

# 2007

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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## TABLE OF CONTENTS

January 05, 2007

Volume 31, Issue 1

### PROPOSED RULES

EMPLOYMENT SECURITY, DEPARTMENT OF	
Determination of Unemployment Contributions	
56 Ill. Adm. Code 2770 .....	1
HUMAN SERVICES, DEPARTMENT OF	
Temporary Assistance for Needy Families	
89 Ill. Adm. Code 112 .....	3
PUBLIC HEALTH, DEPARTMENT OF	
Illinois Health and Hazardous Substances Registry	
77 Ill. Adm. Code 840 .....	22
STATE BOARD OF EDUCATION, ILLINOIS	
Public Schools Evaluation, Recognition and Supervision	
23 Ill. Adm. Code 1 .....	74

### ADOPTED RULES

AGRICULTURE, DEPARTMENT OF	
Diseased Animals	
8 Ill. Adm. Code 85 .....	82
CENTRAL MANAGEMENT SERVICES	
Acquisition, Management and Disposal of Real Property	
44 Ill. Adm. Code 5000 .....	99
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF	
Employer Training Investment Program	
56 Ill. Adm. Code 2650 .....	105
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Predatory Lending Database	
38 Ill. Adm. Code 346 .....	114
OFFICE OF THE ATTORNEY GENERAL	
Illinois Estate and Generation - Skipping Transfer Act	
86 Ill. Adm. Code 2000 .....	117
POLLUTION CONTROL BOARD	
Control of Emissions from Large Combustion Sources	
35 Ill. Adm. Code 225 .....	129
PUBLIC HEALTH, DEPARTMENT OF	
Community Living Facilities Code	
77 Ill. Adm. Code 370 .....	192
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS	
The Administration and Operation of the State Employees' Retirement	
System of Illinois	
80 Ill. Adm. Code 1540 .....	211

### EMERGENCY RULES

EMPLOYMENT SECURITY, DEPARTMENT OF	
Determination of Unemployment Contributions	

56 Ill. Adm. Code 2770 .....	221
<b>PEREMPTORY RULES</b>	
CENTRAL MANAGEMENT SERVICES	
Pay Plan	
80 Ill. Adm. Code 310 .....	230
<b>SECOND NOTICES RECEIVED</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received .....	268
<b>OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER</b>	
OFFICE OF THE ATTORNEY GENERAL	
3 Notices of Public Information Pursuant to the Comprehensive Environmental Response Compensation and Liability Act.....	270
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
2 Notices of Public Information Regarding the Residential Mortgage License Act of 1987 .....	273
<b>REGULATORY AGENDA</b>	
COMMERCE COMMISSION, ILLINOIS	
Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service	
83 Ill. Adm. Code 280 .....	275
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Corporate Applications for Banks and Corporate Fiduciaries	
38 Ill. Adm. Code 370 .....	277
LABOR, ILLINOIS DEPARTMENT OF	
Minimum Wage Law	
56 Ill. Adm. Code 210 .....	304
SECRETARY OF STATE	
Business Corporation Act	
14 Ill. Adm. Code 150 .....	307
SECRETARY OF STATE	
Illinois State Library, Acquisitions Division, Illinois Documents Section	
23 Ill. Adm. Code 3020 .....	310
SEX OFFENDER MANAGEMENT BOARD	
Sex Offender Evaluations and Treatment	
20 Ill. Adm. Code 1905 .....	321
STATE BOARD OF EDUCATION, ILLINOIS	
Public Schools Evaluation, Recognition and Supervision	
23 Ill. Adm. Code 1 .....	322
STATE BOARD OF INVESTMENT, ILLINOIS	
Rules and Regulations of the Board	
74 Ill. Adm. Code 800 .....	331
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
General Provisions	

23 Ill. Adm. Code 2700 .....336  
TEACHERS' RETIREMENT SYSTEM  
The Administration and Operation of the Teachers' Retirement System  
80 Ill. Adm. Code 1650 .....343

## 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.].

### 2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 19, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
11	March 5, 2007	March 16, 2007
12	March 12, 2007	March 23, 2007
13	March 19, 2007	March 30, 2007
14	March 26, 2007	April 6, 2007
15	April 2, 2007	April 13, 2007
16	April 9, 2007	April 20, 2007
17	April 16, 2007	April 27, 2007
18	April 23, 2007	May 4, 2007
19	April 30, 2007	May 11, 2007
20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
23	May 29, 2007	June 8, 2007
24	June 4, 2007	June 15, 2007

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
30	July 16, 2007	July 27, 2007
31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
38	September 10, 2007	September 21, 2007
39	September 17, 2007	September 28, 2007
40	September 24, 2007	October 5, 2007
41	October 1, 2007	October 12, 2007
42	October 9, 2007	October 19, 2007
43	October 15, 2007	October 26, 2007
44	October 22, 2007	November 2, 2007
45	October 29, 2007	November 12, 2007
46	November 5, 2007	November 16, 2007
47	November 12, 2007	November 26, 2007
48	November 19, 2007	December 1, 2006
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Determination of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2770.110	Amendment
2770.111	Amendment
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments to Part 2770 announce the 2007 average contribution rates for each economic sector within the North American Industry Classification System (NAICS). A new employer's contribution rate will be based on the average contribution rate for the sector to which the employer belongs if the average rate exceeds the standard new employer rate and the employer is not required to pay at a higher experience-based rate. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the subsection with the rates for 2001 as it is no longer needed.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? None
- 8) Does this rulemaking contain an automatic repeal date? Yes
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street – Room 937

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

Chicago IL 60603

Phone 312/793-4240

Fax: 312/793-5645

e-mail: [Gregory.ramel@illinois.gov](mailto:Gregory.ramel@illinois.gov)

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment may have an impact on small businesses, small municipalities and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rules reflect the fact that, pursuant to a computation mandated by statute and set forth in rules currently in effect, the contribution rules for newly established businesses in the mining, construction and administrative and support and waste management sectors will exceed the standard rate for newly established businesses.
  - 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 rule was not included on either of the 2 most recent agendas because: 56 Ill. Adm. Code 2700.106(b) informs the public that the Director will annually announce the average contribution rates by NAICS code for each year.

The full text of the Proposed Amendments is identical to the Emergency Amendments found later in this issue of the *Illinois Register* on page 221.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill Adm. Code 112
- 3) Section Number: 112.156      Proposed Action: New Section
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV, 12-4.103a, and 12-13] and P.L. 105-285.
- 5) A Complete Description of the Subjects and Issues involved: Pursuant to provisions of P.L. 105-285, this rulemaking implements the Assets for Independence (AFI) Program. The AFI Program allows eligible low-income Illinois citizens currently residing in Illinois, subject to the availability of State and federal funds and authorization from DHS, to open and maintain an Individual Development Account (IDA) at a federally insured financial institution.

IDAs promote savings and enable participants to acquire a lasting asset after saving for a few years. IDAs are matched savings accounts designed to help low-income and low-wealth families accumulate savings to purchase a first home, start a small business or continue their education. As the result of this rulemaking, deposits into an IDA that are used for subsequent qualified purchases will be matched dollar-for-dollar by moneys from the Assets for Independence (AFI) Fund.

This rulemaking provides the program description, the program application procedures and eligibility requirements, the financial management education requirements, the account management requirements, the qualified asset purchase requirements and procedures, and the asset purchase timeframe for the AFI Program.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.320	Amendment	30 Ill. Reg. 17181 11/03/06

- 11) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762
- (217) 785-9772
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

## SUBPART A: GENERAL PROVISIONS

## Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

## Section

- 112.70 Employment and Work Activity Requirements
- 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
- 112.72 Participation/Cooperation Requirements
- 112.73 Adolescent Parent Program (Repealed)
- 112.74 Responsibility and Services Plan
- 112.75 Teen Parent Personal Responsibility Plan (Repealed)
- 112.76 TANF Orientation
- 112.77 Reconciliation and Fair Hearings
- 112.78 TANF Employment and Work Activities
- 112.79 Sanctions
- 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
- 112.81 Responsible Relative Eligibility for JOBS (Repealed)
- 112.82 Supportive Services
- 112.83 Teen Parent Services
- 112.84 Employment Retention and Advancement Project
- 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

## SUBPART E: PROJECT ADVANCE

## Section

- 112.86 Project Advance (Repealed)
- 112.87 Project Advance Experimental and Control Groups (Repealed)
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.90 Project Advance Sanctions (Repealed)
- 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
- 112.93 Individuals Exempt From Project Advance (Repealed)
- 112.95 Project Advance Supportive Services (Repealed)

## SUBPART F: EXCHANGE PROGRAM

## Section

- 112.98 Exchange Program (Repealed)

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

## Section

112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	Income Limit

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

[112.156](#)      [Assets for Independence Program](#)

SUBPART H: PAYMENT AMOUNTS

- Section  
112.250      Grant Levels  
112.251      Payment Levels  
112.252      Payment Levels in Group I Counties  
112.253      Payment Levels in Group II Counties  
112.254      Payment Levels in Group III Counties  
112.255      Limitation on Amount of TANF Assistance to Recipients from Other States  
                  (Repealed)

SUBPART I: OTHER PROVISIONS

- Section  
112.300      Persons Who May Be Included in the Assistance Unit  
112.301      Presumptive Eligibility  
112.302      Reporting Requirements for Clients with Earnings  
112.303      Budgeting  
112.304      Budgeting Schedule  
112.305      Strikers  
112.306      Foster Care Program  
112.307      Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96  
112.308      Responsibility of Sponsors of Non-Citizens Entering the Country On or After  
                  8/22/96  
112.309      Institutional Status  
112.310      Child Care for Representative Payees  
112.315      Young Parents Program (Renumbered)  
112.320      Redetermination of Eligibility  
112.330      Extension of Medical Assistance Due to Increased Income from Employment  
112.331      Four Month Extension of Medical Assistance Due to Child Support Collections  
112.332      Extension of Medical Assistance Due to Loss of Earned Income Disregard  
                  (Repealed)  
112.340      New Start Payments to Individuals Released from Department of Corrections  
                  Facilities (Repealed)

SUBPART J: CHILD CARE

Section

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

## SUBPART K: TRANSITIONAL CHILD CARE

Section	
112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; preemptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 19889,



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

**Section 112.156 Assets for Independence Program**

- a) The Assets for Independence (AFI) Program is a federal grant program that enables agencies to implement and demonstrate an asset-based approach for giving low-income families help out of poverty. The AFI Program allows eligible low-income Illinois citizens currently residing in Illinois, subject to the availability of State and federal funds and authorization from DHS, to open and maintain an Individual Development Account (IDA) at a federally insured financial institution.
  
- b) IDAs are matched savings accounts designed to help low-income and low-wealth families accumulate savings to purchase a first home, start a small business or continue their education. IDAs promote savings and enable participants to acquire a lasting asset after saving for a few years. The IDA program is open to all people within the State who meet the federal and State account holder eligibility guidelines and rules for income and assets.
  
- c) An IDA is a trust created or organized exclusively for the purpose of paying the qualified expenses of an eligible individual, or enabling the eligible individual to make an emergency withdrawal, but only if the written governing instrument creating the trust contains the following requirements:
  - 1) No contribution will be accepted unless the contribution is in cash (including electronic transfers) or by check.
  
  - 2) The trustee is a federally insured financial institution or a State insured financial institution, if no federal insured financial institution is available.
  
  - 3) The assets of the trust will be invested in accordance with the direction of the eligible individual after consultation with the qualified entity providing deposits for the individual.
  
  - 4) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 5) Except as provided in subsection (c)(6) of this Section, any amount in the trust that is attributable to a deposit provided under section 410 of the Assets for Independence Act (AFIA) PL 105-285, may be paid or distributed out of the trust only for the purpose of paying the qualified expenses of the eligible individual, or enabling the eligible individual to make an emergency withdrawal.
- 6) Any balance in the trust on the day after the date on which the individual for whose benefit the trust is established dies shall be distributed within 30 days after that date as directed by that individual to another IDA established for the benefit of an eligible individual.
- d) For purposes of subsection (c) of this Section, a custodial account shall be treated as a trust if the assets of the custodial account are held by a bank (as defined in section 408(n) of the Internal Revenue Code of 1986) or another person who demonstrates, to the satisfaction of the Secretary of Health and Human Services (HHS), that the manner in which such person will administer the custodial account will be consistent with the requirements of AFIA and if the custodial account would, except for the fact that it is not a trust, constitute an IDA described in subsection (c) of this Section. In the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of that custodial account shall be treated as the trustee of the account.
- e) An individual may make deposits to his or her IDA only from earned income as defined in section 911(d)(2) of the Internal Revenue Code of 1986.
- f) The moneys in an IDA and match moneys from the AFI fund shall be used solely for qualified expenses, defined under Section 404(8) of the AFIA, as follows:
- 1) Post-secondary education expenses that mean the following:
- A) Tuition and fees required for the enrollment or attendance of a student at an eligible educational institution.
- B) Fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.
- C) An "eligible educational institution" means the following:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- i) [An institution of higher education as described in Section 101 or 102 of the Higher Education Act of 1965.](#)
  - ii) [Postsecondary vocational education school – An area vocational education school \(as defined in subparagraph \(C\) or \(D\) of section 521\(4\) of the Carl D. Perkins Vocational and Applied Technology Education Act \(20 USC 2471\(4\)\)\) which is in any State as defined in Section 521\(33\) of that Act.](#)
- 2) [Qualified Acquisition Costs](#)
  - A) [Qualified Acquisition Costs with respect to a principal residence for a qualified first-time homebuyer if paid from an IDA directly to the persons to whom the amounts are due.](#)
    - i) ["Principal Residence" means a main residence, the qualified acquisition costs of which do not exceed 100 percent of the average area purchase price applicable to the residence.](#)
    - ii) ["Qualified Acquisition Costs" means the costs of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.](#)
    - iii) ["Qualified First-Time Homebuyer" means an individual participating in the project involved \(and, if married, the individual's spouse\) who has no present ownership interest in a principal residence during the three-year period ending on the date of acquisition of the principal residence to which this subsection applies.](#)
    - iv) ["Date of Acquisition" means the date on which a binding contact to acquire, construct, or reconstruct the principal residence to which this subsection applies is entered into.](#)
  - B) [Program participants will be eligible to withdraw money from an IDA for a first-time home purchase if they have participated in the program for at least 12 months.](#)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

3) Business Capitalization Expenses

- A) "Qualified Business Capitalization Expenses" means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.
- B) "Qualified Expenditures" means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.
- C) "Qualified Business" means any business that does not contravene any law or public policy (as determined by the Secretary of HHS).
- D) "Qualified Plan" means a business plan, or a plan to use a business asset purchased that:
  - i) Is approved by a financial institution, a microenterprise development organization, or a nonprofit loan fund having demonstrated fiduciary integrity;
  - ii) Includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and
  - iii) May require the eligible individual to obtain the assistance of an experienced entrepreneurial adviser.

g) Transfers to IDAs of family members are amounts paid from an IDA directly into another such account established for the benefit of an eligible individual who is:

- 1) the individual's spouse; or
- 2) any dependent of the individual with respect to whom the individual is allowed a deduction under section 151 of the Internal Revenue Code of 1986.

h) Moneys in an IDA that are used for the qualified expenses listed in subsection (f) of this Section, shall be matched dollar-for-dollar from the AFI Fund, created as a fund to be held by the Secretary of DHS. The AFI Fund is a source of funding from the United States Department of Health and Human Services specifically

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

designated to fund Individual Development Account Initiatives pursuant to provisions of AFIA.

- i) Not more than \$2,000 of moneys from the AFI Fund shall be provided to any one individual.
- j) Not more than \$4,000 of moneys from the AFI Fund shall be provided to any one household.
- k) Persons eligible to open an IDA and to receive Assets for Independence Fund moneys are individuals currently residing in Illinois who are:
  - 1) Able to demonstrate, via the most recent federal tax return, that they are currently eligible for assistance under the TANF Program; or
  - 2) Able to demonstrate, via the most recent federal tax return, that the adjusted gross income of their household in the calendar year preceding the determination of eligibility was equal to or less than 200% of the poverty line, as determined by the Federal Office of Management and Budget or the Earned Income Credit, described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household); and able to demonstrate that the net worth of their household, as of the end of the calendar year preceding the determination of eligibility, does not exceed \$10,000, as determined by AFIA section 408(2)(B).
- l) Moneys in an IDA, including accrued interest and matching deposits, shall be disregarded for the purpose of determining the eligibility and benefit level for TANF in the case of the individual establishing the IDA with respect to any period during which the individual maintains or makes contributions into the IDA (see Section 112.151).
- m) To be considered fully enrolled in the IDA program an individual must have:
  - 1) Completed a program application;
  - 2) Submitted a copy of the previous year's federal tax return;
  - 3) Submitted a copy of a credit report issued to him or her during the previous three months;



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 4) Participated in the IDA orientation;
  - 5) Completed and signed a participant account agreement; and
  - 6) Opened an IDA account at an authorized financial institution.
- n) DHS reserves the right to deny applicants that state that their only asset goal is home ownership, if those applicants do not meet the following eligibility thresholds:
- 1) Earned income must exceed 100% of the county poverty line as determined by the Office of Management and Budget; and
  - 2) Credit scores must exceed Fair Isaac and Company (FICO) score of 515.
- o) Those individuals who do not meet the credit or income threshold requirement for the IDA homeownership initiative will be provided with the following alternatives:
- 1) Participation in the IDA microenterprise or continuing education initiative;  
or
  - 2) Participation in a credit-counseling program.
- p) IDA program participants shall complete basic financial management training to satisfy the federal requirement for this training. Financial education partners can provide either basic financial education or asset specific education to program participants. This training can be offered online, via teleconference, via self-study options, via partner agencies or through direct classroom training. DHS will create a menu of financial education providers that account holders may use to fulfill their financial education requirements. This education will be provided free of charge to program participants.
- q) IDAs shall only be opened with the permission of DHS. Accounts may be opened via the Internet, with DHS assistance or via a telephone call to a customer representative. DHS staff will provide those individuals who complete orientation with permission to open an account by calling and utilizing a Personal Identification Number.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

r) Emergency Withdrawals

- 1) Withdrawals for non-authorized expenses may not be taken from IDAs unless approved by a representative from DHS for emergency purposes only. An emergency withdrawal is a withdrawal by an eligible individual that:
    - A) is a withdrawal of only those funds, or a portion of those funds, deposited by the individual in the IDA of the individual;
    - B) is permitted by a qualified entity on a case-by-case basis; and
    - C) is made for:
      - i) expenses for medical care or necessary to obtain medical care, for the individual or a spouse or dependent of the individual;
      - ii) payments necessary to prevent the eviction of the individual from the residence of the individual, or foreclosure on the mortgage for the principal residence of the individual; or
      - iii) payments necessary to enable the individual to meet necessary living expenses following loss of employment.
  - 2) No other participant funds may be available for solving this emergency need. An individual shall reimburse an IDA for any funds withdrawn from the account for an emergency withdrawal, not later than 12 months after the date of the withdrawal. Participants that request more than one emergency withdrawal from their IDA in a calendar year will be removed from the IDA program. These participants will forfeit their right to participate in this program in the future. Program participants that make unauthorized withdrawals from their IDAs will be removed from the IDA program and will forfeit their right to participate in this program in the future. Under no circumstances, and at no time, shall an IDA holder lose the ability to withdraw moneys from his or her IDA.
- s) DHS will set up a sweep account to manage electronic withdrawals from participant checking and savings accounts to IDAs. These accounts will carry no

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

balance and will serve solely as a facilitator of the electronic funds transfer process.

- t) IDAs will be set up to draft program participant's primary bank accounts on a date agreed upon by the account holder. This process will ensure timely deposits to accounts and decrease the need for social service intervention with account holders. All accounts will utilize this feature to gather participant deposits.
- u) Program participants will be eligible to withdraw moneys from an IDA for eligible post-secondary education expenses and business capitalization expenses if they have participated in the program for six months and have fulfilled the financial education requirements as listed in subsection (p) of this Section. Program participants will be eligible to withdraw money from an IDA for a first-time home purchase if they have participated in the program for 12 months and have fulfilled the financial education requirements as listed in subsection (p) of this Section. Program participants may then complete an approved Withdrawal Request Form and submit it to the DHS Project Director. Once approved by the Project Director, the Director will submit a request that can be used for making a purchase. The request for a transfer of funds from the AFI fund must be signed by two representatives of DHS. One of these representatives must be the DHS Chief Financial Officer.
- v) All vendors will receive payment from a participant's IDA and the corresponding matching funds owed from the match funds pool. Match funds will be sent to the vendor from whom the participant is purchasing the asset. DHS will be responsible for keeping written records of funds transferred and assets purchased.
- w) Program participants will need to submit a separate request for each qualified asset purchase. The provisions of subsection (u) of this Section shall apply when paying asset vendors for multiple qualified asset purchases. Purchase requests will be processed within five working days of receipt after a completed purchase requisition. A complete purchase requisition shall consist of a participant Withdrawal Request Form and a purchase order with a vendor clearly identified as the authorized payee.
- x) An IDA holder shall have a 36-month period, beginning on the date DHS authorizes the holder to open the IDA, within which to make a qualified purchase.

(Source: Added at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Health and Hazardous Substances Registry
- 2) Code Citation: 77 Ill. Adm. Code 840
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
840.5	Amendment
840.10	Amendment
840.20	Amendment
840.30	Amendment
840.50	Amendment
840.100	Amendment
840.110	Amendment
840.115	Amendment
840.200	Amendment
840.210	Amendment
840.215	Repealer
840.220	New
840.305	Amendment
840 APPENDIX C. Illustration C	Repealer
- 4) Statutory Authority: Illinois Health and Hazardous Substances Registry Act [410 ILCS 525], Section 2310-365 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365], the Developmental Disability Prevention Act [410 ILCS 250], and the Lead Poisoning Prevention Act [410 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved:

The amendments proposed for Subpart B pertaining to the Illinois State Cancer Registry (ISCR) are to allow ISCR to maintain status as a registry with high quality data and to provide the mechanism for expanded activities that will allow ISCR to collect and use data to promote high quality research.

The amendments proposed for Subpart C pertaining to the Adverse Pregnancy Outcomes Reporting System (APORS) are to advance APORS to a higher quality registry that is in compliance with national standards.

The amendments proposed for Subpart D pertaining to the Occupational Disease Registry (ODR) add the Census of Fatal Occupational Injuries and the Occupational Safety and Health Survey components to the Registry. These components enhance the collection of occupational disease data in Illinois.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Specifically, the proposed changes will accomplish the following outcomes:

For the Illinois State Cancer Registry, to clarify the need for the Department, or an entity authorized to represent the Department, to conduct rapid case ascertainment, death certificate clearance, and patient follow-up activities which require accessing information from medical, pathological, and other medical records; require additional information to be collected; update terminology indicative of cancerous tumor; and specify mechanisms and format for different reporting modes.

For the Adverse Pregnancy Outcomes Reporting System, to replace entire Subpart C with new content to eliminate one case criterion; add prenatal exposure to sexually transmitted diseases to the case definition; discontinue the collection of maternal information; and enhance birth defect surveillance by a) collecting birth defect cases diagnosed prenatally up to 2 years of age; b) identifying cases from Vital Records, medical facilities and laboratories; c) collecting additional data to meet national standards for birth defect registries; and d) requiring hospitals to provide discharge data reports to the Department (twice a year) for children up to two years of age who had a birth defect diagnosis.

For the Occupational Disease Registry, to 1) add collection of workplace fatalities; and 2) add collection of workplace non-fatal injuries and illnesses.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NAACCR Standards for Cancer Registries, Volume II, updated annually. NAACCR Standards for Cancer Registries, Volume III, updated annually. National Birth Defects Prevention Network (NBDPN). Guidelines for Conducting Birth Defects Surveillance. University of Illinois at Chicago, School of Public Health – Evaluation of the APORS Registry, 2001.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register to:
- Susan Meister  
Administrative Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., Fifth Floor  
Springfield, Illinois 62761
- 217/782-2043  
e-mail: rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: There are no small businesses, small municipalities and not for profit corporations directly affected. The following entities may have an interest in the proposed changes:
- Illinois Health Association  
March of Dimes  
American Cancer Society
- 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 2005

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES

PART 840  
ILLINOIS HEALTH AND HAZARDOUS SUBSTANCES REGISTRY

SUBPART A: GENERAL REGISTRY PROVISIONS

- Section
- 840.5 Purpose
- 840.10 Definitions
- 840.20 Incorporated Materials
- 840.30 Availability of Registry Information
- 840.40 Administrative Hearings
- 840.50 Quality Control
- 840.60 Fee Assessment

SUBPART B: ILLINOIS STATE CANCER REGISTRY

- 840.100 Entities Required to Submit Information
- 840.110 Information Required to be Reported
- 840.115 Methods of Reporting Cancer Registry Information
- 840.120 Quality Control (Repealed)

SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

- 840.200 ~~Adverse Pregnancy Outcome Entities Required to Submit Information~~
- 840.210 ~~Newborn Case Reporting Adverse Pregnancy Outcomes Information Required to be Reported~~
- 840.215 Methods of Reporting APORS Information (~~Repealed~~)
- 840.220 Birth Defect Surveillance of Young Children

SUBPART D: OCCUPATIONAL DISEASE REGISTRY

- Section
- 840.300 Entities Required to Submit Information
- 840.305 Information Required to be Reported
- 840.310 Methods of Reporting Occupational Disease

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

840.APPENDIX A	ISCR Incidence Report Form (Repealed)
840.APPENDIX B	Instructions for APORS Reporting (Repealed)
840.EXHIBIT A	Instructions for Completing Infant Discharge Record (Repealed)
840.ILLUSTRATION A	Infant Discharge Record (Repealed)
840.EXHIBIT B	Instructions for Completing Maternal Supplement (Repealed)
840.ILLUSTRATION B	Maternal Supplement Abstract (Repealed)
840.APPENDIX C	Forms and Instructions for Occupational Disease Registry
840.EXHIBIT A	Instructions for completing The Laboratory Based Report of Adult Blood Lead Analysis
840.EXHIBIT B	Instructions for completing the Health Department Follow-Up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above (Local Health Authorities will use this form)
840.ILLUSTRATION A	Health Department Laboratory Report of Adult Elevated Blood Lead Analysis 25 mcg/dl and Above
840.ILLUSTRATION B	Health Department Follow-up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above
840.ILLUSTRATION C	Occupational Disease Registry Abstract Information from the Illinois Health Care Cost Containment Council ( <u>Repealed</u> )

AUTHORITY: Implemented and authorized by the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525], Section 365 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365], the Developmental Disability Prevention Act [410 ILCS 250], and the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted at 10 Ill. Reg. 7842, effective May 19, 1986; amended at 12 Ill. Reg. 13173, effective August 1, 1988; amended at 14 Ill. Reg. 5495, effective April 1, 1990; amended at 17 Ill. Reg. 2319, effective February 10, 1993; amended at 24 Ill. Reg. 3685, effective February 16, 2000; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL REGISTRY PROVISIONS

**Section 840.5 Purpose**

- a) *It is the purpose of the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525](Ill. Rev. Stat. 1987, ch. 111½, par. 6701 et seq.) to establish a*



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

*unified Statewide project to collect, compile and correlate information on public health and hazardous substances. Such information is to be used to assist in the determination of public policy and to provide a source of information for the public. (Section 2(b) of the Act.) The Registry shall consist of the compilation of information in the following categories:*

- 1) *Adverse pregnancy outcomes;*
  - 2) *Cancer incidences;*
  - 3) *Occupational diseases;*
  - 4) *Location of, transportation of, and exposure to hazardous nuclear materials;*
  - 5) *Company profiles; and*
  - 6) *Hazardous substances incidents. (Section 6(a) of the Act)*
- b) The following subparts of this Part 840 apply to the different components of the Illinois Health and Hazardous Substances Registry: Subpart A: General Registry Provisions; Subpart B: Illinois State Cancer Registry; Subpart C: Adverse Pregnancy Outcome Reporting System and Subpart D: Occupational Disease Registry.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 840.10 Definitions**

"Act" means the Illinois Health and Hazardous Substances Registry Act [\[410 ILCS 525\]](#)~~(Ill. Rev. Stat. 1987, ch. 111½, par. 6701 et seq.)~~.

"Adverse pregnancy outcomes" includes but is not limited to birth defects, fetal loss, infant mortality, low birth weight, selected life-threatening conditions, and other developmental disabilities as defined in Section ~~840.200~~[840.210](#) of this Part. (Section 3(1) of the Act.)

"Ambulatory Surgical Treatment Center" means any facility subject to licensure pursuant to the "Ambulatory Surgical Treatment Center Act [\[210 ILCS 5\]](#)"~~(Ill. Rev. Stat. 1987, ch. 111½, par. 157-8.1)~~; and any other institution, place, or

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

building devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures ~~that~~<sup>which</sup> is maintained by the state or local government bodies.

"APORS" means Adverse Pregnancy Outcomes Reporting System.

"Birth defect" means a condition of abnormal development related to body structure, body function, body metabolism, or an error of body chemistry that typically is identified at birth but can be diagnosed during pregnancy or following birth. A birth defect can be of genetic and/or metabolic origin.

"CPT Coding Index" means the Current Procedural Terminology Coding Index Version 2007 developed by the American Medical Association.

*"Cancer" means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia. (Section 3(e) of the Act)-*

"Cancer-confirming report" means the simple biopsy, excision biopsy or surgical pathology report(s) that confirm(s) the morphologic (histologic) type of cancer, primary site, and the stage or extent of disease.

*"Cancer incidence" means a medical diagnosis of cancer, consisting of a record of cases of cancer and specified cases of tumorous or precancerous diseases which occur in Illinois, and such other information concerning these cases as the Department deems necessary or appropriate in order to conduct thorough and complete epidemiological surveys of cancer and cancer-related diseases in Illinois. (Section 3(f) of the Act)- Other information concerning cancer incidence may include, but is not limited to, diagnosis, staging, treatment, follow-up and survival information.*

~~"Cancer program" means a program which meets or exceeds the following institutional resource requirements:~~

~~Has a functioning multidisciplinary cancer committee;~~

~~Provides resources for the diagnosis and treatment of cancer, and;~~

~~Is directed at improving the facility's cancer control efforts in activities such as: prevention, early diagnosis, pretreatment evaluation, staging,~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

~~optimal treatment, rehabilitation, surveillance for recurrent and multiple primary cancer, and care of dying cancer patients.~~

"Cancer surveillance" is the ongoing and systematic collection and analysis of information on new cancer cases, cancer deaths, extent of disease at diagnosis, treatment, clinical management, and survival.

"Clinical Laboratory" means any clinical laboratory as defined in the Illinois Clinical ~~Laboratory and Blood Bank Laboratories~~ Act: ~~[210 ILCS 25](Ill. Rev. Stat. 1987, ch. 111½, par. 621-101 et seq., as amended).~~

*"Company profile" includes but is not limited to the name of any company operating in the State of Illinois which generates, uses, disposes of or transports hazardous substances, identification of the types of permits issued in such company's name relating to transactions involving hazardous substances, inventory of hazardous substances handled by such company, and the manner in which such hazardous substances are used, disposed of, or transported by the company. (Section 3(j) of the Act.)*

"Confidential data" means Registry data containing identifiers or variables that, alone or in combination, can lead to identification of individuals, physicians, or facilities.

"Congenital" means present at birth, referring to certain mental or physical traits, anomalies, malformations, diseases, etc. that may be either hereditary or caused by an influence occurring during fetal development or pregnancy, up to the moment of birth.

~~"Congenital factors" means those factors which influence the intrauterine growth, development and formation of the fetus and neonate.~~

*"Council" means the Health and Hazardous Substances Coordinating Council created by the Act.~~health and hazardous substances coordinating council.~~ (Section 3(c) of the Act)-*

"Death certificate clearance" means the process by which incident cases are added to the database through review of the cause of death on death certificates and subsequent follow back with medical providers.

*"Department" means the Illinois Department of Public Health. (Section 3(a) of*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

the Act)-

*"Director" means the Director of the Illinois Department of Public Health.*  
(Section 3(b) of the Act)-

"Elevated Blood Lead Level" means a concentration of lead in whole blood equal to or in excess of 25 micrograms per deciliter.

"Facility" is a hospital, clinical laboratory, ambulatory surgical treatment center, independent radiation therapy center, independent pathology laboratory, reference pathology laboratory, nursing home, physician's office and/or any other diagnostic or treatment center or other entity that is required by as defined in this Part ~~which is required~~ to make reports to the Department.

"Facility identifying information" means any information, collection or grouping of data from which the identity of the facility to which it relates may be discerned, e.g., name, address or Facility I.D.

"Fetal death" means the demise of a fetus at gestation greater than 20 weeks; the death is indicated by the fact that after such separation the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles at delivery.

"Follow-up" means the reporting of or Registry-initiated obtainment of patient's survival information after the first diagnosis of cancer.

*"Hazardous nuclear material" means*

*any source or special nuclear material intended for use or used as an energy source in a production or utilization facility as defined in Sec. 11.v. or 11.cc. of the Federal Atomic Energy Act of 1954 as amended;*

*any fuel which has been discharged from such a facility following irradiation, the constituent elements of which have not been separated by reprocessing; or*

~~*any by-product material resulting from operation of such a facility.*~~  
(Section 3(k) of the Act)-

*"Hazardous substances" means a hazardous substance as defined in Section 3*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

~~of Section 3 of the Environmental Protection Act [415 ILCS 5]. (Ill. Rev. Stat. 1987, ch. 111½, par. 1001 et seq.).~~ (Section 3(h) of the Act)-

*"Hazardous Substances Incident" includes but is not limited to spill, fire or accident involving hazardous substances, illegal disposal, transportation, or use of hazardous substances, and complaints or permit violations involving hazardous substances.* (Section 3(i) of the Act)-

"Hospital" means any facility subject to licensure pursuant to the Hospital Licensing Act ~~[210 ILCS 85]. (Ill. Rev. Stat. 1987, ch. 111½, par. 142 et seq.);~~ and any other institution, place or building devoted primarily to the maintenance and operation of facilities for the performance of medical or surgical care, which is maintained by the State or local government bodies.

~~"Hospital Cancer Program" is any hospital program which maintains a cancer committee, holds cancer conferences, conducts cancer patient evaluation studies, maintains a cancer registry, and has applied for or received accreditation by the American College of Surgeons.~~

"Hospital ~~Cancer~~ Tumor Registry" is a data collection system that monitors all types of cancer diagnosed or treated at that facility by collecting case identification, a description of the patient and the cancer, treatment, and follow-up data.

"ICD-9-CM" means International Classification of Diseases, 9<sup>th</sup> Revision Clinical Modification, World Health Organization, Geneva, Switzerland.

"ICD-10 CM" means International Classification of Diseases, 10<sup>th</sup> Revision Clinical Modification, World Health Organization, Geneva, Switzerland.

"ICD-O" means International Classification of Diseases for Oncology, Third Edition, World Health Organization, Geneva, Switzerland.

"Infant Discharge Record" is a form provided by the Department for identifying and reporting adverse pregnancy outcomes by a reporting facility to the Department ~~(See Appendix B, Illustration A).~~

"IRB" means institutional review board, which is a specially constituted review body established or designated by an institution to protect the welfare of human subjects participating in research.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Lead Hazard" means a lead-bearing substance that, because of its accessibility, which poses an immediate health hazard to humans, due to its accessibility.

"Local Health Authority" means the full-time official health department or board of health, as recognized by the Department, that which has jurisdiction over a particular geographical area.

"mcg/dl" means micrograms per deciliter.

"Morphology" means a concise diagnostic description of a tumor that which includes the kind of tumor, the behavior of the tumor (e.g., benign, in-situ, malignant, or malignant uncertain, whether primary or metastatic), and the grade or degree of differentiation of the cells.

"NAACCR Standard for Cancer Registries" means the standards set forth by the North American Association of Central Cancer Registries (NAACCR) that measure a central registry's data completeness, quality and timeliness.

"National Birth Defects Prevention Network" means a national organization dedicated to improving the quality of birth defect surveillance and providing technical assistance for the development of uniform methods of data collection.

"Neonate" means an infant less than 28 days of age.

"Neonatal" means related to the period immediately succeeding birth and continuing through the first 28 days of life.

"Newly diagnosed" means a condition or disease first discovered or diagnosed by a licensed physician or dentist in a resident of the State of Illinois or a non-resident receiving medical diagnosis or treatment in the State of Illinois.

*"Occupational disease" includes but is not limited to all occupational diseases covered by the Workers' Occupational Diseases Act [820 ILCS 310].* ~~(Ill. Rev. Stat. 1987, ch. 48, par. 176.36 et seq.).~~ (Section 3 (g) of the Act):

"Other facility" means any person, organization, institution, corporation, partnership or other entity not required to be licensed as a health care facility by the State of Illinois, which maintains and operates facilities for the performance of

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

diagnostic, laboratory or therapeutic services for the identification and treatment of cancer.

"Patient contact" means contacting patients based on collected Registry data.

"Patient identifying information" means any information or collection or grouping of data from which the identity of the person to whom it relates may be discerned, e.g. name, address and social security number.

*"Perinatal" means the period of time between the conception of an infant and the end of the first month of life.* (Section 2(a) of the Developmental Disability Prevention Act):-

~~"Perinatal Act" means "AN ACT relating to the prevention of developmental disabilities" (Ill. Rev. Stat. 1987, ch. 111½, par. 2101 et seq.).~~

*"Perinatal center" means a referral facility intended to care for the high risk patient before, during or after labor and delivery and characterized by sophistication and availability of personnel, equipment, laboratory, transportation techniques, consultation and other support services.* (Section 2(e) of the Developmental Disability Prevention Act):-

"Prenatal" means preceding birth.

"Primary site" means the anatomic location in a cancer patient that identifies the site of origin of a tumor (e.g., where the cancer first began).

"Rapid case ascertainment" means special case-finding procedures that require early or preliminary reporting of certain types of cancer cases. The procedure may include the review of patient medical records, pathology report forms, radiology reports, lab reports and other diagnostic tests.

"Regional Perinatal Network" means any number and combination of hospital-based maternity and newborn facilities functioning at one of three levels of perinatal care.

*"Registry" means the Illinois Health and Hazardous Substances Registry established by the Department of Public Health under Section 6 of ~~the~~ the Act.* (Section 3(d) of the Act):-

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Work" is defined as duties, activities, or tasks that produce a product or result; that are done in exchange for money, goods, services, profit, benefit, or as a volunteer; and that are legal activities in the United States.

"Work-related injury or illness" is defined as an event or exposure in the work environment that caused or contributed to the condition or significantly aggravated a preexisting condition. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the workplace.

"Workplace fatality" is a fatality that occurs to an employee (working for pay, compensation, or profit) or volunteer (exposed to the same work hazards and performing the same duties or functions as paid employees) while engaged in a legal work activity, or present at the site of the incident as a requirement of his or her job. A work relationship exists if an event or exposure results in a fatal injury to a person:

on the employer's premises and the person was there to work; or

off the employer's premises and the person was there to work;

or the event or exposure was related to the person's work or status as an employee.

"Workplace nonfatal injury or illness" is an occupational injury resulting from a work-related event or from exposure in the work environment. Injuries or illnesses are reported if they result in lost work time; require medical treatment (other than first aid); or if the worker experiences loss of consciousness, restriction of work activities or motion, or is transferred to another job.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 840.20 Incorporated Materials**

- a) The following materials are incorporated and referenced in this Part:
  - 1) State of Illinois Statutes
    - A) Illinois Health and Hazardous Substances Registry Act [\[410 ILCS 525\]](#)(Ill. Rev. Stat. 1991, ch. 111½, par. 6701 et seq.) (seeSee Sections 840.5, 840.10 definition of "Act"):-



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- B) ~~The~~ Developmental ~~Disability~~Disabilities Prevention Act [410 ILCS 250](Ill. Rev. Stat. 1991, ch. 111½, par. 2101 et seq.) (See Section 840.10 definition of "Perinatal Act").
- C) Section ~~2310-365~~55.316 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365](Ill. Rev. Stat. 1991, ch. 127, par. 55.316).
- D) Lead Poisoning Prevention Act [410 ILCS 45](Ill. Rev. Stat. 1991, ch. 111½, par. 1301 et seq.).
- E) Ambulatory Surgical Treatment Center Act [210 ILCS 5](Ill. Rev. Stat. 1991, ch. 111½, par. 157-8.1) (seeSee Section 840.10 definition of "Ambulatory Surgical Treatment Center").
- F) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25](Ill. Rev. Stat. 1991, ch. 111½, par. 621-101 et seq.) (seeSee Section 840.10 definition of "Clinical Laboratory").
- G) Hospital Licensing Act [210 ILCS 85](Ill. Rev. Stat. 1991, ch. 111½, par. 142 et seq.) (seeSee Section 840.10 definition of "Hospital").
- H) Freedom of Information Act [5 ILCS 140](Ill. Rev. Stat. 1991, ch. 116, par. 201 et seq.) (seeSee Section 840.30(a) and 840.30(h)840.306).
- I) Part 21 of Article 8 of the Code of Civil Procedure, commonly known as the "Medical Studies Act" [735 ILCS 5](Ill. Rev. Stat. 1991, ch. 110, par. 8-2101 et seq.) (seeSee Section 840.30(g) and 840.200(a)).
- J) State Records Act [5 ILCS 160](Ill. Rev. Stat. 1991, ch. 116, par. 43.4 et seq.) (seeSee Section 840.30(h)).
- K) Vital Records Act [410 ILCS 535](Ill. Rev. Stat. 1991, ch. 111½, par. 73-1 et seq.) (seeSee Section 840.210 (e)).
- 2) State of Illinois RulesRegulation:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- A) Freedom of Information Code (2 Ill. Adm. Code 1126) (~~see~~See Section 840.30(a)):-
  - B) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (~~see~~See Section 840.40):-
  - C) Hospital Licensing Requirements (77 Ill. Adm. Code 250) (~~see~~See Section 840.215(b)):-
  - D) Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) (~~see Section 840.210(b)(7)(B), 840.220(b)(1)(A) and 840.220(b)(1)(B))~~See Section 840.200(a) and 840.215(b)):-
- 3) Federal Regulations~~Rules~~
- A) Protection of Identity – Research Subjects, 42 CFR 2A, pars. 4 a-j, 6 a-b, 7 a-b1 (~~see~~See Section 840.30(b) and 840.110(~~e~~)(~~f~~)). (Revised October 1, 2004)
  - B) Occupational Safety and Health Standards, 29 CFR 1910.1025 (amended April 23, 1998) (~~See Section 840.10 definition of "Emergency Removal of Worker With an Elevated Blood Lead Level" and 840.30~~):-
- 4) Federal Statutes
- A) Occupational Safety and Health Act of 1970, PL 91-596, December 29, 1970 (see Section 840.300)
  - B) The Birth Defects Prevention Act of 1998, PL 105-168, April 21, 1998
  - C) Public Health Service Act, 42 USC 247b-4
- 5)4) Other Guidelines and Materials
- A) International Classification of Diseases, 9th Revision Clinical Modification, World Health Organization, Avenue Appia 20, 1211 Geneva ZT, Geneva, Switzerland (1986) (~~see~~See Section 840.10

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

definition of "ICD-9-CM"):-

- B) International Classification of Diseases for Oncology (ICD-O), 1990, Third Edition (2000), World Health Organization, Avenue Appia 20, 1211 Geneva ZT, Geneva, Switzerland (see See Section 840.115):-
- C) International Classification of Diseases, 10<sup>th</sup> Revision, World Health Organization, Avenue Appia 20, 1211 Geneva ZT, Geneva, Switzerland (1992) (see Section 840.10 definition of "ICD-10-CM")
- D) NAACCR Standards for Cancer Registries, Volume II, Data Standards and Data Dictionary, 11<sup>th</sup> Edition, April 2006 (effective January 2007), North American Association for Central Cancer Registries, 2121 W. White Oaks Dr., Suite C, Springfield, Illinois 62704
- E) NAACCR Standards for Cancer Registries, Volume III, Standards for Completeness, Quality, Analysis, and Management of Data, October 2004, North American Association of Central Cancer Registries, 2121 W. White Oaks Dr., Suite C, Springfield, Illinois 62704
- F) NAACCR Standards for Cancer Registries, Volume V, Pathology Laboratory Electronic Reporting, Version 2.0, November 2005, North American Association of Central Cancer Registries, 2121 W. White Oaks Dr., Suite C, Springfield, Illinois 62704
- G) Current Procedural Terminology (CPT) Coding Index, 2007 Version, American Medical Association, P.O. Box 930876, Atlanta, Georgia 31193
- H) National Birth Defects Prevention Network (NBDPN), Guidelines for Conducting Birth Defects Surveillance, Sever, LE, ed., Atlanta, Georgia: National Birth Defects Prevention Network, Inc., June 2004.
- b) ~~All citations to federal regulation in this Part concern the specified regulations in the 1990 Code of Federal Regulations, unless another date is specified.~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- b)e) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any later amendments or editions. ~~additions or deletions subsequent to the date specified.~~

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 840.30 Availability of Registry Information**

- a) All reports issued by the Department ~~that which~~ are aggregated or recorded to make it impossible to identify any patient or reporting physician or ~~reporting~~ facility, including the annual report, shall be made available to the public pursuant to the Department's Freedom of Information rules (2 Ill. Adm. Code 1126) and the Freedom of Information Act.
- b) All requests by medical or epidemiologic researchers for confidential Registry data must be submitted in writing to the Department Registry. The request must include a study protocol ~~that which~~ contains: objectives of the research; rationale for the research, including scientific literature justifying the current proposal; overall study methods, including copies of study forms, questionnaires, and consent forms used by researchers to contact facilities, physicians or study subjects; ~~including~~ methods for documenting compliance with 42 CFR 2a.4(a)-(j), 2a.6(a)-(b), 2a.7(a)-(b)(1); methods for ~~the~~ processing ~~of~~ data; storage and security measures taken to ~~ensure~~ insure confidentiality of patient-identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator and ~~a list of~~ collaborators. In addition, the research request must include a copy of the current IRB approval from the researcher's institution, signed assurance forms for all parties participating in the project and a completed application for the Department's IRB review. ~~specify what patient or facility identifying information is needed and how the information will be used.~~
- c) All requests to conduct research and modifications to approved research proposals involving the use of data ~~that which~~ includes patient or facility identifying information shall be subject to a review to determine compliance with the following conditions:
- 1) The request for patient or facility identifying information contains stated goals or objectives.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 2) The request documents the feasibility of the study design in achieving the stated goals and objectives.
  - 3) The request documents the need for the requested data or interventions to achieve the stated goals and objectives.
  - 4) The requested data can be provided within the time frame~~time frame~~ set forth in the request.
  - 5) The request documents that the researcher has qualifications relevant to the type of research being conducted.
  - 6) The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research.
  - 7) Other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights because the Department will only release the patient or facility identifying information that~~which~~ is necessary for the research.
  - 8) Appropriate exemptions, IRB approvals and waivers have been obtained.
  - 9) The request documents the researcher's commitment to provide updated reports.
- d) Research Agreements-
- 1) The Department will enter into research agreement~~contracts~~ for all approved research requests. These agreement~~contracts~~ shall specify exactly what information is being released and how it can be used in accordance with the standards in subsection (c)-~~above~~. In addition, the researcher shall include an assurance that:
    - A) use of data is restricted to the specifications of the protocol;
    - B) any and all data that~~which~~ may lead to the identity of any patient, research subject, physician, other person, or hospital is strictly

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

privileged and confidential and agrees to keep all such data strictly confidential at all times;

- C) all officers, agents and employees will keep all such data strictly confidential, will communicate the requirements of this Section to all officers, agents, and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within 48 hours ~~after~~ any violation of this Section, including full details of the violation and corrective actions to be taken;
  - D) all data provided by the Department pursuant to this ~~agreement~~~~contract~~ may ~~only~~ be used only for the purposes named in this ~~agreement~~~~contract~~ and that any other or additional use of the data may result in immediate termination of this ~~agreement~~~~contract~~ by the Department;
  - E) all data provided by the Department pursuant to this ~~agreement~~~~contract~~ is the sole property of the Department and may not be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of this ~~agreement~~~~contract~~.
- 2) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(~~2~~)above prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.
- e) The Department shall disclose individual patient or facility information to the reporting facility; ~~that~~~~which~~ originally supplied that information to the Department, upon written request of the facility.
  - f) The Department, by signed and reciprocating agreement, may disclose individual patient information concerning residents of another state to the registry in the individual's state of residence only if the recipient of such information is legally required to hold such information in confidence and provides protection from disclosure of patient-identifying information equivalent to the protection afforded by the Illinois law.
  - g) The patient-identifying information submitted to the Department by those entities

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

required to submit information under the Act and this Part is to be used in the course of medical study under ~~the~~ Part 21 of Article 8 of the Code of Civil Procedure. Therefore, this information is privileged from disclosure by ~~the~~ Part 21 of Article 8 of the Code of Civil Procedure.

