities include, but are not limited to, professional development, professional organization conferences, curriculum development or improvement, and classroom and laboratory facilities maintenance. The recommended maximum level of activity for this component is 144 hours.

"FFA" means a State and federally recognized career and technical student organization for students in State approved agricultural education programs. (Formally known as Future Farmers of America.)

"FFA Activities" means those activities that demonstrably relate to the intra-curricular nature of the career and technical student organizations and focus on premiere leadership, personal growth and/or career success. Examples of these activities include leadership training or events, community service or education activities, career development event preparation or competitions, chapter program management, program/chapter recruitment and marketing activities, alumni meetings and professional events, program fundraising events, and public events related to agricultural education. The recommended minimum level of activity for this component is 120 hours.

"New Agricultural Education Program" means an agricultural education program approved by the State Board of Education in a school district that has not had an agricultural education program for a period of 10 years or more prior to the date of application for a grant.

"Personal Services Cost" means the cost of a teacher providing 60 additional days, which shall mean 400 additional hours, outside the teacher's regularly scheduled teaching duties for the benefit of agricultural education. The 400 additional hours shall be any activity that is to the benefit of agricultural education, as defined by the State Board in in this Subpart E, regardless of the time of year the activity occurs. [105 ILCS 5/2-3.80b(a)]

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"School Code" means 105 ILCS 5.

"School District" means a public school district or area vocational center.

"Supervised Agricultural Experience" or "SAE" means activities that are work-based learning activities such as degree/award preparation, SAE visits, record book instruction, training or assistance. The recommended minimum level of activity for this component is 120 hours.

"Three circle model" means a model used to identify the central components of an agricultural education program. The central components are:

Classroom/laboratory instruction: Including contextual, inquiry-based instruction and learning.

FAA: Fostering the development of premiere leadership, personal growth, and career success through engagement in its programs and activities.

SAE: Including experiential, service and work-based learning.

"Work-based Learning" means an activity or interaction among the teacher, student and/or employer or industry representative who provides experience related to an agricultural career interest. Work-based learning includes, but is not limited to, SAEs, job shadowing, internships, apprenticeships, school-based enterprises, industry-led projects and challenges or competitions.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 75.510 Purpose and Objectives

This Subpart E establishes the application procedure and criteria for the allocation of formula grant funds to eligible school districts and area vocational centers created pursuant to Section 10-22.31a of the School Code to support personal service costs of teachers' time spent outside the collective bargaining agreement in order to expand and improve their ability to carry out activities based on the three circle model for agricultural education.

(Source: Added at 41 Ill. Reg. _____, effective _____)

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Section 75.520 Eligible Applicants

Eligible applicants under this Subpart E shall be Illinois school districts and area vocational centers created pursuant to Section 10-22.31a of the School Code that employ full-time middle or secondary school teachers in a State approvable agricultural education program as defined by Section 75.210 or is an approvable middle school program.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 75.530 Application Procedure

- a) School districts shall submit an intent to apply application to the State Board of Education. The application must include all information necessary in completing the formula calculations for this grant. This information shall include, at a minimum, the names of the teachers the school district used the grant to pay, current year base salaries, the anticipated number of extra hours the teachers will work, how those hours are an extension of the teachers' regular duties, and the anticipated number of individuals impacted. School districts shall also indicate the initial prorated funding level at which the district would elect to opt out of the grant. Applicants will have a minimum of 30 days from the date the applications are released to submit their intent to apply.
- b) Once the preliminary allocations have been determined and a total funding request has been identified, the State Board will distribute funds to school districts as follows:
 - 1) if the total appropriated funding allotment for the grant program is less than the total amount requested in the initial application, the allocation amounts to each school district will be prorated. Allocations will be based on the school district's identified opt-out funding level in place of the prorated preliminary allocation. School districts that choose to opt out forfeit their preliminary allocation. The remaining school districts will be recalculated to determine the final allocation to each school district.
 - 2) if the total appropriated funding allotment for this grant program is equal to or exceeds the total amount requested in the initial applications, the school district's preliminary allocations will become the final allocation.
- c) Once the final allocations have been determined, the school district must complete and submit a budget application.

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(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 75.540 Allocation of Funds

- a) Funding in each year is subject to appropriation and satisfactory progress of the school district in the previous grant year.
- b) All eligible applicants shall receive funds in accordance with Section 75.530(b).
- c) Each teacher identified in the intent to apply application must complete a maximum of 400 hours of activity. No more than 400 hours will be paid according to the parameters of the grant. Only hours when the teacher is representing the program/chapter or supervising students shall be counted and must relate to agricultural education. No hours related to activities of a personal nature are permitted. The hours of activity must be in approved activities based on the agricultural education three circle model and shall fall into one of the three following categories: work-based learning, career and technical student organization, and curricular/intra-curricular related activities.
- d) Determination of School District's Personal Service
 - 1) Existing agricultural education programs may apply for an amount not to exceed 50% of the hours for personal services cost for each agricultural education teacher employed.
 - 2) New agricultural education programs may apply for an amount not to exceed:
 - A) 100% of the hours for personal services cost for each agricultural education teacher in the program's first and second year; and
 - B) 80% of the hours for personal services cost for each agricultural education teacher in the program's third and fourth year. [105 ILCS 5/2-3.80b(c)]
- e) Personal service costs and/or extended contracts shall be based upon the following:

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- 1) the reasonably expected personal services cost for a teacher based on the cost of each teacher's regularly scheduled teaching duties; and
 - 2) the hourly rate of each teacher (base salary of each teacher in the current year divided by 180 days divided by 8 hours per day). This rate will be multiplied by the appropriate number of hours spent on approved activities for each teacher in the school district as indicated in subsection (d).
- f) Allocations may be prorated if the amount of funds allotted for this program is insufficient to cover the grant requests for funding. If funds are prorated, school districts will have an opportunity to opt out of the grant.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 75.550 System for Reporting Hours

An electronic mechanism will be provided for school districts to report hours of approved activities fulfilling the reporting and documentation requirements of the State Board. This mechanism will collect a report for school districts to determine the activity, hours and impact of the teacher's activities. This report will include, at a minimum, the school district and teachers' names, date and time of activity, a description of how the activity performed relates to the activities approved under the grant, number of hours spent on each activity, and the number of individuals impacted. This information must be submitted prior to approval of the subsequent fiscal year's grant budget approval.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 75.560 Terms of the Grant

- a) The teacher shall be a full-time teacher (i.e., under at least a current nine month (180 days) contract based on an 8 hour day).
- b) A school district may apply for a grant for personal services of each full-time agricultural education teacher.
- c) Activities funded under this grant as personal services shall occur outside of the teaching day as defined in the collective bargaining agreement.

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- d) Grants are available to eligible school districts to assist with the personal services costs of agricultural education teachers beyond or outside of the nine month contract but not to exceed the total of 12 months in any given year.
- e) Each teacher identified in the intent to apply application is responsible for documenting the 400 hours of approved activities beyond the contracted time. The school district shall also provide documentation substantiating the total payment (its share of the cost of payments to each teacher as well as the allocated funds).
- 1) If a school district fails to submit the required documentation in order to meet the grant requirements, it will enter a probationary year during the second year of grant eligibility.
- 2) If the school district fails to meet any requirements of the grant in a second consecutive year, it will be ineligible for the grant for the next two consecutive fiscal years in which the grant is offered.
- f) In the case of a teacher on leave or long-term illness (e.g., sabbatical, sick leave, maternity leave), it is possible for a school district to request that a long-term substitute or equivalent representative fulfill the hours to receive the funds so long as the teacher or the substitute completing the hours receives those funds.

(Source: Added at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Intergovernmental Missing Child Recovery Act
- 2) Code Citation: 20 Ill. Adm. Code 1260
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1260.10	Repealed
1260.20	Repealed
1260.30	Repealed
1260.40	Repealed
1260.110	Repealed
1260.210	Repealed
1260.220	Repealed
1260.230	Repealed
1260.240	Repealed
1260.250	Repealed
1260.260	Repealed
1260.270	Repealed
1260.280	Repealed
1260.290	Repealed
1260.300	Repealed
- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Missing Child Recovery Act of 1984 [325 ILCS 40].
- 5) A Complete Description of the Subjects and Issues Involved: These rules were promulgated pursuant to Sections 4 and 5 of the Intergovernmental Missing Child Recovery Act of 1984 [325 ILCS 40/4 and 325 ILCS 40/5]. These sections were repealed effective January 1, 2013. I-SEARCH is no longer utilized. The program now functions as a missing person clearinghouse. As a result, this Part is no longer needed and is being repealed.
- 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

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- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:
- Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703
- 217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1260

INTERGOVERNMENTAL MISSING CHILD RECOVERY ACT (REPEALED)

SUBPART A: PROMULGATION

Section

1260.10	Authority
1260.20	Responsibilities
1260.30	Definitions
1260.40	Public Policy

SUBPART B: OPERATIONS

Section

1260.110	Establishing an I SEARCH Unit
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SUBPART C: FINANCIAL REGULATIONS

Section

1260.210	Sources of Funds
1260.220	Accounting Procedures for Appropriations
1260.230	Administrative Policies
1260.240	Records
1260.250	Quarterly Reports
1260.260	Audits
1260.270	Budget
1260.280	Disbursement of Funds
1260.290	Accounting Standards
1260.300	Use of Property

AUTHORITY: Implementing and authorized by the Intergovernmental Missing Child Recovery Act of 1984 (Ill. Rev. Stat. 1985, ch. 23, pars. 2251 et seq.).

SOURCE: Emergency rules adopted at 10 Ill. Reg. 7358, effective April 16, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 1632, effective January 2, 1987; repealed at 41 Ill. Reg. _____, effective _____.

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SUBPART A: PROMULGATION

Section 1260.10 Authority

These rules are promulgated pursuant to the Intergovernmental Missing Child Recovery Act of 1984, (Ill. Rev. Stat. 1985, ch. 23, pars. 2251 et seq.) Under this Act, the Illinois Department of State Police (DSP) is charged with developing a program to grant State general funds, appropriated to the Department, to the Illinois State Enforcement Agencies to Recover Children (I SEARCH) program.

Section 1260.20 Responsibilities

The Intergovernmental Missing Child Recovery Act authorizes the Illinois Department of State Police to provide grants to local I SEARCH Units formed by units of local government cooperating under the Illinois State Enforcement Agencies to Recover Children (I SEARCH) program in preventing, investigating, and/or locating exploited, lost, missing, or runaway children. The Department has the responsibility to establish rules to administer this program and shall monitor the operations of all I SEARCH Units.

Section 1260.30 Definitions

"Act" – The Intergovernmental Missing Child Recovery Act of 1984, (Ill. Rev. Stat. 1985, ch. 23, pars. 2251 et seq.)

"Authorized Official" – The chief elected or appointed official of the primary contact agency who has been designated to act as the signatory and committing official on behalf of the primary contact agency.

"Child" – means a minor as defined in Section 1-13 of the Juvenile Court Act (Ill. Rev. Stat., 1985, ch. 37, par. 701-13).

"Department" – The Department of State Police. (DSP)

"Director" – The Director of the Department of State Police.

"Financial Officer" – A designated appropriate elected official or his designee of a participating unit of local government to act as the financial officer of the I SEARCH unit for all participating units of local government and to receive funds

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for the operation of the I SEARCH program.

"Illinois Grant Funds Recovery Act" – The Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985, ch. 127, pars. 2301 et seq.)

"I SEARCH Unit Director" – Individual designated by the I SEARCH Policy Board as the administrator of the local I SEARCH program.

"I SEARCH Unit" – A combination of units of local government within a contiguous geographical area served by one or more LEADS terminals and established to address collectively the problem of missing children in their respective geographical areas.

"LEADS Terminal" – An interactive computerized communication and processing device which permits direct, on-line communication with the Department of State Police's Central Data Repository, the Law Enforcement Agencies Data System (LEADS).

"Missing Child" – Any person under the age of 21 whose whereabouts are unknown to the parents or legal guardian.

"Policy Board" – a policy board composed of an elected official, or his designee, and the Chief Law Enforcement Officer, or his designee, if appropriate, from each participating unit of local government to oversee the operations of the I SEARCH program and make such reports to the Department as required.

"Primary Contact Agency" – A law enforcement agency which maintains a LEADS terminal or has a written agreement for the provision of twenty-four hour per day, seven day per week LEADS service, and is designated by the I SEARCH policy board to be the agency responsible for coordinating the joint efforts between the Department of State Police and participants of the I SEARCH program.

"Unit of Local Government" – As in Article VII, Section 1 of The Illinois Constitution of 1970 and includes units with and without home rule and school districts.

Section 1260.40 Public Policy

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- a) **Purpose**
Each I SEARCH unit shall be established to promote an immediate and effective community response to missing and exploited children and may engage in, but shall not be limited to, the following activities:
- 1) *Establish and conduct programs to educate parents, children, and communities in ways to prevent the exploitation or abduction of children;*
 - 2) *Conduct training and distribute materials providing guidelines for children when they deal with strangers, casual acquaintances, or non-custodial parents, in order to avoid exploitation, abduction or kidnapping;*
 - 3) *Compile, maintain, and make available data upon the request of law enforcement agencies and other entities deemed appropriate by the Department to assist in recovering missing children. These data should include the places of shelter commonly used by runaway children in the geographical area encompassed by the I SEARCH unit.*
 - 4) *Draft and implement plans for the most efficient use of available resources to publicize and conduct searches for missing children.*
 - 5) *Establish and maintain contacts with other I SEARCH units, law enforcement agencies, and the Department in order to increase the probability of locating and returning missing children, and to otherwise assist in the recovery and tracking of such children.*
 - 6) *Conduct other prevention and investigation activities as may be necessary to achieve the goals established by this act.*
- b) **Discrimination Prohibited**
No I SEARCH operating under this Part shall discriminate under this Part on the basis of race, color, sex, national origin, age, or handicap in the admission, treatment, or employment in programs or activities and shall ensure that it is in compliance with the Illinois Human Rights Act (Ill. Rev. Stat. 1985, ch. 68, pars. 1-101 et seq.), the Illinois Constitution, Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and the United States Constitution.

SUBPART B: OPERATIONS

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Section 1260.110 Establishing an I SEARCH Unit

- a) **Minimum Criteria**
To become an I SEARCH Unit eligible for funding under the Act and to become eligible for funding not to exceed 50 percent of the proposed unit's operating budget, the I SEARCH Unit shall:
- 1) *Join two or more units of local government within a contiguous geographical area and operate pursuant to intergovernmental contracts written and executed in conformity with the Intergovernmental Cooperation Act (Ill. Rev. Stat. 1985, ch. 127, pars. 741 et seq.)*
 - 2) *Designate a primary contact agency;*
 - 3) *Establish an I SEARCH policy board;*
 - 4) *Designate a financial officer;*
 - 5) *appoint an I SEARCH unit director;*
 - 6) *Limit its operation to preventing and locating missing children, and preventing and investigating child exploitation.*
 - 7) *Cooperate with the Department by providing all information the department deems necessary to fulfill its duties under the Act;*
 - 8) *Provide matching funds of 50 percent of the unit's total operating budget.*
- b) **Procedure**
- 1) The Department will send a Grant Application and Intergovernmental Agreement to agencies indicating an interest in submitting an application.
 - 2) A completed I SEARCH Grant Application and Intergovernmental Agreement signed by the authorized official from each participating unit of government shall be filed with the Department.
 - 3) The I SEARCH Unit will send the original and two copies of the Grant

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Application and its accompanying Intergovernmental Agreement to I SEARCH, Department of State Police, 201 East Adams, Suite 300, Springfield, Illinois 62701.

- c) Award
- 1) The Department shall review the I SEARCH grant application. The review will be conducted to ensure that items included in the grant application are in compliance with this Part and that sufficient fiscal and programmatic information is provided in order to judge the merits of the proposal.
 - 2) Awards will be based on an assessment of:
 - A) the cost of the program in comparison to size of the area, number of participating units, availability of other resources, and scope of the problem;
 - B) the goals of the program given the nature of the problem as described in the grant application;
 - C) the likelihood of achieving programmatic goals through the activities described in the grant application;
 - D) the ability of the staff to successfully execute the program as indicated by relevant experience and qualifications; and
 - E) the availability of grant funds.
 - 3) The Department will confirm the grant with a Statement of Award and conditions. Such conditions shall not impose requirements beyond those contained in this Part. The authorized official of the primary contact agency will sign this agreement and return it to the Department. It is not official until signed by the Director.
 - 4) From the monies appropriated annually by the General Assembly for this purpose, the Director shall determine and certify to the Comptroller the amount of the grant to be made to each designated I SEARCH Unit based upon the criteria in subsection (c)(2).

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- 5) The Director may award discretionary funds for exemplary I SEARCH programs in accordance with the provisions of the Act and based upon the criteria in subsections (c)(1) and (c)(2)(A)-(E).
- d) Monitoring
- 1) The Department shall monitor the operations of all I SEARCH Units for compliance with the conditions and fiscal responsibilities as stated in Section 1260.110 of these rules.
 - 2) Each I SEARCH Unit Director shall submit to the Department quarterly fiscal and activity reports for this purpose as required by Section 1260.250.
 - 3) The Department shall conduct evaluations of unique or innovative I SEARCH programs to determine the efficiency and effectiveness of the programs.
 - 4) All records, minutes of meetings, ledgers, journals, correspondence, supporting documentation, and case record information as required by the Department for monitoring and evaluating operations will be made available by I SEARCH Units.
- e) Continuation of Funding
Grants are normally made based on a fiscal year commencing July 1, and closing the following June 30th, or upon such other mutually agreed date. The Department shall review the progress of each I SEARCH Unit during the term of the grant and will consider this progress in a recommendation, to the Director upon reapplication by an I SEARCH Unit according to subsections (c)(1) and (c)(2)(A)-(E) above.
- f) Grant Funds Recovery
Grant awards herein are subject to the Illinois Grant Funds Recovery Act and any grants which have been misspent or, are being improperly held as determined by the Department through its fiscal monitoring or audit, are subject to recovery pursuant to the procedures provided in the Illinois Grant Funds Recovery Act.

SUBPART C: FINANCIAL REGULATIONS

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Section 1260.210 Sources of Funds

- a) Appropriations
The appropriations for the I SEARCH program are divided into two categories:
 - 1) Administrative Expenses
 - 2) Grants
- b) Grants
Grants to I SEARCH Units come from appropriations to the Department for the purposes authorized under the Act in accordance with the provisions of Section 1260.110(c).
- c) Matching Contributions
 - 1) All I SEARCH Units requesting funds will match at least 50 percent of the total cost.
 - 2) Matching funds can derive from public or private sources and will consist of the following:
 - A) Cash match from funds appropriated by local units of government, or from private and not-for-profit organizations, donations, and contributions.
 - B) In-kind resources (services, equipment, goods, or facilities) also known as "soft match."
 - C) Any combination of subsections (A) or (B) above equaling 50% of the total cost.
 - 3) Assets including personnel services and equipment allocated to or included as a cost of any other state financed program may not be provided as a matching contribution.