- h) *The identity, ~~or of any facility or~~, any group of facts ~~that~~~~which~~ tends to lead to the identity, ~~of any facility or~~, of any person whose condition or treatment is submitted to the Illinois Health and Hazardous Substances Registry is confidential and shall not be open to public inspection or dissemination. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. ~~Information~~~~All information~~ for specific research purposes may be released in accordance with procedures established by the Department ~~in this Section~~~~in this Section~~. (Section 4(d) of the Act)*
- i) *Hospitals, laboratories, other facilities or physicians shall not be held liable for the release of information or confidential data in accordance with the Act. The Department shall protect any information made confidential or privileged under law. (Section 4(e) of the Act)*
- j) *Every ~~reporting facility~~~~hospital~~ shall provide ~~representatives of~~ the Department ~~or entities authorized to represent the Department~~ with access to information from all medical, pathological, and other pertinent records and logs related to reportable registry information ~~in order for the Department to conduct rapid case ascertainment; death certificate clearance; patient follow-up; or any other review that is required to ensure data completeness, quality, and timeliness~~. The mode of access and the time during which this access will be provided shall be by mutual agreement between the ~~facility~~~~hospital~~ and the Department (~~see Section 525/10 of the Act~~).*
- k) *Every ~~reporting facility~~~~hospital~~ shall provide access to ~~diagnostic, treatment, follow-up and survival~~ information regarding specified patients or other patients specified ~~through rapid case ascertainment~~ for research studies, ~~related to reportable registry information~~, conducted by the Department. Any disputes as to access ~~to information~~ shall be resolved by the ~~reporting facility~~~~hospital~~ ~~in consultation with~~ ~~and~~ the Department within 30 days after requests for access have been denied.*
- l) *The Department shall disclose individual patient or facility APORS information obtained from each Regional Perinatal Network facility to the Regional Perinatal*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Network's Perinatal Center, upon written request of that particular Perinatal Center's Clinical Director. The patient and facility identifying information submitted to the Perinatal Center by the Department as required under this Part is to be used in the course of medical study under Part 21 of Article 8 of the Code of Civil Procedure and is, therefore, privileged from disclosure. The Perinatal Center's request for APORS data should clearly indicate the purpose for which the data will be used. The Department shall release data only for internal quality control or medical study for the purpose of reducing morbidity or mortality, or for improving patient care. The Department shall provide a copy of the original request and the data ~~that~~which are released to the hospital ~~that~~which originally reported these data.

- m) The Department shall disclose summary and statistical reports containing information ~~that~~which identifies individual patients or individual hospitals to the hospital ~~that~~which reported the patient, to the Perinatal Center with which it is affiliated, and to the local health agency designated by the Department to provide follow-up services to patients. Such reports may contain information provided by the referring hospital and information provided by the follow-up agency. Patient and reporting facility specific data provided to the appropriate designee under this Section ~~are~~is confidential and shall not be otherwise disclosed.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 840.50 Quality Control**

- a) Reporting facilities, including hospitals, ambulatory surgical treatment centers, independent radiation therapy centers, independent pathology laboratories, nursing homes, reference pathology laboratories, physician offices and/or any other diagnostic or treatment center, shall be subject to review at least, but not limited to, once each year for the purpose of assessing the timeliness, quality and completeness of ~~the cancer incidence~~-reporting by the facility. The review consists of the following ~~three~~ components:-
- 1) ~~The first component consists of the~~ Department auditing the reporting facilities to determine if all newly diagnosed cases have been identified (case-finding audits);
  - 2) The Department performing death certificate clearance to identify cases that may not have been reported;



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 3) The Department performing patient follow-up to determine the survival information;
  - 4) The Department conducting rapid case ascertainment to track cases;
  - 5) The ~~The second component consists of the~~ Department re-abstracting a sample of a reporting facility's medical records to determine the ~~completeness and~~ accuracy of information previously submitted to the Registry; and registry.
  - 6) The ~~The third component consists of the~~ reporting facilities abstracting a sample of standard medical records to determine the uniformity of data collection.
- b) A reporting facility shall, upon request of the Department, supply missing information if known, provide additional medical information when needed or clarify information previously submitted to the Department.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: ILLINOIS STATE CANCER REGISTRY

**Section 840.100 Entities Required to Submit Information**

- a) The Department requires the following facilities to report patient cancer incident information:
- 1) Hospitals;
  - 2) Hospital-affiliated and free standing or independent laboratories; ~~Clinical Laboratories~~
  - 3) Ambulatory Surgical Treatment Centers;
  - 4) Independent Radiation Therapy Centers;
  - 5) Independent and reference pathology laboratories;
  - 6) Nursing homes;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 7) Physicians' offices; and
- 8) Other Illinois Facilities diagnosing and treating cancer.
- b) ~~The Department requests, but does not require, the following facilities to report cancer incidence information concerning present or past residents of Illinois.~~
  - 1) ~~Hospitals~~
  - 2) ~~Clinical Laboratories~~
  - 3) ~~Ambulatory Surgical Treatment Centers~~
  - 4) ~~Other Facilities~~
- b)e) The Department requests, but does not require, the following facilities to report cancer incidence information concerning present or past residents of Illinois:
  - 1) Hospitals, Clinical Laboratories, Ambulatory Surgical Treatment Centers or Clinics maintained by the Federal Government or agencies within the United States; and-
  - 2) Hospitals, Clinical laboratories, Ambulatory Surgical Treatment Centers or Clinics maintained by other states within the United States.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 840.110 Information Required to be Reported**

- a) A facility required to submit information shall report each cancer incidence and other tumorous and precancerous disease, as specified in this Section, to the Department.
- b) This information to be reported shall be provided in a format as designated by the Department and may be in either electronic or paper form. The electronic form must comply with the required standard. The paper form will be upon forms supplied by the Department. The facility tumor registrar or other person designated by the facility shall abstract information from the cancer patient's record ~~onto the standard forms supplied by the Department.~~ The information to

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

be reported is divided into six subject areas, each containing a particular set of information. The six subject areas of the incidence report shall include the following:

- 1) Reporting Information – type of report being submitted, This area provides information concerning the type of report being submitted; whether a new report, a change to be made on an existing report, or a deletion of a previously submitted report. It also includes the abstracter identification code and the date the abstract was submitted is completed along with the abstract number.
- 2) Patient Data and Resident Address – This area contains the patient's full name (including maiden name, when applicable and available), the patient's Social Security number, patient's telephone number, and the patient's residential address, including street address, city, county, state, and postal code.
- 3) Personal Data – This area contains other personal data: patient's birthdate, age, sex, race, ethnicity, marital status, Hispanic origin, birthplace, usage history of tobacco and alcohol, history of occupation and industry, health insurance status and socio-economic status including, but not limited to, education and income, current or most recent occupation and industry, and longest lifetime occupation and industry.
- 4) Diagnosis Data – Information concerning the patient's diagnosis of cancer(s) is collected in this area. This information consists of: initial diagnosis date;; diagnostic information; method of diagnosis;; primary site;; laterality;; history and behavior code; grade; morphology; stage of disease, including clinical and pathologic extent of disease information; existence of other reportable primary diseases and date of diagnosis;; first course cancer-directed therapy;; and supporting text information for all diagnostic procedures, histology, primary site, staging and treatment. specification of previous cancer sites and dates of diagnoses.
- 5) Facility Data – This area provides information on the reporting facility: the facility identification number provided by the Department of Public Health if available outpatient status, the medical record number, date of admission, type of reporting source, accession number (if available), case identification type, discharge date and status, class of case, and name and Illinois medical license number of attending physician.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 6) Follow-Up Data – ~~Information concerning the patient's alive or deceased status. This information consists of:~~ date of last follow-up or death, follow-up status, type of follow-up, names of follow-up physicians, cause of death, whether patient information is incomplete, and names and Illinois medical license number of managing, diagnosing and treating physicians.
- 7) Text Documentation – description of the primary site, histology, diagnostic test results, staging, pathology results and treatment information.
- ~~e)~~ ~~For facilities without existing tumor registries copies of the pathology report(s) and hematology report(s) shall be provided in cases confirmed by laboratory analysis.~~
- ~~c)d)~~ Each patient's cancer ~~incidence~~ report form shall be sent within six months ~~after~~ of the date of diagnosis or within four months ~~after~~ of the date of discharge from the reporting facility, whichever is sooner. Reporting facilities shall report by letter to the Department, by each year by July 1, the status of the completeness of reporting of cancer incidence cases diagnosed through December of the preceding year.
- ~~d)e)~~ Every hospital, clinical laboratory, ambulatory surgical treatment center, independent radiation therapy center, independent pathology laboratory, reference pathology laboratory, nursing home, physician's office and other diagnostic or treatment facility shall provide representatives of the Department or entities authorized to represent the Department with access to information from all medical, pathological, and other pertinent records and logs related to cancer diagnosis treatment and follow-up for the purpose of quality control, rapid case ascertainment, patient follow-up and death certificate clearance. (See Section 525/10 of the Act.) ~~incidence.~~
- ~~e)f)~~ Every hospital, ambulatory surgical treatment center, clinical laboratory, independent radiation therapy center, independent pathology laboratory, reference pathology laboratory, nursing home, physician's office and other diagnostic or treatment facility shall provide access to information from all medical, pathological, and other pertinent records and logs related to cancer diagnosis and treatment for the purpose of patient record review regarding specified cancer patients or other patients specified for research studies or for rapid case

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

ascertainment related to cancer prevention and control conducted by the Department and that which have been approved after appropriate review by the Department for assuring protection of human subjects. (See 42 CFR 2a.4(a)-(j), 2a.6(a)-(b), 2a.7(a)-(b)(1).)

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 840.115 Methods of Reporting Cancer Registry Information**

- a) All patients identified at a reporting facility, whether as an inpatient or outpatient, who meet one of the three following criteria are reportable to the Registry:
- 1) Patients with a newly diagnosed cancer, who have, within six months after diagnosis, received cancer-directed treatment or refused treatment.  
~~AGENCY NOTE: Because of the possibility of one patient being diagnosed or treated in more than one facility, it is necessary to make the determination if the patient is still classified as "newly diagnosed." For example, if a patient is first diagnosed and definitively treated in Hospital A in February 1986, but was then referred to Hospital B in April 1986, for further definitive treatment for that cancer, that patient would be a reportable case for Hospitals A and B.~~
  - 2) Patient with cancer diagnosed through autopsy.
  - 3) Patient diagnosed and receiving all first course treatment elsewhere and now receiving cancer-directed treatment at the reporting facility.  
(Class 3)
- b) A patient is considered to have a malignant neoplasm when a licensed physician, or dentist, indicates that he/she does. Otherwise, the following terminology, when applied to a malignancy, shall be interpreted as indicating involvement by a cancerous tumor:
- 1) apparent,
  - 2) appears to,
  - 3) comparable with,
  - 4) compatible with,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 5) consistent with,
- 6) favors,
- 7) malignant appearing,
- 8) most likely,
- 9) presumed,
- 10) probable,
- 11) suspected,
- 12) suspicious for, and
- 13) typical of.
- 1) ~~Probable,~~
- 2) ~~Consistent with,~~
- 3) ~~Compatible with,~~
- 4) ~~Suspect(ed),~~
- 5) ~~Most likely,~~
- 6) ~~Presumed,~~
- 7) ~~Cannot rule out,~~
- 8) ~~Apparent(ly),~~
- 9) ~~Suspicious for,~~
- 10) ~~Appears to,~~
- 11) ~~Comparable with,~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 12) ~~Favor(s);~~
  - 13) ~~Malignant appearing;~~
  - 14) ~~Typical of.~~
- c) The following terminology, when applied to a malignancy without additional information, shall be interpreted as indicating non-involvement by a cancerous tumor:
- 1) cannot be ruled out.
  - 2) equivocal.
  - 3) possible.
  - 4) potentially malignant.
  - 5) questionable.
  - 6) rule out.
  - 7) suggests, and
  - 8) worrisome.
  - 1) ~~Questionable;~~
  - 2) ~~Possible;~~
  - 3) ~~Suggests;~~
  - 4) ~~Equivocal;~~
  - 5) ~~Rule out;~~
  - 6) ~~Worrisome;~~
  - 7) ~~Cannot be ruled out;~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 8) ~~Potentially malignant.~~
- d) Determination of whether or not a given primary tumor is reportable shall be made by reference to the morphology codes (M-codes) of the ~~Second Edition of the~~ International Classification of Diseases for Oncology (ICD-O).
- e) The specified cases of tumorous or precancerous diseases ~~that which~~ shall be reported to the Registry are:
- 1) benign intracranial tumors, and
  - 2) other conditions ~~that which~~ the facility wishes to report.
- f) Cases of basal or squamous cell neoplasms of the skin (~~i.e., ICD-O codes C44.0-C44.9 with M8050 through M8110~~) shall ~~only~~ be reported only when located in the following areas: penis, scrotum, anus, eyelid, and muco-cutaneous junctions of the lips, labia and vulva.
- g) There are two mechanisms by which a reporting facility can report cancer cases. ~~These depend on whether or not the reporting facility maintains a cancer program and tumor registry:~~
- 1) Option #1. Electronic Reporting: Facilities that submit electronically shall submit the report in the North American Association of Central Cancer Registries (NAACCR) data exchange format, using the version specified by the Registry (see Section 840.20). Supporting text documentation that is sufficient to support the diagnosis, stage, and treatment should be included for each case submitted. ~~Facilities that maintain a cancer program and a tumor registry shall submit the incidence report form on diagnosed cancers to the Registry. The incidence report forms shall be submitted monthly in batches according to the schedule established by the Department. These facilities shall code the shaded boxes for primary site and morphology and shall specify clearly in writing in the space provided on the incidence report form, the primary site and morphology.~~
  - 2) Option #2. Manual Reporting: Facilities that submit in manual format should use the forms provided by the Registry. These facilities shall code all fields on the manual report form. Supporting text documentation that



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

~~is sufficient to support the diagnosis, stage, and treatment should be included for each case submitted. All other facilities shall submit the incidence report form on diagnosed cancers to the Registry. The incidence report forms shall be submitted monthly in batches according to the schedule established by the Department. These reporting facilities shall staple the patient's cancer confirming pathology report to the incidence report form, shall specify clearly in writing in the space provided on the incidence report form, the primary site and morphology, and shall not code the primary site or morphology.~~

- h) All reporting facilities are responsible for complete casefinding, which means identifying all first time reported cancer patients and completing an incidence report form for the Registry. ~~To achieve complete case ascertainment, the following sources should be reviewed as they apply: Medical Record Disease Index (ICD-CM) or CPT Coding Index; pathology reports; cytology reports; autopsy reports; surgery and/or outpatient logs; radiation therapy and/or oncology clinic logs and appointment books; and diagnostic X-rays, nuclear medicine reports, and/or other imaging techniques. Casefinding techniques shall be implemented through the review of the clinical record and pathology and cytology reports.~~
- 1) Any patient's clinical record identified with any of the following ICD-9-CM Diagnosis or Procedure Codes by the Medical Record Department shall be reviewed for reportability to the Registry:

Diagnosis Codes	<u>Diagnosis (in preferred ICD-O-3 terminology)</u>
A) <del>042.2</del>	AIDS with malignancy-
B) <del>140.0-208.9</del>	<u>Malignant neoplasms</u> <del>Malignancies (1- &amp; 2-)</del> .
C) <del>203.1</del>	<u>Plasma cell leukemia (9733/3)</u>
D) <del>205.1</del>	<u>Chronic neutrophilic leukemia (9963/3)</u>
E) <del>225.0-225.4 225.8-225.9 227.3-227.4</del>	<u>Benign intracranial and CNS neoplasms</u>

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

F)	<u>230.0-234.9</u>	<u>Carcinoma in situ</u>
G)	<u>237.0-237.1</u> <u>237.5-237.6</u> <u>237.7, 237.9</u>	<u>Borderline intracranial and CNS neoplasms</u>
H)	<u>238.4</u>	<u>Polycythemia vera (9950/3)</u>
I)	<u>238.6</u>	<u>Solitary plasmacytoma (9731/3)</u>
J)	<u>238.6</u>	<u>Extramedullary plasmacytoma (9734/3)</u>
K)	<u>238.7</u>	<u>Chronic Myeloproliferative disease (9960/3)</u>
L)	<u>238.7</u>	<u>Myelosclerosis with myeloid metaplasia (9961.3)</u>
M)	<u>238.7</u>	<u>Essential thrombocythemia (9962/3)</u>
N)	<u>238.7</u>	<u>Refractory cytopenia with multilineage dysplasia (9985/3)</u>
O)	<u>238.7</u>	<u>Myelodysplastic syndrome with 5q-syndrome (9986/3)</u>
P)	<u>238.7</u>	<u>Therapy related myelodysplastic syndrome (9987/3)</u>
Q)	<u>239.0-239.9</u>	<u>Neoplasms of unspecified behavior</u>
R)	<u>273.2</u>	<u>Gamma heavy chain disease; Franklin's disease</u>
S)	<u>273.3</u>	<u>Waldenstrom's macroglobulinemia</u>
T)	<u>273.9</u>	<u>Unspecified disorder of plasma protein metabolism (screen for potential 273.3 miscodes)</u>

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

<u>U)</u>	<u>284.9</u>	<u>Refractory anemia (9980/3)</u>
<u>V)</u>	<u>285.0</u>	<u>Refractory anemia with ringed sideroblasts (9982/3)</u>
<u>W)</u>	<u>285.0</u>	<u>Refractory anemia with excess blasts (9983/3)</u>
<u>X)</u>	<u>285.0</u>	<u>Refractory anemia with excess blasts in transformation (9984/3)</u>
<u>Y)</u>	<u>288.3</u>	<u>Hypereosinophilic syndrome (9964/3)</u>
<u>Z)</u>	<u>289.8</u>	<u>Acute myelofibrosis (9932/3)</u>
<u>AA)</u>	<u>V07.8</u>	<u>Other prophylactic chemotherapy (screen carefully for miscoded malignancies)</u>
<u>BB)</u>	<u>V07.8</u>	<u>Other specified prophylactic measures</u>
<u>CC)</u>	<u>V10.0-V10.9</u>	<u>Personal history of malignant neoplasm (review these for recurrences, subsequent primaries and/or subsequent treatment)</u>
<u>DD)</u>	<u>V58.0</u>	<u>Admission for radiotherapy</u>
<u>EE)</u>	<u>V58.1</u>	<u>Admission for chemotherapy</u>
<u>FF)</u>	<u>V66.1</u>	<u>Convalescence following radiotherapy</u>
<u>GG)</u>	<u>V66.2</u>	<u>Convalescence following chemotherapy</u>
<u>HH)</u>	<u>V67.1</u>	<u>Radiation therapy follow-up</u>
<u>II)</u>	<u>V67.2</u>	<u>Chemotherapy follow-up</u>
<u>JJ)</u>	<u>V71.1</u>	<u>Observation for suspected malignant neoplasm</u>
<u>KK)</u>	<u>V76-V76.9</u>	<u>Special screening for malignant neoplasm</u>

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

<u>LL)</u>	<u>92.21-92.29</u>	<u>Therapeutic radiology and nuclear medicine</u>
<u>MM)</u>	<u>92.21-92.29</u>	<u>Injection or infusion of cancer chemotherapeutic substance</u>
<del>C)</del>	<del>211.8</del>	<del>Mesothelioma of peritoneum.</del>
<del>D)</del>	<del>212.3</del>	<del>Adenoma of lung or bronchus.</del>
<del>E)</del>	<del>212.4</del>	<del>Mesothelioma of pleura.</del>
<del>F)</del>	<del>230-234</del>	<del>Carcinoma in situ—all sites.</del>
<del>G)</del>	<del>235-238</del>	<del>Neoplasms of uncertain behavior.</del>
<del>H)</del>	<del>239</del>	<del>Neoplasms of unspecified nature.</del>
<del>I)</del>	<del>273.0-273.3</del>	<del>Disorders of plasma protein metabolism.</del>
<del>J)</del>	<del>279.0-279.9</del>	<del>Disorders involving the immune mechanism.</del>
<del>K)</del>	<del>289.0-289.9</del>	<del>Unspecified diseases of blood and blood organs</del>
<del>L)</del>	<del>V07.3</del>	<del>Other prophylactic chemotherapy.</del>
<del>M)</del>	<del>V07.8</del>	<del>Other specified prophylactic measures.</del>
<del>N)</del>	<del>V10.0-V10.9</del>	<del>Personal history of malignant neoplasms.</del>
<del>O)</del>	<del>V58.0</del>	<del>Radiation therapy for malignancy.</del>
<del>P)</del>	<del>V58.1</del>	<del>Maintenance chemotherapy.</del>
<del>Q)</del>	<del>V66.1</del>	<del>Convalescence following radiotherapy.</del>
<del>R)</del>	<del>V66.2</del>	<del>Convalescence following radiation therapy.</del>
<del>S)</del>	<del>V67.1</del>	<del>Follow-up exam following radiation therapy.</del>

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- ~~T) V67.2 Follow-up exam following chemotherapy.~~
- ~~U) V71.1 Observation for suspected malignant neoplasm.~~
- ~~V) V76 Special screening for malignant neoplasms.~~

~~Procedure Codes~~

- ~~W) 41.31 Bone marrow biopsy.~~
- ~~X) 92.21-92.29 Therapeutic radiology and nuclear medicine.~~
- ~~Y) 99.25 Injection of infusion of cancer substance.~~

- 2) All pathology and cytology reports from the facility with a positive morphologic diagnosis of cancer shall be reviewed for reportable neoplasms, including reports on inpatient and outpatient surgical resections and biopsy specimens, bone marrow biopsies, cytology specimens and autopsies.
- 3) Any conflict of interpretation of cancer incidence shall defer to the clinician's determination.
- i) All reporting facilities shall submit the ~~incidence~~ report form(s) on a monthly basis, ~~as described below:~~
- 1) ~~All facilities that submit their forms electronically shall use the North American Association of Central Cancer Registries data exchange record layout in the version specified by the Registry.~~
- 2) ~~All facilities submitting manually shall use the Registry Cancer Incidence Report form provided by the Department.~~

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

**Section 840.200 Adverse Pregnancy Outcome ~~Entities Required to Submit Information~~**

An adverse pregnancy outcome for an infant consists of one or more of the case criterion set

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

forth below:

- a) A diagnosis of a birth defect, made prenatally or by two years of age; The Department requires all hospitals to report adverse pregnancy outcome incident information. The Hospital's Perinatal Review Committee established pursuant to 77 Ill. Adm. Code 640.70 or other committee established for the purpose of internal quality control or of medical study for the purpose of reducing morbidity or mortality or improving patient care shall collect and submit the required information to the Department. (Section 8-2101 of the Code of Civil Procedure).
- b) A birth weight of less than 1500 grams;
- c) A diagnosis of fetal alcohol syndrome (ICD-9-CM 760.71);
- d) A fetal or neonatal death; or
- e) A diagnosis of one of the following conditions made prior to discharge from the newborn hospitalization:
- 1) Positive toxicology for any controlled substance or a diagnosis of signs of drug toxicity or withdrawal;
  - 2) Serious infections:
    - A) Prenatal exposure to syphilis (V01.6) or a diagnosis of congenital syphilis (ICD-9-CM 090.0-090.9);
    - B) Prenatal exposure to hepatitis B (ICD-9-CM V01.7);
    - C) Prenatal exposure to Chlamydia (V01.8) or a diagnosis of a chlamydial infection (ICD-9-CM 079.88 or 079.98);
    - D) Prenatal exposure to herpes (V01.8) or a diagnosis of congenital herpes (ICD-9-CM 771.2);
    - E) Group B streptococcus (ICD-9-CM 041.02);
    - F) Gonococcal conjunctivitis (neonatorium) (ICD-9-CM 098.40)
    - G) Congenital listeriosis (ICD-9-CM 771.2);

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- H) Congenital rubella (ICD-9-CM 771.0);
  - I) Congenital cytomegalovirus (ICD-9-CM 771.1);
  - J) Tetanus neonatorum (ICD-9-CM 771.3);
  - K) Septicemia of the newborn (ICD-9-CM 771.81); or
  - L) Other congenital infections (ICD-9-CM 771.0-771.81).
- 3) Endocrine, metabolic or immune disorder:
- A) Hypothyroidism (ICD-9-CM 243);
  - B) Adrenogenital syndrome (ICD-9-CM 255.2);
  - C) Inborn errors of metabolism (ICD-9-CM 270-273, 275-276);
  - D) Cystic fibrosis (ICD-9-CM 277.0); or
  - E) Immune deficiency disorder (ICD-9-CM 279).
- 4) Blood disorder:
- A) Leukemia (ICD-9-CM 204-208);
  - B) Hereditary hemolytic anemias (ICD-9-CM 282);
  - C) Constitutional aplastic anemia (ICD-9-CM 284); or
  - D) Coagulation defects (ICD-9-CM 286).
- 5) Other conditions:
- A) Neurofibromatosis (ICD-9-CM 237.7);
  - B) Cerebral lipidoses (ICD-9-CM 330.1);
  - C) Retinopathy of prematurity (ICD-9-CM 362.21);

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- D) Chorioretinitis (ICD-9-CM 363.2);
- E) Strabismus (ICD-9-CM 378);
- F) Endocardial fibroelastosis (ICD-9-CM 425.3);
- G) Occlusion of cerebral arteries (ICD-9-CM 434);
- H) Bronchopulmonary dysplasia (ICD-9-CM 770.7);
- I) Intrauterine growth retardation (ICD-9-CM 764.9);
- J) Intraventricular hemorrhage grade III (ICD-9-CM 772.13);
- K) Intraventricular hemorrhage grade IV (ICD-9-CM 772.14);
- L) Seizures (ICD-9-CM 779.0); or
- M) Other conditions leading to more than 48 hours on a ventilator (ICD-9-CM V46.1).

AGENCY NOTE: The products of induced abortions shall not be reported to APORS. ICD-9-CM codes will be supplanted with ICD-10 codes when the latter is adopted by the U.S. Department of Health and Human Services.

- b) ~~The Department requests, but does not require, the following facilities to report adverse pregnancy outcomes information concerning present or past residents of Illinois:~~
  - 1) ~~Hospitals outside Illinois, except the St. Louis perinatal centers, and hospitals maintained by the Federal Government or other governmental agencies within the United States.~~
  - 2) ~~Hospitals within the United States.~~

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 840.210 Newborn Case Reporting ~~Adverse Pregnancy Outcomes Information~~  
**Required to be Reported****



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- a) ~~Entities required to report newborn cases: Every hospital shall participate in the Adverse Pregnancy Outcomes Reporting System by reporting each adverse pregnancy outcome incident to the Department.~~
- 1) The Department requires all hospitals licensed by the state of Illinois to report adverse pregnancy outcome information for cases identified during the newborn hospitalization.
  - 2) The Department requests, but does not require, the following facilities to report adverse pregnancy outcome information concerning present or past residents of Illinois:
    - A) Hospitals outside Illinois, except the St. Louis perinatal centers, and hospitals maintained by the Federal Government or other governmental agencies within the United States; and
    - B) Hospitals within the United States.
  - 3) The Department requires clinical laboratories licensed by the state of Illinois to report newborns who have positive toxicology for controlled substances on a meconium test.
- b) ~~Reporting newborn cases by hospitals: An adverse pregnancy outcome incident consists of any infant which meets one of the criteria set forth below prior to discharge from newborn hospitalization:~~
- 1) ~~Hospital units providing perinatal and neonatal care are responsible for reporting adverse pregnancy outcome cases. Discharge from a patient care unit or bassinets designated by the hospital to provide intensive care services requiring constant nursing services and continuous cardiopulmonary and other support services for infants with life threatening conditions (stay in the unit must exceed 24 hours);~~
  - 2) ~~Every hospital shall develop procedures and policies for identifying infants who meet an APORS case criterion (see Section 840.200) and report these infants to APORS. Diagnosis of a positive urine toxicology for any drug (ICD-9-CM 779.5) and/or showing signs of drug toxicity or withdrawal;~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 3) When a newborn meets a case criterion (see Section 840.200) and is transferred to another hospital for a higher level of care, the hospital providing the highest level of care shall report the case.~~Diagnosis with a congenital anomaly as defined by ICD-9-CM codes, ranging from 740.0 to 759.9;~~
- 4) Hospitals are required to report newborn cases on forms provided by the Department.~~A serious congenital infection;~~
- A) Hospitals must use the Department's paper form (Infant Discharge Record).~~syphilis (ICD-9-CM 090.0-090.9);~~
- B) When the Department provides an electronic system for hospitals to report birth related data, including APORS information, hospitals shall use the electronic system rather than the form referred to in subsection (b)(4)(A). If a hospital is technically unable to make electronic reports, it may submit case reports on a paper form provided by the Department.~~prenatal exposure to hepatitis B (ICD-9-CM V01.7) or diagnosis of hepatitis B (ICD-9-CM 774.4);~~
- C) The Department will provide the hospitals with written instructions for completing an APORS report.~~gonococcal (ICD-9-CM 098.0-098.89);~~
- D) ~~chlamydial (ICD-9-CM 079.88 or 079.98);~~
- E) ~~herpes (ICD-9-CM 771.2);~~
- F) ~~group B streptococcus (ICD-9-CM 041.02);~~
- G) ~~listeriosis (ICD-9-CM 027.0 or ICD-9-CM 771.2); and~~
- H) ~~congenital infections (ICD-9-CM 771.0-771.8);~~
- 5) Hospitals are required to fully complete all sections of the form and to send the report to the Department within seven days after the infant's discharge or death.~~An endocrine, metabolic or immune disorder;~~
- A) ~~hypothyroidism (ICD-9-CM 243);~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- B) ~~adrenogenital syndrome (ICD-9-CM 255.2);~~
  - C) ~~inborn errors of metabolism (ICD-9-CM 270-273);~~
  - D) ~~cystic fibrosis (ICD-9-CM 277.0); and~~
  - E) ~~immune deficiency disorder (ICD-9-CM 279.2);~~
- 6) When the Department returns incomplete forms, hospitals shall supply the missing information and return the form to the Department within 60 days.~~A blood disorder;~~
- A) ~~leukemia (ICD-9-CM 204-208);~~
  - B) ~~hereditary hemolytic anemias (ICD-9-CM 282);~~
  - C) ~~constitutional aplastic anemia (ICD-9-CM 284); and~~
  - D) ~~coagulation defects (ICD-9-CM 286);~~
- 7) Hospitals shall distribute the original report and three copies in the following manner:~~Other conditions;~~
- A) The original form shall be sent to the Department's Division of Epidemiologic Studies, 605 West Jefferson, Springfield, Illinois 62761;~~neurofibromatosis (ICD-9-CM 237.7);~~
  - B) One copy shall be sent to the local health department or health agency in the county where the infant resides so that the infant is referred for services provided by the High-risk Follow-up Program (77 Ill. Adm. Code 640.100);~~retinopathy of prematurity (ICD-9-CM 362.21);~~
  - C) One copy shall be sent to the newborn's primary care physician;~~and choriorretinitis (ICD-9-CM 363.2);~~
  - D) One copy may be retained by the reporting hospital.~~strabismus (ICD-9-CM 378);~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- ~~E) endocardial fibroelastosis (ICD-9-CM 425.3);~~
- ~~F) occlusion of cerebral arteries (ICD-9-CM 434);~~
- ~~G) fetal alcohol syndrome (ICD-9-CM 760.71);~~
- ~~H) intrauterine growth retardation (ICD-9-CM 764.9); and~~
- ~~I) cerebral lipidoses (ICD-9-CM 330.1);~~

~~8) A birth weight of less than 1501 grams; or~~

~~9) Diagnosis as a perinatal or neonatal death.~~

~~AGENCY NOTE: Fetal death (gestation greater than 20 weeks) is considered an adverse pregnancy outcome and will be included in the APORS database. However, fetal deaths do not have to be reported through APORS, because these deaths are already reported and compiled in the Department's Vital Records database. In addition, the products of induced abortions shall not be reported to APORS.~~

c) Reporting newborn cases by clinical laboratories:

1) Clinical laboratories are required to develop procedures and policies to report newborn cases of positive toxicology for controlled substances. Negative results are not reported to the Department.

2) Clinical laboratories are required to send:

A) The infant's name (first and last);

B) Infant's date of birth;

C) Residential address including street address, city, county, state and postal code;

D) Unique identification number assigned by the submitting facility;

E) Name of facility submitting the test;

F) Address of the facility that submitted the test;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- G) Test results including the type of controlled substance found in the meconium;
- H) Date of the test;
- I) Date of the laboratory results.
- 3) The test results are to be sent to the Department within seven days after the laboratory results.
- e) Every hospital shall provide the following information when reporting each adverse pregnancy outcome incident:
- 1) The name, location and hospital identification number (a 4-digit number supplied by the Department) of the reporting hospital;
  - 2) The name, location and hospital identification number (a 4-digit number supplied by the Department) of the delivery hospital;
  - 3) The infant's patient identification number, medical records number, admission date, delivery ate, discharge date, first and last names, also known as name, date of birth, gender, race, Hispanic ethnicity, gestational age, birth weight, and medical diagnoses;
  - 4) Whether the infant was admitted to a designated patient unit (subsection (b)(1)) and stayed more than 24 hours;
  - 5) Whether the infant had a positive urine toxicity for any drug and/or showed signs of drug toxicity or withdrawal, and the name of the drug(s) indicated;
  - 6) The mother's first, last, and maiden names; telephone number; address; country of residence; hospital medical record number; marital status; and age; and information on her history of pregnancies (number of pregnancies, number of full term births, number of premature births, number of abortions (spontaneous and induced), and number of living children);
  - 7) The father's first and last names;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 8) ~~Discharge information, including infant death, home, other hospital, long-term care facility, and other agency;~~
  - 9) ~~The type of delivery (vaginal or Cæsarian section);~~
  - 10) ~~The type of feeding the infant is receiving at discharge;~~
  - 11) ~~The infant's weight, head circumference, and length at discharge;~~
  - 12) ~~Infant treatment, medication, and other concerns at discharge;~~
  - 13) ~~The name and telephone number of a nurse contact at the reporting hospital;~~
  - 14) ~~The name, address and telephone number of a relative or friend with a description of that person's relationship to the infant;~~
  - 15) ~~Whether the family was informed that a Local Health Department or Health Agency would be visiting the family to offer follow up services, and the name and identification code number for the Local Health Department or Health Agency that will be serving the family;~~
  - 16) ~~The name of the infant's primary care physician;~~
  - 17) ~~The type of social services the infant's family is receiving or will receive at discharge; and~~
  - 18) ~~The name and title of the person preparing the report with the date the report was made.~~
- d) ~~The APORS will also be complemented with information from the Department's Vital Records database under the Vital Records Act and other Maternal and Child Health reports and submissions.~~

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 840.215 Methods of Reporting APORS Information (Repealed)**

- a) ~~The Adverse Pregnancy Outcomes Reporting System consists of one form of~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

~~reporting. This reporting shall be on the forms provided by the Department or through electronic means compatible with the Department's data processing system. Every hospital shall develop procedures and policies for identifying reportable infant cases to APORS.~~

- b) ~~The Infant Discharge Record shall be provided by the Department and completed by the hospital providing the highest level of care and distributed within seven days of discharge (see 77 Ill. Adm. Code 250.1820 and 77 Ill. Adm. Code 640 for explanation of levels of care). The form must be typed or completed in ball point pen. In addition, all dates must be entered in numeric form.~~
- e) ~~The Infant Discharge Record shall be distributed in the following manner:~~
  - 1) ~~The original form (white copy) of the Infant Discharge Record must be sent to the Department's Division of Epidemiologic Studies, 605 West Jefferson, Springfield, Illinois 62761;~~
  - 2) ~~The canary copy of each form must be sent to the Local Health Department or Health Agency in the county of the mother's residence;~~
  - 3) ~~The pink copy of each form must be sent to the patient's primary care physician;~~
  - 4) ~~The goldenrod copy may be retained by the reporting facility.~~
- d) ~~When electronic media are used to report an Infant Discharge Record to the Department, the reporting hospital shall send a copy of the report to the Local Health Department or Health Agency in the county of the mother's residence, and to the patient's primary care physician. The reporting hospital shall maintain a copy of the report or maintain a computer file of the report.~~
- e) ~~The Department shall collect maternal information. The Department's field abstractors will go to hospitals and abstract the maternal information from the mother's delivery record. When the extended electronic birth certificate system is implemented, the hospital will submit the maternal information to the Department as part of the infant's extended electronic birth certificate. The Department will collect the following:~~
  - 1) ~~The mother's social security number, date of birth, date of last menstrual period, weight change, history of cigarette use, alcohol use during~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

~~pregnancy, use of drugs during pregnancy, employment during pregnancy, and diagnoses;~~

- ~~2) Whether public funding was used for the hospitalization of the mother or if the mother had applied for public funds during her time of hospitalization;~~
- ~~3) Whether a prenatal ultrasound was performed during the pregnancy; and~~
- ~~4) Information on labor and delivery, including the type of delivery, use of chemical stimulation to begin or augment labor, and the use of an electronic fetal monitor.~~

(Source: Repealed at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 840.220 Birth Defect Surveillance of Young Children**

- a) Facilities required to provide data:
  - 1) Hospitals;
  - 2) Prenatal and obstetric centers;
  - 3) Specialty health clinics that treat or provide services to children with birth defects;
  - 4) Genetics centers;
  - 5) Laboratories, including cytogenetic, prenatal diagnostic and metabolic; and
  - 6) Physicians who provide prenatal care, pediatric care or treat young children who have been discharged with a birth defect diagnosis.
- b) Provision of data by hospitals:
  - 1) All hospitals licensed by the state of Illinois shall provide to the APORS program reports of children up to two years of age who have been diagnosed with a birth defect and discharged from that hospital with a birth defect diagnosis.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- A) Hospitals with perinatal designation levels of III, II with Extended Capabilities, and III (see Regionalized Perinatal Health Care Code, 77 Ill. Adm. Code 640.40) shall provide quarterly reports to the Department. The hospital shall generate electronic reports from their computerized hospital discharge data sets. The electronic reports must be in the standard format required by the Department.
- B) Hospitals with a perinatal designation level of I or II (see Regionalized Perinatal Health Care Code, 77 Ill. Adm. Code 640.40) shall provide annual reports to the Department. The hospitals shall generate electronic reports from their computerized hospital discharge data sets. The electronic reports will be in the standard format required by the Department. If a hospital is technically unable to generate an electronic report, a paper report will be acceptable.
- C) Children's hospitals shall provide quarterly reports to the Department. The hospitals shall generate electronic reports from their computerized hospital discharge data sets. The electronic reports will be in the standard format required by the Department.
- c) Provision of data by cytogenetic laboratories and prenatal diagnostic clinics:
- 1) All cytogenetic laboratories and prenatal diagnostic clinics shall report prenatal birth defect diagnoses of genetic origin to the Department. Negative results or normal results are not reported to the Department.
- 2) The cytogenetic laboratories and prenatal diagnostic clinics shall send:
- A) Mother's name (first and last);
- B) Date of birth;
- C) Residential address, if available, including street address, city, county, state and postal code;
- D) Unique identification number assigned by the submitting facility or physician;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- E) Name of the facility or physician submitting the test;
  - F) Address of the facility or physician submitting the test;
  - G) Test results;
  - H) Date of test; and
  - I) Date of the laboratory results.
- 3) The test results shall be sent to the Department within seven days after the laboratory results.
- d) Provision of data by other medical facilities:
- 1) Prenatal and obstetric centers; specialty health clinics that treat or provide services to children with birth defects; genetics centers; laboratories, including cytogenetic, prenatal diagnostic and metabolic; and physicians who provide prenatal care, pediatric care or treat young children who have birth defects shall provide data about prenatally diagnosed birth defects and birth defects in young children up to two years of age.
  - 2) Upon the request of the Department, the facilities listed in Section 840.220(a)(2)-(6) shall provide birth defects surveillance information to the Department.
- e) Availability of information for Birth Defect Surveillance of Young Children
- 1) All hospitals listed in Section 840.220(b) shall make medical records of children having a birth defect diagnosis or a risk factor for a birth defect available to the Department. The medical records will be reviewed by APORS staff to ascertain birth defect cases and collect pertinent data.
  - 2) The facilities shall make medical records of the affected mothers and children available to the Department. The medical records will be reviewed by APORS staff to ascertain birth defect cases and collect pertinent data.

(Source: Added at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART D: OCCUPATIONAL DISEASE REGISTRY

**Section 840.305 Information Required to be Reported**

- a) The Occupational Disease Registry shall consist of information on the following occupational disease ~~incidences~~incidence(s):
- 1) Elevated Blood Lead Levels (Lead Poisoning);~~Asbestosis;~~
  - 2) Workplace fatalities;~~Silicosis;~~
  - 3) Workplace nonfatal injuries and illnesses;~~Coal Worker's Pneumoconiosis;~~  
and
  - 4) Other specific illnesses such as Asbestosis, Silicosis, and coal worker's pneumoconiosis.~~Elevated Blood Lead Levels (Lead Poisoning).~~
- b) Information of the occupational disease ~~incidences~~incidence(s) shall be collected in two ways.
- 1) Information concerning elevated blood lead levels (lead poisoning) shall be reported to the Department by the facilities specified in Section 840.300 of this Part.
    - A) The Department will contract with the local health authorities ~~that~~which agree to conduct interviews with patients/cases, or attending physicians as needed, to assure the accuracy and completeness of reports and will perform the activities or case follow-up for elevated blood lead levels equal to or in excess of~~above~~ 25 mcg/dl set forth in subsection (b)(1)(B).
    - B) This agreement will contain requirements for the performance of the following activities or patient follow-up:
      - i) trace the patient or case,
      - ii) counsel the patient or case,
      - iii) educate the patient or case,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- iv) interview the patient or case for purposes of collecting, verifying or completing the information identified in subsection (b)(1) of this Section, and
  - v) submit completed reports to the Department within 30 business days after receipt of the laboratory report for adult elevated blood lead analysis form.
- 2) Information concerning fatal occupational injuries and illnesses shall be collected from various reporting sources including, but not limited to, death certificates, newspaper clipping services, Occupational Safety and Health Administration reports and coroner's reports. Asbestosis, Silicosis, and Coal Worker's Pneumoconiosis shall be collected from existing reporting sources such as the Illinois Health Care Cost Containment Council data base through abstracts of medical records.
- 3) Information concerning nonfatal occupational injuries and illnesses shall be collected using the U.S. Department of Labor, Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses, an annual sample survey of Illinois companies and governmental units.
- 4) Information concerning specific illnesses shall be collected from existing data sources such as the hospital discharge database or medical records.
- c) The information to be reported shall be provided upon forms supplied by the Department. The facility shall abstract information for the occupational disease case's record onto the standard forms supplied by the Department. (See Appendix C.) The information required in this Section does not apply to data supplied through existing data base sources.
- d) All completed forms are to be mailed to the Illinois Department of Public Health, Division of Epidemiologic Studies, Occupational Disease Registry, 605 West Jefferson Street, Springfield, Illinois 62761.
- e) Each case's occupational disease incidence report form shall be sent to the Department within seven7 days afterof the date of laboratory results. All data received from a registered, permitted or licensed clinical laboratory or hospital laboratory sent to a local health authority in Illinois or other facility shall be submitted to the Department within three3 business days afterof the date it is

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

received by the local health authority or other facility.

- f) Every hospital, clinical or hospital laboratory, or other facility shall provide representatives of the Department with access to information including specified occupational disease cases or other cases specified for research studies related to occupational disease prevention and control. The Department will conduct studies of all medical, pathological, or other pertinent records and logs related to occupational disease incidence.
- g) Every hospital, clinical or hospital laboratory, or other facility shall provide the Department representatives with patient's name and attending physician's name for the purposes of follow-up on all laboratory and existing data base reports received by the Department.
- h) The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital, other reporting facilities and the Department. The Department shall not require hospitals and other reporting facilities to provide information on cases ~~that~~<sup>which</sup> are dated more than two years before the Department's request for further information. Any disputes regarding access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

**Section 840.APPENDIX C Forms and Instructions for Occupational Disease Registry****Section 840.Illustration C Occupational Disease Registry Abstract Information from the Illinois Health Care Cost Containment Council (Repealed)**

- a) ~~Discharge Date~~
- b) ~~Hospital Identification Number~~
- c) ~~Principal Payor Code (Payor Code 1)~~
- d) ~~Principal Group Code (Group Code 1)~~
- e) ~~Patient Identification Number~~
- f) ~~Patient Birth Date~~
- g) ~~Patient Sex~~
- h) ~~Admission Date~~
- i) ~~Patient Status~~
- j) ~~Patient Zip Code~~
- k) ~~Diagnosis Code: One Five~~
- l) ~~Physician Identification Number: One Two~~
- m) ~~Major Diagnostic Code~~
- n) ~~Diagnosis Related Code~~
- o) ~~Total Charges~~
- p) ~~Combined Delivery/Newborn Flag~~
- q) ~~Bypass Flag~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- r) ~~Principal Payor Category~~
- s) ~~Diagnosis Codes~~
  - 1) ~~Coal Worker's Pneumoconiosis (ICD-9-CM Code 500)~~
  - 2) ~~Asbestosis (ICD-9-CM Code 501)~~
  - 3) ~~Silicosis (ICD-9-CM Code 502)~~
  - 4) ~~Lead Poisoning (ICD-9-CM Code 984.0-984.9)~~
  - 5) ~~Acute Pesticide Poisoning (ICD-9-CM Code 989.3, 989.4)~~
  - 6) ~~Skin Cancer of the Scrotum (ICD-9-CM Code 187.7)~~
  - 7) ~~Hemangiosarcoma of the Liver (ICD-9-CM Code 155.0)~~
  - 8) ~~Mesothelioma (ICD-9-CM Code 158.8 (Peritoneum), 163.0 (Pleura), 164.1 (Pericardium), 183.0 (Ovary))~~
  - 9) ~~Cancer of the Bladder (ICD-9-CM Code 188.0-188.9)~~
  - 10) ~~History of Cancer~~
    - A) ~~Liver (ICD-9-CM Code V10.7)~~
    - B) ~~Lung (ICD-9-CM Code V10.1)~~
    - C) ~~Bladder (ICD-9-CM Code V10.5)~~
    - D) ~~Scrotum (ICD-9-CM Code V10.47)~~

(Source: Repealed at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number:                      Proposed Action:  
1.240    Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved:

Prior to, and during the first few months of, each school year, ISBE staff receives numerous complaints regarding school districts' improper enrollment policies and practices and their effect on undocumented children. Specifically, and notwithstanding current law, some school districts require for enrollment that prospective students submit documentation generally unavailable to undocumented persons (e.g., an Illinois driver's license, Social Security card, voter registration card, public aid card or a document from DHS or DCFS). For example, a school district may require on its enrollment form that a prospective student, whose parent has already provided a lease or mortgage evidencing residency in the district, also provide two items from a list of six, where four of those six items are generally unavailable to undocumented students.

In other instances, school districts simply, albeit inappropriately, inquire into a student's immigration status. Such practices have a chilling effect on the rights of immigrant students to enroll in public schools, because they create a legitimate fear of deportation and/or other consequences. States such as Pennsylvania and New Jersey have included specific language in their respective administrative codes prohibiting school districts from inquiring into students' immigration status.

While staff believes that current law (such as the United States Supreme Court's 1982 decision in Plyler v. Doe and Section 1.240 of ISBE's rules) already prohibits such inequitable enrollment practices, this proposed amendment to Part 1 is intended to make these protections more explicit and to provide a concrete standard by which compliance can be gauged.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

- 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</u>	<u>Action</u>	<u>Illinois Register Citation</u>
1.10	Amendment	30 Ill. Reg. 18882, December 15, 2006
1.85	Amendment	30 Ill. Reg. 18882, December 15, 2006
1.705	New Section	30 Ill. Reg. 18882, December 15, 2006
1.APPENDIX A	Amendment	30 Ill. Reg. 18882, December 15, 2006
1.APPENDIX B	Repeal	30 Ill. Reg. 18882, December 15, 2006

- 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 after the publication of this Notice to:

Sally Vogl  
 Agency Rules Coordinator  
 Illinois State Board of Education  
 100 North First Street (S-493)  
 Springfield, Illinois 62777

217/782-5270

Comments may also be submitted via e-mail, addressed to:

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

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 14) This rulemaking was not included in either of the 2 most recent agendas because: This amendment was developed in light of this fall's experience with complaints related to the enrollment of immigrant children.

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

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITIONPART 1  
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

## SUBPART A: RECOGNITION REQUIREMENTS

## Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Certification System
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates

## SUBPART B: SCHOOL GOVERNANCE

## Section

- 1.210 Powers and Duties (Repealed)
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

## SUBPART C: SCHOOL DISTRICT ADMINISTRATION

## Section

- 1.310 Administrative Responsibilities
- 1.320 Evaluation of Certified Staff in Contractual Continued Service
- 1.330 Hazardous Materials Training

## SUBPART D: THE INSTRUCTIONAL PROGRAM

## Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.445 Required Course Substitute
- 1.450 Special Programs
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

## SUBPART E: SUPPORT SERVICES

## Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 School Food Services (Repealed)
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

## SUBPART F: STAFF CERTIFICATION REQUIREMENTS

## Section

- 1.610 Personnel Required to be Qualified

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

- 1.620 Accreditation of Staff (Repealed)
- 1.630 Noncertificated Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

## SUBPART G: STAFF QUALIFICATIONS

## Section

- 1.705 Minimum Requirements for Teachers (Repealed)
  - 1.710 Requirements for Elementary Teachers
  - 1.720 Requirements for Teachers of Middle Grades
  - 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
  - 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
  - 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
  - 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
  - 1.740 Standards for Reading through June 30, 2004
  - 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
  - 1.750 Standards for Media Services through June 30, 2004
  - 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
  - 1.760 Standards for Pupil Personnel Services
  - 1.762 Supervision of Speech-Language Pathology Assistants
  - 1.770 Standards for Special Education Personnel
  - 1.780 Standards for Teachers in Bilingual Education Programs
  - 1.781 Requirements for Bilingual Education Teachers in Grades K-12
  - 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
  - 1.790 Substitute Teacher
- 
- 1.APPENDIX A Professional Staff Certification
  - 1.APPENDIX B Certification Quick Reference Chart
  - 1.APPENDIX C Glossary of Terms (Repealed)
  - 1.APPENDIX D State Goals for Learning
  - 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
  - 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
  - 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

**AUTHORITY:** Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

**SOURCE:** Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SCHOOL GOVERNANCE

**Section 1.240 Equal Opportunities for all Students**

- a) All students within a school district must be provided equal opportunities in all education programs and services provided by the system (see Section 10-20.12 of the School Code).
- b) No school system may *exclude or segregate any pupil*, or discriminate against any

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

pupil on the basis of *color, race, nationality, religion, sex, sexual orientation, ancestry, age, marital status, or physical or mental handicap* [775 ILCS 5/1-102(A)]. Further, no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (Plyler v. Doe, 457 U.S. 202 (1982)). In order to comply with this subsection (b), the documents required by a school system as proof of residency for a student, when taken together, shall not result in a requirement for proof of legal presence such as a Social Security number. That is, the permissible combinations of documents must be sufficiently variable as to afford an opportunity for those who lack proof of legal presence or immigration status to meet the stated requirements.

- c) The board of education shall submit periodic reports as required by the State Board of Education detailing pupil attendance, faculty assignments, and actions taken and planned to prevent and eliminate segregation.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
85.5	Amendment
85.135	Amendment
85.140	Amendment
85.145	Amendment
- 4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65]
- 5) Effective Date of Amendments: January 1, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 9/15/06; 30 Ill. Reg. 14681
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 85.135(c)(1)(C), the 1<sup>st</sup> sentence was changed from "The testing strategies using environmental sampling or pooled fecal cultures are not allowed." to "The testing strategy using environmental sampling is not allowed."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreement was necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: Update references to the *Code of Federal Regulations* and the *Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program*. In Section 85.5, the definition of "exposed to" is amended to clarify that the exemption for no-testing requirements for animals originating from herds that are enrolled in the Voluntary Risk Management Program applies only to herds where a complete herd test of test-eligible animals has been completed in the past 12 months. Section 85.135 is amended to reflect that herds established and maintained in accordance with the U.S. Animal Health Association except test eligible animals are 24 months of age and older and the testing strategy using environmental sampling is not allowed. Only animal testing is recognized of herd certification or herd testing for the Risk Management program. In Section 85.140, the Department is removing certification requirements for second and higher lactation animals and bulls, and is adding that if herd animals test positive on an organism detection test within the past two years, the herd will be restricted. The Department is amending Section 85.145 to indicate that Johne's disease-positive animals can be sold only for slaughter.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Linda Rhodes  
Illinois Department of Agriculture  
P. O. Box 19281  
State Fairgrounds  
Springfield, Illinois 62794-9281

217/785-5713  
Facsimile: 217/785-4505

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

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)PART 85  
DISEASED ANIMALS

Section	
85.5	Definitions
85.7	Incorporation by Reference
85.10	Reportable Diseases
85.12	Contagious or Infectious Diseases
85.15	Truck Cleaning and Disinfection
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25	Sale of Livestock Quarantined Because of Disease
85.30	Identification Ear Tags for Livestock
85.35	Identification Tags Not to be Removed
85.40	Livestock for Immediate Slaughter Not to be Diverted En Route
85.45	Anthrax
85.50	Goats
85.55	Scrapie in Sheep and Goats
85.60	Bluetongue
85.65	Sheep Foot Rot (Repealed)
85.70	Cattle Scabies
85.75	Cattle Scabies – Additional Requirements on Cattle from Certain Designated Areas
85.80	Sheep and Goats
85.85	Diseased Animals
85.90	Copy of Health Certificate Shall be Furnished
85.95	Requests for Permits
85.100	Consignments to Stockyards, Auction Markets or Recognized Slaughtering Centers
85.105	Obligation of Transportation Company and Truck Operators
85.110	Additional Requirements on Cattle From Designated States
85.115	Salmonella enteritidis serotype enteritidis
85.120	Cervidae
85.125	Ratites
85.130	Vesicular Stomatitis

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 85.135 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Certification Program
- 85.140 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program
- 85.145 Johne's Disease Positive Animals
- 85.150 Importation of Animals; Permit Required

**AUTHORITY:** Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

**SOURCE:** Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 23 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. 7862, effective July 1, 1999; amended at 24 Ill. Reg. 997, effective January 10, 2000; amended at 24 Ill. Reg. 16612, effective November 1, 2000; amended at 26 Ill. Reg. 76, effective January 1, 2002; emergency amendment at 26 Ill. Reg. 6846, effective April 19, 2002, for a maximum of 150 days; emergency expired September 15, 2002; amended at 26 Ill. Reg. 18245, effective December 13, 2002; emergency amendment at 27 Ill. Reg. 9638, effective June 10, 2003, for a maximum of 150 days; emergency expired November 6, 2003; amended at 28 Ill. Reg. 2086, effective February 1, 2004; amended at 28 Ill. Reg. 13405, effective October 1, 2004; amended at 30 Ill. Reg. 16582, effective October 9, 2006; amended at 31 Ill. Reg. 82, effective January 1, 2007.

**Section 85.5 Definitions**

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

Definitions for the rules of this Part are located in the general definitions Section (8 Ill. Adm. Code 20.1) and apply to the rules of this Part. The following definitions shall also apply to the rules of this Part:

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the USDA (9 CFR 160, 161 and 162; ~~20062003~~).

"Exposed to" means an animal that has come in contact with another animal or an environment that is capable of transmitting a contagious, infectious or reportable disease. An animal will no longer be considered as "exposed to" when it is beyond the standard incubation time for the disease and the animal has been tested negative for the specific disease or there is no evidence that the animal is contagious, except for animals exposed to Johne's disease. Animals originating from a herd where Johne's disease has been diagnosed will be considered no longer "exposed to" with a negative test. The negative test must have been conducted within 30 days prior to the sale or movement. [510 ILCS 50/1]. An exemption to the "exposed to" language will be granted to animals originating from a herd that is enrolled in the Voluntary Johne's Disease Risk Management Program. ~~These Participating~~ herds will no longer be restricted.

"Recognized slaughtering center" means an establishment where slaughtering is conducted under Federal or State inspection.

(Source: Amended at 31 Ill. Reg. 82, effective January 1, 2007)

**Section 85.135 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Certification Program**

- a) The following definitions shall be applicable to this Section:
  - 1) "Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture, the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis of its using USDA approved methods).
  - 2) "Animal" means cattle, bison, buffalo, goats, llamas, or members of the cervid family.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 3) "Cow-side", "pen-side" or "on-site" test means any test approved by the USDA for *M. avium* paratuberculosis that can be performed in the field by an accredited veterinarian. Veterinarians must receive approval from the Department to use this test, and all results must be reported to the Department within 10 days. The test cannot be performed in a herd participating in the Voluntary Johne's Disease Certification Program.
- 4) "Herd " means all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.
- 5) "Positive animal" means an animal infected with *Mycobacterium avium* paratuberculosis, only if *M. avium* paratuberculosis is demonstrated by an organism detection test on tissues or feces of the animal.
- 6) "M. avium paratuberculosis-detection test " or "organism detection test" means any test sufficiently sensitive and specific for detection of *M. avium* paratuberculosis in fecal samples. Definitions of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program ([June 1, 2006](#)~~November 2004~~). Any test approved by the USDA for *M. avium* paratuberculosis organism detection (i.e., fecal culture test for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.
- 7) "Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to *M. avium* paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program ([June 1, 2006](#)~~November 2004~~), as recommended and approved by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the USDA for serum antibody detection (i.e., ELISA for *M. avium*

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- b) Criteria for herds qualified to enter into the certification program:
- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
  - 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified herds only.
  - 3) A herd assembled with animals originating directly from certified herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired. A negative first-herd test will qualify the newly-assembled herd for the first certification level.
  - 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable types of approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.
- c) Voluntary Johne's disease herd status for cattle shall be established and maintained in accordance with the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (~~June 1, 2006~~ November 2004) that was approved and adopted by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228), with the exceptions listed in subsection (c)(1).~~exception that~~
- 1) Exceptions
    - A) The~~the~~ organism detection test will be accepted for testing at any level:-
    - B) Test eligible animals are all animals 24 months of age and older; and

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- C) The testing strategy using environmental sampling is not allowed. Only animal testing is recognized for herd certification or herd testing for the Risk Management program.
- 2) Herd owners using either the Fast Track or the Standard Track certification program must sign a herd agreement prior to acceptance into the program.
- d) Criteria for certifying bison, buffalo, goats, llamas or members of the cervid family herds under the Illinois Voluntary Johne's Disease Herd Certification Program.
- 1) The following certification levels will be awarded compliance with certification requirements:
- Level 1 – herd tested negative after one sampling.
  - Level 2 – herd tested negative after two samplings.
  - Level 3 – herd tested negative after three samplings.
  - Level 4 – herd tested negative after four samplings.
  - Level 5 – herd tested negative after five samplings.
  - Level 5 Monitored – herd tested negative after six or more samplings.
- 2) Certification requirements:
- A) For annual certification, all animals 24 months of age and older must be tested.
  - B) Certified herds must be tested every 12 months (+/- 2 months).
  - C) All tests must be performed at an accredited laboratory.
  - D) An organism detection test for *M. avium* paratuberculosis (i.e., fecal culture) must be conducted.
  - E) Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian who must verify that the samples were collected from the animals identified on the test documents.
  - F) The owner must certify on an agreement form prescribed by the

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

## Department:

- i) At the initial test date, the herd has been in existence for at least one year or was assembled only from herds enrolled in a *M. avium* paratuberculosis program and are at the same or higher level than the herd. Animals purchased from herds participating in *M. avium* paratuberculosis programs outside of Illinois must have that state's program approved by the Director prior to certification.
  - ii) At each test date, all animals in the herd 24 months of age or older were sampled and included in the herd test. A herd can qualify for certification through a split herd testing program. The producer must test all test-eligible animals at least once a year throughout a one year (12 month) period. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.
  - iii) At each test date, a list identifying all animals previously tested but no longer in the herd must be provided to the Department.
  - iv) At each test date, all animals added to the herd since the last herd test were natural additions to (born into) the herd, purchased from participating herds, or were tested at the time of arrival on the premises (see Section 85.135(d)(6)).
  - v) At each test date, with a written statement sent to the Department certifying to the best of his/her knowledge no animal that left the herd tested positive for paratuberculosis or was exhibiting clinical signs of Johne's disease.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
  - 4) Handling of animals exhibiting clinical signs:
    - A) All animals exhibiting clinical signs of *M. avium* paratuberculosis must be tested and isolated from the herd pending the test results.



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

An organism detection test (i.e., fecal culture) must be used on feces from animals exhibiting clinical signs.

- B) A negative result on the *M. avium* paratuberculosis detection test will allow the herd to move to the next certification level.
- 5) Suspension or revocation of herd certification:
- A) Identification of a positive animal using the organism detection test during the certification herd test will result in the loss of certification status. The next negative test will qualify the herd for Level 1 certification.  
  
If a positive animal is detected on any other test for Johne's disease during the current certification period other than by an organism detection test, the herd's certification will be suspended pending a confirmatory organism detection test of that animal.
  - B) Herds not tested within 14 months after the last sampling will lose their certification status. The next negative herd test will qualify the herd for Level 1 certification.
- 6) Herd Additions. Animals purchased from another herd participating in a *M. avium* paratuberculosis certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are not participating in a *M. avium* paratuberculosis certification program must be isolated from the other members of the herd until a negative organism detection test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd, and there can be no chance of fecal contamination from the animal.
- 7) Protocol. If an animal sold from a certified herd is identified as positive:
- A) If an animal sold from a certified negative herd is identified as positive by an organism detection test within 16 months after the date of sale, the selling certified herd may, within 120 days after being notified, be required to conduct a herd retest of all eligible animals. Determination of retesting of the herd will be made by the Director based upon, but not limited to, the level of certification of

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

the herd, the last negative organism detection test of the herd and the status of the other animals in the purchasing herd, if known.

- B) The selling certified herd will maintain its present certification status pending the results of the herd test or at the determination of the Director based on epidemiological evidence provided by a state or federal veterinarian.
- C) If the herd retest is negative, the herd will maintain its "present" certification status. The herd owner/manager shall then have the option of maintaining his/her present test schedule or rescheduling his/her herd test date so that his/her next herd test is not due until 12 months after the retest.
- D) If a positive animal is identified on this retest, the selling herd will lose its certification status. The next negative herd test will qualify the herd for Level 1 certification.

(Source: Amended at 31 Ill. Reg. 82, effective January 1, 2007)

**Section 85.140 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program**

- a) The following definitions shall be applicable to this Section:

"Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture, the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis that it is using USDA approved methods).

"Certified Johne's Disease Veterinarian" means a veterinarian who has completed a prescribed course and field training for conducting risk assessments and writing herd plans for herds dealing with Johne's disease. Certification will be issued by the State Veterinarian and/or the designated Johne's Disease Coordinator.

"Herd" shall mean all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.

"M. avium paratuberculosis-detection test" or "organism detection test" means any test sufficiently sensitive and specific for detection of M. avium paratuberculosis in fecal samples. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program ([June 1, 2006](#)~~November 2004~~). Any test approved by the USDA for M. avium paratuberculosis organism detection (i.e., fecal culture test for M. avium paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

"Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to M. avium paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program ([June 1, 2006](#)~~November 2004~~), approved by the U.S. Animal Health Association (P. O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the USDA for serum antibody detection (i.e., ELISA for M. avium paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- b) Criteria for herds qualified to enter into the risk management program:
- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
  - 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified or risk managed herds only.
  - 3) A herd assembled with animals originating directly from risk managed herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable types of approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.
- c) Criteria for enrolling and maintaining cattle, buffalo or bison herds under the Illinois Voluntary Johne's Disease Risk Management Program.
    - 1) The following certification levels will be awarded compliance with certification requirements:
      - A) Level A – 30 head or the whole herd has been tested with no positives disclosed.
      - B) Level B – the whole herd has been tested with less than 5% (0% to 4.99%) of the animals testing positive.
      - C) Level C – the whole herd has been tested with 5% to 14.99% of the animals testing positive.
      - D) Level D – the whole herd has been tested with 15% or greater of the animals testing positive, or 30 head were tested with one or more positive animals disclosed.
      - E) Potential Maximum Risk herds have had no animals tested or do not disclose any test results.
      - F) A level achievement year representing when the herd reached the status level will be added to the status designation (e.g., Level A since 1999).
    - 2) Certification requirements:
      - A) Testing shall be done annually within 10-14 months after the initial status testing anniversary date and a herd shall remain at that level for a year, regardless of the amount of testing completed during that time. A herd can qualify through a split herd testing program.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

The producer must test all test-eligible animals at least once a year throughout a one year (12 month) period with the exception of any "J" punched animals in the herd. "J" punched animals do not have to be tested, but must be accounted for on the annual herd agreement. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.

- B) Either a fecal culture or ELISA test may be used for certification.
  - C) Whole herd tests are conducted on all ~~second and higher lactation~~ animals ~~and bulls~~ two years of age and older.
  - D) Tests on 30 animals must be a random sampling of ~~second and higher lactation~~ animals ~~and bulls~~ two years of age and older. The same animals should not be tested in consecutive testing years.
  - E) All tests must be performed at an accredited laboratory.
  - F) Fecal and blood collection must be done either by, or under the direct supervision of, an accredited veterinarian, who must verify that the samples were collected from the animals identified on the test documents.
  - G) An animal risk assessment and updated herd plan has been completed for the herd by a Certified Johne's Disease Veterinarian or a state or federal veterinarian.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
  - 4) Herds not tested within 14 months after the last sampling will lose their certification status. If the herd had animals testing positive on an organism detection test within the past two years, the herd will be restricted. Herds that stop testing but continue to have an annual risk assessment and herd plan completed by a certified Johne's disease veterinarian and follow the management guidelines prescribed in the herd plan will not be restricted (see Section 85.145).
- d) Criteria for enrolling and maintaining cervid or goat herds under the Illinois

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

## Voluntary Johne's Disease Risk Management Program.

- 1) The following certification levels will be awarded compliance with certification requirements:
  - A) Level A – 30 head or the whole herd has been tested with no positives disclosed.
  - B) Level B – the whole herd has been tested with less than 5% (0% to 4.99%) of the animals testing positive.
  - C) Level C – the whole herd has been tested with 5% to 14.99% of the animals testing positive.
  - D) Level D – the whole herd has been tested with 15% or greater of the animals testing positive, or 30 head were tested with one or more positive animals disclosed.
  - E) Potential Maximum Risk herds have had no animals tested or do not disclose any test results.
  - F) A level achievement year representing when the herd reached the status level will be added to the status designation (e.g., Level A since 2002).
- 2) Certification requirements:
  - A) Testing shall be done annually within 10-14 months after the initial status testing anniversary date and a herd shall remain at that level for a year, regardless of the amount of testing completed during that time. A herd can qualify through a split herd testing program. The producer must test all test-eligible animals at least once a year throughout a one-year (12 month) period with the exception of any "J" punched animals in the herd. "J" punched animals do not have to be tested, but must be accounted for on the annual herd agreement. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.
  - B) The fecal culture must be used for certification.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- C) Whole herd tests are conducted on all ~~second and higher lactation~~ animals ~~and males~~ two years of age and older.
  - D) Tests on 30 animals must be a random sampling of ~~second and higher lactation~~ animals ~~and males~~ two years of age and older. The same animals should not be tested in consecutive testing years.
  - E) All tests must be performed at an accredited laboratory.
  - F) Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian, who must verify that the samples were collected from the animals identified on the test documents.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
  - 4) Herds not tested within 14 months after the last sampling will lose their certification status.
- e) Additions to the herd. Animals purchased from another herd participating in an M. avium paratuberculosis certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are participating in Johne's Disease Risk Management Program and are of the same level as the purchasing herd can be added to the herd without further testing and be tested on the next annual test. If the purchased additions originate from herds that are of a lower risk management level or are from a herd that has not been tested, the purchasing herd will assume the level of the purchased additions or will lose its herd status unless the animals have had a negative test within 30 days prior to purchase, or are isolated from the other members of the herd until a negative test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd, and there can be no chance of fecal contamination from the animal.

(Source: Amended at 31 Ill. Reg. 82, effective January 1, 2007)

**Section 85.145 Johne's Disease Positive Animals**

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

Any animals found to be positive for Johne's disease on an organism detection (culture) test shall be "J" punched in the left ear within 30 days after diagnosis. The "J" punch shall be no smaller than one inch in height for cattle or bison or one-half inch for cervids or goats. Animals found to be positive on an organism detection test can only be sold for slaughter. The herd will be placed under restriction until the herd has either enrolled in the Voluntary Johne's Disease Herd Program or Johne's Disease Risk Management Program (see Section 85.140(c)(4) for exemptions). Herds restricted due to Johne's disease cannot sell any animals except to slaughter unless the animals have been tested negative for Johne's disease within 30 days prior to sale on a serum antibody test, or within 30 days after receiving negative results on an organism detection test, or the herd is enrolled in the Johne's Disease Risk Management Program.

(Source: Amended at 31 Ill. Reg. 82, effective January 1, 2007)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Acquisition, Management and Disposal of Real Property
- 2) Code Citation: 44 Ill. Adm. Code 5000
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
5000.610	Amendment
5000.720	Amendment
- 4) Statutory Authority: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500]
- 5) Effective Date of Amendments: December 20, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal was Published in the Illinois Register: July 7, 2006; 30 Ill. Reg. 11476
- 10) Has JCAR issued a Statement of Objection to the amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rulemakings replace any emergency rulemakings currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: The Property Control Act requires State agencies to file an Annual Real Property Utilization Report with Central Management

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Services by October 30<sup>th</sup> each year. The corresponding rules, prior to this amendment, required the report to be filed by July 30<sup>th</sup> of each year. The current rulemaking changes the dates the comply with the State Property Control Act.

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

Nick Kanellopoulos  
Illinois Department of Central Management Services  
Property Management-Claims  
JRTC, Suite 4-500  
100 West Randolph Street  
Chicago, IL 60601

312/814-5259

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY MANAGEMENT

## SUBTITLE D: PROPERTY MANAGEMENT

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 5000

## ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

## SUBPART A: GENERAL

## Section

5000.100	Authority
5000.110	Policy
5000.120	Applicability

## SUBPART B: LEASED SPACE ACQUISITION POLICY

## Section

5000.200	General Policy and Responsibility
5000.210	Requests for Space/Agency Responsibilities
5000.220	Acquisition Authority
5000.230	General Acquisition Procedures
5000.231	Acquisition of Leases by RFI
5000.232	Leases Acquired by Other Methods
5000.233	Renewal or Extension of Lease in Effect Prior to July 1, 1998
5000.234	Renewal of Leases Entered into After July 1, 1998
5000.235	Purchase Options
5000.240	Lease Administration
5000.250	Emergency Lease Procurement

## SUBPART C: BUILDING STANDARDS

## Section

5000.300	Scope
5000.310	Area Measurement
5000.320	Space Planning Assistance
5000.330	Open Space
5000.340	Space Allowance and Standards
5000.350	Office Furnishing
5000.360	Handicapped Accessibility

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 5000.370 Vending Facilities/Blind Operators
- 5000.380 Improvements

## SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

## Section

- 5000.400 Assignment and Management by DCMS
- 5000.410 Assignment by Agencies
- 5000.420 Reviews and Appeal of Space Assignment Actions
- 5000.430 Services Provided
- 5000.440 Alterations
- 5000.450 Local Requirements

SUBPART E: UTILIZATION OF SPACE  
(STATE-OWNED AND LEASED PROPERTIES)

## Section

- 5000.500 Space Inspections and Surveys
- 5000.510 Responsibility of Agencies
- 5000.520 Release of Space Not Fully Utilized
- 5000.530 Notice to DCMS of Relinquishment or Termination of Space

## SUBPART F: EXCESS REAL PROPERTY

## Section

- 5000.600 Excess Real Property Defined
- 5000.610 Reports of Excess Real Property
- 5000.620 Utilization of Excess Real Property
- 5000.630 Charges for Use of Excess Property
- 5000.640 Temporary Occupancy
- 5000.650 Disputes
- 5000.660 Non-State Use

## SUBPART G: SURPLUS REAL PROPERTY

## Section

- 5000.700 Surplus Real Property Defined
- 5000.710 Declaration of Surplus
- 5000.720 Reporting Surplus Real Property
- 5000.730 Notice of Availability to State Agencies

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

5000.740	State Agency Requests for Surplus Real Property
5000.750	Transfer Decisions
5000.760	Transfer Procedures
5000.770	Transfer to Department of Central Management Services
5000.780	Subsequent Disposal
5000.790	Sale of Surplus
5000.800	Notice of Sale to Local Governments
5000.810	Local Government Offer to Purchase
5000.820	Public Sale
5000.830	Public Sale Procedures
5000.840	Non-State Interim Use

## SUBPART H: USE OF OFFICE BUILDING

## Section

5000.900	Applicability
5000.901	Building Access and Security
5000.902	Security
5000.910	Definitions
5000.920	Business Hours and Public Access
5000.930	Prohibited Activities
5000.940	Demonstrations
5000.950	Exhibits and Special Events
5000.960	Distribution of Leaflets
5000.970	Severability

  

5000.APPENDIX A	Space Standards
5000.APPENDIX B	Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 585, effective January 9, 1995; amended at 20 Ill. Reg. 15002, effective November 7, 1996; emergency amendment at 22 Ill. Reg. 12569, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20545, effective November 16, 1998; emergency amendment at 25 Ill. Reg. 15438, effective November 16, 2001, for a maximum of 150 days; emergency expired April 14, 2002; 26 Ill. Reg. 8083, effective May 17, 2002; amended at 27 Ill. Reg. 2105, effective January 27, 2003; emergency amendment at 29 Ill. Reg. 15686 effective November 17, 2004, for a maximum of 150 days; emergency expired April 15, 2005; amended at 30 Ill. Reg. 14094, effective August 10, 2006; amended at 31 Ill. Reg. 99, effective December 20, 2006.

## SUBPART F: EXCESS REAL PROPERTY

**Section 5000.610 Reports of Excess Real Property**

Excess real property shall be reported to CMSDCMS on the Annual Real Property Utilization Report Form by October~~July~~ 30 of each year. The annual report contains cumulative information for the fiscal year preceding the current October~~July~~ 30. Reports of excess real property are also to be submitted each month as property becomes available. Advance notice of property becoming excess should be given as soon as possible.

(Source: Amended at 31 Ill. Reg. 99, effective December 20, 2006)

## SUBPART G: SURPLUS REAL PROPERTY

**Section 5000.720 Reporting Surplus Real Property**

Each agency shall submit to CMSDCMS the Annual Real Property Utilization Report by October~~July~~ 30 of each year. The annual report contains cumulative information for the fiscal year preceding the due date. Reports of surplus real property are also to be submitted each month as surplus property becomes available. Advance notice of property becoming surplus should be given as soon as possible.

(Source: Amended at 31 Ill. Reg. 99, effective December 20, 2006)

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED PART

- 1) Heading of the Part: Employer Training Investment Program
- 2) Code Citation: 56 Ill. Adm. Code 2650
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2650.20	Amend
2650.40	Amend
- 4) Statutory Authority: Implementing Section 605-800 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-800 and 605-95]
- 5) Effective Date of Amendments: December 20, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 14393; September 8, 2006.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Grammatical and stylistic changes were made.
- 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 amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Amending this Part will allow DCEO to fulfill the purpose of the program, which is to enhance employment opportunities for Illinois citizens. The changes will expand the parameters of the program to help minorities train in the film industry in anticipation of job opportunities created by an extension of the Illinois Film Production Tax Credit. In addition, they will afford DCEO the opportunity to assist start-up bioscience companies in Illinois who often rely heavily on graduate

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED PART

students to work in their companies by providing high quality labor for small companies and an excellent work experience for Illinois college students.

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

Ms Jolene Clarke  
Rules Administrator  
Illinois Department of Commerce and Economic Opportunity  
620 East Adams Street  
Springfield, IL 62701

217/557-1820

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



DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED PART

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER III: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 2650

EMPLOYER TRAINING INVESTMENT PROGRAM

SUBPART A: GENERAL REQUIREMENTS

Section

- 2650.10 Purpose
- 2650.20 Definitions
- 2650.30 Eligible Applicants and Training Activities
- 2650.40 Allowable Costs
- 2650.50 Grant Administration Requirements
- 2650.60 Nondiscrimination
- 2650.70 Selection for Funding (Recodified)
- 2650.80 Allowable Costs (Recodified)
- 2650.90 Grant Administration Requirements (Recodified)
- 2650.100 Nondiscrimination (Recodified)

SUBPART B: SINGLE COMPANY APPLICANTS

Section

- 2650.110 Application Procedures
- 2650.120 Application Documentation
- 2650.130 Application Evaluation
- 2650.140 Selection for Funding

SUBPART C: SECONDARY AND POST-SECONDARY  
EDUCATION INSTITUTION APPLICANTS

Section

- 2650.210 Application Procedures (Repealed)
- 2650.220 Application Documentation (Repealed)
- 2650.230 Application Evaluation (Repealed)
- 2650.240 Selection for Funding (Repealed)
- 2650.250 Reporting Requirements (Repealed)

SUBPART D: MULTI-COMPANY AND MEMBERSHIP  
TRAINING PROJECT APPLICANTS

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED PART

## Section

2650.310	Application Procedures
2650.320	Application Documentation
2650.330	Application Evaluation
2650.340	Selection for Funding
2650.350	Administrative Requirements (Repealed)

**AUTHORITY:** Implementing Section 605-800 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-800 and 605-95].

**SOURCE:** Adopted at 11 Ill. Reg. 11642, effective June 29, 1987; recodified at 13 Ill. Reg. 15386; emergency amendments at 13 Ill. Reg. 16126, effective September 27, 1989, for a maximum of 150 days; emergency expired February 24, 1990; amended at 14 Ill. Reg. 5075, effective March 20, 1990; amended at 16 Ill. Reg. 17969, effective November 17, 1992; amended at 19 Ill. Reg. 15374, effective October 20, 1995; amended at 21 Ill. Reg. 12124, effective August 26, 1997; amended at 25 Ill. Reg. 2987, effective February 9, 2001; amended at 29 Ill. Reg. 10047, effective June 28, 2005; emergency amendment at 30 Ill. Reg. 14593, effective August 24, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 105, effective December 20, 2006.

## SUBPART A: GENERAL REQUIREMENTS

**Section 2650.20 Definitions**

**Director** – The Director of the Department of Commerce and Economic Opportunity.

**Employee Training** – Training programs, either on-the-job, classroom or any combination thereof, sponsored by an employer or other eligible grant recipient on behalf of employers, which are intended to provide employees with the skills required to perform their current job or as a condition of continued employment. The employee skill requirements are established by the employer or participating employers and may include basic, technical and managerial skills.

**Grantee** – Any program applicant whose proposal is funded by the Department through a grant.

**Labor Organization** – Any collective bargaining unit or any labor entity formed by collective bargaining units such as Statestate labor councils, district labor

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED PART

councils, local central labor councils and international unions as well as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

**Large Company** – A company with facilities in Illinois that employs at least 250 full-time employees. If the grant amount is less than \$100,000, the Department shall serve the grantee as a Small to Mid-Sized Company, regardless of size, in circumstances where a grantee would be unduly burdened with the reporting requirements imposed on large companies based on variables including, but not limited to: amount of grant; previous experience; number of employees at start and end of training; term of grant; and number of trainees.

**Large Manufacturers Supplier Network** – Any company located or with facilities in the State of Illinois ~~that~~**which** supplies products or services to an original equipment manufacturer or large manufacturing assembly facility in Illinois.

**Large Multi-Company Training Project** – Any project submitted for the benefit of more than two companies that addresses the common employee training, retraining or skills upgrading needs identified by participating companies. The majority of companies participating in the project shall be large. High Volume Multi-Company Projects (\$500,000 or more) and Large Manufacturers Supplier Network Projects, regardless of the size of the participating company, shall also be included in this definition. The participating companies shall not include units of local, municipal, home rule, county, State or federal government or government agencies or government-operated facilities.

**Location Activities** – Activities necessary to retain existing companies and to attract new companies to Illinois (e.g., training). All location training incentives, regardless of company size, will be treated as large companies for programmatic purposes.

**New Employee** – An individual who is hired by the grantee during the term of a training contract or who is permanently transferred to Illinois during the term of a training contract.

**Planned Permanent Expansion** – Any of the following will apply:

Permanent increase in the workforce (no minimum number of new jobs required);

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED PART

Addition of new product line or expansion of existing product line; or

New capital investment in machinery or equipment.

Retention Activities – Activities necessary to keep existing companies in Illinois that might otherwise leave the State or reduce their workforce (e.g., retraining,

Retraining – The training of an employee with the intent that the employee will learn to perform a significantly different type of job than was previously held by that employee.

Small to Mid-Sized Company – A company with facilities in Illinois that employs fewer than 250 full-time employees. If the grant amount is greater than or equal to \$100,000, or if the grant is in connection with a development assistance package subject to applicable recapture provisions pursuant to Section 25 of the Corporate Accountability for Tax Expenditures Act [20 ILCS 715/25], the Department shall serve the grantee as a large company, regardless of size, in circumstances where a grantee would be better served as a large company based on variables including, but not limited to: amount of grant; previous experience; number of employees at start and end of training; term of grant; and number of trainees.

Small to Mid-Sized Multi-Company Training Project – Any project submitted for the benefit of more than two companies that addresses common employee training, retraining or skills, upgrading needs identified by participating companies. The majority of companies participating in the project shall be small to mid-sized. The participating companies shall not include units of local, municipal, home rule, county, State or federal government or government agencies or government-operated facilities.

Strategic Business Partnership – A formal or informal agreement between more than two businesses with facilities in Illinois where an objective of the partnership is to address employee training or other common workforce development issues among the participating businesses.

Trainee – A full-time existing or newly-hired employee of a company who is participating in a training, retraining or skills upgrading program. Part-time, seasonal, temporary and/or contractual employees are not precluded from being~~cannot be~~ considered trainees for program reimbursement if the employer's primary business activity is in the biotechnology, biomedical or film and

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED PART

television production industries.

Upgrade Training – The enhancement of employees' job skills with the intent that the employee will continue working at the same type of job (e.g., cross-training of skilled employees).

(Source: Amended at 31 Ill. Reg. 105, effective December 20, 2006)

**Section 2650.40 Allowable Costs**

- a) Grants for employee training to single companies will allow for reimbursement or payment on the terms and conditions agreed to between the grantee and the Department through the execution of a Notice of Grant Agreement. The Agreement includes the following sections, all of which are incorporated and made part of the Agreement: (I) Grantee's Approved Budget, (II) Special Grant Conditions, (III) Grantee's Scope of Work, (IV) Program Terms and Conditions, (V) General Provisions, and (VI) Required Certifications. No grant shall exceed 50% of the total approved training costs. Allowable costs for single company training projects include:
- 1) Instructor costs, including wages, fringe benefits and travel expenses.
  - 2) Costs for tuition and educational fees.
  - 3) Training materials.
  - 4) Rent or lease of training equipment and/or facilities.
  - 5) Other usual and customary training costs.
  - 6) Trainee travel expenses.
  - 7) Trainee wages and fringe benefits.
  - 8) Audit costs.
- b) Grants for multi-company or membership training projects will allow for reimbursement or payment on the terms and conditions agreed to between the grantee and the Department through the execution of a Notice of Grant Agreement. The Agreement includes the following sections, all of which are

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED PART

incorporated and made part of the Agreement: (I) Grantee's Approved Budget, (II) Special Grant Conditions, (III) Grantee's Scope of Work, (IV) Program Terms and Conditions, (V) General Provisions, and (VI) Required Certifications. No grant shall exceed 50% of the total approved training costs. ~~For the multi-company training projects, the Department requires that a minimum of 50% of the local contribution be a direct cash contribution toward the training project by the companies participating in the training project.~~ Allowable costs for multi-company or membership training projects include:

- 1) Administrative costs of tracking, documenting, reporting, auditing and processing training funds or project costs. Administrative costs must be reasonable and shall not exceed 15% of the total approved direct training expenditures, including indirect costs.
- 2) Costs of curriculum development.
  - A) The Department will only reimburse for the costs of curriculum development when such curricula are judged by the Department as being of benefit to multiple Illinois employers and such curricula will be considered to be in the public domain.
  - B) The Grantee shall include the following statement in all written materials produced in whole or in part by funds awarded under this Grant Agreement: "This publication and material were supported in whole or in part by an Employer Training Investment Program grant awarded by the Illinois Department of Commerce and Economic Opportunity. Representations made by this publication and material do not necessarily reflect the opinions and conclusions of the Department."
  - C) The Department reserves the right to request at least one copy of all training materials used by the Grantee or any subcontractor for training which is eligible for reimbursement under the grant. The Department will not distribute any proprietary information nor circulate any training materials without the expressed consent of the Grantee or subcontractor with the exception of those materials ~~that~~which are developed in whole or in part with State funds.
- 3) Training materials, including manuals, workbooks, videotapes and other materials that are used for training purposes only. Any item that can be

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED PART

depreciated will not be considered to be training materials.

- 4) Instructor costs, including wages, fringe benefits, and travel expenses.
- 5) Rent or lease of training equipment and/or facilities.
- 6) Other usual and customary training costs.
- 7) Trainee wages and fringe benefits.

(Source: Amended at 31 Ill. Reg. 105, effective December 20, 2006)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Predatory Lending Database
- 2) Code Citation: 38 Ill. Adm. Code 346
- 3) Section Number: 346.36      Adopted Action: New Section
- 4) Statutory Authority: Section 70 of the Residential Real Property Disclosure Act [765 ILCS 77/70]
- 5) Effective Date of Amendment: December 21, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 13253; August 11, 2006
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes at 30 Ill. Reg. 13524, effective July 28, 2006
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This Section provides the inception date of the Pilot Program created by Section 70(b) of the Residential Real Property Disclosure Act.
- 16) Information and questions regarding this amended Part shall be directed to:

Department of Financial and Professional Regulation  
Attention: Barb Smith



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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

320 West Washington, 3<sup>rd</sup> Floor  
Springfield, Illinois 62786

217/785-0813 Fax: 217/782-7645

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## PART 346

## PREDATORY LENDING DATABASE

Section	
346.10	Definitions
346.15	Information Required
346.17	Database Procedures for Pilot Program
346.20	Standards for Credit Counseling
346.25	Disclosure of Information Prohibited
346.30	Credit Counselor Costs
346.35	Declaration of Inception Date
<a href="#">346.36</a>	<a href="#">Inception Date of the Pilot Program</a>
346.40	Exemption

AUTHORITY: Implementing and authorized by Section 70 of the Residential Real Property Disclosure Act [765 ILCS 77/70].

SOURCE: Adopted by emergency rulemaking at 30 Ill. Reg. 208, effective January 1, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 1867, effective January 26, 2006; emergency amendment at 30 Ill. Reg. 13524, effective July 28, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14262, effective August 18, 2006; amended at 31 Ill. Reg. 114, effective December 21, 2006.

**Section 346.36 Inception Date of the Pilot Program**

The Secretary of Financial and Professional Regulation declares September 1, 2006 as the inception date of the Pilot Program created by Section 70(b) of the Residential Real Property Disclosure Act [765 ILCS 77/70(b)]. Until the inception date, none of the duties, obligations, contingencies or consequences of or from the Pilot Program will be imposed. The four-year term of the program will begin on the inception date.

(Source: Amended at 31 Ill. Reg. 114, effective December 21, 2006)

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Estate and Generation-Skipping Transfer Tax Act
- 2) Code Citation: 86 Ill. Admin. Code 2000
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2000.100	Amendment
2000.101	Repeal
2000.Appendix A	Repeal
- 4) Statutory Authority: Implementing Section 6(f) and authorized by Section 16 of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(f) and 16]
- 5) Effective Date of Amendments: December 20, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and is available for public inspection in the Attorney General's principal offices in Chicago (12th Floor, James R. Thompson Center) and Springfield (500 S. Second St.).
- 9) Notice of Proposal Published in Illinois Register: February 10, 2006; 30 Ill. Reg. 1550
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 6 of Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6] directs the Attorney General to prescribe by rule a return to be used in administration of the tax. The Attorney General's previous rules simply included the actual return form as an appendix. This rulemaking takes the form out of the rules by repealing the appendix and including the prescribed elements of

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

the return in the body of the rule. This will allow non-substantive updating of the form without having to amend the rules and will allow use of other forms that contain the necessary elements. In addition, substantive changes in the elements of the return are made to reflect statutory changes made by Public Act 93-30, which was intended to decouple the method of calculating the amount of the State's tax from the federal estate tax that is being phased out.

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

John R. Simpson  
Senior Assistant Attorney General  
Revenue Litigation Bureau  
Office of the Attorney General  
500 South Second Street  
Springfield, Illinois 62706

217/524-5095

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

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER III: ATTORNEY GENERAL

## PART 2000

ILLINOIS ESTATE AND GENERATION-SKIPPING TRANSFER TAX ~~RETURN~~ACT~~SUBPART A: RETURNS~~

## Section

2000.100 Prescribed Return

2000.101 Form of Return (~~Repealed~~)2000.APPENDIX A Estate and Generation Skipping Transfer Tax Return (~~Repealed~~)

AUTHORITY: Implementing Section 6(f) and authorized by Section 16 of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(f) and 16].