Section 1260.220 Accounting Procedures for Appropriations

- a) Administrative

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- 1) The Department's Bureau of Fiscal Management, Division of Administration, will assign a "cost center code" to activities using the appropriation for Administrative Expenses and will budget in accordance with the State Comptroller's Uniform Statewide Accounting System (CUSAS) (74 Ill. Adm. Code 250).
 - 2) The Bureau of Fiscal Management is responsible for maintaining all financial records for expenditures made from the I SEARCH appropriation and for supervising the budgets for the various cost centers involved in the I SEARCH projects.
- b) Grants
- Grant funds may be expended only for the purpose and activities covered by the approved plan and budget of the application. The approved project will be carried out in accordance with these rules along with such specific additional conditions as may be imposed on this project at the time of award or thereafter. Conditions imposed subsequent to the grant award shall not include requirements beyond those contained in this Part and may be imposed pursuant to DSP approval of a grant adjustment to either the program or the budget. Approval in writing from the Department must be obtained prior to expending funds for any alterations of the approved budget.
- 1) I SEARCH Units must maintain records compatible with the generally accepted principles and practices of governmental accounting systems utilized by the Primary Contact Agency.
 - 2) Expenditures must be made in accordance with the details of the approved grant budget. Prior DSP approval is required for any item not contained in the original budget, or any single item change which exceeds 5% of the total budget. A Request for Grant Adjustment must be submitted for such modifications. The Department will approve budget adjustments when the modifications are necessary to achieve program objectives. The grantee must also notify DSP of any changes made which do not require prior approval.
 - 3) The accounting procedures and financial transactions must provide an audit trail for accurate accounting of the activities undertaken and cases investigated as evidence of costs incurred for grant and matching fund

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expenditures. These records are to be maintained for each approved grant period.

Section 1260.230 Administrative Policies

- a) To be allowable, costs must meet the following general criteria:
- 1) Be necessary and reasonable for proper and efficient administration of the program, and not be a general expense required to carry out the overall responsibilities of local governments;
 - 2) Be authorized by or in conformity with local laws or regulations;
 - 3) Conform to any limitations or exclusions set forth in these rules or any subsequent governing limitations which are binding upon the Department as to types or amounts of costs;
 - 4) Be consistent with policies, regulations, and procedures that apply to the unit of government of which the I SEARCH Unit is a part;
 - 5) Be accorded consistent treatment through application of the generally accepted accounting principles utilized by the Primary Contact Agency;
 - 6) Costs for facilities must be justified by percentage of facility used for I SEARCH and if not leased, shall be calculated at a flat rate of \$7.00 per square foot per year; otherwise, the cost shall be the actual cost as approved by the Department after reviewing the lease agreement.
 - 7) Volunteer services are allowable for in-kind match at the State minimum wage of \$3.35 per hour. Professional volunteers contributing their professional services may be allowed at their actual value, not to exceed the rate typically charged by that individual for that service.
 - 8) Board members' services are allowable at their normal rate of pay, except volunteers at the rate of \$3.35 per hour.
 - 9) Purchase of vehicles is allowed if for 100% I SEARCH use. No mileage costs are allowed for that vehicle, only actual operating and maintenance costs.

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- 10) Lease/purchasing of vehicles is allowed at one third of the cost over a three year time span. No mileage costs are permitted for that vehicle, only actual operating and maintenance costs.
- b) Conflict of Interest
 - 1) No member of an I SEARCH Unit may participate in a decision, approval, recommendation or otherwise rule in any matters where their spouse or minor child, business associates, or employers, have a known direct financial interest in the expenditures of DSP funds.
 - 2) Members of the Unit also shall avoid:
 - A) Using an official position for private gain;
 - B) Giving preferential treatment to any person;
 - C) Giving the appearance of impropriety by appearing to make decisions based on criteria other than those allowed by this Part.
 - D) Making a decision outside official channels;
 - c) Reporting irregularities
 - 1) The I SEARCH Unit Director will report promptly to the Department the nature and circumstances surrounding any financial irregularities discovered. Failure to report known irregularities can result in suspension of the grant.
 - 2) Upon appropriate investigation and after notice to the grantee regarding any irregularity, the Department may revoke the grant except for any amount obligated previous to the effective date of the revocation if such obligation was made solely for the project as approved.
 - 3) The determination to suspend or revoke a grant shall be based on a review of the magnitude of the irregularity or if such practices continued after the Unit was notified of such irregularities.

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- d) Income
- 1) Income represents earnings by an I SEARCH Unit realized from the state-supported activities including, but not limited to, interest earned, service or speaker fees, sale of commodities, and usage or rental fees. Donations of equipment must have a third party appraisal of fair market value with a receipt provided to the donee and placed on file. Cash and other donations are to be recorded by receipt and deposited into either the I SEARCH account or a reserve or trust fund established for that purpose.
 - 2) Disposition
 - A) Interest income earned, restitution, and such other fees as may be acquired will be retained by the I SEARCH Unit to be used as matching funds.
 - B) DSP must approve use of all other income.
- e) Minutes of meetings
The unit shall record and maintain as official minutes the proceedings of all Supervisory, Advisory, Ad Hoc and Executive committees or Policy Board meetings. Copies of the official minutes will be forwarded to DSP and shall be available to the general public, unless otherwise restricted by law.
- f) Published reports
All published reports or research papers about the unit or its activities shall acknowledge the Department as a source of funds.

Section 1260.240 Records

- a) Procedure
Every I SEARCH Unit shall maintain the following records:
- 1) Total receipts and expenditures of the I SEARCH Unit;
 - 2) Disposition of all Department funds for the I SEARCH Unit;
 - 3) Amount of money or in-kind match provided for the I SEARCH Unit by sources other than DSP;

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- 4) Supporting and intermediate records and other records required by this Part for an audit.
 - 5) Documentation of donations of cash, goods or services not included in the budget is to be maintained.
- b) Bookkeeping
- 1) General Ledger – The ISEARCH Unit shall establish a general ledger with two categories, one for the grant and the other for matching funds. One sheet is used for the grant and the other for matching funds.
 - 2) The General Ledger shall contain the following information:
 - A) Date of transaction;
 - B) Amount of grant or matching fund;
 - C) Cash Disbursement Journal Page Reference Number;
 - D) Amount of daily expenditures (payment or receipt);
 - E) Total expenditures;
 - F) Unexpended balance remaining in the account.
 - 3) Cash Disbursement Journal – The ISEARCH Unit shall establish a Cash Disbursement Journal sheet to record all daily disbursements made from either the grant or matching funds.
 - 4) The Cash Disbursement Journal shall contain the following information:
 - A) Date of expenditure;
 - B) Expenditure categories as outlined in the Grant Application Budget followed by an "M" if it is paid from the matching funds;
 - C) Brief description;

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- D) Amount spent;
 - E) Daily total.
- 5) In-Kind Match Journal shall contain the following information:
- A) Personnel services – date, name of individual, hours, rate of pay, description of duties or assignment;
 - B) A cumulative total of in-kind services;
 - C) Operating line costs must be supported by entry into the journal with date, description, cost, and cumulative to date;
 - D) Supporting documentation for all in-kind match charged shall be maintained.
- c) Supporting Documentation
- 1) Supporting records. Supporting records are the original or source documents which evidence expenditures made underlying the accounting transactions: daily time and payroll records of labor costs; purchase invoices for capital equipment, supplies, and services; computations which show the method used in allocating indirect costs; authorizations to perform or discontinue work (change orders and similar documents serve as supporting records).
 - 2) Intermediate or secondary records. Intermediate records are: ledger cards; weekly or monthly cost summaries; cost analysis reports; letters of justification, or technical cost appraisals. These are not supporting records and cannot be used in place of the supporting records.
- d) Maintenance of Records
Each ISEARCH Unit shall:
- 1) Maintain all supporting and intermediate records relating to programs undertaken as evidence of costs incurred;

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- 2) Maintain the records for expenditures broken down by major expenditure category on a monthly basis;
 - 3) Insure that records for each grant period are separately maintained and that the information required can be located readily, and protect the records adequately against fire or other damage. Such records are to be maintained in an orderly manner and must be available for audit purposes.
- e) Retention of Records
- 1) All records of the ISEARCH Unit must be retained for a period of three years after completion of the grant. The retention period starts from the date of the submission of the final expenditure report or ending date of the fiscal year, whichever is later. Exceptions to the 3-year retention period include:
 - A) Records for non-expendable property acquired with project funds shall be retained for three years after final disposition of that property.
 - B) Records must be retained beyond the 3-year period if an audit is in progress, or if the findings of a completed audit have not been resolved satisfactorily. Such records shall be maintained until the audit in progress has been completed and any audit findings have been satisfied by correcting an unacceptable situation or by documenting that the situation was incorrectly identified as unacceptable.
 - C) DSP may request the transfer of certain records to its custody from local governments when it determines that the records are to be retained longer.
 - 2) No record of the ISEARCH Unit may be destroyed or otherwise disposed of unless the ISEARCH Unit notifies the State Archivist and has received written approval, as required by the Local Records Act (Ill. Rev. Stat. 1985, ch. 116, par. 43.101 et seq.).

Section 1260.250 Quarterly Reports

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- a) The ISEARCH Unit will submit fiscal and activity reports to DSP by the 30th day following the end of each calendar quarter (March 31, June 30, September 30, and December 31) for the applicable grant period. The ISEARCH Unit grant period shall be defined in the Statement of Award.
- b) The Quarterly Fiscal Report must contain the following information:
 - 1) Amount budgeted for each line item;
 - 2) Expenditures by line item made for the reporting period and cumulative to date, broken down by State, in-kind or cash, matching funds;
 - 3) Unexpended balances by line item;
 - 4) Totals;
 - 5) Must be signed by individual responsible for the report.
- c) A Final Fiscal Report must be submitted to reflect the clearance of any unpaid obligations which remained at the end of the last quarter of the grant period. This is submitted in addition to the regular quarterly fiscal report.
- d) The Quarterly Activity Report shall detail activities performed by the unit during the preceding calendar quarter. These must support the proposed actions from the grant application and will be used to help evaluate the project.
- e) Sanctions
 - 1) DSP will mail a late notice to those ISEARCH Units not submitting Quarterly Reports. The units shall have 30 days from the receipt of the letter to respond.
 - 2) After 30 days, DSP will mail a second late notice giving the unit 15 days to submit the reports.
 - 3) In the event no response occurs, after 15 days, DSP shall suspend the payment of funds and send a registered letter to the ISEARCH Unit Director notifying them of the suspension. In order to restore the suspended funds, a written response will be required from the policy board

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to include explanation of deficient reporting, corrective action to be taken, and current Quarterly Reports.

- 4) If corrective action or a written response does not occur within 45 days of the suspension notice, DSP shall terminate the grant for failure to comply with this Part.
- 5) Subsequent lump sum grant applications for continuation shall not be considered and the Department may seek action pursuant to Sections 1260.110(f) and 1260.230(c)(2) to recover the funds previously granted.

Section 1260.260 Audits

- a) **Audit**

The Department shall have access for purpose of audit and examination to all books, documents, papers, and records of the grantee, as required by this Part.

 - 1) All records will be subject to audits by the Department of State Police or private accounting firms hired by the State of Illinois.
 - 2) For purpose of audit, expenditures and in-kind match will be supported by both the supporting records and intermediate records.
- b) The grantee shall be audited for each grant period, but no less than once every two years.

Audits must include, on a test basis, a sufficient review of the underlying or supporting documentation to enable the auditor to render an opinion on the allowability and appropriateness of receipts and expenditures. It also shall include a review of:

 - 1) Managerial policy, procedures, organizational structure and functional alignment, delegations of authority, and compliance with applicable State and local laws and regulations;
 - 2) Technical monitoring and audit of contractual obligations to assure that State and matching funds are properly and reliably recorded and expended for the purposes agreed upon;
 - 3) Custody, use, and control over non-financial resources such as property,

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equipment, and supplies;

- 4) Costs not allocated to or included as a cost of any other State financed program;
- 5) Net costs reflecting all discounts, rebates, returns, and sales.

Section 1260.270 Budget

All applications for funding shall include a budget for the project. The budget will include a narrative describing the program and line itemization, and will be in accordance with the DSP prescribed format.

- a) Personnel and Compensation
 - 1) For ISEARCH Units employing or contracting for personnel, written personnel policies are required and will include employee working hours and vacation and sick leave allowances, payment of accrued vacation at the end of employment, overtime, and employee benefits. Policies also will include information related to pay increases, promotions, and other pertinent regulations.
 - 2) Amounts charged for personnel services must be based on documented payrolls and approved in accordance with the normal payroll procedures of the local agency or a contractual agreement. Payrolls must be supported by time and attendance records for individual employees. These records must demonstrate the days and hours worked for the ISEARCH Unit.
 - 3) Dual compensation is prohibited, i.e., the individual may not receive compensation from two sources for the same work.
 - 4) Hireback or overtime compensation for sworn personnel assigned to unit activities is to be based upon the employing agency's regular compensation policies and paid by the employing agency in accord with normal payroll procedures. Those costs may be either reimbursed by or charged against the approved grant budget. Exceptions to this practice must have prior DSP approval.
 - 5) The salaries and job titles of individuals must be outlined in an approved

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budget.

- b) **Equipment**
Equipment must be necessary and described in the approved budget.
- c) **Consultants (Professional Services)**
DSP must review and approve contracts for the use of professional services from individuals, other government units, and non-government organizations, or consultants. Contracts must be submitted for review with the budget. Review standards shall incorporate cost effectiveness, program relevancy, likelihood of meeting performance measures, and budgetary limitations.
- d) **Other Contractual**
Other contractual costs may include the costs of maintenance contracts, utilities, equipment lease and maintenance, rentals, and facilities. These are considered as other contractual in that they generally are incurred as a result of an agreement, letter of intent, contract, or lease, a copy of which must be submitted with the budget.
- e) **Travel**
 - 1) Travel costs include expenses for transportation, lodging, subsistence, and related items incurred by employees who are on official business for I SEARCH. Such costs may be charged as actually incurred, by per diem, or on a mileage basis, provided the method used is applied to an entire trip and results in charges consistent with those normally allowed in like circumstances in non-State sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is not allowable except when less-than-first-class air accommodations are not reasonably available. Meals may not be claimed if travel is within the employee's headquarters' city.
 - 2) All out of state travel must receive prior DSP approval if not contained in the grant budget. DSP must approve foreign travel costs prior to each trip. Foreign travel is defined as any travel outside of Canada and the United States and its territories and possessions. Such approval is based upon cost-effectiveness and relevancy to the program. Investigation related travel is exempt from these requirements.

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- 3) Expenses between employee's residence and headquarters are not allowable charges.
 - 4) The traveler must support costs by travel vouchers which contain dates, places, and purposes of travel and which comply with State travel regulations which will be provided by the Department. Motel or hotel bills and train or airplane ticket receipts must support these charges.
- f) **Commodities**
Commodities include supplies and materials needed to operate the I SEARCH program. Purchases made specifically for the I SEARCH program are to be charged at their actual prices after deducting cash and trade discounts, rebates, and allowances received. Withdrawals from general stores or stockrooms may be charged at cost under any recognized method of pricing which is consistently applied. Incoming transportation charges are a proper part of material costs. All purchases must be supported by purchase orders, invoices, or cancelled checks with vouchers showing the amounts.
- g) **Costs for Conferences**
Lunches or dinners are reimbursed according to Illinois Department of Central Management Services' Travel Regulations 80 Ill. Adm. Code 2800.
- h) **Unallowable Costs**
- 1) **Bad Debts.** Any losses arising from accounts and related costs.
 - 2) **Contingencies.** Contributions to a contingency reserve or any similar provision for unforeseen events.
 - 3) **Contributions and donations.**
 - 4) **Costs incurred prior to award period or after termination of the grant.**
 - 5) **Entertainment.** Cost of amusement, social activities, and incidental costs such as meals, beverages, lodging, rentals, transportation, and gratuities.
 - 6) **Fines and Penalties.** Costs resulting from violations of, or failure to comply with, Federal, State, and local laws and regulations.

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- 7) Inappropriate Expenditures. Expenditures not related to the program or unreasonable as to the benefits derived.
- 8) Interest and Other Financial Costs. Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid for such operations.
- 9) Purchase of Unit Owned Equipment. The I SEARCH Unit may not use DSP funds to purchase equipment already owned by the unit unless specifically approved by DSP based upon economic need of the unit and availability of resources of the unit. This does not apply to equipment owned by a State or local government central purchasing department and held in stock available for issuance and sale to the I SEARCH Unit or other government offices.

Section 1260.280 Disbursement of Funds

- a) The Department shall disburse grant funds at least annually unless it is determined based upon the grant amount that a more frequent disbursement is necessary.
- b) Unliquidated Obligations
All obligations not liquidated by the end of the lapse period (September 30th) will become the responsibility of the I SEARCH Unit.
- c) Unexpended Grant Balance
Any grant funds not expended as of the end of the grant term must be returned to DSP within 45 days. Grant adjustments for the next grant period will be reviewed and approved up to the unexpended remaining balance. Any remaining balance may be deducted from the next grant period, or the ISEARCH Unit may submit a grant adjustment request up to the remaining balance for DSP approval. The Department shall comply with the provisions of the Illinois Grant Funds Recovery Act in this matter.
- d) The Department of State Police requires the following rules be used for all disbursements by ISEARCH Units.
 - 1) All fiscal transactions will be posted to the General Ledger and Cash Disbursement Ledger on a daily basis.

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- 2) If a Petty Cash Fund is used, it will be entrusted to a single custodian for all payments and no payment shall exceed \$25. The maximum amount allowed in a Petty Cash Fund is \$100.
- 3) All funds shall be deposited in a registered financial institution and all payments, with exception of the petty cash payments, must be made by serially numbered checks.
- 4) The bank account and Petty Cash Fund must be reconciled monthly and the reconciliation reports retained in the files for audit purposes.
- 5) Serially numbered requisitions or Purchase Orders must be used for all expenditures over \$500.