SOURCE: Adopted at 14 Ill. Reg. 17183, effective November 1, 1990; amended at 31 Ill. Reg. 117, effective December 20, 2006.

~~SUBPART A: RETURNS~~**Section 2000.100 Prescribed Return**

All persons required by Section 6(c) of the Illinois Estate and Generation-Skipping Transfer Tax Act [~~35 ILCS 405/6(c)~~](~~Ill. Rev. Stat. 1989, ch. 120, par. 405 A-6~~) to file a return pursuant to the Illinois Estate and Generation-Skipping Transfer Tax shall file a return ~~which is in all respects in the form prescribed in this Part. The Attorney General shall provide a form for the return, but other forms that contain the information prescribed in this Section will also be accepted. An acceptable form must contain the following information:~~

- a) Decedent's name;
- b) Date of death;
- c) Decedent's complete address;
- d) Decedent's Social Security Number;
- e) Name of Illinois county in which decedent resided or, if non-resident, Illinois county in which the greatest value of property is located;

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- f) Name of personal representative or person filing return;
- g) Complete address and telephone number of personal representative or person filing return;
- h) Name of preparer of return;
- i) Complete address and telephone number of preparer of return;
- j) Statement of whether a federal estate tax return is required to be filed and, if so, a copy of the federal return shall be attached to the Illinois return; if not, an itemized schedule of all assets, wherever located, shall be attached;
- k) Statement of whether the decedent was an Illinois resident, a non-resident or an alien, and the year domicile was established;
- l) Statement of the due date of the return, any extension of the due date of the federal estate tax return, and, if extended, a copy of the federal return extension request;
- m) A certification that the return, and all accompanying schedules and attachments, are true and correct and that any copies of the federal return and its attachments are true and correct copies of the originals;
- n) Signature, title and date of signature of the personal representative;
- o) Signature and date of signature of the preparer;
- p) A statement of the total amount of Illinois estate tax due, which is an amount equal to the maximum tax credit calculable from the federal state death tax credit table in effect on December 31, 2001 (26 USCA 2011(b)(1) (West 2002));
- q) A statement of taxes that were paid to other states and that would have qualified for the federal state death tax credit as of December 31, 2001 in accordance with subsection (p) of this Section;
- r) A statement of the net tax remaining after deduction of qualifying taxes paid to other states;

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- s) A statement of the gross estate value for estate tax purposes of assets having taxable situs in Illinois;
- t) A statement of the gross estate assets' value for federal estate tax purposes wherever located;
- u) A statement of the percentage of Illinois situs assets to gross estate assets;
- v) A statement as to the amount of tax attributable to Illinois as determined by multiplying the total amount of Illinois estate tax due by the percentage of the Illinois situs assets to gross estate assets;
- w) A statement of the maximum allowable credit for state taxes pursuant to section 2604 of the Internal Revenue Code (26 USC 2604, Generation-Skipping Transfer Tax provisions). If any such credit is allowable, the federal Generation-Skipping Transfer Tax return with computations shall be attached;
- x) A statement of any allowable Generation-Skipping Transfer Tax credit for tax paid to other states;
- y) A statement of the difference between the total Generation-Skipping Transfer Tax state credit and the amount paid to other states;
- z) A statement of the total tax payable to Illinois;
- aa) A statement of any late filing penalty;
- bb) A statement of any late payment penalty;
- cc) A statement of any interest;
- dd) A statement of the total tax, penalties, and interest due;
- ee) A statement of all payments made and copies of receipts for payments;
- ff) A statement of any balance due;
- gg) A statement of any amount payable in installments under 35 ILCS 405/6;

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

hh) If any amounts are payable in installments, a statement of the gross value of the closely held business in Illinois, the gross value of all Illinois assets, the percentage of Illinois closely held business assets to all Illinois assets, and the result of applying the percentage to tax due Illinois.

(Source: Amended at 31 Ill. Reg. 117, effective December 20, 2006)

**Section 2000.101 Form of Return (Repealed)**

~~The Illinois Estate and Generation-Skipping Transfer Tax Return shall be as shown in Appendix A.~~

(Source: Repealed at 31 Ill. Reg. 117, effective December 20, 2006)



ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

**Section 2000.APPENDIX A Estate and Generation Skipping Transfer Tax Return  
(Repealed)**

Form 700

**STATE OF ILLINOIS  
ESTATE & GENERATION SKIPPING TRANSFER TAX RETURN**

**TO BE FILED ONLY IF DATE OF DEATH IS ON OR AFTER JANUARY 1, 1990.**

Estate of:		Date of death:	
Decedent's Address:		No. & Street	
City		State	Zip Code
Decedent's Social Security Number:		Name of Illinois County with Jurisdiction over estate:	
Name of Personal Representative or Person Filing Return:		Telephone:	
Address:		No. & Street	
City		State	Zip Code
Name of Preparer:		Telephone:	
Address:		No. & Street	
City		State	Zip Code

Indicate which one of the following FIVE is applicable:

1. A Federal Estate Tax Return is not required to be filed, but a Certificate of Discharge is requested.

a) Assets with taxable situs in Illinois.....	\$
b) Assets with taxable situs in another state or states.....	\$
e) TOTAL Gross Value of Decedent's Assets:.....	\$

*Attach itemized schedule of assets wherever located. Gross value means the total of the assets undiminished by mortgages, liens or other encumbrances upon such assets for which decedent was personally liable.*



ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

*Note: All attachments must be filed with the Attorney General's copy of the return. If a Certificate of Discharge is requested, a copy of the Form 700 must be filed with the appropriate County Treasurer.*

<b>SCHEDULE A — Resident Decedent's Estate — (See instructions below)</b>	
<b>I. Net Credit Computation</b>	
1. Total state death tax credit allowable for Federal Estate Tax purposes .....	1. \$
2. Taxes paid to other states qualifying for the state death tax credit (attach evidence and computation) .....	2. \$
3. Net credit remaining (line 1 less line 2) .....	3. \$

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

<b>II. Proportionate Credit Computation</b>	
4. a. Gross value for Federal Estate Tax purposes of decedent's estate having taxable situs in Illinois ( <i>Identify on attached Federal Estate Tax Return</i> ).....	4a. \$
b. Gross value of decedent's estate for Federal Estate Tax Purpose wherever located) .....	4b. \$
e. Percent of estate having taxable situs in Illinois ( <i>line 4(a) divided by line 4(b)</i> ).....	4e. %
d. Amount of credit attributable to Illinois ( <i>line 1 multiplied by line 4(e)</i> ).....	4d. \$
<b>III. Tax Due</b>	
5. Tax payable to Illinois ( <i>greater of line 3 or line 4(d)</i> ) ( <i>Also enter on line 1 in Recapitulation</i> ) .....	5. \$

*With respect to the estate of a deceased resident of this State, all property included in the gross estate of the decedent for Federal Estate Tax purposes shall have a taxable situs in this State for purposes of this Section, excepting real estate and tangible personal property physically situated in another state (including any such property held in trust).*

**SCHEDULE A — Resident Decedent's Estate — (See instructions below)**

1. Total state death tax credit allowable for Federal Estate Tax purposes .....	1. \$
2. Gross Value for Federal Estate Tax purposes of decedent's estate having taxable situs in Illinois ( <i>Identify on attached Federal Estate Tax Return</i> ) .....	2. \$
3. Gross value of decedent's estate for Federal Estate Tax purposes, wherever located.....	3. \$
4. Percent of estate having taxable situs in Illinois ( <i>line 2 divided by line 3</i> ) .....	4.
5. Tax payable to Illinois ( <i>line 1 multiplied by line 4</i> ) ( <i>Also enter on line 1 in Recapitulation</i> ).....	5. \$

*With respect to the estate of a decedent not a resident of this State, but a resident of another state or territory of the United States, the property having a taxable situs in this state for purposes of this Section is only real estate and tangible personal property physically situated in this State (including any such property held in trust).*

*With respect to the estate to decedent who is not a resident of a state or territory of the Unites States, the property having taxable situs in this State for purposes of this Section is real estate and tangible personal property situated of having a business situs in this State (including any such property held in trust) and intangible personal property having a business situs in or evidenced by instruments physically situated in this State.*

**SCHEDULE A — Resident Decedent's Estate — (See instructions below)**

1. Maximum allowable credit for certain state taxes pursuant to Section 2604, Internal Revenue Code. ( <i>attach Federal Estate and Generation Skipping Transfer Tax Return, Schedules R and R-1 and computations</i> ).....	1. \$
2. Allowable generation skipping transfer state tax credit paid to other states.	

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

<i>(attach explanation and schedule of assets identifying property which is non-taxable in Illinois)</i> .....	<del>2.</del> \$
3. Illinois Generation Skipping Transfer Tax <i>(line 1 minus line 2)</i> .....	<del>3.</del> \$

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

**SCHEDULE A Resident Decedent's Estate (See instructions below)**

1. Amount of tax payable to Illinois <i>(Schedule A line 5 or Schedule B, line 5 and/or Schedule C, line 3)</i> .....	1. \$
2. Late filing penalty <i>(5% of tax for each month or portion thereof maximum penalty 25%)</i> .....	2. \$
3. Late payment penalty <i>(1/2 of 1% of tax for each month or portion thereof maximum penalty 25%)</i> .....	3. \$
4. Interest at 10% per annum from 9 months after death until date of payment.....	4. \$
5. Total Tax, penalties and interest payable <i>(Total of lines 1, 2, 3, and 4)</i> .....	5. \$
6. Prior Payment <i>(attach explanation)</i> .....	6. \$
7. Balance due <i>(line 5 minus line 6)</i> .....	7. \$

The estate elects to pay \$ \_\_\_\_\_ of line 1 in installments under Ch. 120, Par. 405A-6 (supply proof of acceptance by Internal Revenue Service when available of Sec. 6166 election and file IL-4350a).

**SCHEDULE A Resident Decedent's Estate (See instructions below)**

~~This return must be filed within nine (9) months of the date of death.~~

~~For Cook, DuPage, Lake and McHenry Counties, file one copy of the return with Neil F. Hartigan, Attorney General, 13<sup>th</sup> Floor, State of Illinois Center, 100 West Randolph Street, Chicago, Illinois 60601. For all other counties, file one copy of the return with Neil F. Hartigan, Attorney General, 500 South Second Street, Springfield, Illinois 62706. An additional copy of the return without attachments must also be filed with the County Treasurer having jurisdiction over the estate.~~

~~All payments of Illinois Estate Taxes, Penalty and Interest must be made payable to County Treasurer of the County having jurisdiction over the estate.~~

~~All payments must be mailed to or deposited with the County Treasurer in order to be credited with timely payment. Please send a Copy of the County Treasurer's Receipt to: Inheritance Tax Division, 13<sup>th</sup> Floor, State of Illinois Center, 100 West Randolph Street, Chicago, IL 60601, or the Estate Tax Section, Office of the Attorney General, 500 South Second Street, Springfield, IL 62706, as appropriate.~~

Printed by the Authority of the State of Illinois

(Source: Repealed at 31 Ill. Reg. 117, effective December 20, 2006)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Control of Emissions from Large Combustion Sources
- 2) Code Citation: 35 Ill. Adm. Code Part 225
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
225.100	New
225.120	New
225.130	New
225.140	New
225.200	New
225.202	New
225.205	New
225.210	New
225.220	New
225.230	New
225.232	New
225.233	New
225.234	New
225.235	New
225.237	New
225.238	New
225.240	New
225.250	New
225.260	New
225.261	New
225.263	New
225.265	New
225.270	New
225.290	New
225.295	New
- 4) Statutory Authority: Implementing and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27]
- 5) Effective Date of Rules: December 21, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes, all materials are incorporated pursuant to Section 5-75 of the Illinois Administrative Procedure Act.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 8) The adopted rules, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 19, 2006 (30 Ill. Reg. 9281) and July 28, 2006 (30 Ill. Reg. 12705)
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version:

The Board made two significant changes to the proposal it originally adopted for First Notice that was published on May 19, 2006. The first change the Board made was to combine the Temporary Technology Based Standards (TTBS) sections (published on July 28, 2006) with the original rulemaking for adoption.

Additionally, in response to public comments, the Board added a new Section 225.233, "Multi-Pollutant Standard" (MPS), at Second Notice. The MPS is a voluntary provision that allows Illinois units to comply with mercury reductions using co-benefits from SO<sub>2</sub> and NO<sub>x</sub> emissions reductions. A source must commit to reducing SO<sub>2</sub> and NO<sub>x</sub> emissions and, in exchange, the source has additional time to achieve the mercury emissions standard of 0.0080 lb/GWh or 90% reduction of mercury. The MPS requires that SO<sub>2</sub> and NO<sub>x</sub> allowances necessary to meet the requirements of the MPS be surrendered to the Illinois Environmental Protection Agency (Agency) for retirement. The MPS requires specific reductions of SO<sub>2</sub> and NO<sub>x</sub> emissions rates and imposes deadlines for installation of HCI controls.

The Board made clarifying changes to the rule language in response to comments of Prairie State Generating Company, L.L.C. (Prairie State). Additionally, the Board made a number of nonsubstantive changes to the text of the rule to clarify the rule language and to ensure consistency within the rule and with the general style standards of the Board and the Illinois Administrative Procedure Act .

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No. PCB agreed to change references in Sections 225.210(e)(2) and 225.233 from "owner", "owner and operator" and "owned and operated" to "owner or operator" and "owned or operated" but failed to do so. These corrections will be made through the process of expedited correction.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 13) Will these rules replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules:

A more detailed description of this rulemaking can be found in the Board's December 21, 2006, final opinion and order.

This rulemaking is adopted to meet certain obligations of the State of Illinois under the Clean Air Act, 42 U.S.C. § 7401 *et seq.*; specifically, to satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements of the Clean Air Mercury Rule, 70 Fed. Reg. 28606. This rulemaking requires Illinois coal-fired EGUs that serve a generator greater than 25 megawatts producing electricity for sale to begin to utilize control technology for mercury as necessary to achieve the numerical standards set by the rules.

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

Marie Tipsord  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601

312/814-4995

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R06-25 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 225

## CONTROL OF EMISSIONS FROM LARGE COMBUSTION SOURCES

## SUBPART A: GENERAL PROVISIONS

Section	
225.100	Severability
225.120	Abbreviations and Acronyms
225.130	Definitions
225.140	Incorporations by Reference

SUBPART B: CONTROL OF MERCURY EMISSIONS  
FROM COAL-FIRED ELECTRIC GENERATING UNITS

Section	
225.200	Purpose
225.202	Measurement Methods
225.205	Applicability
225.210	Compliance Requirements
225.220	Clean Air Act Permit Program (CAAPP) Permit Requirements
225.230	Emission Standards for EGUs at Existing Sources
225.232	Averaging Demonstrations for Existing Sources
225.233	Multi-Pollutant Standard (MPS)
225.234	Temporary Technology-Based Standard for EGUs at Existing Sources
225.235	Units Scheduled for Permanent Shut Down
225.237	Emission Standards for New Sources with EGUs
225.238	Temporary Technology-Based Standard for New Sources with EGUs
225.240	General Monitoring and Reporting Requirements
225.250	Initial Certification and Recertification Procedures for Emissions Monitoring
225.260	Out of Control Periods for Emission Monitors
225.261	Additional Requirements to Provide Heat Input Data
225.263	Monitoring of Gross Electrical Output
225.265	Coal Analysis for Input Mercury Levels
225.270	Notifications

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 225.290 Recordkeeping and Reporting  
225.295 Treatment of Mercury Allowances

AUTHORITY: Implementing and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

SOURCE: Adopted at 31 Ill. Reg. 129, effective December 21, 2006.

## SUBPART A: GENERAL PROVISIONS

**Section 225.100 Severability**

If any Section, subsection or clause of this Part is found invalid, such finding must not affect the validity of this Part as a whole or any Section, subsection or clause not found invalid.

**Section 225.120 Abbreviations and Acronyms**

Unless otherwise specified within this Part, the abbreviations used in this Part must be the same as those found in 35 Ill. Adm. Code 211. The following abbreviations and acronyms are used in this Part:

Act	Environmental Protection Act [415 ILCS 5]
Btu	British thermal unit
CAA	Clean Air Act (42 USC 7401 et seq.)
CAAPP	Clean Air Act Permit Program
CEMS	continuous emission monitoring system
CO <sub>2</sub>	carbon dioxide
EGU	electric generating unit
GWh	gigawatt hour
hr	hour
lb	pound
MPS	Multi-Pollutant Standard
MW	megawatt
MWe	megawatt electrical
MWh	megawatt hour
NO <sub>x</sub>	nitrogen oxides
O <sub>2</sub>	oxygen
RATA	relative accuracy test audit
SO <sub>2</sub>	sulfur dioxide
TTBS	Temporary Technology Based Standard

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

USEPA United States Environmental Protection Agency

**Section 225.130 Definitions**

The following definitions apply for the purposes of this Part. Unless otherwise defined in this Section or a different meaning for a term is clear from its context, the terms used in this Part have the meanings specified in 35 Ill. Adm. Code 211.

"Agency" means the Illinois Environmental Protection Agency. [415 ILCS 5/3.105]

"Averaging demonstration" means, with regard to Subpart B of this Part, a demonstration of compliance that is based on the combined performance of EGUs at two or more sources.

"Base Emission Rate" means, for a group of EGUs subject to emission standards for NO<sub>x</sub> and SO<sub>2</sub> pursuant to Section 225.233, the average emission rate of NO<sub>x</sub> or SO<sub>2</sub> from the EGUs, in pounds per million Btu heat input, for calendar years 2003 through 2005 (or, for seasonal NO<sub>x</sub>, the 2003 through 2005 ozone seasons), as determined from the data collected and quality assured by the USEPA, pursuant to the 40 CFR 72 and 96 federal Acid Rain and NO<sub>x</sub> Budget Trading Programs, for the emissions and heat input of that group of EGUs.

"Board" means the Illinois Pollution Control Board. [415 ILCS 5/3.130]

"Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

"Bottoming-cycle cogeneration unit" means a cogeneration unit in which the energy input to the unit is first used to produce useful thermal energy and at least some of the reject heat from the useful thermal energy application or process is then used for electricity production.

"Coal" means any solid fuel classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials (ASTM) Standard Specification for Classification of Coals by Rank D388-77, 90, 91, 95, 98a, or 99 (Reapproved 2004).

"Coal-derived fuel" means any fuel (whether in a solid, liquid or gaseous state) produced by the mechanical, thermal, or chemical processing of coal.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

"Coal-fired" means combusting any amount of coal or coal-derived fuel, alone or in combination with any amount of any other fuel, during a specified year.

"Cogeneration unit" means a stationary, fossil fuel-fired boiler or a stationary, fossil fuel-fired combustion turbine of which both of the following conditions are true:

It uses equipment to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy; and

It produces either of the following during the 12-month period beginning on the date the unit first produces electricity and during any subsequent calendar year after that in which the unit first produces electricity:

For a topping-cycle cogeneration unit, both of the following:

Useful thermal energy not less than five percent of total energy output; and

Useful power that, when added to one-half of useful thermal energy produced, is not less than 42.5 percent of total energy input, if useful thermal energy produced is 15 percent or more of total energy output, or not less than 45 percent of total energy input if useful thermal energy produced is less than 15 percent of total energy output; or

For a bottoming-cycle cogeneration unit, useful power not less than 45 percent of total energy input.

"Combustion turbine" means:

An enclosed device comprising a compressor, a combustor, and a turbine and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine; and

If the enclosed device under the above paragraph of this definition is combined cycle, any associated heat recovery steam generator and steam turbine.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

"Commence commercial operation" means, for the purposes of Subpart B of this Part, with regard to an EGU that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Such date must remain the unit's date of commencement of operation even if the EGU is subsequently modified, reconstructed or repowered.

"Designated representative" means, for the purposes of Subpart B of this Part, the same as defined in 40 CFR 60.4102.

"Flue" means a conduit or duct through which gases or other matter is exhausted to the atmosphere.

"Gross electrical output" means the total electrical output from an EGU before making any deductions for energy output used in any way related to the production of energy. For an EGU generating only electricity, the gross electrical output is the output from the turbine/generator set.

"Input mercury" means the mass of mercury that is contained in the coal combusted within an EGU.

"Nameplate capacity" means, starting from the initial installation of a generator, the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings) as specified by the manufacturer of the generator or, starting from the completion of any subsequent physical change in the generator resulting in an increase in the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings), such increased maximum amount as specified by the person conducting the physical change.

"Output-based emission standard" means, for the purposes of Subpart B of this Part, a maximum allowable rate of emissions of mercury per unit of gross electrical output from an EGU.

"Repowered" means, for the purposes of an EGU, replacement of a coal-fired boiler with one of the following coal-fired technologies at the same source as the coal-fired boiler:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

Atmospheric or pressurized fluidized bed combustion;

Integrated gasification combined cycle;

Magnetohydrodynamics;

Direct and indirect coal-fired turbines;

Integrated gasification fuel cells; or

As determined by the USEPA in consultation with the United States Department of Energy, a derivative of one or more of the technologies under this definition and any other coal-fired technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of January 1, 2005.

"Rolling 12-month basis" means, for the purposes of Subpart B of this Part, a determination made on a monthly basis from the relevant data for a particular calendar month and the preceding 11 calendar months (total of 12 months of data), with two exceptions. For determinations involving one EGU, calendar months in which the EGU does not operate (zero EGU operating hours) must not be included in the determination, and must be replaced by a preceding month or months in which the EGU does operate, so that the determination is still based on 12 months of data. For determinations involving two or more EGUs, calendar months in which none of the EGUs covered by the determination operates (zero EGU operating hours) must not be included in the determination, and must be replaced by preceding months in which at least one of the EGUs covered by the determination does operate, so that the determination is still based on 12 months of data.

**Section 225.140 Incorporations by Reference**

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) 40 CFR 60, 60.17, 60.45a, 60.49a(k)(1) and (p), 60.50a(h), and 60.4170 through 60.4176 (2005).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- b) 40 CFR 75 (2005).
- c) ASTM. The following methods from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959, (610) 832-9585:
  - 1) ASTM D388-77 (approved February 25, 1977), D388-90 (approved March 30, 1990), D388-91a (approved April 15, 1991), D388-95 (approved January 15, 1995), D388-98a (approved September 10, 1998), or D388-99 (approved September 10, 1999, reapproved in 2004), Classification of Coals by Rank.
  - 2) ASTM D3173-03, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke (Approved April 10, 2003).
  - 3) ASTM D3684-01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method (Approved October 10, 2001).
  - 4) ASTM D5865-04, Standard Test Method for Gross Calorific Value of Coal and Coke (Approved April 1, 2004).
  - 5) ASTM D6414-01, Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Acid Extraction or Wet Oxidation/Cold Vapor Atomic Absorption (Approved October 10, 2001).
  - 6) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method) (Approved April 10, 2002).

SUBPART B: CONTROL OF MERCURY EMISSIONS  
FROM COAL-FIRED ELECTRIC GENERATING UNITS

**Section 225.200 Purpose**

The purpose of this Subpart B is to control the emissions of mercury from coal-fired EGUs operating in Illinois.

**Section 225.202 Measurement Methods**



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

Measurement of mercury must be according to the following:

- a) Continuous emission monitoring pursuant to 40 CFR 75 (2005).
- b) ASTM D3173-03, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke (Approved April 10, 2003), incorporated by reference in Section 225.140.
- c) ASTM D3684-01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method (Approved October 10, 2001), incorporated by reference in Section 225.140.
- d) ASTM D5865-04, Standard Test Method for Gross Calorific Value of Coal and Coke (Approved April 1, 2004), incorporated by reference in Section 225.140.
- e) ASTM D6414-01, Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Acid Extraction or Wet Oxidation/Cold Vapor Atomic Absorption (Approved October 10, 2001), incorporated by reference in Section 225.140.
- f) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method) (Approved April 10, 2002), incorporated by reference in Section 225.140.

**Section 225.205 Applicability**

The following stationary coal-fired boilers and stationary coal-fired combustion turbines are EGUs and are subject to this Subpart B:

- a) Except as provided in subsection (b) of this Section, a unit serving, at any time since the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.
- b) For a unit that qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and continues to qualify as a cogeneration unit, a cogeneration unit serving at any time a generator with nameplate capacity of more than 25 MWe and supplying in any calendar year more than one-third of the unit's potential electric output capacity or 219,000

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

MWh, whichever is greater, to any utility power distribution system for sale. If a unit qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity but subsequently no longer qualifies as a cogeneration unit, the unit must be subject to subsection (a) of this Section starting on the day on which the unit first no longer qualifies as a cogeneration unit.

**Section 225.210 Compliance Requirements**

- a) **Permit Requirements.**  
The owner or operator of each source with one or more EGUs subject to this Subpart B at the source must apply for a CAAPP permit that addresses the applicable requirements of this Subpart B.
- b) **Monitoring Requirements.**
  - 1) The owner or operator of each source and each EGU at the source must comply with the monitoring requirements of Sections 225.240 through 225.290 of this Subpart B.
  - 2) The compliance of each EGU with the mercury requirements of Sections 225.230 and 225.237 of this Subpart B must be determined by the emissions measurements recorded and reported in accordance with Sections 225.240 through 225.290 of this Subpart B.
- c) **Mercury Emission Reduction Requirements**  
The owner or operator of any EGU subject to this Subpart B must comply with applicable requirements for control of mercury emissions of Section 225.230 or Section 225.237 of this Subpart B.
- d) **Recordkeeping and Reporting Requirements**  
Unless otherwise provided, the owner or operator of a source with one or more EGUs at the source must keep on site at the source each of the documents listed in subsections (d)(1) through (d)(3) of this Section for a period of five years from the date the document is created. This period may be extended, in writing by the Agency, for cause, at any time prior to the end of five years.
  - 1) All emissions monitoring information gathered in accordance with Sections 225.240 through 225.290.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 2) Copies of all reports, compliance certifications, and other submissions and all records made or required or documents necessary to demonstrate compliance with the requirements of this Subpart B.
  - 3) Copies of all documents used to complete a permit application and any other submission under this Subpart B.
- e) Liability.
- 1) The owner or operator of each source with one or more EGUs must meet the requirements of this Subpart B.
  - 2) Any provision of this Subpart B that applies to a source must also apply to the owner and operator of such source and to the owner and operator of each EGU at the source.
  - 3) Any provision of this Subpart B that applies to an EGU must also apply to the owner or operator of such EGU.
- f) Effect on Other Authorities. No provision of this Subpart B may be construed as exempting or excluding the owner or operator of a source or EGU from compliance with any other provision of an approved State Implementation Plan, a permit, the Act, or the CAA.

**Section 225.220 Clean Air Act Permit Program (CAAPP) Permit Requirements**

- a) Application Requirements.
- 1) Each source with one or more EGUs subject to the requirements of this Subpart B is required to submit a CAAPP permit application that addresses all applicable requirements of this Subpart B, applicable to each EGU at the source.
  - 2) For any EGU that commenced commercial operation:
    - A) on or before December 31, 2008, the owner or operator of such EGU's must submit an initial permit application or application for CAAPP permit modification that meets the requirements of this Section on or before December 31, 2008.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- B) after December 31, 2008, the owner or operator of any such EGU must submit an initial CAAPP permit application or application for CAAPP modification that meets the requirements of this Section not later than 180 days before initial startup of the EGU, unless the construction permit issued for the EGU addresses the requirements of this Subpart B.
- b) Contents of Permit Applications.  
In addition to other information required for a complete application for CAAPP permit or CAAPP permit modification, the application must include the following information:
- 1) The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the U.S. Department of Energy, Energy Information Administration, if applicable.
  - 2) Identification of each EGU at the source.
  - 3) The intended approach to the monitoring requirements of Sections 225.240 through 225.290 of this Subpart B.
  - 4) The intended approach to the mercury emission reduction requirements of Section 225.230 or 225.237 of this Subpart B, as applicable.
- c) Permit Contents.
- 1) Each CAAPP permit issued by the Agency for a source with one or more EGUs subject to the requirements of this Subpart B must contain federally enforceable conditions addressing all applicable requirements of this Subpart B, which conditions must be a complete and segregable portion of the source's entire CAAPP permit.
  - 2) In addition to conditions related to the applicable requirements of this Subpart B, each such CAAPP permit must also contain the information specified under subsection (b) of this Section.

**Section 225.230 Emission Standards for EGUs at Existing Sources**

- a) Emission Standards.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 1) Beginning July 1, 2009, the owner or operator of a source with one or more EGUs subject to this Subpart B that commenced commercial operation on or before December 31, 2008, must comply with one of the following standards for each EGU on a rolling 12-month basis:
  - A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
  - B) A minimum 90-percent reduction of input mercury.
- 2) For an EGU complying with subsection (a)(1)(A) of this Section, the actual mercury emission rate of the EGU for each 12-month rolling period, as monitored in accordance with this Subpart B and calculated as follows, must not exceed the applicable emission standard:

$$ER = \sum_{i=1}^{12} E_i \div \sum_{i=1}^{12} O_i$$

Where:

- $ER$  = Actual mercury emissions rate of the EGU for the particular 12-month rolling period, expressed in lb/GWh.
- $E_i$  = Actual mercury emissions of the EGU, in lbs, in an individual month in the 12-month rolling period, as determined in accordance with the emissions monitoring provisions of this Subpart B.
- $O_i$  = Gross electrical output of the EGU, in GWh, in an individual month in the 12-month rolling period, as determined in accordance with Section 225.263 of this Subpart B.

- 3) For an EGU complying with subsection (a)(1)(B) of this Section, the actual control efficiency for mercury emissions achieved by the EGU for each 12-month rolling period, as monitored in accordance with this Subpart B and calculated as follows, must meet or exceed the applicable efficiency requirement:

$$CE = 100 \times \left\{ 1 - \left( \sum_{i=1}^{12} E_i \div \sum_{i=1}^{12} I_i \right) \right\}$$

Where:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

$CE$  = Actual control efficiency for mercury emissions of the EGU for the particular 12-month rolling period, expressed as a percent.

$E_i$  = Actual mercury emissions of the EGU, in lbs, in an individual month in the 12-month rolling period, as determined in accordance with the emissions monitoring provisions of this Subpart B.

$I_i$  = Amount of mercury in the fuel fired in the EGU, in lbs, in an individual month in the 12-month rolling period, as determined in accordance with Section 225.265 of this Subpart B.

b) Alternative Emission Standards for Single EGUs.

- 1) As an alternative to compliance with the emission standards in subsection (a) of this Section, the owner or operator of the EGU may comply with the emission standards of this Subpart B by demonstrating that the actual emissions of mercury from the EGU are less than the allowable emissions of mercury from the EGU on a rolling 12-month basis.
- 2) For the purpose of demonstrating compliance with the alternative emission standards of this subsection (b), for each rolling 12-month period, the actual emissions of mercury from the EGU, as monitored in accordance with this Subpart B, must not exceed the allowable emissions of mercury from the EGU, as further provided by the following formulas:

$$E_{12} \leq A_{12}$$

$$E_{12} = \sum_{i=1}^{12} E_i$$

$$A_{12} = \sum_{i=1}^{12} A_i$$

Where:

$E_{12}$  = Actual mercury emissions of the EGU for the particular 12-month rolling period.

$A_{12}$  = Allowable mercury emissions of the EGU for the particular 12-month rolling period.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- $E_i$  = Actual mercury emissions of the EGU in an individual month in the 12-month rolling period.
- $A_i$  = Allowable mercury emissions of the EGU in an individual month in the 12-month rolling period, based on either the input mercury to the unit ( $A_{Input\ i}$ ) or the electrical output from the EGU ( $A_{Output\ i}$ ), as selected by the owner or operator of the EGU for that given month.
- $A_{Input\ i}$  = Allowable mercury emissions of the EGU in an individual month based on the input mercury to the EGU, calculated as 10.0 percent (or 0.100) of the input mercury to the EGU.
- $A_{Output\ i}$  = Allowable mercury emissions of the EGU in a particular month based on the electrical output from the EGU, calculated as the product of the output based mercury limit, i.e., 0.0080 lb/GWh, and the electrical output from the EGU, in GWh.

- 3) If the owner or operator of an EGU does not conduct the necessary sampling, analysis, and recordkeeping, in accordance with Section 225.265 of this Subpart B, to determine the mercury input to the EGU, the allowable emissions of the EGU must be calculated based on the electrical output of the EGU.
- c) If two or more EGUs are served by common stack(s) and the owner or operator conducts monitoring for mercury emissions in the common stack(s), as provided for by 40 CFR 75, subpart I, such that the mercury emissions of each EGU are not determined separately, compliance of the EGUs with the applicable emission standards of this Subpart B must be determined as if the EGUs were a single EGU.
- d) Alternative Emission Standards for Multiple EGUs.
- 1) As an alternative to compliance with the emission standards of subsection (a) of this Section, the owner or operator of a source with multiple EGUs may comply with the emission standards of this Subpart B by demonstrating that the actual emissions of mercury from all EGUs at the source are less than the allowable emissions of mercury from all EGUs at the source on a rolling 12-month basis.
- 2) For the purposes of the alternative emission standard of subsection (d)(1) of this Section, for each rolling 12-month period, the actual emissions of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

mercury from all the EGUs at the source, as monitored in accordance with this Subpart B, must not exceed the sum of the allowable emissions of mercury from all the EGUs at the source, as further provided by the following formulas:

$$E_S \leq A_S$$

$$E_S = \sum_{i=1}^n E_i$$

$$A_S = \sum_{i=1}^n A_i$$

Where:

- $E_S$  = Sum of the actual mercury emissions of the EGUs at the source.
- $A_S$  = Sum of the allowable mercury emissions of the EGUs at the source.
- $E_i$  = Actual mercury emissions of an individual EGU at the source, as determined in accordance with subsection (b)(2) of this Section.
- $A_i$  = Allowable mercury emissions of an individual EGU at the source, as determined in accordance with subsection (b)(2) of this Section.
- $n$  = Number of EGUs covered by the demonstration.

- 3) If an owner or operator of a source with two or more EGUs that is relying on this subsection (d) to demonstrate compliance fails to meet the requirements of this subsection (d) in a given 12-month rolling period, all EGUs at such source covered by the compliance demonstration are considered out of compliance with the applicable emission standards of this Subpart B for the entire last month of that period.

**Section 225.232 Averaging Demonstrations for Existing Sources**

- a) Through December 31, 2013, as an alternative to compliance with the emission standards of Section 225.230(a) of this Subpart B, the owner or operator of an EGU may comply with the emission standards of this Subpart B by means of an Averaging Demonstration (Demonstration) that demonstrates that the actual emissions of mercury from the EGU and other EGUs at the source and other EGUs at other sources covered by the Demonstration are less than the allowable



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

emissions of mercury from all EGUs covered by the Demonstration on a rolling 12-month basis.

- b) The EGUs at each source covered by a Demonstration must also comply with one of the following emission standards on a source-wide basis for the period covered by the Demonstration:
  - 1) An emission standard of 0.020 lb mercury/GWh gross electrical output; or
  - 2) A minimum 75 percent reduction of input mercury.
- c) For the purpose of this Section, compliance must be demonstrated using the equations in Section 225.230(a)(2), (a)(3), or (d)(2), as applicable, addressing all EGUs at the sources covered by the Demonstration, rather than by using only the EGUs at one source.
- d) Limitations on Demonstrations.
  - 1) The owners or operators of more than one existing source with EGUs can only participate in Demonstrations that include other existing sources that they own or operate.
  - 2) Single Existing Source Demonstrations
    - A) The owner or operator of only a single existing source with EGUs (i.e., City, Water, Light & Power, City of Springfield, ID 167120AAO; Kincaid Generating Station, ID 021814AAB; and Southern Illinois Power Cooperative/Marion Generating Station, ID 199856AAC) can only participate in Demonstrations with other such owners or operators of a single existing source of EGUs.
    - B) Participation in Demonstrations under this Section by the owner or operator of only a single existing source with EGUs must be authorized through federally enforceable permit conditions for each such source participating in the Demonstration.
- e) A source may be included in only one Demonstration during each rolling 12-month period.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- f) The owner or operator of EGUs using Demonstrations to show compliance with this Subpart B must complete the determination of compliance for each 12-month rolling period no later than 60 days following the end of the period.
- g) If averaging is used to demonstrate compliance with this Subpart B, the effect of a failure to demonstrate compliance will be that the compliance status of each source must be determined under Section 225.230 of this Subpart B as if the sources were not covered by a Demonstration.
- h) For purposes of this Section, if the owner or operator of any source that participates in a Demonstration with an owner or operator of a source that does not maintain the required records, data, and reports for the EGUs at the source, or that does not submit copies of such records, data, or reports to the Agency upon request, then the effect of this failure will be deemed to be a failure to demonstrate compliance and the compliance status of each source must be determined under Section 225.230 of this Subpart B as if the sources were not covered by a Demonstration.

**Section 225.233 Multi-Pollutant Standards (MPS)**

- a) General.
  - 1) As an alternative to compliance with the emissions standards of Section 225.230(a), the owner of eligible EGUs may elect for those EGUs to demonstrate compliance pursuant to this Section, which establishes control requirements and standards for emissions of NO<sub>x</sub> and SO<sub>2</sub>, as well as for emissions of mercury.
  - 2) For the purpose of this Section, the following requirements apply:
    - A) An eligible EGU is an EGU that is located in Illinois and which commenced commercial operation on or before December 31, 2004; and
    - B) Ownership of an eligible EGU is determined based on direct ownership, by the holding of a majority interest in a company that owns the EGU or EGUs, or by the common ownership of the company that owns the EGU, whether through a parent-subsidiary relationship, as a sister corporation, or as an affiliated corporation with the same parent corporation, provided that the owner has the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

right or authority to submit a CAAPP application on behalf of the EGU.

- 3) The owner of one or more EGUs electing to demonstrate compliance with this Subpart B pursuant to this Section must submit an application for a CAAP permit modification to the Agency, as provided in Section 225.220, that includes the information specified in subsection (b) of this Section and which clearly states the owner's election to demonstrate compliance pursuant to this Section 225.233.
    - A) If the owner of one or more EGUs elects to demonstrate compliance with this Subpart pursuant to this Section, then all EGUs it owns in Illinois as of July 1, 2006, as defined in subsection (a)(2)(B) of this Section, must be thereafter subject to the standards and control requirements of this Section, except as provided in subsection (a)(3)(B). Such EGUs must be referred to as a Multi-Pollutant Standard (MPS) Group.
    - B) Notwithstanding the foregoing, the owner may exclude from an MPS Group any EGU scheduled for permanent shutdown that the owner so designates in its CAAPP application required to be submitted pursuant to subsection (a)(3) of this Section, with compliance for such units to be achieved by means of Section 225.235.
  - 4) When an EGU is subject to the requirements of this Section, the requirements apply to all owners and operators of the EGU, and to the designated representative for the EGU.
- b) Notice of Intent.
- The owner of one or more EGUs that intends to comply with this Subpart B by means of this Section must notify the Agency of its intention by December 31, 2007. The following information must accompany the notification:
- 1) The identification of each EGU that will be complying with this Subpart B by means of the multi-pollutant standards contained in this Section, with evidence that the owner has identified all EGUs that it owned in Illinois as of July 1, 2006 and which commenced commercial operation on or before December 31, 2004;

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 2) If an EGU identified in subsection (b)(1) of this Section is also owned or operated by a person different than the owner submitting the notice of intent, a demonstration that the submitter has the right to commit the EGU or authorization from the responsible official for the EGU accepting the application;
  - 3) The Base Emission Rates for the EGUs, with copies of supporting data and calculations;
  - 4) A summary of the current control devices installed and operating on each EGU and identification of the additional control devices that will likely be needed for the each EGU to comply with emission control requirements of this Section, including identification of each EGU in the MPS group that will be addressed by subsection (c)(1)(B) of this Section, with information showing that the eligibility criteria for this subsection (b) are satisfied; and
  - 5) Identification of each EGU that is scheduled for permanent shut down, as provided by Section 225.235, which will not be part of the MPS Group and which will not be demonstrating compliance with this Subpart B pursuant to this Section.
- c) Control Technology Requirements for Emissions of Mercury.
- 1) Requirements for EGUs in an MPS Group.
    - A) For each EGU in an MPS Group other than an EGU that is addressed by subsection (c)(1)(B) of this Section for the period beginning July 1, 2009 (or December 31, 2009 for an EGU for which an SO<sub>2</sub> scrubber or fabric filter is being installed to be in operation by December 31, 2009), and ending on December 31, 2014 (or such earlier date that the EGU is subject to the mercury emission standard in subsection (d)(1) of this Section), the owner or operator of the EGU must install, to the extent not already installed, and properly operate and maintain one of the following emission control devices:
      - i) A Halogenated Activated Carbon Injection System, complying with the sorbent injection requirements of subsection (c)(2) of this Section, except as may be otherwise provided by subsection (c)(4) of this Section, and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

followed by a Cold-Side Electrostatic Precipitator or Fabric Filter; or

- ii) If the boiler fires bituminous coal, a Selective Catalytic Reduction (SCR) System and an SO<sub>2</sub> Scrubber.
- B) An owner of an EGU in an MPS Group has two options under this subsection (c). For an MPS Group that contains EGUs smaller than 90 gross MW in capacity, the owner may designate any such EGUs to be not subject to subsection (c)(1)(A) of this Section. Or, for an MPS Group that contains EGUs with gross MW capacity of less than 115 MW, the owner may designate any such EGUs to be not subject to subsection (c)(1)(A) of this Section, provided that the aggregate gross MW capacity of the designated EGUs does not exceed 4% of the total gross MW capacity of the MPS Group. For any EGU subject to one of these two options, unless the EGU is subject to the emission standards in subsection (d)(2) of this Section, beginning on January 1, 2013, and continuing until such date that the owner or operator of the EGU commits to comply with the mercury emission standard in subsection (d)(2) of this Section, the owner or operator of the EGU must install and properly operate and maintain a Halogenated Activated Carbon Injection System that complies with the sorbent injection requirements of subsection (c)(2) of this Section, except as may be otherwise provided by subsection (c)(4) of this Section, and followed by either a Cold-Side Electrostatic Precipitator or Fabric Filter. The use of a properly installed, operated, and maintained Halogenated Activated Carbon Injection System that meets the sorbent injection requirements of subsection (c)(2) of this Section is defined as the "principal control technique."
- 2) For each EGU for which injection of halogenated activated carbon is required by subsection (c)(1) of this Section, the owner or operator of the EGU must inject halogenated activated carbon in an optimum manner, which, except as provided in subsection (c)(4) of this Section, is defined as all of the following:
- A) The use of an injection system designed for effective absorption of mercury, considering the configuration of the EGU and its ductwork;

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- B) The injection of halogenated activated carbon manufactured by Alstom, Norit, or Sorbent Technologies, or the injection of any other halogenated activated carbon or sorbent that the owner or operator of the EGU has demonstrated to have similar or better effectiveness for control of mercury emissions; and
- C) The injection of sorbent at the following minimum rates, as applicable:
- i) For an EGU firing subbituminous coal, 5.0 lbs per million actual cubic feet or, for any cyclone-fired EGU that will install a scrubber and baghouse by December 31, 2012, and which already meets an emission rate of 0.020 lbs mercury/GWh gross electrical output or at least 75 percent reduction of input mercury, 2.5 lbs per million actual cubic feet;
  - ii) For an EGU firing bituminous coal, 10.0 lbs per million actual cubic feet for any cyclone-fired EGU that will install a scrubber and baghouse by December 31, 2012, and which already meets an emission rate of 0.020 lb mercury/GWh gross electrical output or at least 75 percent reduction of input mercury, 5.0 lbs per million actual cubic feet;
  - iii) For an EGU firing a blend of subbituminous and bituminous coal, a rate that is the weighted average of the above rates, based on the blend of coal being fired; or
  - iv) A rate or rates set lower by the Agency, in writing, than the rate specified in any of subsections (c)(2)(C)(i), (c)(2)(C)(ii), or (c)(2)(C)(iii) of this Section on a unit-specific basis, provided that the owner or operator of the EGU has demonstrated that such rate or rates are needed so that carbon injection will not increase particulate matter emissions or opacity so as to threaten noncompliance with applicable requirements for particulate matter or opacity.
- D) For the purposes of subsection (c)(2)(C) of this Section, the flue gas flow rate must be determined for the point of sorbent injection;

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

provided that this flow rate may be assumed to be identical to the stack flow rate if the gas temperatures at the point of injection and the stack are normally within 100°F, or the flue gas flow rate may otherwise be calculated from the stack flow rate, corrected for the difference in gas temperatures.

- 3) The owner or operator of an EGU that seeks to operate an EGU with an activated carbon injection rate or rates that are set on a unit-specific basis pursuant to subsection (c)(2)(C)(iv) of this Section must submit an application to the Agency proposing such rate or rates, and must meet the requirements of subsections (c)(3)(A) and (c)(3)(B) of this Section, subject to the limitations of subsections (c)(3)(C) and (c)(3)(D) of this Section:
  - A) The application must be submitted as an application for a new or revised federally enforceable operating permit for the EGU, and it must include a summary of relevant mercury emission data for the EGU, the unit-specific injection rate or rates that are proposed, and detailed information to support the proposed injection rate or rates; and
  - B) This application must be submitted no later than the date that activated carbon must first be injected. For example, the owner or operator of an EGU that must inject activated carbon pursuant to subsection (c)(1)(A) of this subsection must apply for unit-specific injection rate or rates by July 1, 2009. Thereafter, the owner or operator of the EGU may supplement its application; and
  - C) Any decision of the Agency denying a permit or granting a permit with conditions that set a lower injection rate or rates may be appealed to the Board pursuant to Section 39 of the Act; and
  - D) The owner or operator of an EGU may operate at the injection rate or rates proposed in its application until a final decision is made on the application, including a final decision on any appeal to the Board.
- 4) During any evaluation of the effectiveness of a listed sorbent, an alternative sorbent, or other technique to control mercury emissions, the owner or operator of an EGU need not comply with the requirements of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

subsection (c)(2) of this Section for any system needed to carry out the evaluation, as further provided as follows:

- A) The owner or operator of the EGU must conduct the evaluation in accordance with a formal evaluation program submitted to the Agency at least 30 days prior to commencement of the evaluation;
  - B) The duration and scope of the evaluation may not exceed the duration and scope reasonably needed to complete the desired evaluation of the alternative control technique, as initially addressed by the owner or operator in a support document submitted with the evaluation program;
  - C) The owner or operator of the EGU must submit a report to the Agency no later than 30 days after the conclusion of the evaluation that describes the evaluation conducted and which provides the results of the evaluation; and
  - D) If the evaluation of the alternative control technique shows less effective control of mercury emissions from the EGU than was achieved with the principal control technique, the owner or operator of the EGU must resume use of the principal control technique. If the evaluation of the alternative control technique shows comparable effectiveness to the principal control technique, the owner or operator of the EGU may either continue to use the alternative control technique in a manner that is at least as effective as the principal control technique, or it may resume use of the principal control technique. If the evaluation of the alternative control technique shows more effective control of mercury emissions than the control technique, the owner or operator of the EGU must continue to use the alternative control technique in a manner that is more effective than the principal control technique, so long as it continues to be subject to this subsection (c).
- 5) In addition to complying with the applicable recordkeeping and monitoring requirements in Sections 225.240 through 225.290, the owner or operator of an EGU that elects to comply with this Subpart B by means of this Section must also comply with the following additional requirements:



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- A) For the first 36 months that injection of sorbent is required, it must maintain records of the usage of sorbent, the exhaust gas flow rate from the EGU, and the sorbent feed rate, in pounds per million actual cubic feet of exhaust gas at the injection point, on a weekly average;
  - B) After the first 36 months that injection of sorbent is required, it must monitor activated sorbent feed rate to the EGU, flue gas temperature at the point of sorbent injection, and exhaust gas flow rate from the EGU, automatically recording this data and the sorbent carbon feed rate, in pounds per million actual cubic feet of exhaust gas at the injection point, on an hourly average; and
  - C) If a blend of bituminous and subbituminous coal is fired in the EGU, it must keep records of the amount of each type of coal burned and the required injection rate for injection of activated carbon, on a weekly basis.
- 6) In addition to complying with the applicable reporting requirements in Sections 225.240 through 225.290, the owner or operator of an EGU that elects to comply with this Subpart B by means of this Section must also submit quarterly reports for the recordkeeping and monitoring conducted pursuant to subsection (c)(5) of this Section.
- d) Emission Standards for Mercury.
- 1) For each EGU in an MPS Group that is not addressed by subsection (c)(1)(B) of this Section, beginning January 1, 2015 (or such earlier date when the owner or operator of the EGU notifies the Agency that it will comply with these standards) and continuing thereafter, the owner or operator of the EGU must comply with one of the following standards on a rolling 12-month basis:
    - A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
    - B) A minimum 90-percent reduction of input mercury.
  - 2) For each EGU in an MPS Group that has been addressed under subsection (c)(1)(B) of this Section, beginning on the date when the owner or

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

operator of the EGU notifies the Agency that it will comply with these standards and continuing thereafter, the owner or operator of the EGU must comply with one of the following standards on a rolling 12-month basis:

- A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
  - B) A minimum 90-percent reduction of input mercury.
- 3) Compliance with the mercury emission standard or reduction requirement of this subsection (d) must be calculated in accordance with Section 225.230(a) or (d).
- e) Emission Standards for NO<sub>x</sub> and SO<sub>2</sub>.
- 1) NO<sub>x</sub> Emission Standards.
    - A) Beginning in calendar year 2012 and continuing in each calendar thereafter, for the EGUs in each MPS Group, the owner and operator of the EGUs must comply with an overall NO<sub>x</sub> annual emission rate of no more than 0.11 lb/million Btu or an emission rate equivalent to 52 percent of the Base Annual Rate of NO<sub>x</sub> emissions, whichever is more stringent.
    - B) Beginning in the 2012 ozone season and continuing in each ozone season thereafter, for the EGUs in each MPS Group, the owner and operator of the EGUs must comply with an overall NO<sub>x</sub> seasonal emission rate of no more than 0.11 lb/million Btu or an emission rate equivalent to 80 percent of the Base Seasonal Rate of NO<sub>x</sub> emissions, whichever is more stringent.
  - 2) SO<sub>2</sub> Emission Standards.
    - A) Beginning in calendar year 2013 and continuing in calendar year 2014, for the EGUs in each MPS Group, the owner and operator of the EGUs must comply with an overall SO<sub>2</sub> annual emission rate of 0.33 lb/million Btu or a rate equivalent to 44 percent of the Base Rate of SO<sub>2</sub> emissions, whichever is more stringent.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- B) Beginning in calendar year 2015 and continuing in each calendar year thereafter, for the EGUs in each MPS Grouping, the owner and operator of the EGUs must comply with an overall annual emission rate for SO<sub>2</sub> of 0.25 lbs/million Btu or a rate equivalent to 35 percent of the Base Rate of SO<sub>2</sub> emissions, whichever is more stringent.
- 3) Compliance with the NO<sub>x</sub> and SO<sub>2</sub> emission standards must be demonstrated in accordance with Sections 225.310, 225.410, and 225.510. The owner or operator of EGUs must complete the demonstration of compliance before March 1 of the following year for annual standards and before November 1 for seasonal standards, by which date a compliance report must be submitted to the Agency.
- f) Requirements for NO<sub>x</sub> and SO<sub>2</sub> Allowances.
- 1) The owner or operator of EGUs in an MPS Group must not sell or trade to any person or otherwise exchange with or give to any person NO<sub>x</sub> allowances allocated to the EGUs in the MPS Group for vintage years 2012 and beyond that would otherwise be available for sale, trade, or exchange as a result of actions taken to comply with the standards in subsection (e) of this Section. Such allowances that are not retired for compliance must be surrendered to the Agency on an annual basis, beginning in calendar year 2013. This provision does not apply to the use, sale, exchange, gift, or trade of allowances among the EGUs in an MPS Group.
- 2) The owners or operators of EGUs in an MPS Group must not sell or trade to any person or otherwise exchange with or give to any person SO<sub>2</sub> allowances allocated to the EGUs in the MPS Group for vintage years 2013 and beyond that would otherwise be available for sale or trade as a result of actions taken to comply with the standards in subsection (e) of this Section. Such allowances that are not retired for compliance, or otherwise surrendered pursuant to a consent decree to which the State of Illinois is a party, must be surrendered to the Agency on an annual basis, beginning in calendar year 2014. This provision does not apply to the use, sale, exchange, gift, or trade of allowances among the EGUs in an MPS Group.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 3) The provisions of this subsection (f) do not restrict or inhibit the sale or trading of allowances that become available from one or more EGUs in a MPS Group as a result of holding allowances that represent over-compliance with the NO<sub>x</sub> or SO<sub>2</sub> standard in subsection (e) of this Section, once such a standard becomes effective, whether such over-compliance results from control equipment, fuel changes, changes in the method of operation, unit shut downs, or other reasons.
- 4) For purposes of this subsection (f), NO<sub>x</sub> and SO<sub>2</sub> allowances mean allowances necessary for compliance with Sections 225.310, 225.410, or 225.510, 40 CFR 72, or subparts AA and AAAA of 40 CFR 96. This Section does not prohibit the owner or operator of EGUs in an MPS Group from purchasing or otherwise obtaining allowances from other sources as allowed by law for purposes of complying with federal or state requirements, except as specifically set forth in this Section.
- 5) Before March 1, 2010, and continuing each year thereafter, the owner or operator of EGUs in an MPS Group must submit a report to the Agency that demonstrates compliance with the requirements of this subsection (f) for the previous calendar year, and which includes identification of any allowances that have been surrendered to the USEPA or to the Agency and any allowances that were sold, gifted, used, exchanged, or traded because they became available due to over-compliance. All allowances that are required to be surrendered must be surrendered by August 31, unless USEPA has not yet deducted the allowances from the previous year. A final report must be submitted to the Agency by August 31 of each year, verifying that the actions described in the initial report have taken place or, if such actions have not taken place, an explanation of all changes that have occurred and the reasons for such changes. If USEPA has not deducted the allowances from the previous year by August 31, the final report must be due, and all allowances required to be surrendered must be surrendered, within 30 days after such deduction occurs.
- g) Notwithstanding 35 Ill. Adm. Code 201.146(hhh), until an EGU has complied with the applicable emission standards of subsections (d) and (e) of this Section for 12 months, the owner or operator of the EGU must obtain a construction permit for any new or modified air pollution control equipment that it proposes to construct for control of emissions of mercury, NO<sub>x</sub>, or SO<sub>2</sub>.

**Section 225.234 Temporary Technology-Based Standard for EGUs at Existing Sources**

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

## a) General.

- 1) At a source with EGUs that commenced commercial operation on or before December 31, 2008, for an EGU that meets the eligibility criteria in subsection (b) of this Section, the owner or operator of the EGU may temporarily comply with the requirements of this Section through June 30, 2015, as an alternative to compliance with the mercury emission standards in Section 225.230, as provided in subsections (c), (d), and (e) of this Section.
- 2) An EGU that is complying with the emission control requirements of this Subpart B by operating pursuant to this Section may not be included in a compliance demonstration involving other EGUs during the period that is operating pursuant to this Section.
- 3) The owner or operator of an EGU that is complying with this Subpart B by means of the temporary alternative emission standards of this Section is not excused from any of the applicable monitoring, recordkeeping, and reporting requirements set forth in Sections 225.240 through 225.290

## b) Eligibility.

To be eligible to operate an EGU pursuant to this Section, the following criteria must be met for the EGU:

- 1) The EGU is equipped and operated with the air pollution control equipment or systems that include injection of halogenated activated carbon and either a cold-side electrostatic precipitator or a fabric filter.
- 2) The owner or operator of the EGU is injecting halogenated activated carbon in an optimum manner for control of mercury emissions, which must include injection of Alstrom, Norit, Sorbent Technologies, or other halogenated activated carbon that the owner or operator of the EGU has demonstrated to have similar or better effectiveness for control of mercury emissions, at least at the following rates set forth in subsections (b)(2)(A) through (b)(2)(D) of this Section, unless other provisions for injection of halogenated activated carbon are established in a federally enforceable operating permit issued for the EGU, using an injection system designed for effective absorption of mercury, considering the configuration of the EGU and its ductwork. For the purposes of this subsection (b)(2), the flue

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

gas flow rate must be determined for the point of sorbent injection (provided, however, that this flow rate may be assumed to be identical to the stack flow rate if the gas temperatures at the point of injection and the stack are normally within 100° F) or may otherwise be calculated from the stack flow rate, corrected for the difference in gas temperatures.

- A) For an EGU firing subbituminous coal, 5.0 lbs per million actual cubic feet.
  - B) For an EGU firing bituminous coal, 10.0 lbs per million actual cubic feet.
  - C) For an EGU firing a blend of subbituminous and bituminous coal, a rate that is the weighted average of the above rates, based on the blend of coal being fired.
  - D) A rate or rates set on a unit-specific basis that are lower than the rate specified above to the extent that the owner or operator of the EGU demonstrates that such rate or rates are needed so that carbon injection would not increase particulate matter emissions or opacity so as to threaten compliance with applicable regulatory requirements for particulate matter or opacity.
- 3) The total capacity of the EGUs that operate pursuant to this Section does not exceed the applicable of the following values:
- A) For the owner or operator of more than one existing source with EGUs, 25 percent of the total rated capacity, in MW, of all the EGUs at the existing sources that it owns or operates, other than any EGUs operating pursuant to Section 225.235 of this Subpart B.
  - B) For the owner or operator of only a single existing source with EGUs (i.e., City, Water, Light & Power, City of Springfield, ID 167120AAO; Kincaid Generating Station, ID 021814AAB; and Southern Illinois Power Cooperative/Marion Generating Station, ID 199856AAC), 25 percent of the total rated capacity, in MW, of the all the EGUs at the existing sources, other than any EGUs operating pursuant to Section 225.235.
- c) Compliance Requirements.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 1) **Emission Control Requirements.**

The owner or operator of an EGU that is operating pursuant to this Section must continue to maintain and operate the EGU to comply with the criteria for eligibility for operation pursuant to this Section, except during an evaluation of the current sorbent, alternative sorbents or other techniques to control mercury emissions, as provided by subsection (e) of this Section.
- 2) **Monitoring and Recordkeeping Requirements.**

In addition to complying with all applicable reporting requirements in Sections 225.240 through 225.290, the owner or operator of an EGU operating pursuant to this Section must also:

  - A) Through December 31, 2012, it must maintain records of the usage of activated carbon, the exhaust gas flow rate from the EGU, and the activated carbon feed rate, in pounds per million actual cubic feet of exhaust gas at the injection point, on a weekly average.
  - B) Beginning January 1, 2013, it must monitor activated carbon feed rate to the EGU, flue gas temperature at the point of sorbent injection, and exhaust gas flow rate from the EGU, automatically recording this data and the activated carbon feed rate, in pounds per million actual cubic feet of exhaust gas at the injection point, on an hourly average.
  - C) If a blend of bituminous and subbituminous coal is fired in the EGU, it must maintain records of the amount of each type of coal burned and the required injection rate for injection of halogenated activated carbon, on a weekly basis.
- 3) **Notification and Reporting Requirements.**

In addition to complying with all applicable reporting requirements in Sections 225.240 through 225.290, the owner or operator of an EGU operating pursuant to this Section must also submit the following notifications and reports to the Agency:

  - A) Written notification prior to the month in which any of the following events will occur:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- i) The EGU will no longer be eligible to operate under this Section due to a change in operation;
  - ii) The type of coal fired in the EGU will change; the mercury emission standard with which the owner or operator is attempting to comply for the EGU will change; or
  - iii) Operation under this Section will be terminated.
- B) Quarterly reports for the recordkeeping and monitoring conducted pursuant to subsection (c)(2) of this Section.
- C) Annual reports detailing activities conducted for the EGU to further improve control of mercury emissions, including the measures taken during the past year and activities planned for the current year.
- d) Applications to Operate under the Technology-Based Standard
- 1) Application Deadlines.
    - A) The owner or operator of an EGU that is seeking to operate the EGU pursuant to this Section must submit an application to the Agency no later than three months prior to the date on which compliance with Section 225.230 of this Subpart B would otherwise have to be demonstrated. For example, the owner or operator of an EGU that is applying to operate the EGU pursuant to this Section on June 30, 2010, when compliance with applicable mercury emission standards must be first demonstrated, must apply by March 31, 2010 to operate under this Section.
    - B) Unless the Agency finds that the EGU is not eligible to operate pursuant to this Section or that the application for operation pursuant to this Section does not meet the requirements of subsection (d)(2) of this Section, the owner or operator of the EGU is authorized to operate the EGU pursuant to this Section beginning 60 days after receipt of the application by the Agency.
    - C) The owner or operator of an EGU operating pursuant to this Section must reapply to operate pursuant to this Section:



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- i) If it operated the EGU pursuant to this Section 225.234 during the period of June 2010 through December 2012 and it seeks to operate the EGU pursuant to this Section 225.234 during the period from January 2013 through June 2015.
  - ii) If it is planning a physical change to or a change in the method of operation of the EGU, control equipment or practices for injection of activated carbon that is expected to reduce the level of control of mercury emissions.
- 2) Contents of Application.
- An application to operate an EGU pursuant to this Section 225.234 must be submitted as an application for a new or revised federally enforceable operating permit for the EGU, and it must include the following documents and information:
- A) A formal request to operate pursuant to this Section showing that the EGU is eligible to operate pursuant to this Section and describing the reason for the request, the measures that have been taken for control of mercury emissions, and factors preventing more effective control of mercury emissions from the EGU.
  - B) The applicable mercury emission standard in Section 225.230(a) with which the owner or operator of the EGU is attempting to comply and a summary of relevant mercury emission data for the EGU.
  - C) If a unit-specific rate or rates for carbon injection are proposed pursuant to subsection (b)(2) of this Section, detailed information to support the proposed injection rates.
  - D) An action plan describing the measures that will be taken while operating under this Section to improve control of mercury emissions. This plan must address measures such as evaluation of alternative forms or sources of activated carbon, changes to the injection system, changes to operation of the unit that affect the effectiveness of mercury absorption and collection, changes to the particulate matter control device to improve performance, and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

changes to other emission control devices. For each measure contained in the plan, the plan must provide a detailed description of the specific actions that are planned, the reason that the measure is being pursued and the range of improvement in control of mercury that is expected, and the factors that affect the timing for carrying out the measure, together with the current schedule for the measure.

- e) Evaluation of Alternative Control Techniques for Mercury Emissions.
  - 1) During an evaluation of the effectiveness of the current sorbent, alternative sorbent, or other technique to control mercury emissions, the owner or operator of an EGU operating pursuant to this Section need not comply with the eligibility criteria for operation pursuant to this Section as needed to carry out an evaluation of the practicality and effectiveness of such technique, subject to the following limitations:
    - A) The owner or operator of the EGU must conduct the evaluation in accordance with a formal evaluation program that it has submitted to the Agency at least 30 days prior to beginning the evaluation.
    - B) The duration and scope of the formal evaluation program must not exceed the duration and scope reasonably needed to complete the desired evaluation of the alternative control technique, as initially addressed by the owner or owner in a support document that it has submitted with the formal evaluation program pursuant to subsection (e)(1)(A) of this Section.
    - C) Notwithstanding 35 Ill. Adm. Code 201.146(hhh), the owner or operator of the EGU must obtain a construction permit for any new or modified air pollution control equipment to be constructed as part of the evaluation of the alternative control technique.
    - D) The owner or operator of the EGU must submit a report to the Agency, no later than 90 days after the conclusion of the formal evaluation program describing the evaluation that was conducted, and providing the results of the formal evaluation program.
  - 2) If the evaluation of the alternative control technique shows less effective control of mercury emissions from the EGU than achieved with the prior

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

control technique, the owner or operator of the EGU must resume use of the prior control technique. If the evaluation of the alternative control technique shows comparable control effectiveness, the owner or operator of the EGU may either continue to use the alternative control technique in an optimum manner or resume use of the prior control technique. If the evaluation of the alternative control technique shows more effective control of mercury emissions, the owner or operator of the EGU must continue to use the alternative control technique in an optimum manner, if it continues to operate pursuant to this Section.

**Section 225.235 Units Scheduled for Permanent Shut Down**

- a) The emission standards of Section 225.230(a) are not applicable to an EGU that will be permanently shut down as described in this Section:
  - 1) The owner or operator of an EGU that relies on this Section must complete the following actions before June 30, 2009:
    - A) Have notified the Agency that it is planning to permanently shut down the EGU by the applicable date specified in subsection (a)(3) or (4) of this Section. This notification must include a description of the actions that have already been taken to allow the shut down of the EGU and a description of the future actions that must be accomplished to complete the shut down of the EGU, with the anticipated schedule for those actions and the anticipated date of permanent shut down of the unit.
    - B) Have applied for a construction permit or be actively pursuing a federally enforceable agreement that requires the EGU to be permanently shut down in accordance with this Section.
    - C) Have applied for revisions to the operating permits for the EGU to include provisions that terminate the authorization to operate the unit in accordance with this Section.
  - 2) The owner or operator of an EGU that relies on this Section must, before June 30, 2010, complete the following actions:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- A) Have obtained a construction permit or entered into a federally enforceable agreement as described in subsection (a)(1)(B) of this Section; or
  - B) Have obtained revised operating permits in accordance with subsection (a)(1)(C) of this Section.
- 3) The plan for permanent shut down of the EGU must provide for the EGU to be permanently shut down by no later than the applicable date specified below:
- A) If the owner or operator of the EGU is not constructing a new EGU or other generating unit to specifically replace the existing EGU, by December 31, 2010.
  - B) If the owner or operator of the EGU is constructing a new EGU or other generating unit to specifically replace the existing EGU, by December 31, 2011.
- 4) The owner or operator of the EGU must permanently shut down the EGU by the date specified in subsection (a)(3) of this Section, unless the owner or operator submits a demonstration to the Agency before the specified date showing that circumstances beyond its reasonable control (such as protracted delays in construction activity, unanticipated outage of another EGU, or protracted shakedown of a replacement unit) have occurred that interfere with the plan for permanent shut down of the EGU, in which case the Agency may accept the demonstration as substantiated and extend the date for shut down of the EGU as follows:
- A) If the owner or operator of the EGU is not constructing a new EGU or other generating unit to specifically replace the existing EGU, for up to one year, i.e., permanent shut down of the EGU to occur by no later than December 31, 2011; or
  - B) If the owner or operator of the EGU is constructing a new EGU or other generating unit to specifically replace the existing EGU, for up to 18 months, i.e., permanent shutdown of the EGU to occur by no later than June 30, 2013; provided, however, that after December 31, 2012, the existing EGU must only operate as a back-

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

up unit to address periods when the new generating units are not in service.

- b) Notwithstanding Sections 225.230 and 225.232, any EGU that is not required to comply with Section 225.230 pursuant to this Section must not be included when determining whether any other EGUs at the source or other sources are in compliance with Section 225.230.
- c) If an EGU, for which the owner or operator of the source has relied upon this Section in lieu of complying with Section 225.230(a) is not permanently shut down as required by this Section, the EGU must be considered to be a new EGU subject to the emission standards in Section 225.237(a) beginning in the month after the EGU was required to be permanently shut down, in addition to any other penalties that may be imposed for failure to permanently shut down the EGU in accordance with this Section.

**Section 225.237 Emission Standards for New Sources with EGUs**

- a) Standards.
  - 1) The owner or operator of a source with one or more EGUs, but that previously had not had any EGUs that commenced commercial operation before January 1, 2009, must comply with one of the following emission standards for each EGU on a rolling 12-month basis:
    - A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
    - B) A minimum 90 percent reduction of input mercury.
  - 2) For this purpose, compliance may be demonstrated using the equations in Section 225.230(a)(2), (a)(3), or (b)(2).
- b) The initial 12-month rolling period for which compliance with the emission standards of subsection (a)(1) of this Section must be demonstrated for a new EGU will commence on the date that the initial performance test for the mercury emission standard under 40 CFR 60.45a also commences. The CEMS required by this Subpart B for mercury emissions from the EGU must be certified prior to this date. Thereafter, compliance must be demonstrated on a rolling 12-month basis based on calendar months.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

**Section 225.238 Temporary Technology-Based Standard for New Sources with EGUs**

- a) General.
- 1) At a source with EGUs that previously had not had any EGUs that commenced commercial operation before January 1, 2009, for an EGU that meets the eligibility criteria in subsection (b) of this Section, as an alternative to compliance with the mercury emission standards in Section 225.237, the owner or operator of the EGU may temporarily comply with the requirements of this Section, through December 31, 2018, as further provided in subsections (c), (d), and (e) of this Section.
  - 2) An EGU that is complying with the emission control requirements of this Subpart B by operating pursuant to this Section may not be included in a compliance demonstration involving other EGUs at the source during the period that the temporary technology-based standard is in effect.
  - 3) The owner or operator of an EGU that is complying with this Subpart B pursuant to this Section is not excused from applicable monitoring, recordkeeping, and reporting requirements of Sections 225.240 through 225.290.
- b) Eligibility.
- To be eligible to operate an EGU pursuant to this Section, the following criteria must be met for the EGU:
- 1) The EGU is subject to Best Available Control Technology (BACT) for emissions of sulfur dioxide, nitrogen oxides, and particulate matter, and the EGU is equipped and operated with the air pollution control equipment or systems specified below, as applicable to the category of EGU:
    - A) For coal-fired boilers, injection of sorbent or other mercury control technique (e.g., reagent) approved by the Agency.
    - B) For an EGU firing fuel gas produced by coal gasification, processing of the raw fuel gas prior to combustion for removal of mercury with a system using a sorbent or other mercury control technique approved by the Agency.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 2) For an EGU for which injection of a sorbent or other mercury control technique is required pursuant to subsection (b)(1) of this Section, the owner or operator of the EGU is injecting sorbent or other mercury control technique in an optimum manner for control of mercury emissions, which must include injection of Alstom, Norit, Sorbent Technologies, or other sorbent or other mercury control technique that the owner or operator of the EGU demonstrates to have similar or better effectiveness for control of mercury emissions, at least at the rate set forth in the appropriate of subsections (b)(2)(A) through (b)(2)(C) of this Section, unless other provisions for injection of sorbent or other mercury control technique are established in a federally enforceable operating permit issued for the EGU, with an injection system designed for effective absorption of mercury. For the purposes of this subsection (b)(2), the flue gas flow rate must be determined for the point of sorbent injection or other mercury control technique (provided, however, that this flow rate may be assumed to be identical to the stack flow rate if the gas temperatures at the point of injection and the stack are normally within 100° F), or the flow rate may otherwise be calculated from the stack flow rate, corrected for the difference in gas temperatures.
  - A) For an EGU firing subbituminous coal, 5.0 pounds per million actual cubic feet.
  - B) For an EGU firing bituminous coal, 10.0 pounds per million actual cubic feet.
  - C) For an EGU firing a blend of subbituminous and bituminous coal, a rate that is the weighted average of the above rates, based on the blend of coal being fired.
  - D) A rate or rates set on a unit-specific basis that are lower than the rate specified in subsections (b)(2)(A), (B), and (C) of this Section, to the extent that the owner or operator of the EGU demonstrates that such rate or rates are needed so that sorbent injection or other mercury control technique would not increase particulate matter emissions or opacity so as to threaten compliance with applicable regulatory requirements for particulate matter or opacity or cause a safety issue.
- c) Compliance Requirements.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 1) **Emission Control Requirements.**

The owner or operator of an EGU that is operating pursuant to this Section must continue to maintain and operate the EGU to comply with the criteria for eligibility for operation under this Section, except during an evaluation of the current sorbent, alternative sorbents, or other techniques to control mercury emissions, as provided by subsection (e) of this Section.
- 2) **Monitoring and Recordkeeping Requirements.**

In addition to complying with all applicable reporting requirements in Sections 225.240 through 225.290, the owner or operator of a new EGU operating pursuant to this Section must also:

  - A) Monitor sorbent feed rate to the EGU, flue gas temperature at the point of sorbent injection or other mercury control technique, and exhaust gas flow rate from the EGU, automatically recording this data and the sorbent feed rate, in pounds per million actual cubic feet of exhaust gas at the injection point, on an hourly average.
  - B) If a blend of bituminous and subbituminous coal is fired in the EGU, maintain records of the amount of each type of coal burned and the required injection rate for injection of sorbent, on a weekly basis.
  - C) If a mercury control technique other than sorbent injection is approved by the Agency, monitor appropriate parameter for that control technique as specified by the Agency.
- 3) **Notification and Reporting Requirements.**

In addition to complying with all applicable reporting requirements of Sections 225.240 through 225.290, the owner or operator of an EGU operating pursuant to this Section must also submit the following notifications and reports to the Agency:

  - A) Written notification prior to the month in which any of the following events will occur: the EGU will no longer be eligible to operate under this Section due to a change in operation; the type of coal fired in the EGU will change; the mercury emission standard with which the owner or operator is attempting to comply for the



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

EGU will change; or operation under this Section will be terminated.

- B) Quarterly reports for the recordkeeping and monitoring conducted pursuant to subsection (c)(2) of this Section.
  - C) Annual reports detailing activities conducted for the EGU to further improve control of mercury emissions, including the measures taken during the past year and activities planned for the current year.
- d) Applications to Operate under the Technology-Based Standard.
- 1) Application Deadlines.
    - A) The owner or operator of an EGU that is seeking to operate the EGU pursuant to this Section must submit an application to the Agency no later than three months prior to the date that compliance with Section 225.237 would otherwise have to be demonstrated.
    - B) Unless the Agency finds that the EGU is not eligible to operate pursuant to this Section or that the application for operation under this Section does not meet the requirements of subsection (d)(2) of this Section, the owner or operator of the EGU is authorized to operate the EGU pursuant to this Section beginning 60 days after receipt of the application by the Agency.
    - C) The owner or operator of an EGU operating pursuant to this Section must reapply to operate pursuant to this Section if it is planning a physical change to or a change in the method of operation of the EGU, control equipment, or practices for injection of sorbent or other mercury control technique that is expected to reduce the level of control of mercury emissions.
  - 2) Contents of Application.

An application to operate pursuant to this Section must be submitted as an application for a new or revised federally enforceable operating permit for the new EGU, and it must include the following information:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- A) A formal request to operate pursuant to this Section showing that the EGU is eligible to operate pursuant to this Section and describing the reason for the request, the measures that have been taken for control of mercury emissions, and factors preventing more effective control of mercury emissions from the EGU.
  - B) The applicable mercury emission standard in Section 225.237 with which the owner or operator of the EGU is attempting to comply and a summary of relevant mercury emission data for the EGU.
  - C) If a unit-specific rate or rates for sorbent or other mercury control technique injection are proposed pursuant to subsection (b)(2) of this Section, detailed information to support the proposed injection rates.
  - D) An action plan describing the measures that will be taken while operating pursuant to this Section to improve control of mercury emissions. This plan must address measures such as evaluation of alternative forms or sources of sorbent or other mercury control technique, changes to the injection system, changes to operation of the unit that affect the effectiveness of mercury absorption and collection, and changes to other emission control devices. For each measure contained in the plan, the plan must provide a detailed description of the specific actions that are planned, the reason that the measure is being pursued and the range of improvement in control of mercury that is expected, and the factors that affect the timing for carrying out the measure, with the current schedule for the measure.
- e) Evaluation of Alternative Control Techniques for Mercury Emissions.
- 1) During an evaluation of the effectiveness of the current sorbent, alternative sorbent, or other technique to control mercury emissions, the owner or operator of an EGU operating pursuant to this Section does not need to comply with the eligibility criteria for operation pursuant to this Section as needed to carry out an evaluation of the practicality and effectiveness of such technique, further subject to the following limitations:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- A) The owner or operator of the EGU must conduct the evaluation in accordance with a formal evaluation program that it has submitted to the Agency at least 30 days prior to beginning the evaluation.
  - B) The duration and scope of the formal evaluation program must not exceed the duration and scope reasonably needed to complete the desired evaluation of the alternative control technique, as initially addressed by the owner or operator in a support document that it has submitted with the formal evaluation program pursuant to subsection (e)(1)(A) of this Section.
  - C) Notwithstanding 35 Ill. Adm. Code 201.146(hhh), the owner or operator of the EGU must obtain a construction permit for any new or modified air pollution control equipment to be constructed as part of the evaluation of the alternative control technique.
  - D) The owner or operator of the EGU must submit a report to the Agency no later than 90 days after the conclusion of the formal evaluation program describing the evaluation that was conducted and providing the results of the formal evaluation program.
- 2) If the evaluation of the alternative control technique shows less effective control of mercury emissions from the EGU than was achieved with the prior control technique, the owner or operator of the EGU must resume use of the prior control technique. If the evaluation of the alternative control technique shows comparable effectiveness, the owner or operator of the EGU may either continue to use the alternative control technique in an optimum manner or resume use of the prior control technique. If the evaluation of the alternative control technique shows more effective control of mercury emissions, the owner or operator of the EGU must continue to use the alternative control technique in an optimum manner, if it continues to operate pursuant to this Section.

**Section 225.240 General Monitoring and Reporting Requirements**

The owner or operator of an EGU must comply with the monitoring, recordkeeping, and reporting requirements as provided in this Section, Sections 225.250 through 225.290 of this Subpart B, and subpart I of 40 CFR 75 (sections 75.80 through 75.84), incorporated by reference in Section 225.140. If the EGU utilizes a common stack with units that are not EGUs and the owner or operator of the EGU does not conduct emissions monitoring in the duct to the common

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

stack from each EGU, the owner or operator of the EGU must conduct emissions monitoring in accordance with 40 CFR 75.82(b)(2) and this Section, including monitoring in the duct to the common stack from each unit that is not an EGU, unless the owner or operator of the EGU counts the combined emissions measured at the common stack as the mass emissions of mercury for the EGUs for recordkeeping and compliance purposes.

- a) Requirements for installation, certification, and data accounting. The owner or operator of each EGU must:
  - 1) Install all monitoring systems required pursuant to this Section and Sections 225.250 through 225.290 for monitoring mercury mass emissions (including all systems required to monitor mercury concentration, stack gas moisture content, stack gas flow rate, and CO<sub>2</sub> or O<sub>2</sub> concentration, as applicable, in accordance with 40 CFR 75.81 and 75.82).
  - 2) Successfully complete all certification tests required pursuant to Section 225.250 and meet all other requirements of this Section, Sections 225.250 through 225.290, and subpart I of 40 CFR 75 applicable to the monitoring systems required under subsection (a)(1) of this Section.
  - 3) Record, report, and assure the quality of the data from the monitoring systems required under subsection (a)(1) of this Section.
  - 4) If the owner or operator elects to use the low mass emissions excepted monitoring methodology for an EGU that emits no more than 464 ounces (29 pounds) of mercury per year pursuant to 40 CFR 75.81(b), it must perform emissions testing in accordance with 40 CFR 75.81(c) to demonstrate that the EGU is eligible to use this excepted emissions monitoring methodology, as well as comply with all other applicable requirements of 40 CFR 75.81(b) through (f). Also, the owner or operator must submit a copy of any information required to be submitted to the USEPA pursuant to these provisions to the Agency. The initial emissions testing to demonstrate eligibility of an EGU for the low mass emissions excepted methodology must be conducted by the applicable of the following dates:
    - A) If the EGU has commenced commercial operation before July 1, 2008, at least by January 1, 2009, or 45 days prior to relying on the low mass emissions excepted methodology, whichever date is later.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- B) If the EGU has commenced commercial operation on or after July 1, 2008, at least 45 days prior to the applicable date specified pursuant to subsection (b)(2) of this Section or 45 days prior to relying on the low mass emissions excepted methodology, whichever date is later.
- b) Emissions Monitoring Deadlines. The owner or operator must meet the emissions monitoring system certification and other emissions monitoring requirements of subsections (a)(1) and (a)(2) of this Section on or before the applicable of the following dates. The owner or operator must record, report, and quality-assure the data from the emissions monitoring systems required under subsection (a)(1) of this Section on and after the applicable of the following dates:
- 1) For the owner or operator of an EGU that commences commercial operation before July 1, 2008, by January 1, 2009.
  - 2) For the owner or operator of an EGU that commences commercial operation on or after July 1, 2008, by 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the EGU commences commercial operation.
  - 3) For the owner or operator of an EGU for which construction of a new stack or flue or installation of add-on mercury emission controls, a flue gas desulfurization system, a selective catalytic reduction system, a fabric filter, or a compact hybrid particulate collector system is completed after the applicable deadline pursuant to subsection (b)(1) or (b)(2) of this Section, by 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which emissions first exit to the atmosphere through the new stack or flue, add-on mercury emission controls, flue gas desulfurization system, selective catalytic reduction system, fabric filter, or compact hybrid particulate collector system.
- c) Reporting Data.
- 1) Except as provided in subsection (c)(2) of this Section, the owner or operator of an EGU that does not meet the applicable emissions monitoring date set forth in subsection (b) of this Section for any emissions monitoring system required pursuant to subsection (a)(1) of this Section must, for each such monitoring system, determine, record, and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

report the maximum potential (or, as appropriate, the minimum potential) values for mercury concentration, the stack gas flow rate, the stack gas moisture content, and any other parameters required to determine mercury mass emissions in accordance with 40 CFR 75.80(g).

- 2) The owner or operator of an EGU that does not meet the applicable emissions monitoring date set forth in subsection (b)(3) of this Section for any emissions monitoring system required pursuant to subsection (a)(1) of this Section must, for each such monitoring system, determine, record, and report substitute data using the applicable missing data procedures as set forth in 40 CFR 75.80(f), in lieu of the maximum potential (or, as appropriate, minimum potential) values for a parameter, if the owner or operator demonstrates that there is continuity between the data streams for that parameter before and after the construction or installation pursuant to subsection (b)(3) of this Section.

d) Prohibitions.

- 1) No owner or operator of an EGU may use any alternative emissions monitoring system, alternative reference method for measuring emissions, or other alternative to the emissions monitoring and measurement requirements of this Section and Sections 225.250 through 225.290, unless such alternative is promulgated by the USEPA and approved in writing by the Agency, or the use of such alternative is approved in writing by the Agency, and USEPA.
- 2) No owner or operator of an EGU may operate its EGU so as to discharge, or allow to be discharged, mercury emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Section, Sections 225.250 through 225.290, and subpart I of 40 CFR 75.
- 3) No owner or operator of an EGU may disrupt the CEMS, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording mercury mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Section, Sections 225.250 through 225.290, and subpart I of 40 CFR 75.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 4) No owner or operator of an EGU may retire or permanently discontinue use of the CEMS or any component thereof, or any other approved monitoring system pursuant to this Subpart B, except under any one of the following circumstances:
  - A) The owner or operator is monitoring emissions from the EGU with another certified monitoring system that has been approved, in accordance with the applicable provisions of this Section, Sections 225.250 through 225.290 of this Subpart B, and subpart I of 40 CFR 75, by the Agency for use at that EGU and that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or
  - B) The owner or operator or designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with Section 225.250(a)(3)(A).
- e) Long-term Cold Storage.  
The owner or operator of an EGU that is in long-term cold storage is subject to the provisions of 40 CFR 75.4 and 75.64 relating to monitoring, recordkeeping, and reporting for units in long-term cold storage.

**Section 225.250 Initial Certification and Recertification Procedures for Emissions Monitoring**

- a) The owner or operator of an EGU must comply with the following initial certification and recertification procedures for a CEMS (i.e., a CEMS or an excepted monitoring system (sorbent trap monitoring system) pursuant to 40 CFR 75.15, incorporated by reference in Section 225.140) required by Section 225.240(a)(1). The owner or operator of an EGU that qualifies for, and for which the owner or operator elects to use, the low-mass-emissions excepted methodology pursuant to 40 CFR 75.81(b), incorporated by reference in Section 225.140, must comply with the procedures set forth in subsection (c) of this Section.
  - 1) Requirements for Initial Certification. The owner or operator of an EGU must ensure that, for each CEMS required by Section 225.240(a)(1) (including the automated data acquisition and handling system), the owner or operator successfully completes all of the initial certification testing

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

required pursuant to 40 CFR 75.80(d), incorporated by reference in Section 225.140, by the applicable deadline in Section 225.240(b). In addition, whenever the owner or operator of an EGU installs a monitoring system to meet the requirements of this Subpart B in a location where no such monitoring system was previously installed, the owner or operator must successfully complete the initial certification requirements of 40 CFR 75.80(d).

- 2) Requirements for Recertification. Whenever the owner or operator of an EGU makes a replacement, modification, or change in any certified CEMS, or an excepted monitoring system (sorbet trap monitoring system) pursuant to 40 CFR 75.15, and required by Section 225.240(a)(1), that may significantly affect the ability of the system to accurately measure or record mercury mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR 75, each incorporated by reference in Section 225.140, the owner or operator of an EGU must recertify the monitoring system in accordance with 40 CFR 75.20(b), incorporated by reference in Section 225.140. Furthermore, whenever the owner or operator of an EGU makes a replacement, modification, or change to the flue gas handling system or the EGU's operation that may significantly change the stack flow or concentration profile, the owner or operator must recertify each CEMS, and each excepted monitoring system (sorbet trap monitoring system) pursuant to 40 CFR 75.15, whose accuracy is potentially affected by the change, all in accordance with 40 CFR 75.20(b). Examples of changes to a CEMS that require recertification include, but are not limited to, replacement of the analyzer, complete replacement of an existing CEMS, or change in location or orientation of the sampling probe or site.
- 3) Approval Process for Initial Certification and Recertification. Subsections (a)(3)(A) through (a)(3)(D) of this Section apply to both initial certification and recertification of a CEMS required by Section 225.240(a)(1). For recertifications, the words "certification" and "initial certification" are to be read as the word "recertification", the word "certified" is to be read as the word "recertified", and the procedures set forth in 40 CFR 75.20(b)(5) are to be followed in lieu of the procedures set forth in subsection (a)(3)(E) of this Section.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- A) Notification of Certification. The owner or operator must submit to the Agency, USEPA Region 5, and the Administrator of the USEPA written notice of the dates of certification testing, in accordance with Section 225.270.
- B) Certification Application. The owner or operator must submit to the Agency a certification application for each monitoring system. A complete certification application must include the information specified in 40 CFR 75.63, incorporated by reference in Section 225.140.
- C) Provisional Certification Date. The provisional certification date for a monitoring system must be determined in accordance with 40 CFR 75.20(a)(3), incorporated by reference in Section 225.140. A provisionally certified monitoring system may be used pursuant to this Subpart B for a period not to exceed 120 days after receipt by the Agency of the complete certification application for the monitoring system pursuant to subsection (a)(3)(B) of this Section. Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of 40 CFR 75, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the Agency does not invalidate the provisional certification by issuing a notice of disapproval within 120 days after the date of receipt by the Agency of the complete certification application.
- D) Certification Application Approval Process. The Agency must issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days after receipt of the complete certification application required by subsection (a)(3)(B) of this Section. In the event the Agency does not issue a written notice of approval or disapproval within the 120-day period, each monitoring system that meets the applicable performance requirements of 40 CFR 75 and which is included in the certification application will be deemed certified for use pursuant to this Subpart B.
- i) Approval Notice. If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR 75, then

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

the Agency must issue a written notice of approval of the certification application within 120 days after receipt.

- ii) **Incomplete Application Notice.** If the certification application is not complete, then the Agency must issue a written notice of incompleteness that sets a reasonable date by which the owner or operator must submit the additional information required to complete the certification application. If the owner or operator does not comply with the notice of incompleteness by the specified date, the Agency may issue a notice of disapproval pursuant to subsection (a)(3)(D)(iii) of this Section. The 120-day review period will not begin before receipt of a complete certification application.
  - iii) **Disapproval Notice.** If the certification application shows that any monitoring system does not meet the performance requirements of 40 CFR 75, or if the certification application is incomplete and the requirement for disapproval pursuant to subsection (a)(3)(D)(ii) of this Section is met, the Agency must issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated, and the data measured and recorded by each uncertified monitoring system will not be considered valid quality-assured data beginning with the date and hour of provisional certification (as defined pursuant to 40 CFR 75.20(a)(3)). The owner or operator must follow the procedures for loss of certification set forth in subsection (a)(3)(E) of this Section for each monitoring system that is disapproved for initial certification.
  - iv) **Audit Decertification.** The Agency may issue a notice of disapproval of the certification status of a monitor in accordance with Section 225.260(b).
- E) **Procedures for Loss of Certification.** If the Agency issues a notice of disapproval of a certification application pursuant to subsection (a)(3)(D)(iii) of this Section or a notice of disapproval of certification status pursuant to subsection (a)(3)(D)(iv) of this

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

Section, the owner or operator must fulfill the following requirements:

- i) The owner or operator must substitute the following values for each disapproved monitoring system and for each hour of EGU operation during the period of invalid data specified pursuant to 40 CFR 75.20(a)(4)(iii) or 75.21(e), continuing until the applicable date and hour specified pursuant to 40 CFR 75.20(a)(5)(i), each incorporated by reference in Section 225.140. For a disapproved mercury pollutant concentration monitor and disapproved flow monitor, respectively, the maximum potential concentration of mercury and the maximum potential flow rate, as defined in sections 2.1.7.1 and 2.1.4.1 of appendix A to 40 CFR 75, incorporated by reference in Section 225.140. For a disapproved moisture monitoring system and disapproved diluent gas monitoring system, respectively, the minimum potential moisture percentage and either the maximum potential CO<sub>2</sub> concentration or the minimum potential O<sub>2</sub> concentration (as applicable), as defined in sections 2.1.5, 2.1.3.1, and 2.1.3.2 of appendix A to 40 CFR 75, incorporated by reference in Section 225.140. For a disapproved excepted monitoring system (sorbet trap monitoring system) pursuant to 40 CFR 75.15 and disapproved flow monitor, respectively, the maximum potential concentration of mercury and maximum potential flow rate, as defined in sections 2.1.7.1 and 2.1.4.1 of appendix A to 40 CFR 75, incorporated by reference in Section 225.140.
- ii) The owner or operator must submit a notification of certification retest dates and a new certification application in accordance with subsections (a)(3)(A) and (B) of this Section.
- iii) The owner or operator must repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Agency's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- b) Exemption.
  - 1) If an emissions monitoring system has been previously certified in accordance with 40 CFR 75 and the applicable quality assurance and quality control requirements of 40 CFR 75.21 and appendix B to 40 CFR 75 are fully met, the monitoring system will be exempt from the initial certification requirements of this Section.
  - 2) The recertification provisions of this Section apply to an emissions monitoring system required by Section 225.240(a)(1) exempt from initial certification requirements pursuant to subsection (a)(1) of this Section.
- c) Initial certification and recertification procedures for EGUs using the mercury low mass emissions excepted methodology pursuant to 40 CFR 75.81(b). The owner or operator that has elected to use the mercury-low-mass-emissions-excepted methodology for a qualified EGU pursuant to 40 CFR 75.81(b) must meet the applicable certification and recertification requirements in 40 CFR 75.81(c) through (f), incorporated by reference in Section 225.140.
- d) Certification Applications. The owner or operator of an EGU must submit an application to the Agency within 45 days after completing all initial certification or recertification tests required pursuant to this Section, including the information required pursuant to 40 CFR 75.63.

**Section 225.260 Out of Control Periods for Emission Monitors**

- a) Whenever any emissions monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR 75, incorporated by reference in Section 225.140, data must be substituted using the applicable missing data procedures in subparts D and I of 40 CFR 75, each incorporated by reference in Section 225.140.
- b) Audit Decertification. Whenever both an audit of an emissions monitoring system and a review of the initial certification or recertification application reveal that any emissions monitoring system should not have been certified or recertified because it did not meet a particular performance specification or other requirement pursuant to Section 225.250 or the applicable provisions of 40 CFR 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the Agency must issue a notice of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

disapproval of the certification status of such monitoring system. For the purposes of this subsection (b), an audit must be either a field audit or an audit of any information submitted to the Agency. By issuing the notice of disapproval, the Agency revokes prospectively the certification status of the emissions monitoring system. The data measured and recorded by the monitoring system must not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests for the monitoring system. The owner or operator must follow the applicable initial certification or recertification procedures in Section 225.250 for each disapproved monitoring system.