Section 1260.290 Accounting Standards

- a) Financial Responsibility
 - 1) Accounting records must provide the information needed to identify the receipts and expenditures of State and other matching funds.
 - 2) Entries in accounting records must refer to supporting records which document the entry and which can be readily located.
 - 3) The accounting system must provide accurate and current financial information.
 - 4) The accounting system must have an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting information, and promote operational efficiency.
- b) Internal Control
 - 1) Fiscal duties must be assigned so that no individual has sole responsibility for more than one of the following areas:
 - A) expenses, purchase orders, or other identified payment requests;
 - B) approve vouchers for payment of bills;

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- C) signature of checks;
 - D) record financial transactions in books; or
 - E) maintain physical custody of vouchers, payroll records, cancelled checks, and books of account.
- 2) All ISEARCH Units shall review vouchers prior to payment. The person who signs the checks must assure, by voucher, time sheet, or any other reasonable means, that the payment is correct. The person who approves a voucher for payment may not be the sole signer of the check. DSP financial officers have the responsibility and authority to disallow payment of expenditures made contrary to the requirements of these rules.
- c) **Contractual Responsibility**
The ISEARCH Unit is the responsible authority, without recourse to DSP, for settling all contractual and administrative issues arising out of procurements made by the unit. Matters concerning violation of law will be referred to the appropriate local, State, or Federal authority.
- d) **Requirements for Procurement**
The requirements outlined below represent minimum State standards for the procurement of goods and services with DSP funds; ISEARCH Units may use their own applicable local rules and regulations if such standards meet or exceed the following:
- 1) The ISEARCH Unit shall develop or maintain a code of conduct, in addition to the rules stated herein, which shall govern the performance of its officers, employees, or agents in contracting with or expending DSP funds. To the extent permissible by State or local law, rules, or regulations, such standards shall provide for penalties, sanctions, or disciplinary actions to be applied for violations. Officers, employees, or agents of the ISEARCH Unit shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors.
 - 2) All procurements will be made so as to provide maximum and free competition. The ISEARCH Financial Officer shall be alert to

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organizational conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

- 3) When a unit proposes to lease an item, it shall conduct a lease vs. purchase analysis to determine the most economical acquisition.
- 4) Each grantee must ensure that nondiscrimination assurances are received from any additional co-applicant, subgrantee, or contractor directly benefiting from the grant funds and that such assurances are in compliance with those standards cited in Section 1260.40(b) and are available in the grantees office for inspection and copying by employees of the Department of State Police.
- 5) All procurements in excess of \$1,500 shall contain suitable provisions for termination by the ISEARCH Unit, including the manner by which termination will occur and the basis for settlement. Such provisions shall include conditions under which the contract can be terminated for default, as well as conditions where the contract can be terminated because of circumstances beyond the ISEARCH Unit's or the contractor's control.
- 6) Purchases exceeding \$5,000 shall utilize a bid procedure. However, if the local primary contact agency's regular purchase procedures require a bid procedure for a lesser amount, the more restrictive procedure will apply. Local government established procedures may be utilized; however, records must document public advertising or notification, specifications, and justification for award. A copy of the purchase agreement with any modifications shall be available on file for inspections by DSP personnel. The public may access these records in accordance with The Freedom of Information Act (Ill. Rev. Stat. 1985, ch. 116, par. 201 et seq.).
- 7) Contracts shall be made only with responsible contractors who possess the ability to perform successfully under the terms and conditions of the proposed agreement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.
- 8) Contracts shall contain provisions or conditions which allow for administrative, contractual, or other remedies in instances where

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contractors violate or breach contract terms. Such provisions shall provide for appropriate sanctions and penalties. In addition, assurances from contractors shall be made to provide DSP with access to appropriate books and records which document the services and goods procured with ISEARCH grant funds.

- 9) A cost plus percentage of the cost purchase agreement shall not be used.
 - 10) The ISEARCH Unit utilizing Governor's Executive Order Number 82-4 as a guideline, shall recognize minority and small business concerns when contracting with DSP funds.
- e) **Invitations for Bids**
The unit shall use formal advertising or direct mail notification where the number of vendors is limited, with adequate descriptions, sealed bids, and public bid openings, unless otherwise authorized by Section 1260.290(f) (1)-(7). Where such advertised bids are received, the unit must award the contract to the lowest responsible bidder, price and factors affecting price considered. (Such factors may be discounts, transportation costs, or taxes.) Invitations for bids shall clearly set forth all requirements which the bidder shall fulfill in order for his bid to be evaluated by the ISEARCH Financial Officer. The award shall be for a fixed price purchase.
- f) **Negotiated/Sole Source Procurements**
Procurements may be negotiated when formal advertising is impractical or unfeasible. The ISEARCH Unit shall attempt, however, to secure the maximum competition possible in all negotiated procurements. Generally, procurements may be negotiated if one of these conditions apply:
- 1) Public exigency or emergency will not permit delay.
 - 2) The material or service to be procured is available only from one person or one firm.
 - 3) The aggregate amount of the procurement does not exceed \$5,000.
 - 4) The contract is for personal, professional, artistic services, or for any service to be rendered by a university, college, or other non-profit educational institution.

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- 5) No acceptable bids have been received after formal advertising.
 - 6) The procurement involves use of State or local existing contracts that were originally entered into on a competitive basis.
 - 7) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized release, or for technical or specialized supplies requiring substantial initial investment for manufacture.
- g) Special Considerations
- 1) The ISEARCH Unit will attempt to use its equipment before purchasing other equipment.
 - 2) The ISEARCH Unit shall include appropriate provisions for late delivery of equipment by contractors. These may include penalty clauses and contract bonds. If the contractor will be delinquent in fulfilling projected delivery schedules, the ISEARCH Unit shall notify DSP immediately.

Section 1260.300 Use of Property

- a) Definitions

The property defined is under control of the ISEARCH Unit.

"Excess Property" – Property which is no longer needed.

"Expendable Personal Property" – All tangible personal property not classified as non-expendable personal property.

"Non-expendable Personal Property" – Tangible personal property having a useful life of more than one year and an acquisition cost of \$100 or more per unit. The ISEARCH Unit may use a stricter definition if the applicable unit of local government has such a standard.

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"Personal Property" – Property of any kind except real property. It may be tangible - having physical existence, or intangible – having no physical existence, such as patents, inventions, and copyrights.

"Real Property" – Real property means land, land improvements, and structures excluding movable machinery and equipment.

- b) Real Property
DSP must approve acquisitions of real property. All such requests shall be reviewed in accordance with the provisions of the Illinois Purchasing Act (Ill. Rev. Stat. 1985, ch. 127, par. 132.1 et seq.)
- c) Property Control
The ISEARCH Unit shall maintain:
 - 1) Accurate property control records shall be maintained and provide for:
 - A) a description of the property;
 - B) manufacturer's serial number or other identification numbers;
 - C) acquisition date and cost;
 - D) source of the property;
 - E) location, use, and condition of the property;
 - F) and ultimate disposition data, including sales price or the method used to determine current fair market value if the ISEARCH Unit reimburses the donor for its share.
 - 2) A physical inventory of property and reconcile the results with the property records at least once every two years to verify the existence, current use, and continued need for the property.
 - 3) A control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. The unit shall document and investigate loss, damage, or theft of non-expendable property.

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- 4) All property in good condition.
- d) **Property Disposition**
In the event that the dissolution of an ISEARCH Unit is necessitated or that the unit no longer has a need for equipment purchased with DSP funds, the following shall apply:
- 1) Property may be distributed among the local governmental units creating the unit as long as the property is maintained and used for purposes of the Act. The Department shall be informed of the transfer and inventory assignment of this property.
 - 2) The property may be transferred to another ISEARCH Unit at the direction of the Department under mutual agreement between the two units and the Department.
 - 3) The property may be transferred to the Department for assignment within the Department, to another ISEARCH Unit, or to be declared as surplus property and transferred to the Department of Central Management Services for other State agency appropriate use.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Missing Person Notification
- 2) Code Citation: 20 Ill. Adm. Code 1291
- 3) Section Number: 1291.40 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Missing Child Recovery Act of 1984 [325 ILCS 40/1] and 26505-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment will revise and update procedures for entering missing person reports into the Law Enforcement Data System. The I-SEARCH program is no longer utilized. The program now functions as a missing person clearinghouse pursuant to 325 ILCS 40/3.
- 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: The amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendment. The submissions must be in writing and directed to:

Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENT

801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: January 2017

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1291

MISSING PERSON NOTIFICATION

SUBPART A: PROMULGATION

Section

1291.10 Purpose
1291.20 Definitions

SUBPART B: OPERATIONS

1291.30 Requirements
1291.40 Procedures

AUTHORITY: Implementing and authorized by the Intergovernmental Missing Child Recovery Act of 1984 [325 ILCS 40] and Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605].

SOURCE: Adopted at 12 Ill. Reg. 22240, effective December 13, 1988; amended at 41 Ill. Reg. _____, effective _____.

SUBPART B: OPERATIONS

Section 1291.40 Procedures

Contact with [the State Missing Persons Clearinghouse](#)~~Illinois State Enforcement Agencies to Recover Children (I-SEARCH) program~~ personnel shall be accomplished by entering the original missing person record into the Law Enforcement Agencies Data System. The Law Enforcement Agencies Data System has been programmed by the Department of State Police to automatically direct the information to the designated [Missing Persons Clearinghouse](#)~~I-SEARCH program~~ personnel.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
140.3	Amendment
140.400	Amendment
140.423	New Section
140.424	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: June 15, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of roposal Published in the *Illinois Register*: 40 Ill. Reg. 16464; December 30, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The practitioner may bill for services he or she personally provides or that are provided under his or her supervision. Direct supervision is not required under Section 140.400.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Sections:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
140.74	New Section	40 Ill. Reg. 15645; November 28, 2016

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.20	Amendment	41 Ill. Reg. 3098; March 17, 2017
140.475	Amendment	41 Ill. Reg. 3098; March 17, 2017
140.481	Amendment	41 Ill. Reg. 3098; March 17, 2017

15) Summary and Purpose of Rulemakings: These amendments implement PA 99-621 by allowing licensed clinical psychologists and licensed clinical social workers to enroll in the Medical Assistance Program and bill free-for-service. These providers will be reimbursed at 75 percent of the physician reimbursement rate.

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

Mollie Zito
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233
HFS.Rules@illinois.gov

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
- 140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 140.19 Associated with Vendor
Application to Participate or for Reinstatement Subsequent to Termination,
Suspension, Exclusion or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB
Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or
Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Sanctioned Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible
Allegation of Fraud or Failure to Cooperate
- 140.55 Electronic Data Interchange Service
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher
Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.86 Supportive Living Facility Funds

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)
- 140.97 Special Requirements (Recodified)
- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

- 140.400 Payment to Practitioners
- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 Non-Institutional Rate Reductions
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
- [140.423 Licensed Clinical Psychologist Services](#)
- [140.424 Licensed Clinical Social Worker Services](#)
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services
- 140.436 Limitations on Advanced Practice Nurse Services
- 140.438 Diagnostic Imaging Services
- 140.440 Pharmacy Services
- 140.441 Pharmacy Services Not Covered
- 140.442 Prior Approval of Prescriptions
- 140.443 Filling of Prescriptions
- 140.444 Compounded Prescriptions
- 140.445 Legend Prescription Items (Not Compounded)
- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Care, Nursing and Public Health Providers
- 140.471 Description of Home Health Care Services
- 140.472 Types of Home Health Care Services
- 140.473 Prior Approval for Home Health Care Services
- 140.474 Payment for Home Health Care Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Illinois Healthy Women
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
- 140.490 Medical Transportation
- 140.491 Medical Transportation Limitations and Authorization Process
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AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984;

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peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427,

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effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency

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amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended

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at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December

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29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days;

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amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg.

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6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013;

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amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015; emergency amendment at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days; emergency expired February 12, 2017; amended at 41 Ill. Reg. 999, effective January 19, 2017; amended at 41 Ill. Reg. 3296, effective March 8, 2017; amended at 41 Ill. Reg. 7526, effective June 15, 2017.

SUBPART A: GENERAL PROVISIONS

Section 140.3 Covered Services Under Medical Assistance Programs

- a) As described in this Section, medical services shall be covered for:
 - 1) recipients of financial assistance under the AABD (Aid to the Aged, Blind or Disabled), TANF (Temporary Assistance to Needy Families), or Refugee/Entrant/Repatriate ~~program~~programs;
 - 2) recipients of medical assistance only under the AABD program (AABD-MANG);
 - 3) recipients of medical assistance only under the TANF program (TANF-MANG);

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- 4) individuals under age 18 not eligible for TANF (see Section 140.7), pregnant women who would be eligible if the child were born and pregnant women and children under age eight who do not qualify as mandatory categorically needy (see Section 140.9);
 - 5) disabled persons under age 21 who may qualify for Medicaid or in-home care under the Illinois Home and Community-Based Services Waiver for Medically Fragile Technology Dependent Children;
 - 6) individuals 19 years of age or older eligible under the KidCare Parent Coverage Waiver as described at 89 Ill. Adm. Code 120.32, except for:
 - A) Services provided only through a waiver approved under section 1915(c) of the Social Security Act; and
 - B) Termination of pregnancy;
 - 7) beginning January 1, 2014, ACA Adults as described in 89 Ill. Adm. Code 120.10(h). Notwithstanding any rule to the contrary in Title 89, the services that shall be covered are services for which the Department obtains federal approval and receives federal matching funds; and
 - 8) beginning January 1, 2014, Former Foster Care as described in 89 Ill. Adm. Code 120.10(i).
- b) The following medical services shall be covered for recipients under age 21 who are included under subsection (a):
- 1) Inpatient hospital services;
 - 2) Hospital outpatient and clinic services;
 - 3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries ~~that~~ which might result in disability or death if there is not immediate treatment;
 - 4) Encounter rate clinic visits;

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- 5) Physician services;
- 6) Pharmacy services;
- 7) Home health agency visits;
- 8) Laboratory and x-ray services;
- 9) Group care services;
- 10) Family planning services and supplies;
- 11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;
- 12) Transportation to secure medical services;
- 13) EPSDT services pursuant to Section 140.485;
- 14) Dental services;
- 15) Chiropractic services;
- 16) Podiatric services;
- 17) Optical services and supplies;
- 18) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396;
- 19) Hospice services;
- 20) Nursing care pursuant to Section 140.472;
- 21) Nursing care for the purpose of transitioning children from a hospital to home placement or other appropriate setting pursuant to 89 Ill. Adm. Code 146, Subpart D;

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- 22) Telehealth services pursuant to Section 140.403; ~~and~~
 - 23) Preventive services;
 - 24) Licensed Clinical Social Worker services; and
 - 25) Licensed Clinical Psychologist services.
- c) Effective July 1, 2012, the following medical services shall be covered for recipients age 21 or over who are included under subsection (a):
- 1) Inpatient hospital services;
 - 2) Hospital outpatient and clinic services;
 - 3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries ~~that~~which might result in disability or death if there is not immediate treatment;
 - 4) Encounter rate clinic visits;
 - 5) Physician services;
 - 6) Pharmacy services;
 - 7) Home health agency visits;
 - 8) Laboratory and x-ray services;
 - 9) Group care services;
 - 10) Family planning services and supplies;
 - 11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;
 - 12) Transportation to secure medical services;

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- 13) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396;
- 14) Hospice services;
- 15) Dental services, pursuant to Section 140.420;
- 16) Podiatric services, pursuant to Section 140.425 for individuals with a diagnosis of diabetes;
- 17) Optical services and supplies;
- 18) Telehealth services pursuant to Section 140.403; ~~and~~
- 19) Preventive services; ~~;~~
- 20) Licensed Clinical Social Worker services; and
- 21) Licensed Clinical Psychologist services.

(Source: Amended at 41 Ill. Reg. 7526, effective June 15, 2017)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners

- a) This Section applies to physicians, dentists, Advanced Practice Nurses (APN) (see Section 140.435), optometrists, podiatrists, ~~and~~ chiropractors, Licensed Clinical Psychologists (LCP) (see Section 140.423) and Licensed Clinical Social Workers (LCSW) (see Section 140.424).
 - 1) Practitioners are required to bill the Medical Assistance Program at the same rate they charge patients paying their own bills and patients covered by other third party payers.
 - 2) A practitioner may bill only for services he or she personally provides or ~~that which~~ are provided, under his or her ~~direct~~ supervision, ~~in his or her office~~ by his or her staff. An APN, as described in Section 140.435, LCP, as described in Section 140.423, or LCSW, as described in Section

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140.424, may bill only for the services he or she personally provided, ~~by the individual APN.~~

- 3) Payment will be made only in the practitioner's name or a Department approved alternate payee.
 - 4) Except as described otherwise in this Section, payments will be made according to a schedule of statewide pricing screens established by the Department, except that LCP and LCSW will be reimbursed for covered services at 75% of the physician reimbursement rate. Covered services provided by qualifying providers under the Maternal and Child Health Program will be reimbursed at enhanced rates as described in subsection (b) ~~of this Section.~~ The pricing screens are to be established based on consideration of the market value of the service. In considering the market value, the Department will examine the costs of operations and material. Input from advisory groups designated by statute, generally recognized provider interest groups and the general public will be taken into consideration in determining the allocation of available funds to rate adjustments. Increases in rates are contingent upon funds appropriated by the General Assembly. Reductions or increases may be affected by changes in the market place or changes in funding available for the Medical Assistance Program. Screens will be related to the average statewide charge. Except as described otherwise in this Section, the upper limit for services shall not exceed the lowest Medicare charge levels.
- b) Practitioners who meet the qualifications for and enter into a Primary Care Provider Agreement for participation in the Maternal and Child Health Program, as described in Subpart G, will receive enhanced reimbursement in accordance with Section 140.930(a)(1).
 - c) For services rendered on or after June 1, 2013, a practitioner (radiologist) that meets the qualifications for and participates in the Department's Breast Cancer Quality Screening and Treatment Initiative shall be paid for mammography services at the effective Chicago Metropolitan Area Medicare Level established rate (Established Rate). To qualify for this Established Rate, a practitioner shall:
 - 1) Enter into a Supplemental Provider Agreement with the Department; and

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- 2) Provide mammography services to participants in the Department's Medical Programs with the same timeliness as the practitioner provides to patients with other forms of insurance; and
 - 3) Within 30 days after submitting the Supplemental Provider Agreement, and annually thereafter on or before August 31, submit a completed radiologist survey, using the Department's survey form; and
 - 4) Assist the Department with the development and implementation of improved quality standards and services.
- d) The Department will distribute (initially and upon revision of the amounts) to practitioners the maximum allowable amounts for the most commonly billed procedures codes. Interested individuals may request a copy of the maximum allowable amounts from the Department by directing the request to the Bureau of Comprehensive Health Services, Prescott E. Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763-0001. In addition, a participating individual practitioner may request the maximum allowable amounts for less commonly billed specific procedures that relate to the individual's practice. This request must be in writing and identify specific procedure codes and associated descriptions.
- e) Supplemental payments to universities for certain practitioner services
- 1) Supplemental payments are available for services that are provided by practitioners who are employed by an Illinois public university and are services eligible under Titles XIX and XXI of the Social Security Act.
 - A) For dates of service on or after April 1, 2009, supplemental payment will be made on a quarterly basis as described in this subsection (e).
 - B) Supplemental payments under this subsection (e) are subject to federal approval.
 - C) Supplemental payments shall be funded through cooperative agreements between the Department and the State university.
 - 2) Definitions

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- A) "Average Commercial Fee Schedule" means the average commercial fee schedule paid to the university for practitioner services, including patient share amounts, for each CPT code. This average shall be based on the participating university's payments from the five largest private insurance carriers for CPT services.
- B) "Base Period Average Commercial Payment Ceiling" means the following computation:
- i) Multiplying the Average Commercial Fee Schedule by the number of paid claims provided in the base period and paid to the university for clients eligible under Titles XIX and XXI of the Social Security Act.
 - ii) Summing the products for all procedure codes as described in subsection (e)(2)(B)(i).
- C) "Base Period Medicare Equivalent Payment Ceiling" means the following computation:
- i) Multiplying the Medicare allowed rate as reported in the April release of the Resources Based Relative Value Scale (RBRVS), by the number of paid claims provided in the based period and paid to the university for clients eligible under Title XIX or XXI of the Social Security Act.
 - ii) Summing the products for all procedure codes as described in subsection (e)(2)(C)(i) of this Section.
- D) "Base Period Medicare Equivalent of the Average Commercial Rate" means the Base Period Average Commercial Payment Ceiling divided by the Base Period Medicare Equivalent Payment Ceiling.
- 3) The supplemental payments shall be determined as follows:
- A) The Medicare Equivalent of the Average Commercial Rate for a practitioner service will be determined by multiplying the Base

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Period Medicare Equivalent of the Average Commercial Rate by the Medicare payment at the non-facility rate per CPT code for the current period.