**Section 225.261 Additional Requirements to Provide Heat Input Data**

The owner or operator of an EGU that monitors and reports mercury mass emissions using a mercury concentration monitoring system and a flow monitoring system must also monitor and report the heat input rate at the EGU level using the procedures set forth in 40 CFR 75, incorporated by reference in Section 225.140.

**Section 225.263 Monitoring of Gross Electrical Output**

The owner or operator of an EGU complying with this Subpart B by means of Section 225.230(a)(1) or using electrical output ( $O_i$ ) and complying by means of Section 225.230(b) or (d) or Section 225.232 must monitor gross electrical output of the associated generator(s) in MWh on an hourly basis.

**Section 225.265 Coal Analysis for Input Mercury Levels**

- a) The owner or operator of an EGU complying with this Subpart B by means of Section 225.230(a)(2) or using input mercury levels ( $I_i$ ) and complying by means of Section 225.230(b) or (d) or Section 225.232 must fulfill the following requirements:
  - 1) Perform daily sampling of the coal combusted in the EGU for mercury content. The owner or operator of such EGU must collect a minimum of one 2-lb grab sample per day of operation from the belt feeders anywhere between the crusher house or breaker building and the boiler. The sample must be taken in a manner that provides a representative mercury content for the coal burned on that day.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 2) Analyze the grab coal sample for the following:
    - A) Determine the heat content using ASTM D5865-04 or an equivalent method approved in writing by the Agency.
    - B) Determine the moisture content using ASTM D3173-03 or an equivalent method approved in writing by the Agency.
    - C) Measure the mercury content using ASTM D6414-01, ASTM D3684-01, or an equivalent method approved in writing by the Agency.
  - 3) The owner or operator of multiple EGUs at the same source using the same crusher house or breaker building may take one sample per crusher house or breaker building, rather than one per EGU.
  - 4) The owner or operator of an EGU must use the data analyzed pursuant to subsection (b) of this Section to determine the mercury content in terms of lbs/trillion Btu.
- b) The owner or operator of an EGU that must conduct sampling and analysis of coal pursuant to subsection (a) of this Section must begin such activity by the following date:
- 1) If the EGU is in daily service, at least 30 days before the start of the month for which such activity will be required.
  - 2) If the EGU is not in daily service, on the day that the EGU resumes operation.

**Section 225.270 Notifications**

The owner or operator of a source with one or more EGUs must submit written notice to the Agency according to the provisions in 40 CFR 75.61, incorporated by reference in Section 225.140 (as a segment of 40 CFR 75), for each EGU or group of EGUs monitored at a common stack and each non-EGU monitored pursuant to 40 CFR 75.82(b)(2)(ii), incorporated by reference in Section 225.140.

**Section 225.290 Recordkeeping and Reporting**

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- a) General Provisions.
- 1) The owner or operator of an EGU and its designated representative must comply with all applicable recordkeeping and reporting requirements in this Section and with all applicable recordkeeping and reporting requirements of 40 CFR 75.84, incorporated by reference in Section 225.140.
  - 2) The owner or operator of an EGU must maintain records for each month identifying the emission standard in Section 225.230(a) or 225.237(a) of this Section with which it is complying or that is applicable for the EGU and the following records related to the emissions of mercury that the EGU is allowed to emit:
    - A) For an EGU for which the owner or operator is complying with this Subpart B by means of Section 225.230(a)(2) or 225.237(a)(1)(B) or using input mercury levels to determine the allowable emissions of the EGU, records of the daily mercury content of coal used (lbs/trillion Btu) and the daily and monthly input mercury (lbs), which must be kept in the file pursuant to 40 CFR 75.84(a).
    - B) For an EGU for which the owner or operator of an EGU complying with this Subpart B by means of Section 225.230(a)(1) or 225.237(a)(1)(A) or using electrical output to determine the allowable emissions of the EGU, records of the daily and monthly gross electrical output (GWh), which must be kept in the file required pursuant to 40 CFR 75.84(a).
  - 3) The owner or operator of an EGU must maintain records of the following data for each EGU:
    - A) Monthly emissions of mercury from the EGU.
    - B) For an EGU for which the owner or operator is complying by means of Section 225.230(b) or (d) of this Subpart B, records of the monthly allowable emissions of mercury from the EGU.
  - 4) The owner or operator of an EGU that is participating in an Averaging Demonstration pursuant to Section 225.232 of this Subpart B must

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

maintain records identifying all sources and EGUs covered by the Demonstration for each month and, within 60 days after the end of each calendar month, calculate and record the actual and allowable mercury emissions of the EGU for the month and the applicable 12-month rolling period.

- 5) The owner or operator of an EGU must maintain the following records related to quality assurance activities conducted for emissions monitoring systems:
    - A) The results of quarterly assessments conducted pursuant to section 2.2 of appendix B of 40 CFR 75, incorporated by reference in Section 225.140; and
    - B) Daily/weekly system integrity checks pursuant to section 2.6 of appendix B of 40 CFR 75, incorporated by reference in Section 225.140.
  - 6) The owner or operator of an EGU must maintain an electronic copy of all electronic submittals to the USEPA pursuant to 40 CFR 75.84(f), incorporated by reference in Section 225.140.
  - 7) The owner or operator of an EGU must retain all records required by this Section at the source unless otherwise provided in the CAAPP permit issued for the source and must make a copy of any record available to the Agency upon request.
- b) Quarterly Reports. The owner or operator of a source with one or more EGUs must submit quarterly reports to the Agency as follows:
- 1) These reports must include the following information for operation of the EGUs during the quarter:
    - A) The total operating hours of each EGU and the mercury CEMS, as also reported in accordance with 40 CFR 75, incorporated by reference in Section 225.140.
    - B) A discussion of any significant changes in the measures used to control emissions of mercury from the EGUs or the coal supply to the EGUs, including changes in the source of coal.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- C) Summary information on the performance of the mercury CEMS. When the mercury CEMS was not inoperative, repaired, or adjusted, except for routine zero and span checks, this must be stated in the report.
  - D) If the CEMS downtime was more than 5.0 percent of the total operating time for the EGU: the date and time identifying each period during which the CEMS was inoperative, except for routine zero and span checks; the nature of CEMS repairs or adjustments and a summary of quality assurance data consistent with 40 CFR 75, i.e., the dates and results of the Linearity Tests and any RATAs during the quarter; a listing of any days when a required daily calibration was not performed; and the date and duration of any periods when the CEMS was out-of-control as addressed by Section 225.260.
- 2) The owner or operator must submit each quarterly report to the Agency within 45 days following the end of the calendar quarter covered by the report.
- c) Compliance Certification. The owner or operator of a source with one or more EGUs must submit to the Agency a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the EGUs' emissions are correctly and fully monitored. The certification must state:
- 1) That the monitoring data submitted were recorded in accordance with the applicable requirements of this Section, Sections 225.240 through 225.270 and Section 225.290 of this Subpart B, and 40 CFR 75, including the quality assurance procedures and specifications; and
  - 2) For an EGU with add-on mercury emission controls, a flue gas desulfurization system, a selective catalytic reduction system, or a compact hybrid particulate collector system and for all hours where mercury data are substituted in accordance with 40 CFR 75.34(a)(1):
    - A) That:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- i) The mercury add-on emission controls, flue gas desulfurization system, selective catalytic reduction system, or compact hybrid particulate collector system was operating within the range of parameters listed in the quality assurance/quality control program pursuant to appendix B to 40 CFR 75; or
  - ii) With regard to a flue gas desulfurization system or a selective catalytic reduction system, quality-assured SO<sub>2</sub> emission data recorded in accordance with 40 CFR 75 document that the flue gas desulfurization system was operating properly, or quality-assured NO<sub>x</sub> emission data recorded in accordance with 40 CFR 75 document that the selective catalytic reduction system was operating properly, as applicable; and
- B) The substitute data values do not systematically underestimate mercury emissions.
- d) Annual Certification of Compliance.
- 1) The owner or operator of a source with one or more EGUs subject to this Subpart B must submit to the Agency an Annual Certification of Compliance with this Subpart B no later than May 1 of each year and must address compliance for the previous calendar year. Such certification must be submitted to the Agency, Air Compliance and Enforcement Section, and the Air Regional Field Office.
  - 2) Annual Certifications of Compliance must indicate whether compliance existed for each EGU for each month in the year covered by the Certification and it must certify to that effect. In addition, for each EGU, the owner or operator must provide the following appropriate data as set forth in subsections (d)(2)(A) through (d)(2)(E) of this Section, together with the data set forth in subsection (d)(2)(F) of this Section:
    - A) If complying with this Subpart B by means of Section 225.230(a)(1)(A) or 225.237(a)(1)(A):

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- i) Actual emissions rate, in lb/GWh, for each 12-month rolling period ending in the year covered by the Certification;
  - ii) Actual emissions, in lbs, and gross electrical output, in GWh, for each 12-month rolling period ending in the year covered by the Certification; and
  - iii) Actual emissions, in lbs, and gross electrical output, in GWh, for each month in the year covered by the Certification and in the previous year.
- B) If complying with this Subpart B by means of Section 225.230(a)(1)(B) or 225.237(a)(1)(B):
- i) Actual control efficiency for emissions for each 12-month rolling period ending in the year covered by the Certification, expressed as a percent;
  - ii) Actual emissions, in lbs, and mercury content in the fuel fired in such EGU, in lbs, for each 12-month rolling period ending in the year covered by the Certification; and
  - iii) Actual emissions, in lbs, and mercury content in the fuel fired in such EGU, in lbs, for each month in the year covered by the Certification and in the previous year.
- C) If complying with this Subpart B by means of Section 225.230(b):
- i) Actual emissions and allowable emissions for each 12-month rolling period ending in the year covered by the Certification; and
  - ii) Actual emissions and allowable emissions, and which standard of compliance the owner or operator was utilizing for each month in the year covered by the Certification and in the previous year.
- D) If complying with this Subpart B by means of Section 225.230(d):

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- i) Actual emissions and allowable emissions for all EGUs at the source for each 12-month rolling period ending in the year covered by the Certification; and
  - ii) Actual emissions and allowable emissions, and which standard of compliance the owner or operator was utilizing for each month in the year covered by the Certification and in the previous year.
- E) If complying with this Subpart B by means of Section 225.232:
- i) Actual emissions and allowable emissions for all EGUs at the source in an Averaging Demonstration for each 12-month rolling period ending in the year covered by the Certification; and
  - ii) Actual emissions and allowable emissions, with the standard of compliance the owner or operator was utilizing for each EGU at the source in an Averaging Demonstration for each month for all EGUs at the source in an Averaging Demonstration in the year covered by the Certification and in the previous year.
- F) Any deviations, data substitutions, or exceptions each month and discussion of the reasons for such deviations, data substitutions, or exceptions.
- 3) All Annual Certifications of Compliance required to be submitted must include the following certification by a responsible official:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

- 4) The owner or operator of an EGU must submit its first Annual Certification of Compliance to address calendar year 2009 or the calendar year in which the EGU commences commercial operation, whichever is later. Notwithstanding subsection (d)(2) of this Section, in the Annual Certifications of Compliance that are required to be submitted by May 1, 2010, and May 1, 2011, to address calendar years 2009 and 2010, respectively, the owner or operator is not required to provide 12-month rolling data for any period that ends before June 30, 2010.
- e) Deviation Reports. For each EGU, the owner or operator must promptly notify the Agency of deviations from requirements of this Subpart B. At a minimum, these notifications must include a description of such deviations within 30 days after discovery of the deviations, and a discussion of the possible cause of such deviations, any corrective actions, and any preventative measures taken.
- f) Quality Assurance RATA Reports. The owner or operator of an EGU must submit to the Agency, Air Compliance and Enforcement Section, the quality assurance RATA report for each EGU or group of EGUs monitored at a common stack and each non-EGU pursuant to 40 CFR 75.82(b)(2)(ii), incorporated by reference in Section 225.140, within 45 days after completing a quality assurance RATA.

**Section 225.295 Treatment of Mercury Allowances**

Any mercury allowances allocated to the Agency by the USEPA must be treated as follows:

- a) No such allowances may be allocated to any owner or operator of an EGU or other sources of mercury emissions into the atmosphere or discharges into the waters of the State.
- b) The Agency must hold all allowances allocated by the USEPA to the State. At the end of each calendar year, the Agency must instruct the USEPA to retire permanently all such allowances.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Community Living Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 370
- 3) Section Number: 370.715                      Adopted Action:  
Amendment
- 4) Statutory Authority: Community Living Facilities Act [210 ILCS 35]
- 5) Effective Date of Rulemaking: December 21, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8089
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: No changes were made in response to comments received during the First Notice or public comment period. No changes were made in response to comments and suggestions of the JCAR. Various typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Part 370 regulates Community Living Facilities. Section 370.715 (Health Care Worker Background Check) is amended to replace previous text with a requirement that facilities comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

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

e-mail: [rules@idph.state.il.us](mailto:rules@idph.state.il.us)

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 370  
COMMUNITY LIVING FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
370.110	General Requirements
370.120	Application for License
370.130	Licensee
370.140	Issuance of an Initial License for a New Facility
370.150	Issuance of an Initial License Due to a Change of Ownership
370.160	Issuance of a Renewal License
370.165	Alzheimer's Special Care Disclosure
370.170	Denial or Revocation
370.180	Experimental Program Conflicting With Requirements
370.190	Inspections
370.200	Information to Be Made Available to the Public By the Licensee
370.210	Ownership Disclosure
370.220	Variances
370.230	Alcoholism Treatment Programs In Community Living Facilities
370.240	Definitions

SUBPART B: ADMINISTRATION

Section	
370.400	Administration

SUBPART C: POLICIES

Section	
370.510	Social and Vocational Training Program Policies
370.520	Admission and Discharge Policies
370.530	Agreement Between Resident and Facility
370.540	General Policies
370.550	Personnel Policies

SUBPART D: PERSONNEL



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Section

- 370.710 Personnel
- 370.715 Health Care Worker Background Check
- 370.720 Personnel Policies

SUBPART E: HEALTH MAINTENANCE SERVICES

Section

- 370.810 Medical Care Policies
- 370.820 Communicable Disease Policies
- 370.830 Behavior Emergencies
- 370.840 Medication Policies

SUBPART F: PROGRAM SERVICES

Section

- 370.1010 Program Evaluation
- 370.1020 Program and Services

SUBPART G: RECORDS

Section

- 370.1210 General
- 370.1220 Other Records
- 370.1230 Confidentiality

SUBPART H: FOOD SERVICE

Section

- 370.1410 Food Service
- 370.1420 Adequacy of Diet
- 370.1430 Therapeutic Diets
- 370.1440 Scheduling of Meals
- 370.1450 Food Preparation and Service
- 370.1460 Food Handling Sanitation
- 370.1470 Kitchen Equipment, Utensils and Supplies

SUBPART I: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

370.1610 Maintenance  
370.1620 Housekeeping  
370.1630 Laundry Services

## SUBPART J: FURNISHINGS, EQUIPMENT AND SUPPLIES

Section  
370.1810 Furnishings  
370.1820 Equipment and Supplies

## SUBPART K: WATER SUPPLY AND SEWAGE DISPOSAL

Section  
370.2010 Codes  
370.2020 Water Supply  
370.2030 Sewage Disposal  
370.2040 Plumbing

SUBPART L: DESIGN AND CONSTRUCTION STANDARDS FOR NEW  
COMMUNITY LIVING FACILITIES

Section  
370.2210 Applicability of Standards  
370.2220 Codes and Standards  
370.2230 Preparation of Drawings and Specifications  
370.2240 Site  
370.2250 Administration  
370.2260 Bedrooms  
370.2270 Nurses' Station  
370.2280 Bath and Toilet Rooms  
370.2290 Living, Dining Room, and Activity Room(s)  
370.2300 Kitchen  
370.2310 Laundry Room  
370.2320 Housekeeping and Storage  
370.2330 Building General  
370.2340 Exit Facilities and Subdivision of Floor Areas  
370.2350 Stairways and Vertical Openings  
370.2360 Hazardous Areas  
370.2370 Structural  
370.2380 Mechanical Systems  
370.2390 Plumbing Systems

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

370.2400	Electrical Systems
370.2410	Fire Alarm and Detection System
370.2420	Emergency Electrical System
370.2430	Fire Protection

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING  
COMMUNITY LIVING FACILITIES

## Section

370.2610	Applicability of Standards
370.2620	Codes and Standards
370.2630	Preparation of Drawings and Specifications
370.2640	Site
370.2650	Administration and Public Areas
370.2660	Bedrooms
370.2670	Nurses' Station
370.2680	Bath and Toilet Rooms
370.2690	Living, Dining Room, and Activity Room(s)
370.2700	Kitchen
370.2710	Laundry Room
370.2720	Housekeeping and Storage
370.2730	Building General
370.2740	Exit Facilities and Subdivision of Floor Areas
370.2750	Stairways and Vertical Openings
370.2760	Hazardous Areas
370.2770	Structural
370.2780	Mechanical Systems
370.2790	Plumbing Systems
370.2800	Electrical Systems
370.2810	Fire Alarm and Detection System
370.2820	Emergency Electrical System
370.2830	Fire Protection

## SUBPART N: RESIDENT'S RIGHTS

## Section

370.3010	General
370.3020	Medical and Personal Care Program
370.3030	Restraints
370.3040	Abuse and Neglect
370.3050	Communication and Visitation

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

370.3060 Resident's Funds  
370.3070 Private Right of Action  
370.3080 Transfer and/or Discharge  
370.3090 Complaint Procedures  
370.3100 Confidentiality  
370.3110 Facility Implementation

370.APPENDIX A Program Standards  
370.APPENDIX B Sanitizing Solutions

AUTHORITY: Implementing and authorized by the Community Living Facilities Act [210 ILCS 35].

SOURCE: Emergency rules adopted at 6 Ill. Reg. 379, effective January 1, 1982, for a maximum of 150 days; adopted at 6 Ill. Reg. 6226, effective May 19, 1982; codified at 8 Ill. Reg. 19476; amended at 8 Ill. Reg. 24706, effective December 7, 1984; emergency amendment at 17 Ill. Reg. 9117, effective June 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19509, effective November 1, 1993; emergency amendments at 20 Ill. Reg. 456, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 9982, effective July 15, 1996; amended at 22 Ill. Reg. 3919, effective February 13, 1998; amended at 23 Ill. Reg. 993, effective January 15, 1999; amended at 24 Ill. Reg. 17182, effective November 1, 2000; amended at 26 Ill. Reg. 11982, effective July 31, 2002; emergency amendment at 27 Ill. Reg. 7953, effective April 30, 2003, for a maximum of 150 days; emergency expired September 26, 2003; amended at 27 Ill. Reg. 18183, effective November 12, 2003; amended at 31 Ill. Reg. 192, effective December 21, 2006.

## SUBPART D: PERSONNEL

**Section 370.715 Health Care Worker Background Check**

A facility shall comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).

- a) ~~The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):~~
- 1) ~~Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 2) ~~Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));~~
- 3) ~~Kidnaping or child abduction (Sections 10-1, 10-2, 10-5, and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));~~
- 4) ~~Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));~~
- 5) ~~Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));~~
- 6) ~~Assault, battery, heinous battery, tampering with foods, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));~~
- 7) ~~Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));~~
- 8) ~~Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 9) ~~Criminal sexual assault or criminal sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));~~
- 10) ~~Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));~~
- 11) ~~Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));~~
- 12) ~~Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));~~
- 13) ~~Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));~~
- 14) ~~Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388, 389, 393 to 400, 404a to 404c, 438, 492 to 496));~~
- 15) ~~Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));~~
- 16) ~~Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));~~
- 17) ~~Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 18) ~~Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);~~
- 19) ~~Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));~~
- 20) ~~Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));~~
- 21) ~~Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));~~
- 22) ~~Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e and 414g));~~
- 23) ~~Armed violence – elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));~~
- 24) ~~Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));~~
- 25) ~~Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));~~
- 26) ~~Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, delivery to person under 18, violation by person under 18 (Sections 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709)); or~~
- 27) ~~Manufacture, delivery or trafficking of controlled substances (Sections~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

~~401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).~~

- b) ~~The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to this Section. (Section 25(a) of the Health Care Worker Background Check Act)~~
- e) ~~A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)~~
- d) For the purpose of this Section:
- 1) ~~"Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.~~
  - 2) ~~"Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.~~
  - 3) ~~"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.~~
  - 4) ~~"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)~~
- e) ~~For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this~~



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

determination, the facility shall consider the following:

- 1) ~~The employee's assigned job responsibilities as set forth in the employee's job description;~~
  - 2) ~~Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and~~
  - 3) ~~Whether the employee's responsibilities include physical contact with residents, for example to provide therapy or to draw blood.~~
- f) *Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (w) of this Section, for a position with duties that involve direct care for residents, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry in good standing and has had a UCIA criminal history record check within the last 12 months, the employer need not initiate another check.*
- g) *The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)*
- h) ~~The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.~~
- i) *The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non fingerprint based UCIA criminal history record check is made:*
- 1) *That the facility shall request or have requested on its behalf a non-fingerprint based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.*
  - 2) *That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with this Section.*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 3) ~~That the applicant, if hired conditionally, may be terminated if the non-fingerprint based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint based records check pursuant to subsection (k) of this Section.~~
- 4) ~~That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint based records check pursuant to subsection (k) of this Section.~~
- 5) ~~That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)~~
- j) ~~A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)~~
- k) ~~An applicant or employee whose non-fingerprint based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)~~
- l) ~~A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

*suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)*

- m) *An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:*
- 1) *A completed fingerprint based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State Police); and*
  - 2) *A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.*
- n) *The Department may accept the results of the fingerprint based UCIA criminal records check instead of the items required by subsections (m)(1) and (2) above.*
- o) *An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:*
- 1) *Except in the instance of payment of court imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and*
  - 2) *The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.*
- p) *The Department may grant a waiver based on mitigating circumstances, which may include:*
- 1) *The age of the individual at which the crime was committed;*
  - 2) *The circumstances surrounding the crime;*
  - 3) *The length of time since the conviction;*
  - 4) *The applicant's or employee's criminal history since the conviction;*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 5) *The applicant's or employee's work history;*
  - 6) *The applicant's or employee's current employment references;*
  - 7) *The applicant's or employee's character references;*
  - 8) *Nurse Aide Registry records; and*
  - 9) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, which may include, but is not limited to the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)*
- q) ~~Waivers will not be granted to individuals who have not met the following time frames. "disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:~~
- 1) ~~Single disqualifying misdemeanor conviction — waiver consideration no earlier than one year after the conviction date;~~
  - 2) ~~Two to three disqualifying misdemeanor convictions — waiver consideration no earlier than three years after the most recent conviction date;~~
  - 3) ~~More than three disqualifying misdemeanor convictions — waiver consideration no earlier than five years after the most recent conviction date;~~
  - 4) ~~Single disqualifying felony convictions — waiver consideration no earlier than three years after the conviction date;~~
  - 5) ~~Two to three disqualifying felony convictions — waiver consideration no earlier than five years after the most recent conviction date;~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 6) ~~More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.~~
- r) ~~Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:~~
- 1) ~~Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);~~
  - 2) ~~Murder, homicide, manslaughter, or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]);~~
  - 3) ~~Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);~~
  - 4) ~~Aggravated battery, heinous battery, or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7]);~~
  - 5) ~~Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-14.1]);~~
  - 6) ~~Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);~~
  - 7) ~~Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);~~
  - 8) ~~Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);~~
  - 9) ~~Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 10) ~~Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1]);~~
- 11) ~~Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and~~
- 12) ~~Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).~~
- s) ~~The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), *based on mitigating circumstances* (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)~~
- t) ~~*An individual shall not be employed in a direct care position from the time that the employer receives the results of a non fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non fingerprint check is invalid. If the individual challenges the results of the non fingerprint check, his or her identity shall be validated by a fingerprint based records check in accordance with subsection (k) of this Section.* (Section 40(d) of the Health Care Worker Background Check Act)~~
- u) ~~A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)~~
- v) ~~A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint based criminal records check. Such evidence may include, but not be limited to:~~
- 1) ~~certified court records;~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 2) ~~written verification from the State's Attorney's office that prosecuted the conviction at issue;~~
  - 3) ~~written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;~~
  - 4) ~~a signed affidavit from the individual concerning the validity of the report;~~  
~~or~~
  - 5) ~~documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.~~
- w) *This Section shall not apply to:*
- 1) *An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;*
  - 2) *An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or*
  - 3) *A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)*
- x) *An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)*
- y) *The facility shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- z) ~~The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)~~
- aa) ~~The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.~~

(Source: Amended at 31 Ill. Reg. 192, effective December 21, 2006)



## STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Number: 1540.90                      Proposed Action: Amendment
- 4) Statutory Authority: 40 ILCS 5/14-129
- 5) Effective Date of Amendment: December 21, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal published in the Illinois Register: September 29, 2006; 30 Ill. Reg. 15580
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Minor nonsubstantive word changes in Section 1540.90 (c) and (d) at JCAR's suggestion.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there amendments pending on this Part? No
- 15) Information and questions regarding this adopted amendment shall be directed to:

Patrick Cummings  
Claims Division Manager  
State Employees' Retirement System

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STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS  
NOTICE OF ADOPTED AMENDMENT

2101 South Veterans Parkway

Springfield, IL 62794-9276

217-785-7260

Fax: 217-524-2293

- 16) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

## STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## PART 1540

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

## Section

1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal from the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions by the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods

## STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments
1540.320	Optional Forms of Benefits – Basis of Computation
1540.330	Board Elections
1540.340	Excess Benefit Arrangement
1540.350	Qualified Illinois Domestic Relations Orders (QILDRO)
1540.TABLE A	Optional Forms of Benefits – Basis of Computation

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

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency

## STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 24, 2002; emergency amendment at 28 Ill. Reg. 8775, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005; amended at 30 Ill. Reg. 12303, effective July 1, 2006; amended at 31 Ill. Reg. 211, effective December 21, 2006.

**Section 1540.90 Benefit Offset**

- a) Occupational Disability and Occupational Death  
Benefits received under Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Diseases Act [820 ILCS 310] with respect to disability or death of a member shall be applied as an offset against any occupational disability or death benefit provided under the Retirement System with respect to the same disability or death. The Workers' Compensation average weekly wage rate will be converted to a monthly rate for use as an offset to the Retirement System monthly benefit.
- 1) If the amount of compensation received is less than the monthly benefit provided under the Pension Code, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the Retirement System, subject, in the case of occupational death, to any minimum benefit provided by Section 14-103.18 and Section 14-121(h) of the Pension Code. If the amount of compensation received equals or exceeds the monthly benefit provided under the Pension Code, no benefit shall be payable by the Retirement System during the period compensation is paid under the Workers' Compensation Act or Workers' Occupational Diseases Act.
  - 2) If the compensation for disability or death is received in a commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the Retirement System shall, for offset purposes, consider the compensation as if it had been paid using the average weekly wage at a weekly rate as prescribed under the Workers' Compensation Act or Workers' Occupational Diseases Act. Salary or wages paid beyond date of disability shall not be considered part of the Workers' Compensation offset.
  - 3) In the event the whole or any part of the benefits received under the Workers' Compensation Act or Workers' Occupational Diseases Act is

## STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

- 4) No such offset or compensation shall be made after retirement of a member of a retirement annuity.
- 5) The amount considered for offset purposes shall be reduced by any legal expenses granted in the award.
- 6) No offset shall be made with respect to amounts received or paid under the Workers' Compensation Act or Workers' Occupational Diseases Act for medical, hospital, or burial expenses.
- 7) That portion of the occupational death benefit consisting of accumulated contributions of a member shall not be subject to any offset mentioned in this section.
- 8) The termination of death benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act due to remarriage of the benefit recipient shall cause the offset to the Occupational Death Benefit applicable to the remarried benefit recipient to terminate effective with the last month of eligibility represented in the final benefit payment under the Workers' Compensation Act or Workers' Occupational Diseases Act.
- 9) In those cases where the injury or death, for which an occupational disability or death benefit is payable, creates a legal liability for damages on the part of some person other than the employer to pay damages, the Workers' Compensation offset shall be applied as follows:
  - A) Any amounts paid under the Workers' Compensation Act or Workers' Occupational Diseases Act are subject to the offset provisions of Article 14 of the Pension Code [40 ILCS 5/Art. 14] and this Part, even though such amounts are recoverable under the subrogation Section 5(b) of the Workers' Compensation Act.
  - B) In the event that benefits due under the Workers' Compensation Act or Workers' Occupational Diseases Act are commuted into one sum or waived in lieu of the member seeking recovery against a

## STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

third party, the System shall use the amount of any judgment, settlement or payment for such injury by the third party as a credit against any benefits paid or payable by the System.

- 10) Any period~~period(s)~~ of disability for which payment under the Workers' Compensation Act is denied due to the failure of the individual to comply with that Act which result in a period~~period(s)~~ of noncompensability under the Workers' Compensation Act will not be considered for Occupational Disability until the entire Workers' Compensation case has been finalized through the Illinois Industrial Commission.
- b) Nonoccupational Disability and Temporary Disability
- 1) The nonoccupational and temporary disability benefit payable to a covered member shall be offset before age 65 by the amount of Social Security disability benefit payable prior to the member attaining age 65 and after age 65 by the amount of the Social Security retirement benefit for which the individual is first eligible on or after attaining age 65 less legal expenses paid by the member to obtain the award up to the maximum allowed by the Social Security Administration.
  - 2) The Social Security retirement benefit offset will be applied as follows at age 65:
    - A) For a disability benefit recipient who received Social Security disability benefits before age 65, the Social Security disability benefit payment applied as the offset prior to age 65 will remain in effect as the Social Security retirement benefit offset on or after age 65.
    - B) For a disability benefit recipient who did not receive Social Security disability benefits before age 65, the Social Security disability benefit amount that would have been payable by the Social Security Administration had the disability benefit recipient been disabled for the purpose of Social Security will be used as the Social Security retirement benefit offset at age 65 regardless of acceptance of a Social Security retirement benefit before age 65.
    - C) When a Social Security disability benefit amount is not provided

## STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

by the Social Security Administration because the individual is not eligible for a disability benefit for a reason other than not being disabled, the Social Security retirement benefit determined at the date of disability for which the individual is eligible at age 65 will be used for offset purposes at age 65.

- 3) Disability benefits commencing after age 65 will be offset by Social Security retirement benefits for which the individual is eligible on the commencement of disability.
- c) Widow'sWidows and Survivor'sSurvivors Annuities
- 1) When a monthly widow'swidows or survivor'ssurvivors annuity is approved on account of a covered employee, the annuity shall be reduced by one-half of any Social Security survivor'ssurvivors benefits for which all beneficiaries included in the widow'swidows or survivor'ssurvivors annuity are eligible. The offset shall not reduce any survivor'ssurvivor or widow'swidows benefit by more than 50 percent.
  - 2) The reduction will commence on the date the beneficiaries first become eligible to receive any portion of the Social Security benefit, regardless of whether the beneficiaries elect to accept the Social Security benefit on that date, or if the beneficiaries' own earnings preclude payment of Social Security survivor'ssurvivors benefits.
  - 3) If, at the time the offset is to be commenced: the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount such amount shall be deducted from the amount of survivor'ssurvivors benefit payable by Social Security and the offset computed on the difference; the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount and a governmental pension offset would have been applied to the Social Security survivor'ssurvivors benefit, such amount shall be deducted from the amount of the survivor'ssurvivors benefit payable by Social Security and the offset computed on the difference.
  - 4) The Social Security reduction amount once established shall remain constant except for the following conditions:



## STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

- A) If a survivor under age 50 previously receiving the survivor's survivors benefit because of minor children becomes a deferred annuitant then the offset amount will be recomputed when he or she first becomes eligible for Social Security survivor's survivors benefits. The offset amount will be based on the original widow's Social Security survivor's survivors amount ignoring subsequent increases to the deceased's Primary Insurance Amount. The recomputed offset amount shall be the balance of the Social Security survivor's survivors benefit minus the governmental pension offset, if any.
- B) The offset amount will be adjusted when a child is removed from consideration for the System's annuity.
- C) The offset amount will be adjusted when any benefit recipients recipient(s) become ineligible for Social Security benefits.
- D) For deaths on or after the effective date of this Section change, if a survivor under age 62 previously receiving the survivor's survivor benefit becomes eligible to receive a monthly benefit amount based on a Primary Insurance Amount on his or her own record, then the offset will be recomputed when he or she(s)he first becomes eligible to receive his or her own Primary Insurance Amount. The offset amount will be based on the estimated widow's or widower's widow(er)'s Social Security survivor's survivors amount determined at the date of death of the member less the estimated monthly benefit amount based on the Primary Insurance Amount of the survivor determined at the date of death of member, and the government pension offset, if any, ignoring any subsequent increases to the deceased Primary Insurance Amount or the survivor's Survivors Primary Insurance Amount. The monthly benefit amount based on the primary insurance amount of the survivor shall be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement, including any adjustment due to the application of the Windfall Elimination Provision.
- d) Retirement Annuity

## STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

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

(Source: Amended at 31 Ill. Reg. 211, effective December 21, 2006)

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Determination of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
2770.110	Amendment
2770.111	Amendment
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701.
- 5) Effective Date of amendments: January 1, 2007
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department has not specified an early expiration date.
- 7) Date Filed with the Index Department: December 20, 2006
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The contributions rates set forth in this rule change apply beginning January 1, 2007. However, the data needed for the computation of the rates is not available until October. Given the late availability of data, it is questionable whether, through the regular rulemaking process, the rules could be effective January 1, 2007.
- 10) A Complete Description of the Subjects and Issues Involved: The emergency amendments to Part 2770 announce the 2007 average contribution rates for each economic sector within the North American Industry Classification System (NAICS). A new employer's contribution rate will be based on the average contribution rate for the sector to which the employer belongs if the average rate exceeds the standard new employer rate and the employer is not required to pay at a higher experience-based rate. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the subsection with the rates for 2001 as it is no longer needed.
- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This emergency rulemaking does not create or expand a State mandate.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENTS

- 13) Information and questions regarding these emergency amendments shall be directed to:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street – Room 937  
Chicago, IL 60603

Telephone: 312/793-4240  
Fax: 312/793-5645  
e-mail: [gregory.ramel@illinois.gov](mailto:gregory.ramel@illinois.gov)

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

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2770  
DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

## SUBPART A: INDUSTRIAL CLASSIFICATIONS

## Section

- 2770.100 Pre 2003 Industrial Classification  
2770.101 Post 2002 Industrial Classification  
2770.105 Pre 2003 Contribution Rate For Non Experience-Rated Employers  
2770.106 Post 2002 Contribution Rate For Non Experience-Rated Employers  
2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes  
[EMERGENCY](#)  
2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

[EMERGENCY](#)

## SUBPART B: ALTERNATIVE BENEFIT WAGE RATIO

## Section

- 2770.150 Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)  
2770.155 Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)  
2770.160 Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)  
2770.165 Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)  
2770.170 Appeals (Repealed)

SUBPART C: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO  
SUBSEQUENT EMPLOYER

## Section

- 2770.400 Definitions (Repealed)  
2770.405 Application Of Base Period Wages (Repealed)  
2770.410 Restriction On Benefit Wage Transfers (Repealed)  
2770.415 Benefit Wage Transfer Procedural Requirements (Repealed)  
2770.420 Petition For Hearing (Repealed)

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART D: BENEFIT WAGE CANCELLATIONS

## Section

2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

2770.TABLE A General SIC Classifications

**AUTHORITY:** Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].

**SOURCE:** Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days; expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. 15496, effective January 1, 1998; amended at 23 Ill. Reg. 155, effective January 1, 1999; amended at 23 Ill. Reg. 14299, effective January 1, 2000; amended at 24 Ill. Reg. 19125, effective January 1, 2001; amended at 26 Ill. Reg. 393, effective January 1, 2002; amended at 27 Ill. Reg. 2598, effective February 1, 2003; amended at 28 Ill. Reg. 1071, effective January 1, 2004; amended at 29 Ill. Reg. 788, effective January 1, 2005; amended at 30 Ill. Reg. 185, effective January 1, 2006; emergency amendment at 31 Ill. Reg. 221, effective January 1, 2007, for a maximum of 150 days.

## SUBPART A: INDUSTRIAL CLASSIFICATIONS

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EMERGENCY AMENDMENTS

**Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes****EMERGENCY**

- a) ~~The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2001, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:~~

Digits	Economic Division	Rate
01-09	<del>A. Agriculture, Forestry, Fishing</del>	<del>2.8%</del>
10-14	<del>B. Mining</del>	<del>3.2%</del>
15-17	<del>C. Construction</del>	<del>3.0%</del>
20-39	<del>D. Manufacturing</del>	<del>1.6%</del>
40-49	<del>E. Transportation, Communication, Electric, Gas, Sanitary Services</del>	<del>1.6%</del>
50-51	<del>F. Wholesale Trade</del>	<del>1.2%</del>
52-59	<del>G. Retail Trade</del>	<del>0.9%</del>
60-67	<del>H. Finance, Insurance, Real Estate</del>	<del>1.0%</del>
70-89	<del>I. Services</del>	<del>1.0%</del>
91-97	<del>J. Public Administration</del>	<del>0.9%</del>

- b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2002, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.7%
10-14	B. Mining	3.1%
15-17	C. Construction	2.8%
20-39	D. Manufacturing	1.5%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.5%
50-51	F. Wholesale Trade	1.1%
52-59	G. Retail Trade	0.8%
60-67	H. Finance, Insurance, Real Estate	0.9%
70-89	I. Services	0.9%
91-97	J. Public Administration	0.8%

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 221, effective January 1, 2007, for a maximum of 150 days)

**Section 2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment**

**EMERGENCY**

- a) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2003, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.5%
21	Mining	3.1%
22	Utilities	1.2%
23	Construction	2.7%
31-33	Manufacturing	1.7%
42	Wholesale Trade	1.3%
44-45	Retail Trade	1.0%
48-49	Transportation and Warehousing	1.8%
51	Information	1.3%
52	Finance and Insurance	0.9%
53	Real Estate and Rental and Leasing	1.0%
54	Professional, Scientific and Technical Services	1.0%
55	Management of Companies and Enterprises	1.3%
56	Administrative and Support and Waste Management	2.0%
61	Educational Services	0.8%
62	Health Care and Social Assistance	0.7%
71	Arts, Entertainment and Recreation	1.5%
72	Accommodation and Food Services	0.8%
81	Other Services (except Public Administration)	0.9%
92	Public Administration	0.8%
99	Unclassified	1.1%



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EMERGENCY AMENDMENTS

- b) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2004, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.7%
21	Mining	2.9%
22	Utilities	1.5%
23	Construction	3.0%
31-33	Manufacturing	2.4%
42	Wholesale Trade	1.7%
44-45	Retail Trade	1.2%
48-49	Transportation and Warehousing	2.2%
51	Information	1.9%
52	Finance and Insurance	1.2%
53	Real Estate and Rental and Leasing	1.2%
54	Professional, Scientific and Technical Services	1.4%
55	Management of Companies and Enterprises	1.7%
56	Administrative and Support and Waste Management	2.5%
61	Educational Services	1.0%
62	Health Care and Social Assistance	0.9%
71	Arts, Entertainment and Recreation	1.7%
72	Accommodation and Food Services	1.0%
81	Other Services (except Public Administration)	1.1%
92	Public Administration	0.9%
99	Unclassified	1.2%

- c) **The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2005, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:**

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	2.1%
21	Mining	3.2%
22	Utilities	1.9%

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EMERGENCY AMENDMENTS

23	Construction	3.8%
31-33	Manufacturing	3.2%
42	Wholesale Trade	2.3%
44-45	Retail Trade	1.6%
48-49	Transportation and Warehousing	2.8%
51	Information	2.4%
52	Finance and Insurance	1.5%
53	Real Estate and Rental and Leasing	1.6%
54	Professional, Scientific and Technical Services	1.8%
55	Management of Companies and Enterprises	2.2%
56	Administrative and Support and Waste Management	3.2%
61	Educational Services	1.4%
62	Health Care and Social Assistance	1.2%
71	Arts, Entertainment and Recreation	2.1%
72	Accommodation and Food Services	1.3%
81	Other Services (except Public Administration)	1.4%
92	Public Administration	1.2%
99	Unclassified	1.7%

- d) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2006, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	2.5%
21	Mining	3.8%
22	Utilities	2.3%
23	Construction	4.4%
31-33	Manufacturing	3.8%
42	Wholesale Trade	2.8%
44-45	Retail Trade	2.0%
48-49	Transportation and Warehousing	3.4%
51	Information	2.8%
52	Finance and Insurance	2.0%
53	Real Estate and Rental and Leasing	1.9%
54	Professional, Scientific and Technical Services	2.3%
55	Management of Companies and Enterprises	2.7%
56	Administrative and Support and Waste Management	3.8%

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EMERGENCY AMENDMENTS

61	Educational Services	1.8%
62	Health Care and Social Assistance	1.6%
71	Arts, Entertainment and Recreation	2.5%
72	Accommodation and Food Services	1.7%
81	Other Services (except Public Administration)	1.7%
92	Public Administration	1.5%
99	Unclassified	2.1%

- e) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2007, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

<u>Digits</u>	<u>Economic Sector</u>	<u>Rate</u>
<u>11</u>	<u>Agriculture, Forestry, Fishing and Hunting</u>	<u>2.2%</u>
<u>21</u>	<u>Mining</u>	<u>3.4%</u>
<u>22</u>	<u>Utilities</u>	<u>2.2%</u>
<u>23</u>	<u>Construction</u>	<u>4.0%</u>
<u>31-33</u>	<u>Manufacturing</u>	<u>3.1%</u>
<u>42</u>	<u>Wholesale Trade</u>	<u>2.4%</u>
<u>44-45</u>	<u>Retail Trade</u>	<u>1.8%</u>
<u>48-49</u>	<u>Transportation and Warehousing</u>	<u>2.9%</u>
<u>51</u>	<u>Information</u>	<u>2.4%</u>
<u>52</u>	<u>Finance and Insurance</u>	<u>1.8%</u>
<u>53</u>	<u>Real Estate and Rental and Leasing</u>	<u>1.7%</u>
<u>54</u>	<u>Professional, Scientific and Technical Services</u>	<u>1.9%</u>
<u>55</u>	<u>Management of Companies and Enterprises</u>	<u>2.3%</u>
<u>56</u>	<u>Administrative and Support and Waste Management</u>	<u>3.4%</u>
<u>61</u>	<u>Educational Services</u>	<u>1.6%</u>
<u>62</u>	<u>Health Care and Social Assistance</u>	<u>1.5%</u>
<u>71</u>	<u>Arts, Entertainment and Recreation</u>	<u>2.2%</u>
<u>72</u>	<u>Accommodation and Food Services</u>	<u>1.5%</u>
<u>81</u>	<u>Other Services (except Public Administration)</u>	<u>1.6%</u>
<u>92</u>	<u>Public Administration</u>	<u>1.4%</u>
<u>99</u>	<u>Unclassified</u>	<u>1.8%</u>

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 221, effective January 1, 2007, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Number:</u>	<u>Peremptory Action:</u>
310.APPENDIX A TABLE J	Amendment
310.APPENDIX A TABLE L	Amendment
310.APPENDIX A TABLE W	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table J to reflect a Memorandum of Understanding (MOU) between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed November 22, 2006. The MOU included some positions within the Human Resources Assistant title in the RC-014 bargaining unit and assigns the RC-014-8 pay grade effective June 29, 2006. (Some positions in the title are excluded from the bargaining unit and remain assigned to SG-08.)

CMS is amending the Section 310.Appendix A Table L to the Agreement between CMS and the International Brotherhood of Boiler Makers – Iron Shipbuilders, Blacksmiths, Forgers, and Helpers that was signed December 6, 2004. The contract agreement states that the Illinois Department of Labor shall notify CMS of the Prevailing Rate. On November 20, 2006, the Illinois Department of Labor notified CMS of three Boiler Safety Specialist rates, effective July 1, 2006 in the northern region, effective April 1, 2006 in the central region, and effective September 2, 2006 in the southern region. The contract agreement also states that effective January 1, 2006 Boiler Safety Specialist title shall be paid an additional 4.00% above the prevailing rate of wages for the employees on the standard pension formula.

CMS is amending the Section 310.Appendix A Table W to the MOU between the State of Illinois and AFSCME signed December 13, 2006. The MOU included some positions within the Executive I title in the RC-062 bargaining unit and assigns the RC-062-18 pay grade effective October 2, 2006. (Some positions in the title are excluded from the bargaining unit and remain assigned to MC-05.)
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: December 20, 2006

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table J, the title Human Resources Assistant, its title code 19690, bargaining unit RC-014, and pay grade 08 are included in the title table.

In Section 310.Appendix A Table L, the title table effective January 1, 2006 is deleted. The new title table is added to present the monthly salaries in effect during different segments of fiscal year 2007. The northern region salary was effective July 1, 2006. The central region salary was effective April 1, 2006. The southern region salaries were effective January 1, 2006 and September 2, 2006. The title Boiler Safety Specialist and title code 04910 remain the same throughout the title table.

In Section 310.Appendix A Table W, the title Executive I, its title code 13851, bargaining unit RC-062, and pay grade 18 are included in the title table.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: December 20, 2006
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?  
Yes
- 12) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.50	Amendment	30 Ill. Reg. 15240, 9/29/06
310.100	Amendment	30 Ill. Reg. 15240, 9/29/06
310.280	Amendment	30 Ill. Reg. 15240, 9/29/06
310.290	Amendment	30 Ill. Reg. 15240, 9/29/06
310.295	New Section	30 Ill. Reg. 15240, 9/29/06
310.410	Amendment	30 Ill. Reg. 15240, 9/29/06
310.490	Amendment	30 Ill. Reg. 15240, 9/29/06
310.500	Amendment	30 Ill. Reg. 15240, 9/29/06
310.APPENDIX A TABLE J	Amendment	30 Ill. Reg. 15240, 9/29/06
310.APPENDIX A TABLE Q	Amendment	30 Ill. Reg. 15240, 9/29/06
310.APPENDIX A TABLE W	Amendment	30 Ill. Reg. 15240, 9/29/06
310.APPENDIX A TABLE X	Amendment	30 Ill. Reg. 15240, 9/29/06

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

310.APPENDIX B	Amendment	30 Ill. Reg. 15240, 9/29/06
310.290	Amendment	30 Ill. Reg. 16504, 10/20/06
310.APPENDIX C	Amendment	30 Ill. Reg. 16504, 10/20/06
310.APPENDIX D	Amendment	30 Ill. Reg. 16504, 10/20/06
310.APPENDIX G	Amendment	30 Ill. Reg. 16504, 10/20/06

- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these preemptory amendments shall be directed to:

Mr. Jason Doggett  
Acting Manager  
Compensation Section  
Division of Technical Services and Agency Training and Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706

217/782-7964  
Fax: 217/524-4570  
CMS.PayPlan@Illinois.gov

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## Section

310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalent
310.530	Implementation
310.540	Annual Merit Increase Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## 310.APPENDIX A Negotiated Rates of Pay

310.TABLE A	RC-104 (Laborers' – ISEA Local #2002)
310.TABLE B	HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
310.TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE J RC-014 (Clerical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Account Clerk I	00111	RC-014	05
Account Clerk II	00112	RC-014	07
Account Technician I	00115	RC-014	10
Account Technician II	00116	RC-014	12
Administrative Services Worker Trainee	00600	RC-014	02
Aircraft Dispatcher	00951	RC-014	12
Aircraft Lead Dispatcher	00952	RC-014	14
Audio Visual Technician I	03501	RC-014	06
Audio Visual Technician II	03502	RC-014	09
Buyer Assistant	05905	RC-014	10
Check Issuance Machine Operator	06920	RC-014	09
Check Issuance Machine Supervisor	06925	RC-014	11
Clerical Trainee	08050	RC-014	TR
Communications Dispatcher	08815	RC-014	09
Communications Equipment Technician I	08831	RC-014	17
Communications Equipment Technician II	08832	RC-014	19
Communications Equipment Technician III	08833	RC-014	20
Court Reporter	09900	RC-014	15
Data Processing Assistant	11420	RC-014	06
Data Processing Operator	11425	RC-014	04
Data Processing Operator Trainee	11428	RC-014	02
Drafting Worker	12749	RC-014	11
Electronic Equipment Installer/Repairer	13340	RC-014	10
Electronic Equipment Installer/Repairer Lead Worker	13345	RC-014	12
Electronics Technician	13360	RC-014	15
Emergency Response Lead Telecommunicator	13540	RC-014	12
Emergency Response Telecommunicator	13543	RC-014	10
Engineering Technician II	13732	RC-014	13
Engineering Technician III	13733	RC-014	16
Executive Secretary I	14031	RC-014	11
Executive Secretary II	14032	RC-014	14
Graphic Arts Designer	17366	RC-014	14
Graphic Arts Designer Supervisor	17365	RC-014	18



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Graphic Arts Technician	17400	RC-014	12
<a href="#">Human Resources Assistant</a>	<a href="#">19690</a>	<a href="#">RC-014</a>	<a href="#">08</a>
Industrial Commission Reporter	21080	RC-014	16
Industrial Commission Technician	21095	RC-014	11
Insurance Analyst I	21561	RC-014	09
Insurance Analyst II	21562	RC-014	12
Insurance Analyst Trainee	21566	RC-014	07
Intermittent Clerk	21686	RC-014	02H
Library Aide I	23421	RC-014	03
Library Aide II	23422	RC-014	05
Library Aide III	23423	RC-014	07
Library Technical Assistant	23450	RC-014	10
Lottery Telemarketing Representative	24520	RC-014	09
Microfilm Laboratory Technician I	27175	RC-014	07
Microfilm Laboratory Technician II	27176	RC-014	09
Microfilm Operator I	27181	RC-014	04
Microfilm Operator II	27182	RC-014	06
Microfilm Operator III	27183	RC-014	08
Office Aide	30005	RC-014	02
Office Assistant	30010	RC-014	06
Office Associate	30015	RC-014	08
Office Clerk	30020	RC-014	04
Office Coordinator	30025	RC-014	09
Photographer I	32085	RC-014	11
Photographer II	32086	RC-014	14
Photographer III	32087	RC-014	15
Photographic Technician I	32091	RC-014	11
Photographic Technician II	32092	RC-014	14
Photographic Technician III	32093	RC-014	15
Procurement Representative	34540	RC-014	09
Property and Supply Clerk I	34791	RC-014	03.5
Property and Supply Clerk II	34792	RC-014	05.5
Property and Supply Clerk III	34793	RC-014	08
Property Tax Examiner	34930	RC-014	09
Rehabilitation Case Coordinator I	38141	RC-014	08
Rehabilitation Case Coordinator II	38142	RC-014	10
Reproduction Service Supervisor I	38201	RC-014	13
Reproduction Service Technician I	38203	RC-014	05
Reproduction Service Technician II	38204	RC-014	09
Reproduction Service Technician III	38205	RC-014	11

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Safety Responsibility Analyst	38910	RC-014	12
Storekeeper I	43051	RC-014	10.5
Storekeeper II	43052	RC-014	12.5
Storekeeper III	43053	RC-014	14
Stores Clerk	43060	RC-014	04.5
Switchboard Operator I	44411	RC-014	05
Switchboard Operator II	44412	RC-014	07
Switchboard Operator III	44413	RC-014	09
Telecommunicator – Command Center	45316	RC-014	13
Telecommunicator Lead Worker – Command Center	45318	RC-014	15
Telecommunicator	45321	RC-014	12
Telecommunicator – Call Taker	45322	RC-014	14
Telecommunicator – Lead Call Taker	45323	RC-014	16
Telecommunicator Lead Worker	45324	RC-014	14
Telecommunicator Trainee	45325	RC-014	10
Telecommunicator Specialist	45326	RC-014	15
Telecommunicator Lead Specialist	45327	RC-014	17
Vehicle Permit Evaluator	47585	RC-014	11
Veterans Service Officer Associate	47804	RC-014	13

**Effective July 1, 2006**  
**Bargaining Unit: RC-014**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
02	B	1992	2039	2087	2135	2183	2231	2292	2343	2397	2486	2561
02	Q	2069	2117	2167	2219	2268	2320	2381	2438	2492	2585	2663
02	S	2127	2174	2225	2277	2326	2376	2440	2495	2551	2644	2723
02H	B	12.26	12.55	12.84	13.14	13.43	13.73	14.10	14.42	14.75	15.30	15.76
02H	Q	12.73	13.03	13.34	13.66	13.96	14.28	14.65	15.00	15.34	15.91	16.39
02H	S	13.09	13.38	13.69	14.01	14.31	14.62	15.02	15.35	15.70	16.27	16.76
03	B	2035	2082	2131	2183	2231	2293	2347	2402	2459	2561	2640
03	Q	2113	2163	2215	2268	2320	2382	2441	2497	2556	2664	2743

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

03	S	2170	2221	2272	2326	2376	2441	2498	2555	2613	2722	2803
03.5	B	2080	2129	2181	2231	2289	2347	2404	2459	2521	2629	2707
03.5	Q	2161	2212	2266	2320	2378	2441	2499	2556	2621	2733	2815
03.5	S	2218	2270	2324	2376	2438	2498	2557	2613	2679	2791	2876
04	B	2080	2129	2181	2231	2293	2353	2406	2474	2528	2637	2715
04	Q	2161	2212	2266	2320	2382	2445	2501	2571	2629	2741	2823
04	S	2218	2270	2324	2376	2441	2502	2560	2630	2685	2799	2883
04.5	B	2132	2184	2235	2289	2347	2405	2469	2533	2591	2701	2781
04.5	Q	2216	2269	2324	2378	2441	2500	2566	2633	2694	2810	2893
04.5	S	2273	2327	2380	2438	2498	2559	2623	2689	2754	2868	2954
05	B	2135	2187	2238	2293	2356	2418	2481	2541	2603	2710	2792
05	Q	2219	2272	2327	2382	2447	2514	2578	2642	2707	2819	2904
05	S	2277	2330	2384	2441	2504	2571	2638	2701	2765	2877	2962
05.5	B	2187	2238	2293	2347	2406	2479	2540	2603	2671	2779	2863
05.5	Q	2272	2327	2382	2441	2501	2576	2641	2707	2779	2891	2979
05.5	S	2330	2384	2441	2498	2560	2635	2700	2765	2837	2950	3040
06	B	2193	2246	2300	2356	2419	2483	2553	2618	2690	2804	2887
06	Q	2278	2333	2390	2447	2515	2582	2655	2724	2797	2917	3003
06	S	2335	2392	2447	2504	2572	2640	2714	2782	2855	2977	3066
07	B	2253	2306	2363	2419	2486	2559	2632	2703	2778	2905	2991
07	Q	2339	2397	2454	2515	2585	2662	2737	2812	2890	3025	3116
07	S	2398	2453	2513	2572	2644	2719	2794	2870	2948	3085	3177
08	B	2313	2370	2428	2486	2565	2642	2724	2799	2878	3015	3104
08	Q	2404	2462	2524	2585	2669	2746	2835	2910	2998	3140	3233
08	S	2461	2520	2580	2644	2725	2804	2893	2972	3058	3200	3296

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

09	B	2384	2443	2503	2565	2645	2730	2814	2904	2990	3131	3224
09	Q	2480	2540	2603	2669	2751	2841	2928	3023	3114	3262	3361
09	S	2537	2599	2660	2725	2809	2898	2988	3084	3174	3325	3424
10	B	2461	2521	2584	2648	2745	2826	2920	3012	3105	3263	3362
10	Q	2559	2621	2686	2755	2854	2942	3041	3137	3235	3407	3507
10	S	2615	2679	2744	2812	2912	3001	3100	3196	3299	3471	3575
10.5	B	2534	2596	2660	2726	2814	2910	2999	3104	3194	3357	3458
10.5	Q	2634	2701	2768	2838	2928	3030	3124	3233	3330	3503	3609
10.5	S	2690	2758	2825	2895	2988	3091	3184	3298	3395	3570	3676
11	B	2549	2612	2679	2746	2839	2931	3036	3137	3234	3405	3508
11	Q	2651	2717	2785	2855	2957	3054	3163	3269	3373	3555	3661
11	S	2710	2775	2843	2913	3017	3113	3223	3331	3438	3618	3728
12	B	2649	2715	2783	2855	2960	3058	3172	3276	3397	3579	3686
12	Q	2756	2824	2896	2973	3083	3185	3308	3420	3545	3738	3850
12	S	2814	2882	2955	3031	3143	3247	3371	3484	3611	3805	3919
12.5	B	2711	2779	2851	2924	3032	3138	3256	3368	3478	3669	3779
12.5	Q	2820	2891	2966	3046	3158	3271	3397	3517	3632	3835	3950
12.5	S	2878	2950	3027	3105	3219	3333	3464	3582	3698	3903	4020
13	B	2746	2815	2887	2963	3072	3189	3309	3430	3558	3755	3869
13	Q	2855	2930	3006	3086	3200	3326	3455	3581	3713	3925	4043
13	S	2913	2989	3066	3146	3261	3389	3521	3646	3781	3992	4112
14	B	2857	2931	3011	3090	3208	3333	3478	3606	3743	3960	4079
14	Q	2975	3054	3136	3220	3345	3480	3632	3768	3912	4140	4264
14	S	3033	3113	3195	3282	3411	3544	3698	3834	3979	4205	4331
15	B	2967	3046	3128	3213	3354	3493	3630	3778	3918	4153	4279
15	Q	3091	3173	3260	3351	3500	3646	3792	3950	4095	4340	4470

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

15	S	3151	3232	3323	3415	3565	3709	3860	4016	4160	4407	4538
16	B	3099	3183	3269	3363	3514	3669	3822	3982	4141	4385	4517
16	Q	3228	3318	3413	3511	3669	3835	3995	4159	4327	4584	4722
16	S	3292	3383	3477	3577	3736	3903	4064	4227	4395	4648	4790
17	B	3237	3328	3424	3524	3686	3856	4020	4182	4352	4611	4749
17	Q	3377	3474	3575	3677	3853	4030	4199	4370	4548	4819	4965
17	S	3440	3539	3640	3744	3921	4099	4268	4438	4614	4888	5035
18	B	3402	3500	3601	3708	3887	4069	4253	4427	4604	4879	5026
18	Q	3551	3653	3762	3875	4066	4252	4447	4629	4812	5100	5252
18	S	3615	3717	3830	3940	4131	4320	4512	4695	4881	5165	5321
19	B	3580	3684	3793	3909	4108	4302	4502	4691	4886	5183	5338
19	Q	3739	3850	3966	4084	4293	4493	4706	4902	5108	5416	5578
19	S	3806	3919	4035	4152	4361	4562	4772	4970	5176	5483	5647
20	B	3781	3895	4011	4130	4339	4540	4756	4963	5168	5482	5646
20	Q	3953	4071	4191	4316	4534	4747	4971	5185	5401	5731	5903
20	S	4018	4138	4258	4384	4600	4812	5038	5252	5467	5795	5971
TR		TR										

**Effective January 1, 2007**  
**Bargaining Unit: RC-014**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
02	B	2012	2059	2108	2156	2205	2253	2315	2366	2421	2511	2587
02	Q	2090	2138	2189	2241	2291	2343	2405	2462	2517	2611	2690
02	S	2148	2196	2247	2300	2349	2400	2464	2520	2577	2670	2750

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

02H	B	12.38	12.67	12.97	13.27	13.57	13.86	14.25	14.56	14.90	15.45	15.92
02H	Q	12.86	13.16	13.47	13.79	14.10	14.42	14.80	15.15	15.49	16.07	16.55
02H	S	13.22	13.51	13.83	14.15	14.46	14.77	15.16	15.51	15.86	16.43	16.92
03	B	2055	2103	2152	2205	2253	2316	2370	2426	2484	2587	2666
03	Q	2134	2185	2237	2291	2343	2406	2465	2522	2582	2691	2770
03	S	2192	2243	2295	2349	2400	2465	2523	2581	2639	2749	2831
03.5	B	2101	2150	2203	2253	2312	2370	2428	2484	2546	2655	2734
03.5	Q	2183	2234	2289	2343	2402	2465	2524	2582	2647	2760	2843
03.5	S	2240	2293	2347	2400	2462	2523	2583	2639	2706	2819	2905
04	B	2101	2150	2203	2253	2316	2377	2430	2499	2553	2663	2742
04	Q	2183	2234	2289	2343	2406	2469	2526	2597	2655	2768	2851
04	S	2240	2293	2347	2400	2465	2527	2586	2656	2712	2827	2912
04.5	B	2153	2206	2257	2312	2370	2429	2494	2558	2617	2728	2809
04.5	Q	2238	2292	2347	2402	2465	2525	2592	2659	2721	2838	2922
04.5	S	2296	2350	2404	2462	2523	2585	2649	2716	2782	2897	2984
05	B	2156	2209	2260	2316	2380	2442	2506	2566	2629	2737	2820
05	Q	2241	2295	2350	2406	2471	2539	2604	2668	2734	2847	2933
05	S	2300	2353	2408	2465	2529	2597	2664	2728	2793	2906	2992
05.5	B	2209	2260	2316	2370	2430	2504	2565	2629	2698	2807	2892
05.5	Q	2295	2350	2406	2465	2526	2602	2667	2734	2807	2920	3009
05.5	S	2353	2408	2465	2523	2586	2661	2727	2793	2865	2980	3070
06	B	2215	2268	2323	2380	2443	2508	2579	2644	2717	2832	2916
06	Q	2301	2356	2414	2471	2540	2608	2682	2751	2825	2946	3033
06	S	2358	2416	2471	2529	2598	2666	2741	2810	2884	3007	3097
07	B	2276	2329	2387	2443	2511	2585	2658	2730	2806	2934	3021
07	Q	2362	2421	2479	2540	2611	2689	2764	2840	2919	3055	3147

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

07	S	2422	2478	2538	2598	2670	2746	2822	2899	2977	3116	3209
08	B	2336	2394	2452	2511	2591	2668	2751	2827	2907	3045	3135
08	Q	2428	2487	2549	2611	2696	2773	2863	2939	3028	3171	3265
08	S	2486	2545	2606	2670	2752	2832	2922	3002	3089	3232	3329
09	B	2408	2467	2528	2591	2671	2757	2842	2933	3020	3162	3256
09	Q	2505	2565	2629	2696	2779	2869	2957	3053	3145	3295	3395
09	S	2562	2625	2687	2752	2837	2927	3018	3115	3206	3358	3458
10	B	2486	2546	2610	2674	2772	2854	2949	3042	3136	3296	3396
10	Q	2585	2647	2713	2783	2883	2971	3071	3168	3267	3441	3542
10	S	2641	2706	2771	2840	2941	3031	3131	3228	3332	3506	3611
10.5	B	2559	2622	2687	2753	2842	2939	3029	3135	3226	3391	3493
10.5	Q	2660	2728	2796	2866	2957	3060	3155	3265	3363	3538	3645
10.5	S	2717	2786	2853	2924	3018	3122	3216	3331	3429	3606	3713
11	B	2574	2638	2706	2773	2867	2960	3066	3168	3266	3439	3543
11	Q	2678	2744	2813	2884	2987	3085	3195	3302	3407	3591	3698
11	S	2737	2803	2871	2942	3047	3144	3255	3364	3472	3654	3765
12	B	2675	2742	2811	2884	2990	3089	3204	3309	3431	3615	3723
12	Q	2784	2852	2925	3003	3114	3217	3341	3454	3580	3775	3889
12	S	2842	2911	2985	3061	3174	3279	3405	3519	3647	3843	3958
12.5	B	2738	2807	2880	2953	3062	3169	3289	3402	3513	3706	3817
12.5	Q	2848	2920	2996	3076	3190	3304	3431	3552	3668	3873	3990
12.5	S	2907	2980	3057	3136	3251	3366	3499	3618	3735	3942	4060
13	B	2773	2843	2916	2993	3103	3221	3342	3464	3594	3793	3908
13	Q	2884	2959	3036	3117	3232	3359	3490	3617	3750	3964	4083
13	S	2942	3019	3097	3177	3294	3423	3556	3682	3819	4032	4153

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

14	B	2886	2960	3041	3121	3240	3366	3513	3642	3780	4000	4120
14	Q	3005	3085	3167	3252	3378	3515	3668	3806	3951	4181	4307
14	S	3063	3144	3227	3315	3445	3579	3735	3872	4019	4247	4374
15	B	2997	3076	3159	3245	3388	3528	3666	3816	3957	4195	4322
15	Q	3122	3205	3293	3385	3535	3682	3830	3990	4136	4383	4515
15	S	3183	3264	3356	3449	3601	3746	3899	4056	4202	4451	4583
16	B	3130	3215	3302	3397	3549	3706	3860	4022	4182	4429	4562
16	Q	3260	3351	3447	3546	3706	3873	4035	4201	4370	4630	4769
16	S	3325	3417	3512	3613	3773	3942	4105	4269	4439	4694	4838
17	B	3269	3361	3458	3559	3723	3895	4060	4224	4396	4657	4796
17	Q	3411	3509	3611	3714	3892	4070	4241	4414	4593	4867	5015
17	S	3474	3574	3676	3781	3960	4140	4311	4482	4660	4937	5085
18	B	3436	3535	3637	3745	3926	4110	4296	4471	4650	4928	5076
18	Q	3587	3690	3800	3914	4107	4295	4491	4675	4860	5151	5305
18	S	3651	3754	3868	3979	4172	4363	4557	4742	4930	5217	5374
19	B	3616	3721	3831	3948	4149	4345	4547	4738	4935	5235	5391
19	Q	3776	3889	4006	4125	4336	4538	4753	4951	5159	5470	5634
19	S	3844	3958	4075	4194	4405	4608	4820	5020	5228	5538	5703
20	B	3819	3934	4051	4171	4382	4585	4804	5013	5220	5537	5702
20	Q	3993	4112	4233	4359	4579	4794	5021	5237	5455	5788	5962
20	S	4058	4179	4301	4428	4646	4860	5088	5305	5522	5853	6031

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(Source: Peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE L RC-008 (Boilermakers)**

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Effective Date</u>	<u>Monthly Salary</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>July 1, 2006</u>	<u>6973.92</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>April 1, 2006</u>	<u>5423.58</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>January 1, 2006</u>	<u>5021.64</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>September 2, 2006</u>	<u>5157.36</u>

**Effective January 1, 2006**

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Monthly Salary</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>6822.54</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>5242.62</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>5021.64</u>

**Northern Region:** Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

**Central Region:** Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

**Southern Region:** Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(Source: Peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15
Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Business Administrative Specialist	05810	RC-062	16
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Academy Trainer	09732	RC-062	17
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Educator – Provisional	13105	RC-062	12
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
<a href="#">Executive I</a>	<a href="#">13851</a>	<a href="#">RC-062</a>	<a href="#">18</a>
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician II	30962	RC-062	16
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Property Tax Analyst I	34921	RC-062	12
Property Tax Analyst II	34922	RC-062	14
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24
Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25
Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

For the Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

**Effective July 1, 2006**  
**Bargaining Unit: RC-062**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2384	2443	2503	2565	2645	2730	2814	2904	2990	3131	3224
09	Q	2480	2540	2603	2669	2751	2841	2928	3023	3114	3262	3361
09	S	2537	2599	2660	2725	2809	2898	2988	3084	3174	3325	3424
10	B	2461	2521	2584	2648	2745	2826	2920	3012	3105	3263	3362
10	Q	2559	2621	2686	2755	2854	2942	3041	3137	3235	3407	3507
10	S	2615	2679	2744	2812	2912	3001	3100	3196	3299	3471	3575
11	B	2549	2612	2679	2746	2839	2931	3036	3137	3234	3405	3508
11	Q	2651	2717	2785	2855	2957	3054	3163	3269	3373	3555	3661
11	S	2710	2775	2843	2913	3017	3113	3223	3331	3438	3618	3728
12	B	2649	2715	2783	2855	2960	3058	3172	3276	3397	3579	3686
12	Q	2756	2824	2896	2973	3083	3185	3308	3420	3545	3738	3850
12	S	2814	2882	2955	3031	3143	3247	3371	3484	3611	3805	3919
12H	B	16.30	16.71	17.13	17.57	18.22	18.82	19.52	20.16	20.90	22.02	22.68
12H	Q	16.96	17.38	17.82	18.30	18.97	19.60	20.36	21.05	21.82	23.00	23.69
12H	S	17.32	17.74	18.18	18.65	19.34	19.98	20.74	21.44	22.22	23.42	24.12
13	B	2746	2815	2887	2963	3072	3189	3309	3430	3558	3755	3869
13	Q	2855	2930	3006	3086	3200	3326	3455	3581	3713	3925	4043
13	S	2913	2989	3066	3146	3261	3389	3521	3646	3781	3992	4112
14	B	2857	2931	3011	3090	3208	3333	3478	3606	3743	3960	4079
14	Q	2975	3054	3136	3220	3345	3480	3632	3768	3912	4140	4264
14	S	3033	3113	3195	3282	3411	3544	3698	3834	3979	4205	4331
14H	B	17.58	18.04	18.53	19.02	19.74	20.51	21.40	22.19	23.03	24.37	25.10
14H	Q	18.31	18.79	19.30	19.82	20.58	21.42	22.35	23.19	24.07	25.48	26.24
14H	S	18.66	19.16	19.66	20.20	20.99	21.81	22.76	23.59	24.49	25.88	26.65
15	B	2967	3046	3128	3213	3354	3493	3630	3778	3918	4153	4279
15	Q	3091	3173	3260	3351	3500	3646	3792	3950	4095	4340	4470
15	S	3151	3232	3323	3415	3565	3709	3860	4016	4160	4407	4538

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

16	B	3099	3183	3269	3363	3514	3669	3822	3982	4141	4385	4517
16	Q	3228	3318	3413	3511	3669	3835	3995	4159	4327	4584	4722
16	S	3292	3383	3477	3577	3736	3903	4064	4227	4395	4648	4790
17	B	3237	3328	3424	3524	3686	3856	4020	4182	4352	4611	4749
17	Q	3377	3474	3575	3677	3853	4030	4199	4370	4548	4819	4965
17	S	3440	3539	3640	3744	3921	4099	4268	4438	4614	4888	5035
18	B	3402	3500	3601	3708	3887	4069	4253	4427	4604	4879	5026
18	Q	3551	3653	3762	3875	4066	4252	4447	4629	4812	5100	5252
18	S	3615	3717	3830	3940	4131	4320	4512	4695	4881	5165	5321
19	B	3580	3684	3793	3909	4108	4302	4502	4691	4886	5183	5338
19	J	3580	3684	3793	3909	4108	4302	4502	4691	4886	5183	5338
19	Q	3739	3850	3966	4084	4293	4493	4706	4902	5108	5416	5578
19	S	3806	3919	4035	4152	4361	4562	4772	4970	5176	5483	5647
20	B	3781	3895	4011	4130	4339	4540	4756	4963	5168	5482	5646
20	Q	3953	4071	4191	4316	4534	4747	4971	5185	5401	5731	5903
20	S	4018	4138	4258	4384	4600	4812	5038	5252	5467	5795	5971
21	B	3991	4112	4235	4360	4585	4806	5031	5260	5479	5821	5996
21	U	3991	4112	4235	4360	4585	4806	5031	5260	5479	5821	5996
21	Q	4172	4298	4424	4557	4793	5021	5258	5497	5727	6083	6267
21	S	4239	4364	4491	4626	4857	5089	5326	5564	5792	6150	6335
22	B	4218	4346	4477	4610	4850	5087	5328	5574	5806	6167	6352
22	Q	4409	4542	4678	4817	5069	5319	5567	5825	6069	6445	6639
22	S	4476	4608	4746	4886	5134	5385	5632	5892	6138	6514	6707
23	B	4477	4610	4748	4889	5149	5413	5670	5932	6189	6578	6775
23	Q	4678	4817	4962	5113	5383	5659	5925	6199	6468	6873	7079
23	S	4746	4886	5031	5179	5449	5725	5992	6265	6534	6940	7149
24	B	4763	4906	5052	5204	5481	5768	6045	6324	6610	7024	7235
24	J	4763	4906	5052	5204	5481	5768	6045	6324	6610	7024	7235
24	Q	4977	5126	5281	5441	5730	6028	6318	6608	6907	7342	7562

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

24	S	5045	5193	5348	5507	5794	6093	6384	6676	6975	7408	7629
25	B	5077	5229	5386	5548	5850	6159	6466	6774	7081	7537	7763
25	J	5077	5229	5386	5548	5850	6159	6466	6774	7081	7537	7763
25	Q	5305	5464	5627	5795	6115	6435	6758	7080	7402	7875	8112
25	S	5375	5530	5697	5864	6182	6501	6824	7146	7466	7943	8181
26	B	5365	5526	5693	5920	6244	6574	6908	7230	7555	8043	8284
26	U	5365	5526	5693	5920	6244	6574	6908	7230	7555	8043	8284
27	B	5671	5841	6017	6319	6662	7014	7371	7715	8061	8583	8839
27	U	5671	5841	6017	6319	6662	7014	7371	7715	8061	8583	8839

**Effective January 1, 2007**  
**Bargaining Unit: RC-062**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2408	2467	2528	2591	2671	2757	2842	2933	3020	3162	3256
09	Q	2505	2565	2629	2696	2779	2869	2957	3053	3145	3295	3395
09	S	2562	2625	2687	2752	2837	2927	3018	3115	3206	3358	3458
10	B	2486	2546	2610	2674	2772	2854	2949	3042	3136	3296	3396
10	Q	2585	2647	2713	2783	2883	2971	3071	3168	3267	3441	3542
10	S	2641	2706	2771	2840	2941	3031	3131	3228	3332	3506	3611
11	B	2574	2638	2706	2773	2867	2960	3066	3168	3266	3439	3543
11	Q	2678	2744	2813	2884	2987	3085	3195	3302	3407	3591	3698
11	S	2737	2803	2871	2942	3047	3144	3255	3364	3472	3654	3765
12	B	2675	2742	2811	2884	2990	3089	3204	3309	3431	3615	3723
12	Q	2784	2852	2925	3003	3114	3217	3341	3454	3580	3775	3889
12	S	2842	2911	2985	3061	3174	3279	3405	3519	3647	3843	3958
12H	B	16.46	16.87	17.30	17.75	18.40	19.01	19.72	20.36	21.11	22.25	22.91
12H	Q	17.13	17.55	18.00	18.48	19.16	19.80	20.56	21.26	22.03	23.23	23.93

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

12H	S	17.49	17.91	18.37	18.84	19.53	20.18	20.95	21.66	22.44	23.65	24.36
13	B	2773	2843	2916	2993	3103	3221	3342	3464	3594	3793	3908
13	Q	2884	2959	3036	3117	3232	3359	3490	3617	3750	3964	4083
13	S	2942	3019	3097	3177	3294	3423	3556	3682	3819	4032	4153
14	B	2886	2960	3041	3121	3240	3366	3513	3642	3780	4000	4120
14	Q	3005	3085	3167	3252	3378	3515	3668	3806	3951	4181	4307
14	S	3063	3144	3227	3315	3445	3579	3735	3872	4019	4247	4374
14H	B	17.76	18.22	18.71	19.21	19.94	20.71	21.62	22.41	23.26	24.62	25.35
14H	Q	18.49	18.98	19.49	20.01	20.79	21.63	22.57	23.42	24.31	25.73	26.50
14H	S	18.85	19.35	19.86	20.40	21.20	22.02	22.98	23.83	24.73	26.14	26.92
15	B	2997	3076	3159	3245	3388	3528	3666	3816	3957	4195	4322
15	Q	3122	3205	3293	3385	3535	3682	3830	3990	4136	4383	4515
15	S	3183	3264	3356	3449	3601	3746	3899	4056	4202	4451	4583
16	B	3130	3215	3302	3397	3549	3706	3860	4022	4182	4429	4562
16	Q	3260	3351	3447	3546	3706	3873	4035	4201	4370	4630	4769
16	S	3325	3417	3512	3613	3773	3942	4105	4269	4439	4694	4838
17	B	3269	3361	3458	3559	3723	3895	4060	4224	4396	4657	4796
17	Q	3411	3509	3611	3714	3892	4070	4241	4414	4593	4867	5015
17	S	3474	3574	3676	3781	3960	4140	4311	4482	4660	4937	5085
18	B	3436	3535	3637	3745	3926	4110	4296	4471	4650	4928	5076
18	Q	3587	3690	3800	3914	4107	4295	4491	4675	4860	5151	5305
18	S	3651	3754	3868	3979	4172	4363	4557	4742	4930	5217	5374
19	B	3616	3721	3831	3948	4149	4345	4547	4738	4935	5235	5391
19	J	3616	3721	3831	3948	4149	4345	4547	4738	4935	5235	5391
19	Q	3776	3889	4006	4125	4336	4538	4753	4951	5159	5470	5634
19	S	3844	3958	4075	4194	4405	4608	4820	5020	5228	5538	5703
20	B	3819	3934	4051	4171	4382	4585	4804	5013	5220	5537	5702
20	Q	3993	4112	4233	4359	4579	4794	5021	5237	5455	5788	5962
20	S	4058	4179	4301	4428	4646	4860	5088	5305	5522	5853	6031



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

21	B	4031	4153	4277	4404	4631	4854	5081	5313	5534	5879	6056
21	U	4031	4153	4277	4404	4631	4854	5081	5313	5534	5879	6056
21	Q	4214	4341	4468	4603	4841	5071	5311	5552	5784	6144	6330
21	S	4281	4408	4536	4672	4906	5140	5379	5620	5850	6212	6398
22	B	4260	4389	4522	4656	4899	5138	5381	5630	5864	6229	6416
22	Q	4453	4587	4725	4865	5120	5372	5623	5883	6130	6509	6705
22	S	4521	4654	4793	4935	5185	5439	5688	5951	6199	6579	6774
23	B	4522	4656	4795	4938	5200	5467	5727	5991	6251	6644	6843
23	Q	4725	4865	5012	5164	5437	5716	5984	6261	6533	6942	7150
23	S	4793	4935	5081	5231	5503	5782	6052	6328	6599	7009	7220
24	B	4811	4955	5103	5256	5536	5826	6105	6387	6676	7094	7307
24	J	4811	4955	5103	5256	5536	5826	6105	6387	6676	7094	7307
24	Q	5027	5177	5334	5495	5787	6088	6381	6674	6976	7415	7638
24	S	5095	5245	5401	5562	5852	6154	6448	6743	7045	7482	7705
25	B	5128	5281	5440	5603	5909	6221	6531	6842	7152	7612	7841
25	J	5128	5281	5440	5603	5909	6221	6531	6842	7152	7612	7841
25	Q	5358	5519	5683	5853	6176	6499	6826	7151	7476	7954	8193
25	S	5429	5585	5754	5923	6244	6566	6892	7217	7541	8022	8263
26	B	5419	5581	5750	5979	6306	6640	6977	7302	7631	8123	8367
26	U	5419	5581	5750	5979	6306	6640	6977	7302	7631	8123	8367
27	B	5728	5899	6077	6382	6729	7084	7445	7792	8142	8669	8927
27	U	5728	5899	6077	6382	6729	7084	7445	7792	8142	8669	8927

(Source: Peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 19, 2006 through December 26, 2006 and have been scheduled for review by the Committee at its January 9, 2007 meeting in Springfield. 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>
1/31/07	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	6/30/06 30 Ill. Reg. 11334	1/9/07
1/31/07	<u>Secretary of State</u> , Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	8/18/06 30 Ill. Reg. 13846	1/9/07
2/2/07	<u>State Board of Education</u> , Gifted Education (23 Ill. Adm. Code 227)	3/31/06 30 Ill. Reg. 5763	1/9/07
2/2/07	<u>State Board of Education</u> , Summer Bridges Program (23 Ill. Adm. Code 232)	10/13/06 30 Ill. Reg. 16242	1/9/07
2/2/07	<u>State Board of Education</u> , Advanced Placement (23 Ill. Adm. Code 270)	10/13/06 30 Ill. Reg. 16254	1/9/07
2/2/07	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys - Spring Season (17 Ill. Adm. Code 710)	10/20/06 30 Ill. Reg. 16552	1/9/07
2/2/07	<u>Board of Higher Education</u> , Nursing School Grant Program (23 Ill. Adm. Code 1100)	10/27/06 30 Ill. Reg. 16699	1/9/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

2/3/07	<u>Department of Commerce and Economic Opportunity</u> , Illinois Film Production Services Tax Credit Program (14 Ill. Adm. Code 528)	9/29/06 30 Ill. Reg. 15316	1/9/07
2/4/07	<u>Department of Commerce and Economic Opportunity</u> , Illinois Renewable Fuels Development Program (32 Ill. Adm. Code 130)	9/15/06 30 Ill. Reg. 14698	1/9/07

## ILLINOIS ATTORNEY GENERAL

## NOTICE OF PUBLIC INFORMATION

NOTICE OF LODGING OF PROPOSED CONSENT DECREE PURSUANT TO THE  
COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION  
AND LIABILITY ACT

In accordance with 42 U.S.C. 9622(d)(2)(A) and (B), notice is hereby given that on December 19, 2006, a proposed Consent Decree in the case of State of Illinois, *ex rel.*, Lisa Madigan, Attorney General of the State of Illinois v. Kralis Mentone, Inc., Civil Action No. 06-CV- 1021 (S.D. Illinois), was lodged with the United States District Court for the Southern District of Illinois.

This action under Section 107(a) of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9607(a), involves the Centralia Environmental Services and Prior/Blackwell Landfills in Marion County, Illinois and the Dowty Landfill in Lawrence County, Illinois. Under the Complaint, Illinois seeks recovery of past and future costs from the Defendant.

The Consent Decree is with KRALIS MENTONE, INC. Under the Consent Decree, the Settling Defendant agrees to reimburse the Illinois Environmental Protection Agency for a portion of its costs incurred and to be incurred with regard to the Sites and covenant not to sue the State for any costs relating to the Sites.

The Illinois Attorney General's Office will accept, for a period of thirty days from the date of publication of this Notice, comments relating to the Consent Decree. Comments should be addressed to James L. Morgan, Senior Assistant Attorney General, Environmental Bureau, 500 South Second Street, Springfield, Illinois, 62706, and should refer to case of State of Illinois, *ex rel.*, Lisa Madigan, Attorney General of the State of Illinois v. Kralis Mentone, Inc., Civil Action No. 06-CV-1021.

A copy of the Consent Decree may be obtained by mailing a request to James Morgan at the address listed above for submitting comments, by faxing the request to 217-524-7740, or by e-mailing the request to [jmorgan@atg.state.il.us](mailto:jmorgan@atg.state.il.us). The Consent Decree may also be examined at the Office of the Attorney General, 3000 Montvale Avenue Springfield, Illinois.

## ILLINOIS ATTORNEY GENERAL

## NOTICE OF PUBLIC INFORMATION

NOTICE OF LODGING OF PARTIAL CONSENT DECREES PURSUANT TO THE  
COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT

In accordance with 42 U.S.C. 9622(d)(2)(A) and (B), notice is hereby given that on December 13, 2006, two proposed Partial Consent Decrees in the case of People of the State of Illinois, *ex rel.*, Lisa Madigan, Attorney General of the State of Illinois v. Pharmacia Corporation, *et al.*, Civil Action No. 05-CV-197 (S.D. Illinois), were lodged with the United States District Court for the Southern District of Illinois.

This action under Section 107(a) of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9607(a), involves Superfund Sites in Sauget, Cahokia, and East St. Louis, Illinois, commonly known as the Sauget Area Sites. Under the Amended Complaint, Illinois seeks recovery of past costs from a number of Defendants.

One Partial Consent Decree is with The first Partial Consent Decree is with Pharmacia Corporation, Solutia, Inc., and Blue Tee Corp. on its own behalf and on behalf of American Zinc Company. The other Partial Consent Decree is with Union Electric Company and Eagle Marine Industries, Inc. Under these Partial Consent Decrees, the Settling Defendants agree to reimburse the Illinois Environmental Protection Agency for a portion of its past costs incurred with regard to the Sauget Area Sites and covenant not to sue the State for any costs relating to the Site.

The Illinois Attorney General's Office will accept, for a period of thirty days from the date of publication of this Notice, comments relating to the Partial Consent Decrees. Comments should be addressed to James L. Morgan, Senior Assistant Attorney General, Environmental Bureau, 500 South Second Street, Springfield, Illinois, 62706, and should refer to case of People of the State of Illinois, *ex rel.*, Lisa Madigan, Attorney General of the State of Illinois v. Pharmacia Corporation, *et al.*, Civil Action No. 05-CV-197. A copy of each Partial Consent Decree may be obtained by mailing a request to James Morgan at the address in the paragraph above, by faxing the request to 217-524-7740, or by e-mailing the request to [jmorgan@atg.state.il.us](mailto:jmorgan@atg.state.il.us). The Partial Consent Decrees may also be examined at the Office of the Attorney General, 3000 Montvale Avenue, Springfield, Illinois.

## ILLINOIS ATTORNEY GENERAL

## NOTICE OF PUBLIC INFORMATION

NOTICE OF LODGING OF PROPOSED CONSENT DECREE PURSUANT TO THE  
COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT

In accordance with 42 U.S.C. 9622(d)(2)(A) and (B), notice is hereby given that on December 7, 2006, a proposed Consent Decree in the case of State of Illinois, *ex rel.*, Lisa Madigan, Attorney General of the State of Illinois v. Vesuvius USA Corporation, Civil Action No. 06-CV-2130 (C.D. Illinois), was lodged with the United States District Court for the Central District of Illinois.

This action, filed under Section 107(a) of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9607(a), involves a release of furfural at Vesuvius' Charleston plant. Under the Complaint, Illinois seeks relief which includes recovery of response costs and natural resource damages from Vesuvius.

Under the Consent Decree, Vesuvius will resolve the State's claims under the Comprehensive Environmental Response Compensation and Liability Act and the Illinois Environmental Protection Act relating to the subject release.

The Illinois Attorney General's Office will accept, for a period of thirty days from the date of publication of this Notice, comments relating to the Consent Decree. Comments should be addressed to James L. Morgan, Senior Assistant Attorney General, Environmental Bureau, 500 South Second Street, Springfield, Illinois, 62706, and should refer to case of State of Illinois, *ex rel.*, Lisa Madigan, Attorney General of the State of Illinois v. Vesuvius USA Corporation, Civil Action No. 06-CV-2130.

A copy of the Consent Decree may be obtained by mailing a request to James Morgan at the address listed above for submitting comments, by faxing the request to 217-524-7740, or by e-mailing the request to [jmorgan@atg.state.il.us](mailto:jmorgan@atg.state.il.us). The Consent Decree may be examined at the Office of the Attorney General, 3000 Montvale Springfield, Illinois.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$10,000 against Midwest Home Loans, LLC., License No. MB.6760027 of Bolingbrook, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 13, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$10,000 against Investor's Choice Mortgage Corporation, License No. MB.6760072 of Plainfield, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 13, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)



## ILLINOIS COMMERCE COMMISSION

## JANUARY 2007 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): "Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service Deposits, Payment Practices, and Discontinuance of Service" 83 Ill. Adm. Code 280
- 1) Rulemaking:
- A) Description: There have been four open dockets in which there have been proposed or in which the Commission has been considering amendments to Part 280 (Dockets 05-0237, 06-0112, 06-0202, and 06-0379). The Commission is of the opinion that administrative economy dictates that one coordinated proceeding be initiated to revise Part 280 instead of the potential piecemeal amendment of Part 280 occurring in four open dockets. It is the Commission's intention that it produce an internally consistent set of rules that will balance the interests of the public utilities regulated by the rules and the customers of those utilities.
- B) Statutory Authority: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206, and 8-207 of the Public Utilities Act [220 ILCS 5/8-101, 8-206, and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101].
- C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 06-0703.
- D) Date agency anticipates First Notice: Undetermined.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject public utilities and any customers that are also small businesses.
- F) Agency contact person for information:

Elizabeth Rolando  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue

ILLINOIS COMMERCE COMMISSION

JANUARY 2007 REGULATORY AGENDA

Springfield, IL 62701  
217-782-7434

- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

**I. DIVISION OF BANKING**

a) Part(s) (Heading and Code Citation): Corporate Applications for Banks and Corporate Fiduciaries (38 Ill. Adm. Code 370)

1) Rulemaking:

A) Description: Revision in fee section.

B) Statutory Authority: [205 ILCS 5/48]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: February 2007

E) Effect on small businesses, small municipalities or not for profit corporations: No effect.

F) Agency contact person for information:

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

217/785-2841 Fax: 217/557-0330

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 1000)

1) Rulemaking:

A) Description: Key provisions of the Illinois Savings and Loan Act of 1985 including those related to fiduciary duties of association directors and officers, transactions between an association and its directors, officers and principal shareholders, permissible investments, lending limits, books and records, bonds and audits will be reviewed. The purpose of review will be

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

to determine whether rulemaking can be used to specify and explain relevant statutory provisions.

- B) Statutory Authority: [205 ILCS 105/7-3(b)(2)]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Will affect Illinois State-chartered associations.
- F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Robert Stern  
122 S. Michigan Ave.  
Chicago, IL

312/793-1454 Fax: 312/793-7097

- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050)

1) Rulemaking:

- A) Description: This Part will be amended to revise references to Fannie Mae Form 1003 (10/92), eliminate direct reimbursement to examiners for out-of-state travel, and increase minimum surety bond coverage from \$20,000 to \$25,000 and make similar revisions to forms or practices.
- B) Statutory Authority: [815 ILCS 137/150]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: February 2007

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
  
Department of Financial and Professional Regulation  
Attention: Alan Anderson  
122 S. Michigan Ave.  
Chicago, IL  
  
312/793-1419 Fax: 312/793-7097
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Savings Bank Act (38 Ill. Adm. Code 1075)
- 1) Rulemaking:
- A) Description: Key provisions of the Savings Bank Act including those related to fiduciary duties of savings bank directors and officers, transactions between a savings bank and its directors, officers and principal shareholders, permissible investments, lending limits, books and records, bonds, and audits, will be reviewed.
- B) Statutory Authority: [205 ILCS 205]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: February 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: Rulemaking will affect Illinois State-chartered savings banks.
- F) Agency contact person for information:  
  
Department of Financial and Professional Regulation  
Attention: Robert Stern

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

122 S. Michigan Ave.  
Chicago, IL

312/793-1454 Fax: 312/793-7097

- G) Related rulemakings and other pertinent information: None

**II. DIVISION OF FINANCIAL INSTITUTIONS**

- a) Part(s) (Heading and Code Citation): Consumer Installment Loan Act (38 Ill. Adm. Code 110)

1) Rulemaking:

- A) Description: This rule will address lenders who do business via the internet, including how internet lenders may comply with the physical space (a.k.a. "brick-and-mortar") requirements of the Consumer Installment Loan Act and the Payday Loan Reform Act and how an internet lender is to "conspicuously post" its license. The rules pertaining to "Office and Office hours" will also be updated to account for internet lenders that do not maintain offices open to the general public.
- B) Statutory Authority: [205 ILCS 670]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

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

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None.

**III. DIVISION OF INSURANCE**

- a) Part(s) (Heading and Code Citation): Valuation of Life Insurance Policies Including the Use of Select Mortality Factors (50 Ill. Adm. Code 1409)

1) Rulemaking:

- A) Description: The Division intends to promulgate a new regulation, 50 Ill. Adm. Code 1413, during the first half of 2007 which will permit recognition of the 2001 CSO Preferred Class Structure Table. The amendments to Part 1409 will add a cross reference to the new preferred mortality tables that will be contained in new Part 1413.