- B) The rates determined in subsection (e)(3)(A) are multiplied by the number of claims for the current period, as reported through the Medicaid Management Information System, to determine the current period supplemental payment ceiling.
 - C) The supplemental payment to the university shall equal the current period payment ceiling at the Medicare Equivalent of the Average Commercial Rate less all payments otherwise made by the Department for the same services for procedure codes rendered in the current period and paid to the university. These supplemental payments shall be based on all available payments and adjustments on file with the Department at the time the payment amount is determined.
- 4) Periodic Updates to the Base Period Medicare Equivalent of the Average Commercial Rate: The Department shall update this ratio at least every three years.

(Source: Amended at 41 Ill. Reg. 7526, effective June 15, 2017)

Section 140.423 Licensed Clinical Psychologist Services

- a) For purposes of enrollment in the Medical Assistance Program, a Licensed Clinical Psychologist (LCP) means a person who is licensed and is legally authorized under State law or rule to practice as a Licensed Clinical Psychologist, pursuant to the Clinical Psychologist Licensing Act [225 ILCS 15] and implementing rules (68 Ill. Adm. Code 1400).
- b) Effective with dates of service January 1, 2017 and after, payment shall be made to LCPs for the following services:
 - 1) Psychological and neuropsychological testing;
 - 2) Diagnostic evaluation;

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- 3) Therapeutic services provided in the office, home or community setting:
 - A) Individual psychotherapy; or
 - B) Family or group psychotherapy for which the purpose is the treatment of the patient. Group psychotherapy services must meet the guidelines set forth in Section 140.462(c)(2) and (d)(2).

- c) LCPs may prescribe medications in accordance with the following:
 - 1) Hold a current prescribing psychologist license as defined in Section 4.2 of the Clinical Psychologist Licensing Act;
 - 2) Have and maintain a current written collaborative agreement with a collaborating physician as set forth in Section 4.3 of the Clinical Psychologist Licensing Act. Agreements must be updated, maintained on file at each practice location, and be available upon the Department's request.
 - 3) The collaborating physician is not required to be enrolled with the Department. However, the collaborating physician may not be terminated, suspended or barred by the Department from participating in the Medical Assistance Program.
 - 4) The LCP must notify the Department within 10 business days if an agreement is dissolved or if a change occurs in the collaborating physician under the agreement.
 - 5) All prescriptions must meet the requirements set forth in Section 140.414.

- d) Payment shall not be made for the following services:
 - 1) Services identified in Section 140.6;
 - 2) Self-administered or self-scored tests of cognitive function; and
 - 3) Biofeedback therapy.

(Source: Added at 41 Ill. Reg. 7526, effective June 15, 2017)

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Section 140.424 Licensed Clinical Social Worker Services

- a) For purposes of enrollment in the Medical Assistance Program, a Licensed Clinical Social Worker (LCSW) means a person who is licensed and is legally authorized under State law or rule to practice as a Licensed Clinical Social Worker, pursuant to the Clinical Social Work and Social Work Practice Act [225 ILCS 20] and implementing rules (68 Ill. Adm. Code 1470).
- b) Effective with dates of service January 1, 2017 and after, payment shall be made to LCSWs for the following services:
- 1) Diagnostic evaluation; and
 - 2) Therapeutic services provided in the office, home or community setting:
 - A) Individual psychotherapy; or
 - B) Family or group psychotherapy for which the purpose is the treatment of the patient. Group psychotherapy services must meet the guidelines set forth in Section 140.462(c)(2) and (d)(2).
- c) Payment shall not be made for services identified in Section 140.6.

(Source: Added at 41 Ill. Reg. 7526, effective June 15, 2017)

DEPARTMENT OF INSURANCE

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- 1) Heading of the Part: Acquisition of Control of a Domestic Company
- 2) Code Citation: 50 Ill. Adm. Code 651
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
651.20	Amendment
651.30	Amendment
651.40	Amendment
651.80	New Section
651.ILLUSTRATION A	Amendment
- 4) Statutory Authority: Implementing Article VIII ½ and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII ½ and 401].
- 5) Effective Date of Rules: June 19, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 312; January 13, 2017
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by PA 98-609. The changes to

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Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010.

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

Eric Moser
Assistant Deputy Director, Financial Analysis
Illinois Department of Insurance
320 West Washington Street, 4th Floor
Springfield IL 62767-0001

217/557-3759

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER g: INSURANCE HOLDING COMPANY SYSTEMSPART 651
ACQUISITION OF CONTROL OF
A DOMESTIC COMPANY

Section

651.20	Purpose
651.30	Definitions
651.40	Acquisition of Control – Form of Statement Filing
651.80	Severability Provision

651.ILLUSTRATION A Statement Regarding the Acquisition of, Control of or Merger
With a Domestic Insurer

AUTHORITY: Implementing Article VIII½ and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII½ and Section 401].

SOURCE: Filed December 20, 1971, effective January 1, 1972; amended at 4 Ill. Reg. 28, p. 374, effective July 2, 1980; emergency amendment at 5 Ill. Reg. 11595, effective October 20, 1981, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 3187, effective March 5, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8054, effective June 24, 1982; codified at 7 Ill. Reg. 8253; emergency amendment at 10 Ill. Reg. 2071, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 17125, effective October 1, 1986; transferred from the Department of Insurance to the Department of Financial and Professional Regulation pursuant to Executive Order 2004-6 on July 1, 2004; transferred from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-4 on June 1, 2009; recodified from 50 Ill. Adm. Code 851 to 50 Ill. Adm. Code 651 at 41 Ill. Reg. 140; amended at 41 Ill. Reg. 7558, effective June 19, 2017.

Section 651.20 Purpose

The purpose of this Part is to set forth requirements which the Director deems necessary to carry out the provisions of Section 131.4 through and including Sections 131.12 and 131.24 of the Illinois Insurance Code ~~[215 ILCS 5/131.4 through 131.12 and 131.24]~~. The information called for by this Part is hereby declared to be necessary and appropriate for the protection of

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policyholders, the insurance buying public and for the information of security holders.

(Source: Amended at 41 Ill. Reg. 7558, effective June 19, 2017)

Section 651.30 Definitions

Terms found in this Part other than those defined in this Section have the meanings ascribed below, are used as defined in Section 131.1 of the Illinois Insurance Code. Other nomenclature or terminology, if not otherwise defined by the Code, is to be accorded the accepted insurance industry usage.

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

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

"Executive officer" means any individual charged with active management and control in a senior executive capacity as described by the company's by-laws (including a president, senior vice president, treasurer, secretary, controller, and any other individual regardless of title performing functions the same as those performed by ~~these~~the foregoing officers) of a person, whether incorporated or unincorporated.

"Ultimate controlling person" means a controlling person within an insurance holding company system who is not controlled by any other person.

(Source: Amended at 41 Ill. Reg. 7558, effective June 19, 2017)

Section 651.40 Acquisition of Control – Form of Statement Filing

- a) A person required to file a statement pursuant to Sections 131.4, 131.5 and 131.6 of the ~~Insurance~~ Code shall furnish the required information in the format designated on Form A, as specified in the instructions of that form, which is in Illustration A ~~of this Part~~.
- b) Acquiring parties, otherwise subject to the requirements of Section ~~651.40~~651.40 ~~of this Part~~, who seek exemption pursuant to the provisions of ~~Insurance~~ Code Section 131.4 or 131.10~~(2)~~ shall submit to the Director a typewritten, sworn

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statement setting forth the particulars of the acquiring party or the transaction ~~that~~^{which} the acquiring party believes meet the criteria for an exemption under Code Section 131.4 or 131.10~~one of the above cited statutory provisions~~. If, upon examination of the information submitted by the acquiring party, the Director determines that the statutory criteria of Section 131.4 or 131.10, as appropriate, have been met, then the Director shall enter an Order on the exemption request within ~~30~~^{thirty} days ~~after~~^{from} receipt of the request.

(Source: Amended at 41 Ill. Reg. 7558, effective June 19, 2017)

Section 651.80 Severability Provision

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

(Source: Added at 41 Ill. Reg. 7558, effective June 19, 2017)

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Section 651. ILLUSTRATION A Statement Regarding the Acquisition of Control of a Domestic InsurerFORM A
GENERAL INSTRUCTIONS

- A. Use of Form A
Form A shall be used by an acquiring party required to file a statement with the Director pursuant to Section 131.5 of the Illinois Insurance Code. Subsequent amendments shall also be filed on Form A, but shall include on the top of the cover sheet "Amendment No. __ to" and shall indicate the date of the amendment and not the date of the original filing. If the person being acquired is a "domestic insurer" solely because of the provisions of Section 131.4 of the Illinois Insurance Code, the name of the domestic insurer on the cover page shall be indicated as follows:
- "ABC Insurance Company, a subsidiary of XYZ Holding Company."
- B. Number of Copies – Signatures
- (1) ~~Two~~~~Four~~ complete paper copies and one electronic copy of each statement, including exhibits and all other papers and documents filed as a part of the statement~~thereof~~, shall be filed with the Director.
 - (2) At least one copy of each statement filed with the Director shall be manually signed in the manner prescribed by this form. The unsigned copy~~Unsigned copies~~ shall contain the same information as in the manually signed copy. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of ~~that~~~~such~~ power of attorney or other authority shall also be filed with the statement.
- C. Requirements as to Printing and Language
- (1) Statements shall be easily readable and suitable for review and reproduction.~~All copies of any filed statements, papers or documents shall be clear, readable and suitable for photocopying.~~ Debits in credit categories and credits in debit categories shall be designated in a manner other than color so as to be distinguishable on photocopies.

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- (2) Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with a statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary values shown in a foreign currency shall be converted into United States currency. Monetary conversions in the financial statement shall be made as of the date of the financial statement. Other required conversions shall be made as of the date stated on the Form A cover page.
- D. Preparation of Statement
This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the statement. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted at the option of the acquiring party provided the answers ~~thereto~~ are so prepared as to indicate to the reader the coverage of the items without the necessity of his or her referring to the text of the items or instructions ~~thereto~~. All instructions, whether appearing under the items of the form or elsewhere in the form~~therein~~, are to be omitted. Unless expressly provided otherwise within this Part, if any item is inapplicable or the answer ~~thereto~~ is in the negative, a~~an~~ statement to that effect shall be made.
- E. Additional Information and Exhibits
In addition to the information expressly required to be included in the statement, the Director may request such further material information, if any, as may be necessary to make the information contained in the statement not misleading. The person filing may also file such exhibits as it may desire in addition to those expressly required by the statement. The exhibits shall be so marked as to indicate clearly the subject matters to which they refer. Changes to the statement shall include on the top of the cover page the phrase: "Change No. (insert number) to" and shall indicate the date of the change and not the date of the original filing.~~In addition to the information expressly required to be included in the statement, there may at the option of the acquiring party be added such further material information, if any, as may be necessary to make the information contained therein not misleading.~~
- F. Information Unknown or Not Available
Information required need be given only insofar as it is known or reasonably available to the acquiring party. If any required information is unknown and not reasonably available to the acquiring party, either because ~~the~~ obtaining the information~~thereof~~ would involve unreasonable effort or expense, or because it

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rests peculiarly within the knowledge of another person not affiliated with the acquiring party, the information may be omitted, subject to the following conditions:

- (1) The acquiring party shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, including but not limited to impossibility or the loss or destruction of documents, together with the sources of the documents thereof.
- (2) The acquiring party shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to that such person for the information.

G. Incorporation by Reference

- (1) MaterialsMatters required by any item of this statement may be incorporated by reference in answer or partial answer to any other item.
- (2) Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item, provided the document or paper is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the Director that were filed within 3 years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that the material is to be incorporated by reference in answer to the item. Material shall not be incorporated by reference in any case in which the incorporation would render the statement incomplete, unclear or confusing. Information contained in a statement filed pursuant to the Federal Securities Act of 1933 (15 U.S.C. 77a et seq.) the Federal Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a state law requiring registration or disclosure and information contained in any financial statement, annual report, proxy statement or any other document may be incorporated by reference in any answer or partial answer to any item or items of this Statement, provided such information meets the requirements of this statement. A copy of

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~~such incorporation documents shall be included as an exhibit to Form A.~~

- (3) ~~When an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to the statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Director that was filed within three years and may be qualified in its entirety by that reference. In any case in which two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties to the document, the dates of execution, or other details, a copy of only one of the documents needs to be filed, with a schedule identifying the omitted documents and setting forth the material details in which those documents differ from the documents a copy of which is filed. Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.~~

H. Summaries or Outlines of Documents

~~When~~Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the most important provisions of the document. In addition to ~~that~~~~such~~ statement, the summary or outline may incorporate by reference particular parts of any exhibit and may be qualified in its entirety by ~~the~~~~such~~ reference.

I. Additional Exhibits

The acquiring party may file such exhibits as it may desire, in addition to those expressly required by the statement. ~~The~~~~Such~~ exhibits shall be ~~so~~-marked ~~as~~-to indicate clearly the subject matters to which they refer.

J. Omission of Identical Documents

In any case ~~in which~~where two or more documents required to be filed as exhibits are identical in all respects except as to the parties ~~to the document~~~~thereto~~, the dates of execution, or other details, the acquiring party need file a copy of only one of ~~the~~~~such~~ documents, with a schedule identifying the omitted documents and setting forth the details in which ~~those~~~~such~~ documents differ from the documents

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a copy of which is filed. The Director may, at any time, in his or her discretion require the filing of copies of any omitted documents in order to verify that the omitted documents are identical to documents on file.

K. Financial Statements

- (1) The financial statements included as exhibits are to be audited by an independent certified public accountant in accordance with generally accepted auditing standards and are to contain financial information presented in accordance with generally accepted accounting principles for each acquiring party for the preceding five fiscal years~~year~~ (or for such lesser period as thesueh acquiring party and any predecessors ~~thereof~~ shall have been in existence) and similar unaudited information ~~for the second and third preceding fiscal years and~~ as of a date not earlier than 90 days prior to the filing of the statement.
- (2) If the applicant is an insurer that is actively engaged in the business of insurance, the financial statements need not be certified, provided they are based on the Annual Statement of the person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the laws and regulations of that state.~~If an acquiring party is an insurer, which has been actively engaged in the business of insurance for the previous 10 years, the financial statements need not be audited, provided they are based on the annual statement of such person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.~~
- (3) ~~If the acquiring party is controlled by an individual, the individual's financial information will not be required provided that the acquiring party is currently subject to the registration and reporting requirements of Section 12 (g) of the Securities Exchange Act of 1934 (15 U.S.C. 77b et seq., 1985) or is an insurer which has been actively engaged in the business of insurance for the previous ten years.~~

L. ~~Notice and Summary Statement~~

~~A copy of the Notice and Summary Statement to be provided to shareholders~~

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~~pursuant to Section 131.9 of the Illinois Insurance Code [215 ILCS 5/131.9] shall be filed as an exhibit. This statement should contain the Introduction verbatim and at a minimum the following:~~

~~Introduction: On _____, 20___, (Name of Acquiring Party) filed with the Director of the Illinois Department of Insurance a Form A statement regarding the acquisition of control of (Name of Domestic Insurer.) Such Form A statement was filed pursuant to the provision of Article VIII½ of the Illinois Insurance Code and the Regulations promulgated thereunder. A copy of the Form A statement has been delivered to (Name of Domestic Insurer.) Under Article VIII½ the acquisition of control of (Name of Domestic Insurer) requires the approval of the Director of the Illinois Department of Insurance and under that Article the acquisition of 10% or more of the voting securities of (Name of Domestic Insurer) would be presumed to be the acquisition of control of (Name of Domestic Insurer).~~

~~Article VIII½ of the Illinois Insurance Code requires that (Name of Domestic Insurer) send to its securityholders notice of such Form A statement and a summary of the information contained therein. This Summary Statement constitutes such notice and summary of the Form A statement filed by (Name of Acquiring Party) regarding the acquisition of control of (Name of Domestic Insurer).~~

~~Insurer and Method of Acquisition: State the name and address of the domestic insurer to which this statement relates. Briefly describe how control is to be acquired and the considerations used or to be used in effecting the acquisition of control. Be sure to state the number of shares of the insurer's voting securities which the acquiring party plans to acquire.~~

~~Identity of the Acquiring Party: State the name and address of the acquiring party seeking to acquire control over the insurer. If the acquiring party is not an individual, state the nature of its business operations. Briefly describe the business intended to be done by the acquiring party and the acquiring party's subsidiaries.~~

~~Future Plans for Insurer: Briefly described any plans or proposals which the acquiring party may have to liquidate such insurer, to sell its assets or to merge it with any other persons, or to make any other material change in its business operations or corporate structure or management. For purposes of this instruction~~

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~~a change in business operations or corporate structure or management shall be deemed material where it is likely that a reasonable corporate officer would attach importance to the change considering the overall impact of the change on the corporation.~~

~~Contracts, Arrangements, or Understanding with Respect to Voting Securities of the Insurer: Give a brief description of any contracts, arrangements or understandings with respect to any voting security of the insurer in which the acquiring party, its affiliates or any persons identified as being associated with the acquiring party in Item 3 below is involved.~~

~~Financial Stability: Briefly outline the financial condition of each acquiring party. The outline shall contain current information as to assets, liabilities, net worth and operational results.~~

~~The statement must contain a notice that a copy of the entire Form A as filed with the Director of the Illinois Department of Insurance may be obtained free of cost by contacting:~~

~~Name:~~

~~Title:~~

~~Name of Company:~~

~~Street:~~

~~City, State & Zip Code:~~

LM. Signature and Certification

For purposes of the signature and certification required by Item 19 of the Form A, the applicant may be any person that is an acquiring party. If the applicant is a natural person, ~~then~~ that person shall sign and certify in his or her~~their~~ individual capacity. If the applicant is other than a natural person, ~~then~~ the signature and certification is to be provided only by an executive officer of the applicant.

MN. Filing Fee

Pursuant to Section 408 of the Illinois Insurance Code ~~[215 ILCS 5/408]~~, the Director shall collect a fee for the filing of a statement of acquisition of a domestic insurance company. The Form A filing shall not be deemed complete until the Director has received the appropriate filing fee as required by Section 408.

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FORM A
INSTRUCTIONS FOR COMPLETION

COVER PAGE.

FORM A

NAME OF DOMESTIC INSURER
BY

NAME OF ALL ACQUIRING PARTIES (APPLICANT)

Date: _____, 20 _____

Name, Title and Address of Person to Whom Notices and Correspondence Concerning This Statement Should be Addressed:

ITEM 1. Insurer and Method of Acquisition

State the name and address of the domestic insurer to which this application relates and a brief description of how control is to be acquired.

ITEM 2. Identity and Background of the Acquiring Party

(a) State the name and address of the acquiring party seeking to acquire control over the insurer.

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- (b) If the acquiring party is not an individual, state the nature of its business operations for the past five years or for such lesser period as ~~that party~~~~such person~~ and any predecessors ~~thereof~~ shall have been in existence. Briefly describe the business intended to be done by the acquiring party and the acquiring party's subsidiaries.
- (c) Furnish a chart or listing presenting the identities of and interrelationships among the acquiring party and all affiliates of the acquiring party. ~~No affiliate need be identified if its total assets are equal to less than 1/2 of 1 percent of the total assets of the ultimate controlling person affiliated with the acquiring party.~~ Indicate in ~~the~~~~such~~ chart or listing the percentage of voting securities of each ~~such~~ person ~~that~~~~which~~ is owned or controlled by the acquiring party or by any other ~~such~~ person. If control of any person is maintained other than by ownership or control of voting securities, indicate the basis of ~~that~~~~such~~ control. As to each person specified in ~~the~~~~such~~ chart or listing, indicate the type of organization (e.g.,— corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings looking toward a reorganization or liquidation are pending with respect to any such person, indicate which person, and set forth the title of the court, nature of proceedings and ~~the~~ date when commenced.

ITEM 3. Identity and Background of Individuals Associated with the Acquiring Party

With respect to (1) the acquiring party if ~~that~~~~such~~ person is an individual, and (2) all persons who are directors or executive officers of the acquiring party ~~that~~~~which~~ will acquire direct control of the domestic insurer, if ~~that~~~~such~~ acquiring party is not an individual, provide a biographical affidavit indicating the information requested ~~and~~ in the form designated in 50 Ill. Adm. Code 913. Illustration A. On the biographical affidavit, include a third party background check.

ITEM 4. Nature, Source and Amount of Consideration

- (a) Describe the nature, source and amount of funds or other considerations used or to be used in effecting the acquisition of control. If any part of the ~~funds or other considerations~~~~same~~ is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the

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purpose of acquiring, holding, or trading securities, furnish a description of the transaction, including any pledge of the acquiring party's own securities or the securities of any of its subsidiaries or affiliates or securities of the domestic company to be acquired, the names of the parties ~~thereto~~, and copies of all agreements relating to the transaction~~thereto~~.

- (b) An explanation of the criteria used in determining the nature and amount of ~~thesueh~~ consideration. Nature, as used in this subsection, means form of consideration, such as, but not limited to, cash, debentures and their terms.
- (c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the acquiring party wishes the identity to remain confidential, he or she must specifically request that the identity be kept confidential. However, ~~thatsueh~~ identity may be disclosed to other insurance departments~~Insurance Departments~~, provided they agree to observe the confidentiality.

ITEM 5. Future Plans for Insurer

Describe any plans or proposals ~~thatwhich~~ the acquiring party may have to liquidate ~~thesueh~~ insurer, to sell its assets to or merge it with any other persons, or to make any other material change in its business operations or corporate structure or management. Describe any operational changes ~~thatwhich~~ may occur as a result of any integration of ~~thesueh~~ insurer's operations with the operation of the applicant or any of its affiliates. For purposes of this Item, a change in business operations or corporate structure or management shall be deemed material whenwhere it is likely that a reasonable corporate officer would attach importance to the change, considering the overall impact of the change on the corporation.

ITEM 6. Voting Securities or Policyholder Proxies To Be Acquired or Controlled

State the number of shares of the insurer's voting securities or number of policyholder proxies ~~thatwhich~~ the acquiring party, its affiliates and any person listed in Item 3 plan to acquire or control, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was arrived.

ITEM 7. Ownership of Voting Securities or Control of Policyholder Proxies

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State the amount of the insurer's voting securities ~~that~~which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the acquiring party, its affiliates or any person listed in Item 3. State the number of ~~policyholder~~Policyholder proxies currently controlled or concerning which there is a right to acquire control of by the acquiring party, its affiliates or any person listed in Item 3.

- ITEM 8. Contracts, Arrangements, or Understandings with Respect to Voting Securities or Policyholder Proxies of the Insurer
- a) Give a description of any contracts, arrangements or understandings with respect to any voting security or policyholder proxy of the insurer in which the acquiring party, its affiliates or any persons listed in Item 3 ~~are~~is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. ~~The~~Such description shall identify the persons with whom ~~the~~such contracts, arrangements or understandings have been entered ~~into~~.
- b) Copies of all tender offers for, request or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer, and (if distributed) of additional related soliciting material ~~relating thereto~~, shall be filed as exhibits.

ITEM 9. Recent Acquisition of Voting Securities or Policyholders Proxies

Describe any acquisition of any voting securities or control of policyholder's proxies of the insurer during the 12 calendar months preceding the filing of this Statement by the acquiring party, its affiliates or any person listed in Item 3. Include in ~~the~~such description the dates of purchase acquisition, the names of the acquirers, and the consideration paid or agreed to be paid ~~therefor~~.

ITEM 10. Recent Recommendations to Acquire

Describe any recommendations to purchase any voting security or policyholder's proxies of the insurer made during the 12 calendar months preceding the filing of this statement by the acquiring party, its affiliates or any person listed in Item 3,

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or by anyone based upon interviews or at the suggestion of the acquiring party, its affiliates or any person listed in Item 3.

ITEM 11. Agreements with Brokers-Dealers

Describe the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of voting securities of the insurer for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard to the solicitation~~thereto~~.

ITEM 12. Financial Statements and Exhibits

a) Financial statements, exhibits and three-year financial projections of the insurers shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached. However, when an individual as the acquiring party must file financial information, that information need not be delivered to the domestic company, but shall be physically available at a hearing proceeding.

b) The financial statements shall include the annual financial statements of the persons identified in Item 2(a) for the preceding five fiscal years (or for such lesser period as the applicant and its affiliates and any predecessors shall have been in existence), and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement. The statements may be prepared on either an individual basis, or, unless the Director otherwise requires, on a consolidated basis if consolidated statements are prepared in the usual course of business.

The annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that those statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the applicant is an insurer that is actively engaged in the business of insurance, the financial statements need not be certified, provided they are based on the Annual Statement of the person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or

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~~permitted under the laws and regulations of that state. Financial statements and exhibits shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached. However, when an individual as the acquiring party must file financial information such information need not be delivered to the domestic company, but shall be physically available at a hearing proceeding.~~

ITEM 13. Licensing Requirements

Describe how the domestic company would be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed after the change of control.

ITEM 14. Effect of Change of Control Upon Competition

Describe how the effect of the change of control would not substantially lessen competition or tend to create a monopoly in insurance in Illinois. Refer to the competitive standards as set forth in Section 131.12a(4) of the Insurance Code. If these standards would apply, provide information outlined in 50 Ill. Adm. Code 653. Illustration A. The optional expert opinion referred to in Part 653 is also optional under this Part.

ITEM 15. Financial Stability

Briefly outline the financial condition of each acquiring party ~~so as~~ to demonstrate that ~~the such~~ financial condition would not jeopardize the financial stability of the domestic company or the interest of its policyholders. For purposes of this Item, each acquiring party shall submit information regarding its financial condition as affecting the financial stability of a domestic insurer when a corporate officer could reasonably believe that the fiscal integrity of the domestic insurer would be affected by the financial condition of the acquiring party.

ITEM 16. Reasonableness of the Terms

Provide a statement that specifies the method by which the fairness of~~Briefly outline any facts which would tend to show that~~ the terms of the offer, request, invitation, agreement or acquisition ~~are fair~~ in relationship to the value of the domestic company was determined.

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ITEM 17. Plans for Material Change in the Domestic Company

Briefly outline facts ~~that~~which would tend to show that the plans or proposals ~~that~~which the acquiring party has to liquidate the domestic company, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are fair and reasonable to the policyholders of the domestic company. Briefly outline any intended business relationship between the company to be acquired and the acquiring party or any affiliate of the acquiring party. For purposes of this Item, a change in business operations or corporate structure or management shall be deemed material ~~when~~where it is likely that a reasonable corporate officer would attach importance to the change considering the overall impact of the change on the corporation.

ITEM 18. Qualifications of the Managing Persons

Briefly describe the competence, experience and integrity of those persons who would manage the operation of the domestic company so as to show that the change of control would not be adverse to the policyholders of the domestic company and of the insurance buying public.

ITEM 19. Statement that Enterprise Risk Management Information Will Be Provided

After the acquisition of control occurs, the applicant shall agree to provide the annual report specified in Section 131.14b of the Code.

ITEM ~~20~~19. Signature and Certification

Signature and Certification shall be in the following form:

Pursuant to the requirements of Section 131.5 of the Illinois Insurance Code and 50 Ill. Adm. Code 651, _____ has caused this application to be duly signed
Name of Applicant
on its behalf in the City of _____ and State of _____,
on the _____ day of _____, 20____.

Name of Applicant

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BY _____
(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that he or she had duly executed the attached application dated _____, 20____, for and on behalf of _____.

(Name of Applicant)

that he or she is the _____ of ~~that~~such company, and that he or she is authorized to
(Title of Officer)

execute and file ~~the application~~such instrument. Deponent further says that he or she is familiar with ~~the application~~such instrument and the contents ~~of the application~~thereof, and that the facts ~~in the application~~therein set forth are true to the best of his or her knowledge, information and belief.

Signature _____

(Type or Print Name Beneath) _____

(Source: Amended at 41 Ill. Reg. 7558, effective June 19, 2017)

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- 1) Heading of the Part: Pre-Acquisition Notification
- 2) Code Citation: 50 Ill. Adm. Code 653
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
653.10	Amendment
653.15	New Section
653.30	New Section
653.ILLUSTRATION A	Amendment
- 4) Statutory Authority: Implementing Article VIII ½ and authorized by Sections 131.12a and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII½ and 401].
- 5) Effective Date of Rules: June 19, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 332; January 13, 2017
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 653.ILLUSTRATION A, in the third and fourth lines under "Item 2", add a comma after "(b)"; delete "of the" before "Illinois Insurance" and "Code" after.

In the 12th and 13th lines under "Affidavit of Registrant", delete "the" before "its contents" and add a space between "her" and "knowledge".
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Changes to Part 653 are mainly editorial, for updating, clarification and consistency with other Department rules. New Sections 653.15 and 653.30 add definitions and a severability clause to the rule. The Illustration includes changes to update the reference to applicable annual statement pages for Life, Health and Property and Casualty insurers. It also adds standardized Incorporation by Reference procedures that eliminate redundant information filing requirements for the Form CX.
- 16) Information and questions regarding these adopted rules shall be directed to:

Eric Moser
Assistant Deputy Director, Financial Analysis
Illinois Department of Insurance
320 West Washington Street, 4th Floor
Springfield IL 62767-0001

217/557-3759

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER g: INSURANCE HOLDING COMPANY SYSTEMSPART 653
PRE-ACQUISITION NOTIFICATION

Section

653.10	Purpose
653.15	Definitions
653.20	Pre-acquisition Notification – Form of Statement Filing
653.30	Pre-acquisition Notification – Severability Provision

653.ILLUSTRATION A Form CX

AUTHORITY: Implementing Article VIII½ and authorized by Sections 131.12a and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII½ and Sections 131.12a and 401].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 793, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 17163, effective October 1, 1986; transferred from the Department of Insurance to the Department of Financial and Professional Regulation pursuant to Executive Order 2004-6 on July 1, 2004; transferred from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-4 on June 1, 2009; recodified from 50 Ill. Adm. Code 853 to 50 Ill. Adm. Code 653 at 41 Ill. Reg. 144; amended at 41 Ill. Reg. 7578, effective June 19, 2017.

Section 653.10 Purpose

The purpose of this Part is to set forth requirements ~~which~~ the Director deems necessary to carry out the provisions of Section 131.12a of the Illinois Insurance Code ~~[215 ILCS 5/131.12a]~~.

(Source: Amended at 41 Ill. Reg. 7578, effective June 19, 2017)

Section 653.15 Definitions

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

"Department" means the Illinois Department of Insurance.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"Director" means the Director of the Illinois Department of Insurance.

(Source: Added at 41 Ill. Reg. 7578, effective June 19, 2017)

Section 653.30 Pre-acquisition Notification – Severability Provision

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

(Source: Added at 41 Ill. Reg. 7578, effective June 19, 2017)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 653.ILLUSTRATION A Form CX ~~FORM CX~~

INSTRUCTIONS FOR COMPLETION
FORM CX

PRE-ACQUISITION NOTIFICATION

Filed with the Insurance Department of the State of Illinois.

BY

(Name of Registrant)

On Behalf of the Following Insurance Companies

Date: _____, 20 _____

Name, Title and Address of Officer to Whom Notices and Correspondence Concerning this
Statement Should be Addressed: _____

Item 1. Parties.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Identify all "involved insurers", "acquired persons" or "acquired insurers" subject to Section 131.12a of the Illinois Insurance Code.

Item 2. Method and ~~Date~~ of ~~Acquisition~~ acquisition.

Describe the ~~transactions that~~ transaction(s) which will occur ~~and which~~ may directly or indirectly change the control, as defined in ~~Code~~ Section 131.1(b), ~~of the Illinois Insurance Code [215 ILCS 5/131.1]~~ of an insurer authorized to do business in this State. Identify the effective date for the ~~transaction~~ transaction(s).

Item 3. Market Shares.

Identify the rank and percent of the market share for each insurer or group of insurers as defined by ~~Code~~ Section 131.12a by line of insurance. The lines of insurance include Illinois business reported on ~~the Direct Business In The State Of Illinois~~ page 46 of the Life, Accident and Health Annual Statement blank and ~~the Exhibit of Premiums and Losses (Statutory Page 14)~~ page 14 of the ~~Property Fire~~ and Casualty Annual Statement blank as filed with the Director for the preceding year as required by ~~Code~~ Section 136 ~~of the Illinois Insurance Code [215 ILCS 5/136]~~.

Item 4. Expert Opinion (Optional).

Include statement by economist regarding competitive impact of acquisition. ~~The Such~~ statement shall also include the qualifications of ~~that said~~ economist.

Item 5. Filing Fees.

Pursuant to ~~Code~~ Section 408 ~~of the Illinois Insurance Code [215 ILCS 5/408]~~, the Director shall collect a fee for the filing of a statement of acquisition of a foreign or alien insurance company. This filing shall not be deemed complete until the Director has received the appropriate filing fee ~~as~~ required by Section 408.

Item 6. This Form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the statement.

Item 7. Incorporation by Reference

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- a) Materials required by any item of this statement may be incorporated by reference in answer or partial answer to any other item.
- b) Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item, provided the document or paper is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the Director that were filed within the prior three years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that the material is to be incorporated by reference in answer to the item. Material shall not be incorporated by reference in any case in which the incorporation would render the statement incomplete, unclear or confusing.
- c) When an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to the statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Director that was filed within three years and may be qualified in its entirety by the reference. In any case in which two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties, the dates of execution, or other details, a copy of only one of the documents need be filed, with a schedule identifying the omitted documents and setting forth the material details in which the documents differ from the documents a copy of which is filed.

Affidavit of Registrant.

State of _____)
 _____)
 County of _____)

(Company officer) _____ being duly sworn, deposes and says:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

That he or she is the _____ (Title) of the _____ (Name of the Company), a corporation organized and existing under and by virtue of the laws of the State of _____ (State); and on whose behalf makes this Affidavit.

Deponent says that he or she is familiar with Pre-Acquisition Notification and ~~the its~~ contents ~~thereof~~, and that the facts set forth are true to the best of his or her knowledge, information and belief.

(Signature)

(Type or Print Name Beneath)

(Source: Amended at 41 Ill. Reg. 7578, effective June 19, 2017)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Prior Notification of Dividends on Common Stock and Other Distributions
- 2) Code Citation: 50 Ill. Adm. Code 655
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
655.20	Amendment
655.30	Amendment
655.50	New Section
655.ILLUSTRATION A	Amendment
- 4) Statutory Authority: Implementing Article VIII ½ and authorized by Sections 131.16, 131.20a(2), and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII ½, 131.16, 131.20a(2), and 401].
- 5) Effective Date of Rules: June 19, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 340; January 13, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In 655.30(a), strike the period after "Notice".

In 655.30(a)(2), last line, strike "therein" and add "in the notice".

In 655.30(e), 5th line, change "The Director, instead," to "Instead, the Director".

In Section 655.ILLUSTRATION A:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

5th line of text under "GENERAL INSTRUCTIONS", strike "office" and add "officer".

1st line of text under "STOCK AND OTHER DISTRIBUTIONS", change "Insurance Department of the State of Illinois" to "Illinois Department of Insurance".

4th and 7th lines of text under "STOCK AND OTHER DISTRIBUTIONS", after "of" add "the".

In the 2nd line of Item 3, after "description" add "of that property"; 3rd line, after "property" add a comma.

In the paragraph following Item 6(c): 1st line of text, after "or" add "Sections"; 2nd line of text, delete "of the Illinois Insurance Code".

2nd line of text under "CERTIFICATION", delete the comma after "20" and change "(s)he" to "he or she"

4th and 5th lines of text under "CERTIFICATION", before "contents" strike "the" and add "its" and after "forth" add "in that instrument".

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by PA 98-609. The changes to Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010.
- 16) Information and questions regarding these adopted rules shall be directed to:

Eric Moser
Assistant Deputy Director, Financial Analysis
Illinois Department of Insurance

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

320 West Washington Street, 4th Floor
Springfield IL 62767-0001

217/557-3759

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER g: INSURANCE HOLDING COMPANY SYSTEMSPART 655
PRIOR NOTIFICATION OF DIVIDENDS ON
COMMON STOCK AND OTHER DISTRIBUTIONS

Section

655.10	Purpose
655.20	Definitions
655.30	Prior Notification of Dividends and Other Distributions
655.40	Penalties
655.50	Severability Provision

655.ILLUSTRATION A Form D-2

AUTHORITY: Implementing Article VIII½ and authorized by Sections 131.16, 131.20a(2) and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII½ and Sections 131.16, 131.20a(2) and 401].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 21869, effective November 30, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 6168, effective April 6, 1994; amended at 21 Ill. Reg. 5922, effective April 29, 1997; transferred from the Department of Insurance to the Department of Financial and Professional Regulation pursuant to Executive Order 2004-6 on July 1, 2004; transferred from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-4 on June 1, 2009; recodified from 50 Ill. Adm. Code 855 to 50 Ill. Adm. Code 655 at 41 Ill. Reg. 147; amended at 41 Ill. Reg. 7586, effective June 19, 2017.

Section 655.20 Definitions

Terms found in this Part, other than those defined in this Section, have the meanings ascribed in Section 131.1 of the Insurance Code.

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

"Department" means the Illinois Department of Insurance.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"Director" means the Director of the Illinois Department of Insurance.

"Executive officer" means any individual charged with active management and control in a senior executive capacity as described by the company's by-laws (including a president, senior vice president, treasurer, secretary, controller, and any other individual regardless of title performing functions the same as those performed by the foregoing officers).

(Source: Amended at 41 Ill. Reg. 7586, effective June 19, 2017)

Section 655.30 Prior Notification of Dividends and Other Distributions

a) Notice-

- 1) Ordinary Dividends. Any domestic company required, pursuant to Code Section 131.16 ~~of the Illinois Insurance Code~~, to notify the Director of a dividend or other distribution to its shareholders shall notify the Director of the proposed dividend or distribution in writing within 5 business days following declaration and no less than 10 business days prior to payment ~~thereof~~. The 10 day period shall begin the day the notice is received by the Department. ~~The Such~~ notice shall be deemed incomplete unless all the information required by this Part has been included ~~therein~~.
- 2) Extraordinary Dividends or Other Extraordinary Distributions. Any domestic company required, pursuant to Code Section 131.20a ~~of the Illinois Insurance Code~~, to notify the Director of an extraordinary dividend or other extraordinary distribution to its shareholders shall notify the Director of the proposed dividend or distribution in writing within 5 business days following declaration and no less than 30 days prior to payment ~~thereof~~. The 30 day period shall begin the day the notice is received by the Department. ~~The Such~~ notice shall be deemed incomplete unless all the information required by this Part has been included in the notice ~~therein~~.
- 3) Proof of Receipt. Certified Mail confirmation, confirmation from a commercial delivery service, or the date stamped upon the notice by the Department acknowledging receipt of the filing required by this Part shall serve as proof of the date of receipt of the filing.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- b) The domestic company shall provide to the Director the information required by, and in the format specified by, Illustration A, Form D-2-~~of this Part~~.
- c) The notification shall be directed to the Deputy Director of the Financial-Corporate Regulatory Division of the Illinois Department of Insurance, Springfield, Illinois 62767.
- d) In the case of a proposed payment of extraordinary dividends pursuant to Code Section 131.20a~~of the Illinois Insurance Code~~, the Director may require supplemental information in addition to the information required by Illustration A, Form D-2-~~of this Part~~. Supplemental information required by the Director may include but is not limited to: a statement in narrative form of the effects of the proposed dividends on the company's most recent Management Discussion and Analysis; a statement of financial position; a statement of operations; a statement of cash flows; a statement of changes in capital and surplus accounts; a statement in schedule form of risk-based capital requirements; and a statement of significant trends in reinsurance programs, premium volume and/or mix, losses, benefits, and general expenses.
- e) For the purposes of the Department's review of proposed dividend payments, the factors set forth in Code Section 131.20(2) ~~of the Illinois Insurance Code [215 ILCS 5/131.20(2)]~~ are not intended to be an exhaustive list. In determining the adequacy and reasonableness of an insurer's surplus, no single factor shall be controlling. ~~Instead, the~~The Director, ~~instead,~~ will consider the net effect of all these factors plus any other factors bearing on the financial condition of the insurer. In comparing the surplus, maintained by other insurers, the Director will consider the extent to which each of the factors varies from company to company and, in determining the quality and liquidity of investments in subsidiaries, the Director will consider the individual subsidiary and may discount or disallow its valuation to the extent that the individual investments warrant.

(Source: Amended at 41 Ill. Reg. 7586, effective June 19, 2017)

Section 655.50 Severability Provision

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 41 Ill. Reg. 7586, effective June 19, 2017)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 655.ILLUSTRATION A Form D-2

FORM D-2

GENERAL INSTRUCTIONS

Signature and Certification.

For purposes of filing the Form D-2, the signature and certification required by this Part shall be signed by an executive ~~officer~~officer of the insurer.

PRIOR NOTICE OF DIVIDENDS ON COMMON STOCK AND OTHER DISTRIBUTIONS

Filed with the ~~Illinois Insurance~~ Department of ~~Insurance~~the State of Illinois

By

Name of Domestic Company

On behalf of the Following Insurance Companies:

Name	Address
_____	_____
_____	_____
_____	_____

Date _____, 20 _____

Name, Title, Address and Telephone Number of the Individual to Whom Notices and Correspondence Concerning this Request Should be Addressed:

Item 1. Type of Dividend or Distribution.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Identify the dividend or distribution as a dividend or other distribution subject to [Code](#) Section 131.16 ~~of the Illinois Insurance Code [215 ILCS 131.16]~~ or as an extraordinary dividend or other extraordinary distribution as defined in [Code](#) Section 131.20a(2) ~~of the Illinois Insurance Code [215 ILCS 131.20a(2)]~~.

Item 2. The amount of the dividend or other distribution and the date established for payment. The proposed date must be consistent with requirements for receipt of notice by the Department, as specified in Section 655.30(a) ~~of 50 Ill. Adm. Code 655~~.

Item 3. A statement as to whether the dividend or other distribution is to be in cash or other property, and, if in property, a description [of the property thereof](#), its cost, statutory carrying value, and the fair market value of ~~thesuch~~ property, together with an explanation of the basis for valuation.

Item 4. The amounts and payment dates of all dividends paid within the period of 12 consecutive months ending on the date fixed for payment of the proposed dividend for which notification is being given or approval is being sought.

Item 5. An illustration of the calculation of the extraordinary dividend limit set by [Code](#) Section 131.20a ~~of the Illinois Insurance Code~~. Dividends that have been or will be paid in other than cash, shall be valued for the purposes of the calculation at the greater of market or statutory carrying value of the asset.

Item 6. If the notice is filed for an extraordinary dividend pursuant to [Code](#) Section 131.20a ~~of the Illinois Insurance Code~~, the following items must also be included:

- a) A balance sheet and statement of income for the period intervening from the last annual statement filed with the Director and the end of the month preceding the month in which the prior notification of the dividend is submitted. Indicate the amount of all unrealized capital gains included in unassigned funds.
- b) A brief statement as to the effect of the proposed dividend upon the insurer's surplus and the reasonableness of surplus in relation to the insurer's outstanding liabilities and the adequacy of surplus relative to the insurer's financial position.
- c) A calculation of the insurer's risk based capital level as of the most recently filed financial statement (quarterly or annual), adjusted to show the effect of the proposed dividend or other distribution.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Pursuant to the requirements of Code Section 131.16 (or Sections 131.6 and 131.20a, in the case of extraordinary dividends) ~~of the Illinois Insurance Code~~, _____ has caused this notice to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 20____.

Name of Requesting Insurer

By _____
Type or print _____
(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that he or she (s)he had duly executed the attached notice dated _____, 20____, for and on behalf of _____; that he or she (s)he
(Name of Insurer)

is the _____ of ~~thesueh~~ company and that he or she (s)he is familiar
(Title of Officer)

with ~~thesueh~~ instrument and ~~its~~ contents ~~thereof~~, and that the facts ~~therein~~ set forth in that instrument are true to the best of his or her knowledge, information and belief.

(Signature) _____
(Type or print name beneath) _____

(Source: Amended at 41 Ill. Reg. 7586, effective June 19, 2017)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 13, 2017 through June 19, 2017. The following rulemakings are scheduled for review at the Committee's July 18, 2017 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
7/27/17	<u>Department of Financial and Professional Regulation, Pharmacy Practice Act (68 Ill. Adm. Code 1330)</u>	2/10/17 41 Ill. Reg. 1283	7/18/17
7/27/17	<u>Department of Revenue, Retailers' Occupation Tax (86 Ill. Adm. Code 130)</u>	3/31/17 41 Ill. Reg. 3817	7/18/17

POLLUTION CONTROL BOARD

JULY 2017 REGULATORY AGENDA

a) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)
Visible and Particulate Matter Emissions (35 Ill. Adm. Code Part 212)
Sulfur Limitations (35 Ill. Adm. Code Part 214)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code Part 215)
Carbon Monoxide Emissions (35 Ill. Adm. Code Part 216)
Nitrogen Oxides Emissions (35 Ill. Adm. Code Part 217)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)
Standards and Limitations for Organic Material Emissions for Area Sources (35 Ill. Adm. Code 223)
Emissions from Large Combustion Sources (35 Ill. Adm. Code 225)
Asbestos (35 Ill. Adm. Code Part 228)
Open Burning (35 Ill. Adm. Code Part 237)
Radiation Hazards (35 Ill. Adm. Code Part 1000)

1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing "Clean-up" amendments for proposal to the Illinois Pollution Control Board (Board) that will correct errors, provide clarifications, and remove outdated or otherwise unnecessary provisions in certain Board rules. The rulemaking will also propose to sunset the Clean Air Interstate Rule provisions in Part 225, and repeal certain NO_x trading provisions in Part 217.
- B) Statutory Authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

POLLUTION CONTROL BOARD

JULY 2017 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal is not expected to have any negative impact on small business, small municipality, or not-for-profit Corporation.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agency to:

Nancy Hoepfner
Pollution Control Board
1021 North Grand Avenue East
Springfield IL 62794-9274
nancy.hoepfner@illinois.gov

- G) Related Rulemaking and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney.

Charles E. Matoesian
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544

POLLUTION CONTROL BOARD

JULY 2017 REGULATORY AGENDA

charles.matoesian@illinois.gov

- b) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)
- 1) Rulemaking: Docket number R18-8
- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal “Recommended Policy on the Control of Volatile Organic Compounds” (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R18-8 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2017 through June 30, 2017. At this time, the Board is not aware of any federal action during this update period that affected the federal definition of VOM. In coming weeks, by about mid-August 2017, the Board will verify the existence of any additional federal actions that may affect the definition of VOM and determine the Board action required in response to each. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure in docket R18-8, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment

POLLUTION CONTROL BOARD

JULY 2017 REGULATORY AGENDA

that will require Board action on the first day of the update period, January 1, 2017, the due date for Board adoption of amendments in docket R18-8 would be January 1, 2018.

To meet a due date of January 1, 2018, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by late-October 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R18-8.

- B) Statutory Authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 110(a) of the federal Clean Air Act (42 USC § 7410(a)) for amendment of the Illinois ozone SIP.
- D) Date Agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any other federal actions by mid-August 2017, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is January 1, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by late-October 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of

POLLUTION CONTROL BOARD

JULY 2017 REGULATORY AGENDA

a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-8, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R18-8, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

- G) Related Rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

POLLUTION CONTROL BOARD

JULY 2017 REGULATORY AGENDA

- c) Part (Heading and Code Citation): Control of Emissions from Large Combustion Sources (35 Ill. Adm. Code 225)

1 Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Illinois Pollution Control Board (Board). The proposal will provide certain coal-fired electric generating units owned by Dynegy with additional flexibility in complying with the Multi-Pollutant Standard (MPS) under Part 225, the Illinois mercury rule. The MPS establishes control requirements and emission standards for nitrogen oxide, sulfur dioxide, and mercury.
- B) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Environmental Protection Act [415 ILCS 5/10 and 27].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board in mid-2017. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
- D) Date Agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in mid-2017. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This proposal will affect certain coal-fired electric generating units; therefore, no effect on any small business, small municipality, or not-for-profit corporation is anticipated.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

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100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda to:

Nancy Hoepfner
Pollution Control Board
1021 North Grand Avenue East
Springfield IL 62794-9274
nancy.hoepfner@illinois.gov

- G) Related Rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Gina Roccaforte
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
Springfield IL 62794-9276

217/782-5544
gina.roccaforte@illinois.gov

- d) Part (Heading and Code Citation): Air Quality Standards (35 Ill. Adm. Code 243)

- 1) Rulemaking: Docket number R18-7

- A) Description: Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] mandates that the Board adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA pursuant to section 109 of the federal Clean Air Act (42 USC § 7409). USEPA has codified the primary and secondary NAAQS at 40 CFR 50, including provisions relative to methods for monitoring ambient air quality for the several contaminants (particulate matter, nitrogen oxides, sulfur oxides, ozone, carbon monoxide, and lead). Various other federal regulations relate to aspects of the NAAQS, such as 40 CFR 53 prescribing the procedure for approval of equivalent and reference methods and 40 CFR 81 designating

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air quality monitoring regions and setting forth their attainment/non-attainment status.

The Board has reserved docket number R18-7 to accommodate any federal amendments to the NAAQS that USEPA may make during the period January 1, 2017 through June 30, 2017. At this time, the Board is aware of one federal actions with regard to the federal NAAQS that occurred during this update period. Those actions, and the Board actions in response, are described as follows:

March 20, 2017 (82 Fed. Reg. 14325): USEPA made a technical correction to the NAAQS for fine particulates. USEPA corrected in an equation used to calculate compliance. The Board will need to update an incorporation by reference to incorporate the USEPA correction into the Illinois rules.

In coming weeks, by about mid-August 2017, the Board will verify the existence of any other federal actions that may affect the federal NAAQS and determine the Board action required in response to each. The Board will then include that action in this docket to make the Illinois ambient air quality standards identical-in-substance to the federal NAAQS in this docket R18-7, as necessary and appropriate.

Section 10(H) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Since the earliest USEPA action that will require Board action occurred on March 30, 2017, the due date for Board adoption of amendments in docket R18-7 would be October 3, 2017.

To meet a due date of October 3, 2018, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by mid-January 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R18-7.

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- B) Statutory Authority: Implementing and authorized by Sections 7.2, 10(H), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10(H) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board may then schedule and conduct at least one public hearing, if required by Section 110(a) of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois SIP for any air contaminant, should the Board deem such authorized and required.
- D) Date Agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2017, after which time the Board will either propose any necessary amendments to the Illinois ambient air quality standards that are necessary to ensure that they are identical-in-substance to the federal NAAQS. Since the due date for Board adoption of amendments in this docket is March 30, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by mid-January 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of an air contaminant or precursor to an air contaminant that is the subject of an NAAQS.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-7, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

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Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R18-7, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924

michael.mccambridge@illinois.gov

- G) Related Rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

- e) Parts (Heading and Code Citation):

Introduction (35 Ill. Adm. Code 301)

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

Water Use Designations and Site-Specific Water Quality Standards (35 Ill. Adm. Code 303)

Effluent Standards (35 Ill. Adm. Code 304)

Monitoring and Reporting (35 Ill. Adm. Code 305)

Performance Criteria (35 Ill. Adm. Code 306)

Disposal of Wastes from Watercraft (35 Ill. Adm. Code 308)

Permits (35 Ill. Adm. Code 309)

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Treatment Plant Operator Certification (35 Ill. Adm. Code 312)
General Provisions (35 Ill. Adm. Code 401)
Definitions (35 Ill. Adm. Code 402)
NPDES Permits (35 Ill. Adm. Code 403)
State Permits (35 Ill. Adm. Code 404)
State and NPDES Permits (35 Ill. Adm. Code 405)
Mine Waste Effluent and Water Quality Standards (35 Ill. Adm. Code 406)
General Provisions (35 Ill. Adm. Code 501)
Primary Drinking Water Standards (35 Ill. Adm. Code 611)
Existing Activities in a Setback Zone or regulated Recharge Area (35 Ill. Adm. Code 615)
New Activities in a Setback Zone or regulated Recharge Area (35 Ill. Adm. Code 616)
Regulated Recharge Areas (35 Ill. Adm. Code 617)

- 1) Rulemaking: No docket presently reserved.
 - A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) has conducted a comprehensive review of the Illinois Pollution Control Board's (Board) substantive regulations in Title 35, and plans to propose amendments to eliminate unnecessary regulation and clarify and update the rules as necessary.
 - B) Statutory Authority: Implementing and authorized by Sections 27, and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28].
 - C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 and 28]
 - D) Date Agency anticipates First Notice: The Agency submittal of the rulemaking proposal is anticipated within the next six months. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 and 28] upon receipt of the proposal, and would cause a Notice of Proposed Amendments to appear in the Illinois Register when it decides to propose amendments for first notice.

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E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations. The Agency anticipates, however, that any impact will be small or positive, because this regulatory proposal seeks to reduce regulatory burdens, and clarify and clean up the Board's rules. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not decrease or remain the same.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago Illinois 60601

Address questions concerning this regulatory agenda to:

Nancy Hoepfner
Pollution Control Board
1021 North Grand Avenue East
Springfield IL 62794-9274
nancy.hoepfner@illinois.gov

G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Joanne Olson
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
joanne.olson@illinois.gov

f) Parts (Headings and Code Citations):

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Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket number R18-6
 - A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved docket number R18-6 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2017 through June 30, 2017. At this time, the Board is not aware of any federal action during this update period that affected the federal definition of VOM. The Board will verify the existence of any federal actions that may affect the text of the federal wastewater pretreatment regulations and determine the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2017. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R18-6, as necessary and appropriate.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Since the earliest USEPA action that will require Board action occurred on January 1, 2017, the due date for Board adoption of amendments in docket R18-6 would be January 1, 2018.
 - B) Statutory Authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
 - C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the

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Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

- D) Date Agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2017, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by mid-October 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois wastewater pretreatment rules is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-6, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda,
noting docket number R18-6, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

JULY 2017 REGULATORY AGENDA

Chicago IL 60601

312/814-6924

michael.mccambridge@illinois.gov

- G) Related Rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 307 or 310 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

- g) Parts (Heading and Code Citation):

Introduction (35 Ill. Adm. Code 601)

Permits (35 Ill. Adm. Code 602)

Design, Operation and Maintenance Criteria (35 Ill. Adm. Code 604)

Operation and Record Keeping (35 Ill. Adm. Code 607)

Primary Drinking Water Standards (35 Ill. Adm. Code 611)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Pollution Control Board (Board). The proposal will seek to propose a new Part 604, amend Parts 601, 602, 611, and repeal Part 607. These regulatory changes will consolidate the design, operation, and maintenance rules for community water supplies into a single Part 604, move special exemption permits to Part 602, and update definitions and incorporations by reference.

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- B) Statutory Authority: Implementing and authorized by Sections 17, 27, and 28 of the Environmental Protection Act [415 ILCS 5/17, 27, & 28].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 and 28].
- D) Date Agency anticipates First Notice: The Agency submittal of the rulemaking proposal is anticipated within the next six months. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 and 28] upon receipt of the proposal, and would cause a Notice of Proposed Amendments to appear in the Illinois Register when it decides to propose amendments for first notice.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The burden of compliance with the requirements, such as filing documentation, reporting, or completion of the necessary forms, likely will not increase.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda to:

Nancy Hoepfner
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield IL 62794-9274
nancy.hoepfner@illinois.gov

POLLUTION CONTROL BOARD

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- G) Related Rulemaking and other pertinent information: Interested persons may contact the following about its prospective rulemaking proposal:

Joanne M. Olson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
joanne.olson@illinois.gov

- h) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

- 1) Rulemaking: Docket number R18-1

- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois drinking water regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R18-1 to accommodate any amendments to the SDWA National Primary Drinking Water Standards (NPDWRs), 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2017 through June 30, 2017. At this time, the Board is unaware of any federal action during this update period that affected the federal definition of VOM. The Board will verify the existence of any federal actions that may affect the text of the federal NPDWRs and determine the Board action required in response to each in coming weeks, by about mid-August 2017. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R18-1, as necessary and appropriate.

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Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2017, the due date for Board adoption of amendments in docket R18-1 would be January 1, 2018.

- B) Statutory Authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2017, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be July 1, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register before late-October 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-1, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R18-1, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

- G) Related Rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

- i) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
rogram (35 Ill. Adm. Code 704)

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Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R18-2

- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R18-2 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2017 through June 30, 2017. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any federal actions that affect the UIC regulations and determine the Board action required in response to each in coming weeks, by about mid-August 2017. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R18-2, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2017, the due date for Board adoption of amendments in docket R18-2 would be January 1, 2018.

- B) Statutory Authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the

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Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

- D) Date Agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2017, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by mid-October 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-2, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R18-2, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

POLLUTION CONTROL BOARD

JULY 2017 REGULATORY AGENDA

312/814-6924

michael.mccambridge@illinois.gov

- G) Related Rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket for the period January 1, 2017 through June 30, 2017 (R18-4) (see item (j) below), and other, as yet unknown, unrelated Board proceedings may affect 35 Ill. Adm. Code 702, 705, or 720. No other rulemaking that would affect any of 35 Ill. Adm. Code 704, 730, or 738 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

j) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)

RCRA Permit Program (35 Ill. Adm. Code 703)

Procedures for Permit Issuance (35 Ill. Adm. Code 705)

Hazardous Waste Management System: General (35 Ill. Adm. Code 720)

Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)

Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)

Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)

Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)

Land Disposal Restrictions (35 Ill. Adm. Code 728)

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Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R18-4

- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R18-4 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2017 through June 30, 2017. At this time, the Board is not aware of any federal action during this update period that affected the federal RCRA Subtitle C hazardous waste regulations. The Board will verify the existence of any federal actions that affect the RCRA Subtitle C regulations and determine the Board action required in response to each in coming weeks, by about mid-August 2017. The Board will then propose corresponding amendments to the Illinois federal RCRA Subtitle C-derived hazardous waste regulations using the identical-in-substance procedure or dismiss docket R18-4, as necessary and appropriate.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2017, the due date for Board adoption of amendments in docket R18-4 would be January 1, 2018.

- B) Statutory Authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

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- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2017, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is January 1, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register before mid-September 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. It would also allow 30 days from the date of a Board vote to adopt amendments for USEPA to review the amendments before they are filed with the Office of the Secretary of State.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-4, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

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312/814-6924

michael.mccambridge@illinois.gov

- G) Related Rulemakings and other pertinent information: The reserved UIC update docket for the period January 1, 2017 through June 30, 2017 (R18-2) (see item (i) above) and other, as yet unknown, unrelated Board proceedings may affect any of 35 Ill. Adm. Code 702, 705, and 720. No other rulemaking that would affect any of 35 Ill. Adm. Code 35 Ill. Adm. Code 702, 703, 721 through 728, 733, and 739 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

k) Parts (Heading and Code Citation):

Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Special Waste Classifications (35 Ill. Adm. Code 808)
Special Waste Hauling (35 Ill. Adm. Code 809)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Operation of the Hazardous Waste Fee System (35 Ill. Adm. Code 855)

- 1) Rulemaking: No docket presently reserved.

- A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) has conducted a

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comprehensive review of the Illinois Pollution Control Board's (Board) substantive regulations in Title 35, and plans to propose amendments to eliminate unnecessary regulation and clarify and update the rules as necessary.

- B) Statutory Authority: Implementing and authorized by Sections 27, and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 and 28]
- D) Date Agency Anticipates First Notice: The Agency submittal of the rulemaking proposal is anticipated within the next six months. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 and 28] upon receipt of the proposal, and would cause a Notice of Proposed Amendments to appear in the Illinois Register when it decides to propose amendments for first notice.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations. The Agency anticipates, however, that any impact will be small or positive, because this regulatory proposal seeks to reduce regulatory burdens, and clarify and clean up the Board's rules. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not decrease or remain the same.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda to:

POLLUTION CONTROL BOARD

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Nancy Hoepfner
Pollution Control Board
1021 North Grand Avenue East
Springfield IL 62794-9274
nancy.hoepfner@illinois.gov

- G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Rex L. Gradeless
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
rex.gradeless@illinois.gov

- l) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

- 1) Rulemaking: Docket number R18-5

- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R18-5 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2017 through June 30, 2017. At this time, the Board is not aware of any federal amendments to the federal UST regulations that occurred during this update period. The Board will verify the existence of any federal actions and determine the Board action required in response to

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each in coming weeks, by about mid-August 2017. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R18-5, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2017, the due date for Board adoption of amendments in docket R18-5 is January 1, 2018.

- B) Statutory Authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2017, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register before mid-October 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board will promptly dismiss this reserved docket.

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- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a UST.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-5, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R18-5, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

- G) Related Rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 731 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

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m) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)

Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)

Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)

Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)

Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)

Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number R18-3

- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R18-3 to accommodate any amendments to the RCRA Subtitle D MSWLF regulations, 40 CFR 258, that USEPA may make in the period January 1, 2017 through June 30, 2017. At this time, the Board is not aware of any federal action during this update period that affected the federal RCRA Subtitle D Municipal Solid Waste Landfill regulations. The Board will verify the existence of any federal actions and determine the Board action required in response to each in coming weeks, by about mid-August 2017. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R18-3, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2017, the due date for Board adoption of amendments in docket R18-3 would be January 1, 2018.

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- B) Statutory Authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2016, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is January 1, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by mid-September 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-3, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R18-3, as follows:

POLLUTION CONTROL BOARD

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Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

- G) Related Rulemakings and other pertinent information: No other rulemaking that would affect any of 35 Ill. Adm. Code 807 and 810 through 815 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

- n) Parts (Heading and Code Citation):

General Provisions (35 Ill. Adm. Code 900)
Sound Emission Standards and Limitations for Property-Line-Noise Sources (35 Ill. Adm. Code 901)
Sound Emission Standards and Limitations for Motor Vehicles (35 Ill. Adm. Code 902)
Sound Emission Standards and Limitations for Snowmobiles (35 Ill. Adm. Code 905)
Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 & 901 (35 Ill. Adm. Code 910)

- 1) Rulemaking: No docket presently reserved.

- A) Description:

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- B) Statutory Authority: Authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28; 415 ICLS 55/8].
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
- D) Date Agency anticipates First Notice: The date of publication in the Illinois Register could not be determined at the time this regulatory agenda was filed. Please check with the Board for further information.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: As proposed, this rule would apply to entities that appear before the Illinois Pollution Control Board.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

- G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Marie Tipsord
Pollution Control Board
100 W. Randolph St.
Chicago IL 60601

Marie.Tipsord@illinois.gov
312/814-4925

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a) Part(s) (Heading and Code Citation):

Procedures for Informational and Quasi-Legislative Public Hearings (35 Ill. Adm. Code 164)

Procedures for Permit and Closure Plan Hearings (35 Ill. Adm. Code 166)

Public Participation in the Air Pollution Control Permit Program (35 Ill. Adm. Code 252)

1) Rulemaking:

- A) Description: The Rulemaking will amend 35 Ill. Adm. Code 164, 166, and 252 to allow the Illinois Environmental Protection Agency (Agency) to provide public notice of certain types of permits and hearings via posting the notice on the Agency's website rather than publishing the notice in local newspapers.
- B) Statutory Authority: Implementing and authorized by Sections 4, 9.1, and 39 of the Environmental Protection Act [415 ILCS 5/4, 5/9.1, and 5/39] and Section 5-10(a) of the Illinois Administrative Procedures Act [5 ILCS 100/5-10(A)].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rule will affect small newspapers that publish public notices. Otherwise, this rule is not expected to affect any business, small municipality, or not-for-profit corporation.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Charles E. Matoesian
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

ENVIRONMENTAL PROTECTION AGENCY

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217/782-5544

charles.matoesian@illinois.gov

- G) Related Rulemakings and other pertinent information: None.
- b) Part (Heading and Code Citation): Interpretation of Pollution Control Board Rules and Related Definitions Concerning Grain Handling and Grain Drying Operations (35 Ill. Adm. Code 264)
- 1) Rulemaking:
- A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 264. This Part contains the Agency's interpretation of substantive regulations adopted by the Illinois Pollution Control Board (Board) for grain handling and grain drying operations. Part 264 has never been amended, while the pertinent Board regulations have been amended several times. Some of these amendments conflict with Part 264 or make Part 264 unnecessary or duplicative. As Board regulations sufficiently address these types of operations, this Part is no longer necessary.
- B) Statutory Authority: Implementing and authorized by Sections 4 and 39 of the Environmental Protection Act [415 ILCS 5/4 and 5/39].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small business, small municipalities, or not-for-profit corporations: The Illinois EPA does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 264.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East

ENVIRONMENTAL PROTECTION AGENCY

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P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranoval@illinois.Gov

- G) Related Rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Interpretation of the Definition of Process Weight Rate (35 Ill. Adm. Code 266)
- 1) Rulemaking:
- A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 266. This Part sets forth the method of calculating process weight rate to determine compliance with particulate matter emission standards and limitations in 35 Ill. Adm. Code 212.321 and 212.322. The Illinois Pollution Control Board has historically disagreed with the methods in this Part, and the Part contains outdated or incorrect provisions; consequently, it is no longer implemented by the Agency.
- B) Statutory Authority: Implementing and authorized by Sections 4 and 39 of the Environmental Protection Act [415 ILCS 5/4 and 5/39].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 266.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY

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

217/782-5544
sara.terranova@illinois.Gov

- G) Related Rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Information on Coal Contracts and Sampling Required in Permit Applications for Coal-Fired Fuel Combustion Emission Sources (35 Ill. Adm. Code 271)
- 1) Rulemaking:
- A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 271. This Part sets forth information required to determine compliance of coal-fired fuel combustion emission sources with the Illinois Environmental Protection Act and with applicable sulfur dioxide emission limitations in 35 Ill. Adm. Code 214, 230, and 243 when such compliance is demonstrated by fuel sampling. The provisions of this Part are no longer needed to determine a source's compliance, as subject sources now either utilize continuous emissions monitoring systems and comply with federal requirements applicable to such systems or comply with other applicable state regulations.
- B) Statutory Authority: Implementing and authorized by Sections 4 and 39 of the Environmental Protection Act [415 ILCS 5/4 and 5/39].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 271.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranova@illinois.Gov

- G) Related Rulemakings and other pertinent information: None

- e) Part (Heading and Code Citation): NOx Trading Program Procedures (35 Ill. Adm. Code 273)

1) Rulemaking:

- A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 273. This Part contains procedures for the sale of nitrogen oxide (NOx) allowances generated by Illinois' NOx Trading Program. This trading program has been sunsetted, eliminating the need for Part 273.
- B) Statutory Authority: Implementing and authorized by Section 9.9 of the Environmental Protection Act [415 ILCS 5/9.9].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 273.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranova@illinois.Gov

- G) Related Rulemakings and other pertinent information: None

- f) Part (Heading and Code Citation): Clean Air Set-Aside (35 Ill. Adm. Code 274)

1) Rulemaking:

- A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 274. This Part sets forth procedures for the determination and distribution of nitrogen oxide allowances generated pursuant to the Clean Air Interstate Rule (CAIR). The CAIR trading program has been replaced by the Cross-State Air Pollution Rule, eliminating the need for Part 274.
- B) Statutory Authority: Implementing and authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 274.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

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Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranova@illinois.Gov

G) Related Rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Procedures for Measuring Transfer Efficiency for Surface Coating Operations in Wood Furniture Coating Facilities (35 Ill. Adm. Code 278)

1) Rulemaking:

A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 278. This Part contains outdated procedures for measuring transfer efficiency from surface coating operations subject to 35 Ill. Adm. Code 215.204(1). These procedures are no longer necessary and can therefore be repealed.

B) Statutory Authority: Implementing and authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date Agency anticipates First Notice: Summer 2017

E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 278.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

ENVIRONMENTAL PROTECTION AGENCY

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Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranova@illinois.gov

- G) Related Rulemakings and other pertinent information: None
- h) Part (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Loan Program, 35 Ill. Adm. Code 365
- 1) Rulemaking:
- A) Description: The Illinois EPA plans to update the rules for scoring and prioritizing loan applicants for the Water Pollution Control Loan Program. The Illinois EPA plans to consolidate and amend into 35 Ill. Adm. Code 365 the scoring rules from 35 Ill. Adm. Code 366, Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works.
- B) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.10 of the Illinois Environmental Protection Act. [415 ILCS 19.1 - 19.10]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer/Fall 2017
- E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses, small municipalities, or not for profit corporations seeking loans under the Water Pollution Control Loan Program could be affected by this rulemaking.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Division of Legal Counsel
Stephanie Flowers
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544

stephanie.flowers@illinois.gov

- G) Related Rulemakings and other pertinent information: This rulemaking will be in conjunction with the repeal of 35 Ill. Adm. Code 366, Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works.

- i) Part (Heading and Code Citation): Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works, 35 Ill. Adm. Code 366

1) Rulemaking:

- A) Description: The Illinois EPA is repealing Part 366. The regulations are being incorporated into 35 Ill. Adm. Code 365, Procedures for Issuing Loans from the Water Pollution Control Loan Program.
- B) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.10 of the Illinois Environmental Protection Act. [415 ILCS 19.1 - 19.10]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer/Fall 2017
- E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses, small municipalities, or not for profit corporations seeking loans under the Water Pollution Control Loan Program could be affected by this rulemaking.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stephanie Flowers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544

stephanie.flowers@illinois.gov

- G) Related Rulemakings and other pertinent information: This rulemaking is in conjunction with amendments to 35 Ill. Adm. Code 365, Procedures for Issuing Loans from the Water Pollution Control Loan Program.

- j) Part (Heading and Code Citation): Procedures for Providing Financial Assistance From the Water Pollution Control Loan Program Under the American Recovery and Reinvestment Act of 2009 (35 Ill. Adm. Code 369)

1) Rulemaking:

- A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 369. This Part contains procedures for Federal Capitalization Grants under the America Recovery and Reinvestment Act (ARRA) of 2009. Part 369 is no longer implemented as the Agency discontinued giving out loans under ARRA.
- B) Statutory Authority: Implementing and authorized by Section 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017

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E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 369.

F) Agency contact person for information: Address written comments concerning the substance of the Rulemaking as follows:

Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranova@illinois.Gov

G) Related Rulemakings and other pertinent information: None.

k) Part (Heading and Code Citation): Combined Sewer Overflow Exception Criteria and First Flush Determination (35 Ill. Adm. Code 375)

1) Rulemaking:

A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 375. This Part provides criteria for combined sewer overflow exception proceedings and first flush determinations. The Agency no longer uses these rules because the Illinois Pollution Control Board no longer accepts petitions for combined sewer overflow exceptions.

B) Statutory Authority: Implementing Section 12(a) and authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/12(a) and 5/4] and by 35 Ill. Adm. Code 306.352.

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date Agency anticipates First Notice: Summer 2017

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E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 375.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranova@illinois.Gov

G) Related Rulemakings and other pertinent information: None.

1) Part (Heading and Code Citation): Procedure for the Certification of Operators of Wastewater Treatment Works (35 Ill. Adm. Code 380)

1) Rulemaking:

A) Description: The proposed amendments update existing regulations pertaining to the certification of operators of wastewater treatment works and provides a framework for continuing education units similar to the Agency's Water Supply Operator Certification program in Part 681.

B) Statutory Authority: Authorized by Sections 13(a)(4) and 13.5 of the Environmental Protection Act [415 ILCS 5/13(a)(4) and 13.5].

C) Scheduled meeting/hearing dates: The Illinois Environmental Protection Agency (Agency) has not yet scheduled meetings or hearings on this proposal.

D) Date Agency anticipates First Notice: Summer 2017

E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect small business, small

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municipalities, or not-for-profit corporations in Illinois to the extent they own or operate a waste water treatment works. The Agency anticipates the proposed rulemaking will benefit small businesses, small municipalities, or not-for-profit corporations who employ certified operators.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Rex L. Gradeless
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
rex.gradeless@illinois.Gov

- G) Related Rulemakings and other pertinent information: This rulemaking mirrors many areas of the Water Supply Operator Certification rules of Part 681.

- m) Part (Heading and Code Citation): Procedures for Issuing Loans from the Public Water Supply Loan Program, 35 Ill. Adm. Code 662

1 Rulemaking:

- A) Description: The Illinois EPA plans to update the rules for scoring and prioritizing loan applicants for the Public Water Supply Loan Program. The Illinois EPA plans to consolidate and amend into 35 Ill. Adm. Code 662 the scoring rules from 35 Ill. Adm. Code 663, Procedures and Requirements for Determining Loan Priorities of Projects in the Public Water Supply Loan Program.
- B) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.10 of the Illinois Environmental Protection Act. [415 ILCS 19.1 - 19.10]

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- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer/Fall 2017
- E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses, small municipalities, or not for profit corporations seeking loans under the Public Water Supply Loan Program could be affected by this rulemaking.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stephanie Flowers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
stephanie.flowers@illinois.gov

- G) Related Rulemakings and other pertinent information: This rulemaking will be in conjunction with the repeal of 35 Ill. Adm. Code 663, Procedures and Requirements for Determining Loan Priorities of Projects in the Public Water Supply Loan Program.
- n) Part (Heading and Code Citation): Procedures and Requirements for Determining Loan Priorities of Projects in the Public Water Supply Loan Program, 35 Ill. Adm. Code 663
- 1) Rulemaking:
- A) Description: The Illinois EPA is repealing Part 663. The regulations are being incorporated into 35 Ill. Adm. Code 662, Procedures for Issuing Loans from the Public Water Supply Loan Program.
- B) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.10 of the Illinois Environmental Protection Act. [415 ILCS 19.1 - 19.10]

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- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer/Fall 2017
- E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses, small municipalities, or not for profit corporations seeking loans under the Public Water Supply Loan Program could be affected by this rulemaking.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stephanie Flowers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
stephanie.flowers@illinos.gov

- G) Related Rulemakings and other pertinent information: This rulemaking is in conjunction with amendments to 35 Ill. Adm. Code 662, Procedures for Issuing Loans from the Public Water Supply Loan Program.
- o) Part (Heading and Code Citation): Procedures for Providing Financial Assistance from the Public Water Supply Loan Program under the American Recovery and Reinvestment Act of 2009 (35 Ill. Adm. Code 664)
- 1) Rulemaking:
- A) Description: In response to Executive Order 1016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 664. This Part contains procedures for Federal Capitalization Grants under the America Recovery and Reinvestment Act (ARRA) of 2009. Part 664 is no longer implemented as the Agency discontinued giving out loans under ARRA.

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- B) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 664.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranova@illinois.Gov

- G) Related Rulemakings and other pertinent information: None.
- p) Part (Heading and Code Citation): Procedures for Issuing Municipal Waste Planning and Nonhazardous Solid Waste or Municipal Waste Enforcement Grants (35 Ill. Adm. Code 870)

1 Rulemaking:

- A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 870. This Part contains procedures for issuing financial assistance in the form of individual grants. The Agency no longer issues

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such grants. In addition, the Agency's statutory authority for the Waste Planning component of this Part was repealed in 1995.

- B) Statutory Authority: Implementing and authorized by Section 22.15 of the Environmental Protection Act [415 ILCS 5/22.15].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 870 as it will continue to provide financial assistance via intergovernmental agreements.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranova@illinois.Gov

- G) Related Rulemakings and other pertinent information: None.
- q) Part (Heading and Code Citation): General Conditions of State of Illinois Municipal Waste Planning and Nonhazardous Municipal Enforcement Grants (35 Ill. Adm. Code 871)
- 1) Rulemaking:
 - A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill. Adm. Code 871. This Part contains procedures for issuing financial

ENVIRONMENTAL PROTECTION AGENCY

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assistance in the form of individual grants. The Agency no longer issues such grants. In addition, the Agency's statutory authority for the Waste Planning component of this Part was repealed in 1995.

- B) Statutory Authority: Implementing and authorized by Section 22.15 of the Environmental Protection Act [415 ILCS 5/22.15].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact as a result of the repeal of 35 Ill. Adm. Code 871 as the Agency will continue to provide financial assistance via intergovernmental agreements.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranova@illinois.Gov

- G) Related Rulemakings and other pertinent information: None.

r) Part (Heading and Code Citation): Procedures for White Goods Collection Grants (35 Ill. Adm. Code 875)

1 Rulemaking:

- A) Description: In response to Executive Order 2016-13, the Illinois Environmental Protection Agency (Agency) proposes to repeal 35 Ill.

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Adm. Code 875. This Part contains procedures for white goods collection grants which are no longer used by the Agency.

Statutory Authority: Implementing and authorized by Section 22.15 of the Environmental Protection Act [415 ILCS 5/22.15].

- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small business, small municipalities, or not-for-profit corporations: The Agency does not anticipate a negative impact will result from the repeal of 35 Ill. Adm. Code 875.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Sara G. Terranova
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
sara.terranova@illinois.Gov

- G) Related Rulemakings and other pertinent information: None.

STATE BOARD OF EDUCATION

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- a) Part (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
- 1) Rulemaking:
- A) Description: These amendments will revise the Competency-Based High School Graduation Requirements Pilot program authorized by PA 99-674 (The Postsecondary and Workforce Readiness Act). This rulemaking will update the existing rules to reflect the experiences from the first cohort of applications in order to improve the administration and the selection process of the pilot program. Additionally, this rulemaking will implement PA 98-1102, which requires ISBE to determine school districts that fall in the top 20 percent of any of the listed discipline categories to submit a plan identifying how the school districts will reduce exclusionary disciplinary practices or racial disproportionality or both. Subsequently, the identified school districts must submit progress reports to ISBE.
- B) Statutory Authority: 105 ILCS 5/2-3.6 and 110 ILCS 148 20, 25 and 900
- C) Scheduled meeting/hearing date: To be announced
- D) Date Agency anticipates First Notice: August 2017
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777
- 217/782-5270
rules@isbe.net
fax: 217/524-8585
- G) Related Rulemakings and other pertinent information: None

STATE BOARD OF EDUCATION

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- 2) Rulemaking:
- A) Description: This rulemaking will implement the provisions of PA 99-623 (The Postsecondary and Workforce Readiness Act) that authorizes ISBE to adopt administrative rules to administer the College and Career Pathway Endorsement programs prior to implementation of the interagency plan in 2018.
 - B) Statutory Authority: 110 ILCS 148/80 and 900
 - C) Scheduled meeting/hearing date: To be announced
 - D) Date Agency anticipates First Notice: November 2017
 - E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
 - F) Agency contact person for information:

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777

217/782-5270
rules@isbe.net
fax: 217/524-8585
 - G) Related Rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Educator Licensure (23 Ill. Adm. Code 25)
- 1) Rulemaking:
- A) Description: This rulemaking will implement changes made to educator licensure in PA 99-920; make updates to teacher leader competencies;

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change endorsement requirements as a result of summer stakeholder meetings; update the requirements for obtaining a Learning Behavior Specialist I endorsement; and make technical changes as needed.

- B) Statutory Authority: 105 ILCS 5/2-3.6 and 21B-10(d)
- C) Scheduled meeting/hearing date: To be announced
- D) Date Agency anticipates First Notice: October 2017
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777

217/782-5270
rules@isbe.net
fax: 217/524-8585

- G) Related Rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Standards for Endorsements in Specific Teaching Fields (23 Ill. Adm. Code 27)

- 1) Rulemaking:
 - A) Description: This rulemaking will update all content area standards to align with national standards rather than State standards.
 - B) Statutory Authority: 105 ILCS 5/2-3.6 and 21B-10(d)
 - C) Scheduled meeting/hearing date: To be announced

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- D) Date Agency anticipates First Notice: October 2017
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777
- 217/782-5270
rules@isbe.net
fax: 217/524-8585
- G) Related Rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Standards for Endorsements in Special Education (23 Ill. Adm. Code 28)
- 1) Rulemaking:
- A) Description: This rulemaking will update special education endorsement standards to align with national standards where applicable. In areas where national standards do not exist, the current State standards will be reviewed and revised accordingly.
- B) Statutory Authority: 105 ILCS 5/2-3.6 and 21B-10(d)
- C) Scheduled meeting/hearing date: To be announced
- D) Date Agency anticipates First Notice: October 2017
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

STATE BOARD OF EDUCATION

JULY 2017 REGULATORY AGENDA

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777

217/782-5270
rules@isbe.net
fax: 217/524-8585

G) Related Rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Special Education (23 Ill. Adm. Code 226)

1) Rulemaking:

- A) Description: This rulemaking will update the requirements for obtaining a Learning Behavior Specialist I endorsement.
- B) Statutory Authority: 105 ILCS 5/2-3.6 and 21B-10
- C) Scheduled meeting/hearing date: To be announced
- D) Date Agency anticipates First Notice: October 2017
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777

217/782-5270

STATE BOARD OF EDUCATION

JULY 2017 REGULATORY AGENDA

rules@isbe.net
fax: 217/524-8585

- G) Related Rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 Ill. Adm. Code 100)
- 1) Rulemaking:
- A) Description: This rulemaking will incorporate required accounting practices and standardized account coding to implement the school level financial data reporting as required by the Every Student Succeeds Act (ESSA).
- B) Statutory Authority: 105 ILCS 2-3.27, 2-3.28, 17-1
- C) Scheduled meeting/hearing date: To be announced
- D) Date Agency anticipates First Notice: December 2017
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777
- 217/782-5270
rules@isbe.net
fax: 217/524-8585
- G) Related Rulemakings and other pertinent information: None

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g) Part (Heading and Code Citation): Public Information, Rulemaking and Organization (2 Ill. Adm. Code 5000)

1) Rulemaking:

A) Description: These rules will be updated to reflect the current organizational structure of the State Board of Education and agency, as has been codified in PA 99-30, effective July 10, 2015.

B) Statutory Authority: 5 ILCS 100/5-15

C) Scheduled meeting/hearing date: To be announced

D) Date Agency anticipates First Notice: December 2017

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777

217/782-5270
rules@isbe.net
fax: 217/524-8585

G) Related Rulemakings and other pertinent information:

h) Part (Heading and Code Citation): Vocational Education (23 Ill. Adm. Code 254)

1) Rulemaking:

A) Description: Part 254 will be repealed and will be replaced with new Part 254.

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- B) Statutory Authority: 105 ILCS 435/2(d)
- C) Scheduled meeting/hearing date: To be announced
- D) Date Agency anticipates First Notice: December 2017
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777

217/782-5270
rules@isbe.net
fax: 217/524-8585

- G) Related Rulemakings and other pertinent information: None

2) Rulemaking:

- A) Description: New Part 254 will set forth the criteria and standards, including the grant process, to be used to award funding under the Vocational Education Act and the federal Carl D. Perkins Vocational Education Act (20 USC 2301 et seq.).
- B) Statutory Authority: 105 ILCS 435/2(d)
- C) Scheduled meeting/hearing date: To be announced
- D) Date Agency anticipates First Notice: December 2017
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

STATE BOARD OF EDUCATION

JULY 2017 REGULATORY AGENDA

F) Agency contact person for information:

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777

217/782-5270
rules@isbe.net
fax: 217/524-8585

G) Related Rulemakings and other pertinent information: Nonei) Part (Heading and Code Citation): General Grantmaking (44 Ill. Adm. 7200)1) Rulemaking:

A) Description: This new Part will comply with PA 98-706 and 30 ILCS 708 regarding a standardized, statewide process for awarding and monitoring State and federal grants. This rulemaking will be conducted once additional rules regarding, in part, grant processes and criteria are promulgated by the Grant Accountability and Transparency Unit.

B) Statutory Authority: 30 ILCS 708/50

C) Scheduled meeting/hearing date: To be announced

D) Date Agency anticipates First Notice: December 2017

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education

STATE BOARD OF EDUCATION

JULY 2017 REGULATORY AGENDA

100 North First Street, S-493
Springfield IL 62777

217/782-5270
rules@isbe.net
fax: 217/524-8585

- G) Related Rulemakings and other pertinent information: None

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER
OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING
FISCAL YEAR 2017

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (2014)) requires the Board to annually publish in the *Illinois Register* and *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combine sewer overflow exception determinations made by the Board during the fiscal year 2017.

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During
Fiscal Year 2017 (July 1, 2016 through June 30, 2017)Docket/Docket TitleFinal Determination

In the Matter of: Petition of Emerald
Performance Materials, LLC, for an
Adjusted Standard from 35 Ill. Adm.
Code 304.122(b),
AS 13-2 (December 1, 2016)

Petitioner requested renewal of an adjusted standard from the total ammonia nitrogen as nitrogen effluent standard for discharge from the facility's wastewater treatment plant at its chemical manufacturing facility in Marshall County. On April 16, 2015, the Board granted the adjusted standard subject to conditions. On September 2, 2016, the Appellate Court reversed the Board's conditions in part, and remanded the case. On December 2, 2016, the Board granted an adjusted standard consistent with the Appellate Court's ruling.

Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception
Proceedings During Fiscal Year 2017 (July 1, 2016 through June 30, 2017)

The Board took no action in combined sewer overflow exception proceedings, as none were filed with the Board or pending during fiscal year 2017.

Dockets are available on the Pollution Control Board's website www.ipcb.state.il.us. For assistance, please contact:

Don Brown, Clerk

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-3461
Don.Brown@illinois.gov

Address questions concerning this notice, noting the appropriate docket number, to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
Springfield IL 62794-9274

217/524-8509
Carol.Webb@illinois.gov

PROCLAMATIONS

**2017-125
Special Session - June 21, 2017**

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

PROCLAMATIONS

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 12:00 p.m. on June 21, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ICLS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 15, 2017

2017-126

Special Session - June 22, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

PROCLAMATIONS

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

PROCLAMATIONS

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 12:00 p.m. on June 22, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ICLS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 15, 2017

2017-127**Special Session - June 23, 2017**

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state

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operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

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WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 12:00 p.m. on June 23, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ICLS 15/3.

Issued by the Governor June 15, 2017
Filed by Secretary of State June 15, 2017

2017-128
Special Session - June 24, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

PROCLAMATIONS

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

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THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 12:00 p.m. on June 24, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ICLS 15/3.

Issued by the Governor June 15, 2017
Filed by Secretary of State June 15, 2017

2017-129
Special Session - June 25, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

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WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 12:00 p.m. on June 25, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

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The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ICLS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 15, 2017

2017-130
Special Session - June 26, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

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WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 10:00 a.m. on June 26, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ICLS 15/3.

Issued by the Governor June 15, 2017
Filed by Secretary of State June 15, 2017

PROCLAMATIONS

**2017-131
Special Session - June 27, 2017**

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

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WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 10:00 a.m. on June 27, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ICLS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 15, 2017

2017-132

Special Session - June 28, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

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WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

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WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 10:00 a.m. on June 28, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ICLS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 15, 2017

2017-133**Special Session - June 29, 2017**

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state

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operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

PROCLAMATIONS

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 10:00 a.m. on June 29, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ICLS 15/3.

Issued by the Governor June 15, 2017
Filed by Secretary of State June 15, 2017

2017-134
Special Session - June 30, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

PROCLAMATIONS

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

PROCLAMATIONS

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 10:00 a.m. on June 30, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ICLS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 15, 2017

PROCLAMATIONS (REVISED)

**2017-125 (Revised)
Special Session - June 21, 2017**

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

PROCLAMATIONS (REVISED)

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 12:00 p.m. on June 21, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 19, 2017

2017-126 (Revised)
Special Session - June 22, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

PROCLAMATIONS (REVISED)

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

PROCLAMATIONS (REVISED)

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 12:00 p.m. on June 22, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 19, 2017

2017-127 (Revised)
Special Session - June 23, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state

PROCLAMATIONS (REVISED)

operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

PROCLAMATIONS (REVISED)

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 12:00 p.m. on June 23, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor June 15, 2017
Filed by Secretary of State June 19, 2017

2017-128 (Revised)
Special Session - June 24, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

PROCLAMATIONS (REVISED)

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

PROCLAMATIONS (REVISED)

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 12:00 p.m. on June 24, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 19, 2017

2017-129 (Revised)
Special Session - June 25, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

PROCLAMATIONS (REVISED)

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 12:00 p.m. on June 25, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

PROCLAMATIONS (REVISED)

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 19, 2017

2017-130 (Revised)
Special Session - June 26, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

PROCLAMATIONS (REVISED)

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 10:00 a.m. on June 26, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor June 15, 2017
Filed by Secretary of State June 19, 2017

PROCLAMATIONS (REVISED)

**2017-131 (Revised)
Special Session - June 27, 2017**

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

PROCLAMATIONS (REVISED)

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 10:00 a.m. on June 27, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 19, 2017

2017-132 (Revised)
Special Session - June 28, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

PROCLAMATIONS (REVISED)

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

PROCLAMATIONS (REVISED)

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 10:00 a.m. on June 28, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 19, 2017

2017-133 (Revised)
Special Session - June 29, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state

PROCLAMATIONS (REVISED)

operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

WHEREAS, the businesses that could be fueling healthy economic growth and opportunity are instead faced with unsustainable costs and red tape; and,

WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

PROCLAMATIONS (REVISED)

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 10:00 a.m. on June 29, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 19, 2017

2017-134 (Revised)
Special Session - June 30, 2017

WHEREAS, our State's long-running financial and economic challenges have turned into an unprecedented crisis that we must address; and,

WHEREAS, for two years, the majority in the General Assembly has ignored our recommendations for a long-term balanced budget; and,

WHEREAS, for the last two weeks, the majority in the General Assembly has ignored our request to stay in Springfield and get the job done; and,

WHEREAS, Republicans in the General Assembly have laid out a compromise budget plan that is real and balanced; provides a true path to property tax reduction; reforms the way our state operates to reduce wasteful spending; funds our schools and human services; and spurs economic growth and job creation; and,

WHEREAS, this new compromise balanced budget plan is one I would sign into law and one which I hope the majority in the General Assembly will accept; and,

PROCLAMATIONS (REVISED)

WHEREAS, Illinois needs economic reforms to create jobs; and,

WHEREAS, Illinois would have 650,000 more jobs if it had simply grown at the national average rates since 2000, but has foregone those opportunities due to economic stagnation and decline; and,

WHEREAS, both individuals and businesses across the state are suffering under the immense weight of the highest average property taxes of any state, and the fourth-highest overall tax burden of any state; and,

WHEREAS Illinois has the most units of local government of any state, which contribute to driving up taxes without being accountable to taxpayers for adding value; and,

WHEREAS; many Illinoisans are being forced from their homes and communities by an inability to afford the State's ever-increasing demands, leading to the most significant out-migration of any state; and,

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WHEREAS a lack of term limits has allowed for an accumulation of power that undermines Illinoisans' trust in their government; and,

WHEREAS, reforming these irresponsible practices across state government is critical to protecting taxpayers and preventing our current fiscal emergencies from resurfacing in the future; and,

WHEREAS, the difficult decisions required to reform state government must be made with urgency before a lack of action causes further harm; and,

WHEREAS, failure to enact the compromise balanced budget plan by June 30, 2017 will have devastating and long-lasting ramifications for our state; and,

WHEREAS, we must ease the minds of parents with school-age children, reassure people in need, help our colleges and universities, grow jobs and bring relief to hard-working taxpayers; and,

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor to convene a special session of the General Assembly;

PROCLAMATIONS (REVISED)

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution, I, Governor Bruce Rauner, hereby call and convene the 100th General Assembly in a special session to commence at 10:00 a.m. on June 30, 2017, for the purpose of considering legislation, new or pending, which addresses a balanced budget and structural reforms including but not limited to property tax relief, job creation, worker's compensation reform, government consolidation, education, term limits, pension reform and spending limitations.

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor June 15, 2017

Filed by Secretary of State June 19, 2017

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 41, Issue 26 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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