- B) Statutory Authority: [215 ILCS 5/223]

- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Denise Hamilton  
320 West Washington, 4th Floor  
Springfield, IL 62786

217/785-8560 Fax: 217/557-9033

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits (50 Ill. Adm. Code 1412)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- 1) Rulemaking:
  - A) Description: The Division intends to promulgate a new regulation, 50 Ill. Adm. Code 1413, during the first half of 2007 which will permit recognition of the 2001 CSO Preferred Class Structure Table. The amendments to Part 1412 will add a cross reference to the new preferred mortality tables that will be contained in new Part 1413.
  - B) Statutory Authority: [215 ILCS 5/223]
  - C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
  - D) Date agency anticipates First Notice: Unknown
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:  
  
Department of Financial and Professional Regulation  
Attention: Denise Hamilton  
320 West Washington, 4th Floor  
Springfield, IL 62786  
  
217/785-8560 Fax: 217/524-9033
  - G) Related rulemakings and other pertinent information: Amendment to 50 Ill. Adm. Code 1409, New Rule 50 Ill. Adm. Code 1413
- c) Part(s) (Heading and Code Citation): Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities (50 Ill. Adm. Code 1413)
  - 1) Rulemaking:
    - A) Description: The purpose of this regulation is to recognize, permit, and prescribe the use of mortality tables that reflect differences in mortality



## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

between preferred and standard lives in determining minimum reserve liabilities for insurance companies.

- B) Statutory Authority: [215 ILCS 5/223]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Denise Hamilton  
320 West Washington, 4th Floor  
Springfield, IL 62786

217/785-8560 Fax: 217/524-9033

- G) Related rulemakings and other pertinent information: Amendment to 50 Ill. Adm. Code 1409

- d) Part(s) (Heading and Code Citation): Construction and Filing of Accident and Health Insurance Policy Forms (50 Ill. Adm. Code 2001)

- 1) Rulemaking:

- A) Description: When 50 Ill. Adm. Code was amended in early 2006, the requirement for a filing to contain a cover page was deleted. The amendment to this Part will also eliminate a similar reference and is purely a housekeeping change.
- B) Statutory Authority: [215 ILCS 5/143, 355, 356a, 132 et seq., 156 et seq. and 401]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Denise Hamilton  
320 West Washington, 4th Floor  
Springfield, IL 62786

217/785-8560 Fax: 217/524-9033

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Traditional Long-Term Care Insurance (50 Ill. Adm. Code 2012)

1) Rulemaking:

A) Description: The title of this Part will be changed and the requirements amended to bring our State regulation in-line with the NAIC model on Long-Term Care regulation. Further, this Part will be expanded to include provisions that will ensure Illinois compliance with federal long-term care partnership requirements. Significant changes include incontestability period and non-forfeiture provisions, producer training provisions, disclosure of availability of new long-term care services, and a new contingent benefit upon lapse provision, among others.

B) Statutory Authority: [215 ILCS 5/351A-11]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: None

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Denise Hamilton  
320 West Washington, 4th Floor  
Springfield, IL 62786

217/785-8560 Fax: 217/524-9033

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 2018 will need to be repealed in conjunction with this rule.f) Part(s) (Heading and Code Citation): Long-Term Partnership Insurance (50 Ill. Adm. Code 2018)1) Rulemaking:

A) Description: Repeal Part 2018 as it becomes superfluous and conflicting with proposed changes to Part 2012.

B) Statutory Authority: [320 ILCS 35]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Denise Hamilton  
320 West Washington, 4th Floor  
Springfield, IL 62786

217/785-8560 Fax: 217/524-9033

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: Revisions to 50 Ill. Adm. Code 2012
- g) Part(s) (Heading and Code Citation): Reimbursement Provision Contained in Individual and Group Accident and Health Policies (50 Ill. Adm. Code 2020)
- 1) Rulemaking:
- A) Description: This rule and the title of the rule are being revised to more clearly describe required language if insurers elect to include reimbursement and subrogation provisions in their health policies.
- B) Statutory Authority: [215 ILCS 5/357.18 and 357.19]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Denise Hamilton  
320 West Washington, 4th Floor  
Springfield, IL 62786
- 217/785-8560 Fax: 217/524-9033
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Suitability in the Sale of Life Insurance & Annuities (50 Ill. Adm. Code 2022)
- 1) Rulemaking:
- A) Description: The purpose of this new regulation will be to set forth standards, procedures and recommendations that will be presented to

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

prospective consumers for life insurance and annuity products. These requirements will ensure that the insurance needs and financial objectives of consumers are appropriately addressed at the time of the transaction.

- B) Statutory Authority: [215 ILCS 5/401]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Denise Hamilton  
320 West Washington, 4th Floor  
Springfield, IL 62786

217/785-8560 Fax: 217/524-9033

- G) Related rulemakings and other pertinent information: This new regulation will be taken from NAIC Model or 275 which has already been adopted in some 28 states.

- i) Part(s) (Heading and Code Citation): Illinois Health Insurance Portability and Accountability Standards (50 Ill. Adm. Code 2025)

- 1) Rulemaking:

- A) Description: The amendments will address Section 20(E)(3) of the Illinois Health Insurance Portability and Accountability Act, which requires the Division to establish rules to prevent an insurance carrier's failure to provide information about an individual's previous benefits from adversely affecting subsequent coverage under another group plan.
- B) Statutory Authority: [215 ILCS 97/20(E)(3)]

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Denise Hamilton  
320 West Washington, 4th Floor  
Springfield, IL 62786

217/785-8560 Fax: 217/524-9033

- G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Managed Care Dental Plans (50 Ill. Adm. Code 5425)

1) Rulemaking:

- A) Description: The amendment will modify the term of office from 3 years to as necessary and the frequency of meetings from every 6 months, to as needed for the Dental Managed Care Advisory Committee.
- B) Statutory Authority: [215 ILCS 109/15]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

Department of Financial and Professional Regulation  
Attention: Denise Hamilton  
320 West Washington, 4th Floor  
Springfield, IL 62786

217/785-8560 Fax: 217/524-9033

- G) Related rulemakings and other pertinent information: None

**IV. DIVISION OF PROFESSIONAL REGULATION**

- a) Part(s) (Heading and Code Citation): Acupuncture Practice Act (68 Ill. Adm. Code 1140)

1) Rulemaking:

- A) Description: Clarification of the examination requirements for endorsement applicants will be addressed.
- B) Statutory Authority: [225 ILCS 2]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

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

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

- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

b) Part(s) (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)

1) Rulemaking:

- A) Description: Technical clean-up changes will be made.
- B) Statutory Authority: [225 ILCS 305]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed architects may be affected.
- F) Agency contact person for information:  
  
Department of Professional Regulation  
Attention: Bruce Paton  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
  
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Dental Practice Act (68 Ill. Adm. Code 1220)

1) Rulemaking:

- A) Description: Technical clean-up changes may be made.
- B) Statutory Authority: [225 ILCS 2]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown



## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Bruce Paton  
320 West Washington, 3rd Floor  
Springfield, IL 62786
- 217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Detection of Deception Examiners Act (68 Ill. Adm. Code 1230)
- 1) Rulemaking:
- A) Description: Revisions may be made to training, instructor qualifications and examination requirements.
- B) Statutory Authority: [225 ILCS 430]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Bruce Paton  
320 West Washington, 3rd Floor  
Springfield, IL 62786

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

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

G) Related rulemakings and other pertinent information: Nonee) Part(s) (Heading and Code Citation): Electrologist Licensing Act (68 Ill. Adm. Code 1246)1) Rulemaking:A) Description: Technical clean-up changes may be made.B) Statutory Authority: [225 ILCS 412]C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.D) Date agency anticipates First Notice: UnknownE) Effect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: Nonef) Part(s) (Heading and Code Citation): Environmental Health Practitioner Licensing Act (68 Ill. Adm. Code 1247)1) Rulemaking:A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.B) Statutory Authority: [225 ILCS 37]

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

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

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

- G) Related Rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Professional Geologist Licensing Act (68 Ill. Adm. Code 1252)

- 1) Rulemaking:
  - A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
  - B) Statutory Authority: [225 ILCS 745]
  - C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
  - D) Date agency anticipates First Notice: Unknown
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

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

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

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Interior Design Title Act (68 Ill. Adm. Code 1255)

1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 310]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Medical Practice Act of 1987 (68 Ill. Adm. Code 1255)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- 1) Rulemaking:
  - A) Description: Part IV will be added to the chiropractic exam requirements. Technical clean up changes may also be made.
  - B) Statutory Authority: [225 ILCS 60]
  - C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
  - D) Date agency anticipates First Notice: Unknown
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:

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

217/785-0813 Fax: 217/557-4451
  - G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Nursing Home Administrators Licensing and Disciplinary Act (68 Ill. Adm. Code 1310)
  - 1) Rulemaking:
    - A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
    - B) Statutory Authority: [225 ILCS 70]
    - C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
    - D) Date agency anticipates First Notice: Unknown

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Bruce Paton  
320 West Washington, 3rd Floor  
Springfield, IL 62786
- 217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Occupational Therapy Practice Act (68 Ill. Adm. Code 1315)
- 1) Rulemaking:
- A) Description: Additional continuing education sponsors will be added, as well as technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
- B) Statutory Authority: [225 ILCS 75]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Bruce Paton  
320 West Washington, 3rd Floor  
Springfield, IL 62786

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

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

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Optometry Practice Act of 1987 (68 Ill. Adm. Code 1320)

1) Rulemaking:

A) Description: Various sections may be amended to address inconsistencies and technical problems and other changes as a result of the sunset reauthorization of the Act.

B) Statutory Authority: [225 ILCS 80]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed optometrists may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Physical Therapy Practice Act of 1987 (68 Ill. Adm. Code 1340)

1) Rulemaking:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
- B) Statutory Authority: [225 ILCS 90]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed physical therapists may be affected.
- F) Agency contact person for information:

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

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

- G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor licensing Act (68 Ill. Adm. Code 1375)

1) Rulemaking:

- A) Description: Technical clean-up changes may be made.
- B) Statutory Authority: [225 ILCS 2]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None



## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Bruce Paton  
320 West Washington, 3rd Floor  
Springfield, IL 62786
- 217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)
- 1) Rulemaking:
- A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
- B) Statutory Authority: [225 ILCS 325]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Bruce Paton  
320 West Washington, 3rd Floor  
Springfield, IL 62786
- 217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

p) Part(s) (Heading and Code Citation): Real Estate License Act (68 Ill. Adm. Code 1450)

1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 454]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Respiratory Care Practice Act (68 Ill. Adm. Code 1456)

1) Rulemaking:

A) Description: Clarification may be added pertaining to scope of practice; technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 106]

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
  
Department of Financial and Professional Regulation  
Attention: Bruce Paton  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
  
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- r) Part(s) (Heading and Code Citation): Structural Engineering Practice Act of 1989 (68 Ill. Adm. Code 1480)
- 1) Rulemaking:
- A) Description: Various technical revisions may be made.
- B) Statutory Authority: [225 ILCS 340]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed structural engineers may be affected.
- F) Agency contact person for information:  
  
Department of Professional Regulation  
Attention: Bruce Paton

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

320 West Washington, 3rd Floor  
Springfield, IL 62786

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

G) Related rulemakings and other pertinent information: None

s) Part(s) (Heading and Code Citation): Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act (68 Ill. Adm. Code 1485)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 130]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

t) Part(s) (Heading and Code Citation): Veterinarian Medicine and Surgery Practice Act of 2004 (68 Ill. Adm. Code 1500)

1) Rulemaking:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2007 REGULATORY AGENDA

- A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
- B) Statutory Authority: [225 ILCS 115]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

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

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

- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF LABOR

## JANUARY 2007 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Minimum Wage Law; 56 Ill. Adm. Code 210
- 1) Rulemaking:
- A) Description: Amendments will be made to streamline the Department's administrative process and to update definitions of terms.
- B) Statutory Authority: 820 ILCS 105/10
- C) Schedule meeting/hearing dates: No meetings are scheduled at this time.
- D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2007.
- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:
- Name: Valerie A. Puccini, Assistant General Counsel  
Address: Illinois Department of Labor  
160 N. LaSalle Street, C-1300  
Chicago, IL 60601  
Telephone: (312) 793-7838
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Equal Pay in Employment; 56 Ill. Adm. Code 320
- 1) Rulemaking:
- A) Description: Amendments will be made to increase the time period in which complaints can be filed with the Department and to include confidentiality provisions for those individuals filing complaints.
- B) Statutory Authority: 820 ILCS 112/15
- C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

## DEPARTMENT OF LABOR

## JANUARY 2007 REGULATORY AGENDA

- D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2007.
- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:
- Name: Valerie A. Puccini, Assistant General Counsel  
Address: Illinois Department of Labor  
160 N. LaSalle Street, C-1300  
Chicago, IL 60601  
Telephone: (312) 793-7838
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Health and Safety; 56 Ill. Adm. Code 350
- 1) Rulemaking:
- A) Description: Amendments will be made to comply with statutory changes to the Health and Safety Act and the Safety Inspection and Education Act in anticipation of the Department becoming a State Plan.
- B) Statutory Authority: 820 ILCS 225/4.1 and 820 ILCS 225/7
- C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2007.
- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:
- Name: Cheryl Hawkins, Industrial Hygienist  
Address: Illinois Department of Labor  
One West Old Capitol Plaza  
3<sup>rd</sup> Floor

## DEPARTMENT OF LABOR

## JANUARY 2007 REGULATORY AGENDA

Springfield, IL 62701

Telephone: (217) 782-9386G) Related rulemakings and other pertinent information: Noned) Part(s) (Heading and Code Citation): Day and Temporary Labor Services Act; 56 Ill. Adm. Code 2601) Rulemaking:A) Description: Amendments will be made to streamline the registration requirements.B) Statutory Authority: 820 ILCS 260/45C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2007.E) Effect on small businesses, small municipalities or not for profit corporations: None anticipatedF) Agency contact person for information:Name: Valerie A. Puccini, Assistant General CounselAddress: Illinois Department of Labor  
160 N. LaSalle Street, C-1300  
Chicago, IL 60601Telephone: (312) 793-7838G) Related rulemakings and other pertinent information: None



## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

- a) (Part 150: Business Corporation Act 14 Ill. Adm. Code 150)
- 1) Rulemaking:
- A) Description of Rules:  
Amended Rule 150.440. Amends definition of distinguishability  
  
Amended Rule 150.445 Amends matters not considered.  
  
Amended Rule 150.450 Amends significant differences
- B) Statutory Authority: Implemented and authorized by Section **15(a)** of the Secretary of State Act (15 ILCS 305/15(a)).
- C) Scheduled Meeting/Hearing Dates: Unknown:
- D) Date the Agency Anticipates First Notice: Unknown
- E) Impact on Small Business, Small Municipalities or Not for Profit Corporations: Improved service
- F) Agency Contact Person for Information:  
  
Robert Durchholz  
Department of Business Services  
Room 330 Howlett Bldg.  
Springfield, IL 62756  
Telephone: 217-782-4009  
Fax: 217-782-1644  
Email: rdurchholz@ilsos.net
- G) Related Rulemaking and Other Pertinent Information: Amended rules 178.130, 178.140 and 178.145 for the Limited Liability Company Act
- b) (Part 178 Limited Liability Company Act 14 Ill. Adm. Code 178)
- 1) Rulemaking:
- A) Description of Rules:  
Amends 178.135 Distinguishable -- Defined

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

Amends 178.140 Matters Not Considered

Amends 178.145 Significant Differences

Removes restrictive prohibitions against the use of limited liability company names. Eliminates subjectivity in application. Allows the "distinguishable" criteria established in Section 1-10 of the Limited Liability Company Act (805 ILCS 180/1-10) to control the availability of a company name by removing the holdover concept of "deceptively similar" that appeared in Section 9 of the Business Corporation Act of 1933 as it was transferred to Part 150 after repeal of that Act in 1984 and then later perpetuated in this Part 178.

- B) Statutory Authority: Implemented and authorized by Section 15 of the Secretary of State Act (15 ILCS 305/15) and Section 50.20 of the Limited Liability Company Act (805 ILCS 180/50.20).
- C) Scheduled Meeting/Hearing Dates: Unknown
- D) Date the Agency Anticipates First Notice: Unknown
- E) Impact on Small Business, Small Municipalities or Not for Profit Corporations: All limited liability companies organizing or registering with the Secretary of State will experience greater flexibility in choosing a company name, which will have the additional benefit of empowering the Secretary of State to move forward in establishing the ability to form a limited liability company by filing the necessary Articles of Organization on-line.
- F) Agency Contact Person for Information:  
Chuck Moles, Liability Limitations Division Administrator  
Department of Business Services  
Room 351 Howlett Building  
Springfield, IL 62756  
Telephone: 217-782-4875  
Fax: 217-524-3390  
Email: cmoles@ilsos.net
- G) Related Rulemaking and Other Pertinent Information: The Department of Business Services is also proposing identical amendments for the

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

Business Corporation Act(805 ILCS 5/1.01 et seq.) in Part 150. Since name availability of the two types of business entities is transcendent among the statutes, it is imperative that the applicable rules must be identical.

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Illinois State Library, Acquisition Division, Illinois Documents, Section 23 Ill. Admin. Code 3020

1) Rulemaking

- A) Description of Rule(s): Section 23 Ill. Admin. Code 3020.110 will be amended to clarify the method for state agencies to transmit electronic publications to the Illinois State Library for public access through the Internet.
- B) Statutory Authority: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21].
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: March 2007
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:  
Illinois Secretary of State  
Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
300 South Second Street  
Springfield, IL 62701-1796  
217-558-4185 Fax 217-557-2619  
[jnatale@ilsos.net](mailto:jnatale@ilsos.net)
- G) Related Rulemakings and Other Pertinent Information: None

b) Part(s) (Heading and Code Citations): Literacy Grant Program, 23 Ill. Admin. Code 3040

1) Rulemaking

- A) Description of Rule(s): Clarify role of the Literacy Advisory Board and granting and fiscal procedures.

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].
- C) Scheduled Meeting/Hearing Dates: No hearing scheduled.
- D) Date Agency Anticipates First Notice: June 2007
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:  
Illinois Secretary of State  
Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
300 South Second Street  
Springfield, IL 62701-1796  
217-558-4185 Fax 217-557-2619  
[jnatale@ilsos.net](mailto:jnatale@ilsos.net)
- G) Related Rulemakings and Other Pertinent Information: None
- c) Part(s) (Heading and Code Citations): Public Library Construction Grants, 23 Ill. Admin. Code 3060
- 1) Rulemaking
- A) Description of Rule(s): Establish the funding priorities and criteria for FY 2008 construction; and clarify program purpose, definitions and procedures.
- B) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: March 2007

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:  
Illinois Secretary of State  
Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
300 South Second Street  
Springfield, IL 62701-1796  
217-558-4185 Fax 217-557-2619  
[jnatale@ilsos.net](mailto:jnatale@ilsos.net)
- G) Related Rulemakings and Other Pertinent Information: None
- d) Part(s) (Heading and Code Citations): Procedures and Standards. The Code Citation is 92 Ill. Admin. Code 1001.10, *et seq.*
- 1) Rulemaking
- A) Description of Rule(s): The Department submitted an extensive revision of the above-referenced Part last August (30 Illinois Register 13757 (Issue 33, 18 Aug, 2006). The content of this rulemaking was described in the Regulatory Agenda that we submitted last June. It is scheduled to be considered by the Joint Committee on Administrative Rule at its January 2007 meeting.  
We will attempt to file another rulemaking in the spring or summer of 2007, to amend §1001.220(f), which pertains to the locations of Safety Responsibility hearings (Subpart B).  
We may also, if time allows, seek permission from the General Counsel's Office to amend the rule at 92 IAC §1040.35. In particular, we seek to amend subsection (b)(4)(F), to include single or multiple bone fractures. The current rule is limited to fractures, and we are concerned that the rule might be interpreted literally. We believe that the Secretary of State should be able to take action on the basis of a single fracture. Part 1040 comes under the jurisdiction of the General Counsel's Office and the Department of Driver Services, but we authored the most recent revision of §1040.35, back in 2005.
- B) Statutory Authority: Is found at 625 ILCS 5/2-104.

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

- C) Scheduled Meeting/Hearing Dates: None
  - D) Date Agency Anticipates First Notice: Summer 2007
  - E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
  - F) Agency Contact Person for Information:  
Illinois Secretary of State  
Marc Christopher Loro, Legal Advisor  
Department of Administrative Hearings  
Howlett Building, Room 200  
Springfield, Illinois 62756  
217-785-8245 Fax 217-782-2192  
[mloro@ilsos.net](mailto:mloro@ilsos.net)
  - G) Related Rulemakings and Other Pertinent Information: At this time, the Department is not aware of any further information which may serve the public interest. The public will have an opportunity to comment on any proposed rulemaking during the first notice period.
- e) Part(s) (Heading and Code Citations): Notary Public Records; 14 Ill. Admin. Code 176
- 1) Rulemaking
    - A) Description of Rule(s): The Department is considering some modification and clarifications to amend and draft rules to conform with general daily operations and regulations of state legislative enactments specific to application process.
    - B) Statutory Authority: Illinois Notary Public Act, 5 ILCS 312/2-102
    - C) Scheduled Meeting/Hearing Dates: None
    - D) Date Agency Anticipates First Notice: Unknown
    - E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
    - F) Agency Contact Person for Information:  
Illinois Secretary of State

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

Jacqueline Price, Director  
Index Department  
111 E. Monroe Street  
Springfield, Illinois 62756  
217-782-7017 Fax 217-524-0930  
[jprice@ilsos.net](mailto:jprice@ilsos.net)

G) Related Rulemakings and Other Pertinent Information: None

f) Part(s) (Heading and Code Citations): Notary Public Records; 14 Ill. Admin. Code 176

1) Rulemaking

A) Description of Rule(s): The Department is considering some modification and clarifications to amend and draft rules to conform with general daily operations and regulations of state legislative enactments specific to bond process and fee.

B) Statutory Authority: Illinois Notary Public Act, 5 ILCS 312/2-105

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Unknown

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Illinois Secretary of State  
Jacqueline Price, Director  
Index Department  
111 E. Monroe Street  
Springfield, Illinois 62756  
271-782-7017 Fax 217-524-0930  
[jprice@ilsos.net](mailto:jprice@ilsos.net)

G) Related Rulemakings and Other Pertinent Information: None

g) Part(s) (Heading and Code Citations): Notary Public Records; 14 Ill. Admin. Code 176



## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

- 1) Rulemaking
  - A) Description of Rule(s): The Department is considering some modification and clarifications to amend and draft rules to conform with general daily operations and regulations of state legislative enactments specific to journal retention.
  - B) Statutory Authority: Illinois Notary Public Act, 5 ILCS 312/3-102
  - C) Scheduled Meeting/Hearing Dates: None
  - D) Date Agency Anticipates First Notice: Unknown
  - E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
  - F) Agency Contact Person for Information:  
Illinois Secretary of State  
Jacqueline Price, Director  
Index Department  
111 E. Monroe Street  
Springfield, Illinois 62756  
217-524-0930  
[jprice@ilsos.net](mailto:jprice@ilsos.net)
  - G) Related Rulemakings and Other Pertinent Information: None
- h) Part(s) (Heading and Code Citations): Illinois Business Brokers Act of 1995, 14 Ill. Admin. Code 140
  - 1) Rulemaking
    - A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to legislative enactments.
    - B) Statutory Authority: Illinois Business Broker Act, 815 ILCS 307/10-1.
    - C) Scheduled Meeting/Hearing Dates: None
    - D) Date Agency Anticipates First Notice: Unknown

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown.
  - F) Agency Contact Person for Information:  
Illinois Secretary of State  
Tanya Solov, Director  
Securities Department  
69 W. Washington Street, Suite 1220  
Chicago, Illinois 60602  
312-793-3384 Fax 312-793-1202  
[tsolov@ilsos.net](mailto:tsolov@ilsos.net)
  - G) Related Rulemakings and Other Pertinent Information: None
- i) Part(s) (Heading and Code Citations): Illinois Securities Law of 1953, 14 Ill. Admin. Code 130
- 1) Rulemaking
    - A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to state and federal legislative enactments and rules of the US Securities and Exchange Commission.
    - B) Statutory Authority: Illinois Securities Law of 1953, 815 ILC 5/1.
    - C) Scheduled Meeting/Hearing Dates: None
    - D) Date Agency Anticipates First Notice: Unknown
    - E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown.
    - F) Agency Contact Person for Information:  
Illinois Secretary of State  
Tanya Solov, Director  
Securities Department  
69 W. Washington Street, Suite 1220  
Chicago, Illinois 60602  
312-793-3384 Fax 312-793-1202

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

[tsolov@ilsos.net](mailto:tsolov@ilsos.net)

- G) Related Rulemakings and Other Pertinent Information: None
- j) (Heading and Code Citations): Illinois Business Opportunity Sales Law of 1995, 14 Ill. Admin. Code 135
- 1) Rulemaking
- A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to legislative enactments.
- B) Statutory Authority: Illinois Business Opportunity Sales Law of 1995, 815 ILCS 602/5-1
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown.
- F) Agency Contact Person for Information:  
Illinois Secretary of State  
Tanya Solov, Director  
Securities Department  
69 W. Washington Street, Suite 1220  
Chicago, Illinois 60602  
312-793-3384 Fax 312-793-1202  
[tsolov@ilsos.net](mailto:tsolov@ilsos.net)
- G) Related Rulemakings and Other Pertinent Information: None
- k) Part(s) (Heading and Code Citations): Illinois Loan Brokers Act of 1995, 14 Ill. Admin. Code 145
- 1) Rulemaking
- A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to legislative enactments.

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Illinois Loan Brokers Act of 1995, 815 ILCS 175/15-1.
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown.
- F) Agency Contact Person for Information:  
Illinois Secretary of State  
Tanya Solov, Director  
Securities Department  
69 W. Washington Street, Suite 1220  
Chicago, Illinois 60602  
312-793-3384 Fax 312-793-1202  
[tsolov@ilsos.net](mailto:tsolov@ilsos.net)
- G) Related Rulemakings and Other Pertinent Information: None
- l) Part(s) (Heading and Code Citations): Cancellation of Instruction Permit or Drivers License for Failure to Maintain School Attendance, 92 Ill. Admin. Code 1040.120
- 1) Rulemaking
- A) Description of Rule(s): This amendment will address the requirements of P.A. 94-0916, which requires the Secretary of State to cancel the instruction permit or drivers license of an unmarried person under 18 years of age who fails to maintain school attendance.
- B) Statutory Authority: 625 ILCS 5/6-107; 5/6-107.1; 5/6-108 and 5/6-201.
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: June 2007
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

- F) Agency Contact Person for Information:  
Illinois Secretary of State  
Jo Ann Wilson, Legislative Liaison  
Driver Services Department  
c/o Director's Office  
2701 South Dirksen Parkway  
Springfield, Illinois 62723  
217-785-1441 Fax 216-557-1033  
[jwilson@ilsos.net](mailto:jwilson@ilsos.net)
- G) Related Rulemakings and Other Pertinent Information: None
- m) Part(s) (Heading and Code Citations): Personnel Rules, Pay Plans and Position Classifications, 80 Ill. Admin. Code 420
- 1) Rulemaking
- A) Description of Rule(s): The Secretary of State, Department of Personnel intends to revise and amend the majority of the Administrative Code governing the Secretary of State Personnel Rules, Pay Plans and Position Classifications in 2007. In accordance with the Administrative Code such amendments must first be submitted to the Secretary of State Merit Commission for their comment and review. After the Merit Commission has provided comment, such amendments will be submitted to JCAR.
- B) Statutory Authority: Secretary of State Merit Employment Code, 15 ILCS 310/1
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown
- F) Agency Contact Person for Information:  
Illinois Secretary of State  
Stephan Roth, Director  
Personnel Department  
Howlett Building, Room 196

SECRETARY OF STATE

JANUARY 2007 REGULATORY AGENDA

Springfield, Illinois 62756

Fax 217-524-1766

[sroth@ilsos.net](mailto:sroth@ilsos.net)

- G) Related Rulemakings and Other Pertinent Information: None

## SEX OFFENDER MANAGEMENT BOARD

## JANUARY 2007 REGULATORY AGENDA

- a) Part (Heading and Code Citation): (Sex Offender Evaluations and Treatment (20 Ill. Adm. Code 1905))
- 1) Rulemaking: Proposed amendments
- A) Description: The rules prescribe standards for the evaluation and treatment of both juvenile and adult sex offenders. The proposed amendments, which may also involve the adoption of a new part, will provide modified standards for the treatment of juvenile sex offenders and special qualifications for those who provide treatment for juvenile offenders.
- B) Statutory Authority: Sex Offender Management Board Act (20 ILCS 4026).
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: February, 2007
- E) Effect on small businesses, small municipalities or not for profit corporation: Providers who are small businesses and evaluate and treat juvenile sex offenders may be affected by having to comply with additional experience and educational qualifications and to conform their services to new requirements.
- F) Agency contact person for information:
- Name: Cara L. Smith, Policy Director  
Policy Division
- Address: Office of the Attorney General  
100 West Randolph Street, 11<sup>th</sup> floor  
Chicago, Illinois 60601
- Telephone: (312) 814-2970
- G) Related rulemakings and other pertinent information: None

## STATE BOARD OF EDUCATION

## JANUARY 2007 REGULATORY AGENDA

a) Part: Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1.

1) Rulemaking:

A) Description:

ISBE will amend this Part to provide more concrete standards by which to review districts' compliance with their obligation not to discriminate against students on the basis of immigration status.

B) Statutory Authority: 105 ILCS 5/ 2-3.6.

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: January 12, 2007.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Name: Sally Vogl  
Agency Rules Coordinator  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-5270

G) Related rulemakings and other pertinent information:

b) Part: Certification; 23 Ill. Adm. Code 25.

1) Rulemaking:

A) Description:

A number of new provisions will be added to Part 25 in response to recent legislation including P.A. 94-948, P.A. 94-979, P.A. 94-1034, and P.A. 94-1039. In addition, revisions are likely to Subpart C regarding the approval of programs that prepare educators.



## STATE BOARD OF EDUCATION

## JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: 105 ILCS 5/ 2-3.6, 14C-8, and Art. 21.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: February 9, 2007.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- |                   |                                   |
|-------------------|-----------------------------------|
| <u>Name:</u>      | Sally Vogl                        |
|                   | Agency Rules Coordinator          |
| <u>Address:</u>   | Illinois State Board of Education |
|                   | 100 North First Street            |
|                   | Springfield, Illinois 62777       |
| <u>Telephone:</u> | (217) 782-5270                    |
- G) Related rulemakings and other pertinent information:
- c) Part: Program Accounting Manual; 23 Ill. Adm. Code 110.
- 1) Rulemaking:
- A) Description:
- Part 110 will be comprehensively updated as a result of ISBE's general review of its rules.
- B) Statutory Authority: 105 ILCS 5/ 2-3.27, 2-3.28, and 34-43.1.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 2, 2007.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:

## STATE BOARD OF EDUCATION

## JANUARY 2007 REGULATORY AGENDA

Name: Sally Vogl  
Agency Rules Coordinator  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-5270

G) Related rulemakings and other pertinent information:d) Part: General Rules for Nonspecific Appropriations; 23 Ill. Adm. Code 115.1) Rulemaking:A) Description:

This new set of rules will describe the procedures to be used by ISBE when line items of funding are included in the agency's budget without underlying substantive legislation that establishes the purposes for which the funding is to be used.

B) Statutory Authority: 105 ILCS 5/ 2-3.6 and 5 ILCS 100/5-20.C) Scheduled meeting/hearing date: To be announced.D) Date agency anticipates First Notice: March 2, 2007.E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.F) Agency contact person for information:

Name: Sally Vogl  
Agency Rules Coordinator  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-5270

G) Related rulemakings and other pertinent information:

## STATE BOARD OF EDUCATION

## JANUARY 2007 REGULATORY AGENDA

- e) Part: Health/Life Safety Code for Public Schools; 23 Ill. Adm. Code 180.
- 1) Rulemaking:
- A) Description:
- Part 180 will be amended in response to P.A. 94-973 to identify the qualifications that will be required of individuals who review building plans and inspect school facilities.
- B) Statutory Authority: 105 ILCS 5/ 2-3.12, 2-3.25, and 17-2.11.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 6, 2007.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- |                   |                                   |
|-------------------|-----------------------------------|
| <u>Name:</u>      | Sally Vogl                        |
|                   | Agency Rules Coordinator          |
| <u>Address:</u>   | Illinois State Board of Education |
|                   | 100 North First Street            |
|                   | Springfield, Illinois 62777       |
| <u>Telephone:</u> | (217) 782-5270                    |
- G) Related rulemakings and other pertinent information:
- f) Part: Sex Equity; 23 Ill. Adm. Code 200.
- 1) Rulemaking:
- A) Description:
- This set of rules will be comprehensively updated as part of ISBE's general review of its rules.

## STATE BOARD OF EDUCATION

## JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: 105 ILCS 5/2-3.6, 27-1, and 34-18(1).
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 4, 2007.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- |                   |  |
|-------------------|--|
| <u>Name:</u>      | Sally Vogl<br>Agency Rules Coordinator   |
| <u>Address:</u>   | Illinois State Board of Education<br>100 North First Street<br>Springfield, Illinois 62777 |
| <u>Telephone:</u> | (217) 782-5270   |
- G) Related rulemakings and other pertinent information:
- g) Part: School Food Service; 23 Ill. Adm. Code 305.
- 1) Rulemaking:
- A) Description:
- Part 305 may need to be amended in light of the report of the School Wellness Policy Task Force established pursuant to P.A. 94-199.
- B) Statutory Authority: 42 USC 1751 et seq., 42 USC 1771 et seq., and 105 ILCS 125.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 4, 2007.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:

## STATE BOARD OF EDUCATION

## JANUARY 2007 REGULATORY AGENDA

Name: Sally Vogl  
Agency Rules Coordinator  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-5270

G) Related rulemakings and other pertinent information:h) Part: Secular Textbook Loan; 23 Ill. Adm. Code 350.1) Rulemaking:A) Description:

This set of rules will be amended to reflect changes in bonding requirements made via P.A. 94-927.

B) Statutory Authority: 105 ILCS 5/18-17.C) Scheduled meeting/hearing date: To be announced.D) Date agency anticipates First Notice: March 2, 2007.E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.F) Agency contact person for information:

Name: Sally Vogl  
Agency Rules Coordinator  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-5270

G) Related rulemakings and other pertinent information:

## STATE BOARD OF EDUCATION

## JANUARY 2007 REGULATORY AGENDA

- i) Part: Special Education Facilities Under Section 14-7.02 of the School Code; 23 Ill. Adm. Code 401.
- 1) Rulemaking:
- A) Description:
- Part 401 will be reviewed in its entirety to ensure that it corresponds appropriately with Part 226 of ISBE's rules (Special Education) and to ensure that any needed specificity is added to distinguish requirements under Part 401 from those under Part 226.
- B) Statutory Authority: 105 ILCS 5/14-7.02 and 14-8.01.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 6, 2007.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- |                   |  |
|-------------------|--|
| <u>Name:</u>      | Sally Vogl   |
| <u>Address:</u>   | Agency Rules Coordinator<br>Illinois State Board of Education<br>100 North First Street<br>Springfield, Illinois 62777 |
| <u>Telephone:</u> | (217) 782-5270   |
- G) Related rulemakings and other pertinent information:
- j) Part: Charter Schools; 23 Ill. Adm. Code 650.
- 1) Rulemaking:
- A) Description:
- Provisions will be added to Part 650 to address issues that arise when a charter school closes.

## STATE BOARD OF EDUCATION

## JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: 105 ILCS 5/Art. 27A.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 6, 2007.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:

Name: Sally Vogl  
Agency Rules Coordinator

Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777

Telephone: (217) 782-5270

- G) Related rulemakings and other pertinent information:

k) Part: Joint Rules of the Office of the State Fire Marshal and the Illinois State Board of Education: School Emergency and Crisis Response Plans; 29 Ill. Adm. Code 1500.

- 1) Rulemaking:

- A) Description:

Several provisions of this Part will be refined in light of recent developments in emergency response planning on the national level.

- B) Statutory Authority: 105 ILCS 128/40.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 4, 2007.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

STATE BOARD OF EDUCATION

JANUARY 2007 REGULATORY AGENDA

F) Agency contact person for information:

Name: Sally Vogl  
Agency Rules Coordinator  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-5270

G) Related rulemakings and other pertinent information:



## ILLINOIS STATE BOARD OF INVESTMENT

## JANUARY 2007 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Rules and Regulations of the Board (74 Ill. Adm. Code 800)
- 1) Rulemaking:
- A) Description: The proposed amendments will update antiquated statutory references contained in 74 Ill. Adm. Code 800.
- B) Statutory Authority: 40 ILCS 5/22A
- C) Scheduled meeting/hearing dates: The Illinois State Board of Investment (ISBI) anticipates submitting its rulemaking proposal to the Board in Winter of 2007.
- D) Date agency anticipates First Notice: ISBI's submittal of a proposal to the Board shall commence this proceeding. ISBI anticipates First Notice to occur in Winter or Spring of 2007.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Emily A. Reid  
Investment Compliance Officer
- Address: 180 N. LaSalle Street, Suite 2015  
Chicago, IL 60601
- Telephone: 312/793-5712  
Email: ereid@mail.state.il.us
- G) Related rulemakings and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to: i) update antiquated language contained in this Part, ii) list all Board functions and provide general statements of policy regarding those functions, iii) expand language to describe Board policy on a variety of topics, iv) add language to identify general guidelines or restrictions on investments and v) add language to identify Board policy regarding the Deferred Compensation program.

## ILLINOIS STATE BOARD OF INVESTMENT

## JANUARY 2007 REGULATORY AGENDA

2) Rulemaking

- A) Description: The proposed amendments will revise 74 Ill. Adm. 800.210 to list all Board functions and provide general statements of policy regarding those functions.
- B) Statutory Authority: 40 ILCS 5/22A
- C) Scheduled meeting/hearing dates: ISBI anticipates submitting its rulemaking proposal to the Board in Winter of 2007.
- D) Date agency anticipates First Notice: ISBI's submittal of a proposal to the Board shall commence this proceeding. ISBI anticipates First Notice to occur in Winter or Spring of 2007.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Emily A. Reid  
Investment Compliance Officer  
Address: 180 N. LaSalle Street, Suite 2015  
Chicago, IL 60601
- Telephone: 312/793-5712  
Email: ereid@mail.state.il.us
- G) Related rulemakings and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to: i) update antiquated language contained in this Part, ii) list all Board functions and provide general statements of policy regarding those functions, iii) expand language to describe Board policy on a variety of topics, iv) add language to identify general guidelines or restrictions on investments and v) add language to identify Board policy regarding the Deferred Compensation program.

3) Rulemaking

## ILLINOIS STATE BOARD OF INVESTMENT

## JANUARY 2007 REGULATORY AGENDA

- A) Description: The proposed amendments will expand Subpart D of 74 Ill. Adm. 800 to describe Board policy, where applicable, regarding Investment Accounts (Sec. 800.310), Pension Fund Credits (Sec. 800.320) and Pension Fund Charges (Sec. 800.330).
- B) Statutory Authority: 40 ILCS 5/22A
- C) Scheduled meeting/hearing dates: ISBI anticipates submitting its rulemaking proposal to the Board in Winter of 2007.
- D) Date agency anticipates First Notice: ISBI's submittal of a proposal to the Board shall commence this proceeding. ISBI anticipates First Notice to occur in Winter or Spring of 2007.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Emily A. Reid  
Investment Compliance Officer
- Address: 180 N. LaSalle Street, Suite 2015  
Chicago, IL 60601
- Telephone: 312/793-5712  
Email: ereid@mail.state.il.us
- G) Related rulemakings and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to: i) update antiquated language contained in this Part, ii) list all Board functions and provide general statements of policy regarding those functions, iii) expand language to describe Board policy on a variety of topics, iv) add language to identify general guidelines or restrictions on investments and v) add language to identify Board policy regarding the Deferred Compensation program.

4) Rulemaking

## ILLINOIS STATE BOARD OF INVESTMENT

## JANUARY 2007 REGULATORY AGENDA

- A) Description: The proposed amendments will add to 74 Ill. Adm. 800 language regarding general guidelines/restrictions governing the Board's management and investment of pension fund assets.
- B) Statutory Authority: 40 ILCS 5/22A
- C) Scheduled meeting/hearing dates: ISBI anticipates submitting its rulemaking proposal to the Board in Winter of 2007.
- D) Date agency anticipates First Notice: ISBI's submittal of a proposal to the Board shall commence this proceeding. ISBI anticipates First Notice to occur in Winter or Spring of 2007.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Emily A. Reid  
Investment Compliance Officer
- Address: 180 N. LaSalle Street, Suite 2015  
Chicago, IL 60601
- Telephone: 312/793-5712  
Email: ereid@mail.state.il.us
- G) Related rulemakings and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to: i) update antiquated language contained in this Part, ii) list all Board functions and provide general statements of policy regarding those functions, iii) expand language to describe Board policy on a variety of topics, iv) add language to identify general guidelines or restrictions on investments and v) add language to identify Board policy regarding the Deferred Compensation program.

5) Rulemaking

- A) Description: The proposed amendments will add to 74 Ill. Adm. 800 language regarding Board policy on interaction with the Illinois Deferred Compensation Plan.

## ILLINOIS STATE BOARD OF INVESTMENT

## JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: 40 ILCS 5/22A; 40 ILCS 5/24
- C) Scheduled meeting/hearing dates: ISBI anticipates submitting its rulemaking proposal to the Board in Winter of 2007.
- D) Date agency anticipates First Notice: ISBI's submittal of a proposal to the Board shall commence this proceeding. ISBI anticipates First Notice to occur in Winter or Spring of 2007.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Emily A. Reid  
Investment Compliance Officer
- Address: 180 N. LaSalle Street, Suite 2015  
Chicago, IL 60601
- Telephone: 312/793-5712  
Email: ereid@mail.state.il.us
- G) Related rulemakings and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to: i) update antiquated language contained in this Part, ii) list all Board functions and provide general statements of policy regarding those functions, iii) expand language to describe Board policy on a variety of topics, iv) add language to identify general guidelines or restrictions on investments and v) add language to identify Board policy regarding the Deferred Compensation program.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## REGULATORY AGENDA JANUARY 2007

- a) Part (Heading and Code Citation): General Provisions 23 Ill. Adm. Code 2700
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.
- B) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: February 2007
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:  
Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
847/948-8500
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Federal Family Education Loan Program (FFELP) 23 Ill. Adm. Code 2720
- 1) Rulemaking:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## REGULATORY AGENDA JANUARY 2007

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.
- B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: February 2007
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:  
Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
847/948-8500
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Grant Program For A Child Raised By Grandparent 23 Ill. Adm. Code 2738
- 1) Rulemaking:
- A) Description: Public Act 094-0968 created the new Grant Program For A Child Raised By Grandparent. Proposed rulemaking for this program will

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## REGULATORY AGENDA JANUARY 2007

set forth the applicant eligibility requirements, program procedures and institutional procedures.

- B) Statutory Authority: Implementing Section 65.75 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.75 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: February 2007
- E) Affect on small business, municipalities or not for profit corporations:  
None
- F) Agency Contact Person for Information:  
Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
847/948-8500
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Nurse Educator Loan Repayment Program 23 Ill. Adm. Code 2758
- 1) Rulemaking:
- A) Description: Public Act 094-1020 created the new Nurse Educator Loan Repayment Program. Proposed rulemaking for this program will set forth the applicant eligibility requirements and program procedures.
- B) Statutory Authority: Implementing Section 10 and authorized by Sections 20(f) and 10 of the Higher Education Student Assistance Act [110 ILCS 947/10 and 20(f)].



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## REGULATORY AGENDA JANUARY 2007

- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: February 2007
- E) Affect on small business, municipalities or not for profit corporations:  
None
- F) Agency Contact Person for Information:  
Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
847/948-8500
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): State Scholar Program 23 Ill. Adm. Code 2760
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.
- B) Statutory Authority: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## REGULATORY AGENDA JANUARY 2007

- D) Date agency anticipates First Notice: February 2007
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:  
Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
847/948-8500
- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Christa McAuliffe Fellowship Program 23 Ill. Adm. Code 2766
- 1) Rulemaking:
- A) Description: Statute 105 ILCS 5/30-14.8 states the General Assembly finds that the Christa McAuliffe federal fellowship is an award expressly and exclusively for the benefit of one or more elementary or secondary teachers, provides funding for a sabbatical for the recipient of the fellowship, and has no express relationship to post-secondary educational benefits under State and federal grant and loan programs administered by the Illinois Student Assistance Commission (ISAC). As a result, ISAC is repealing the administrative rules for this program.
- B) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title V, Part C, Subpart 2 of the Higher Education Act of 1965, as amended (20 U.S.C. 1107) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: February 2007

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## REGULATORY AGENDA JANUARY 2007

- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:  
Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
847/948-8500
- G) Related rulemakings and other pertinent information: None
- g) Part (Heading and Code Citation): Illinois Teachers And Child Care Providers Loan Repayment Program 23 Ill. Adm. Code 2767
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.
- B) Statutory Authority: Implementing Section 65.56 of the Higher Education Student Assistance Act [110 ILCS 947/65.56] and authorized by Sections 20(f) and 65.56 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.56].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: February 2007
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:

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ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2007

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
847/948-8500

- G) Related rulemakings and other pertinent information: None

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## JANUARY 2007 REGULATORY AGENDA

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

1) Rulemaking:

A) Description:

- Minor technical amendments to clarify existing rules regarding Comptroller Offset, debt collection, payroll deduction program and employer payments.
- Additional technical amendments to QILDRO rules.

B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].

C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Sandy Cochran  
Address: Teachers' Retirement System  
Office of the General Counsel  
P.O. Box 19253  
2815 West Washington  
Springfield, Illinois 62794-9253  
Telephone: (217) 753-0375

G) Related rulemakings and other pertinent information: none.

# ILLINOIS ADMINISTRATIVE CODE

## Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 1 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

### PROPOSED RULES

56 - 2770	.....	1
89 - 112	.....	3
77 - 840	.....	22
23 - 1	.....	74

### ADOPTED RULES

8 - 85	01/01/2007.....	82
44 - 5000	12/20/2006.....	99
56 - 2650	12/20/2006.....	105
38 - 346	12/21/2006.....	114
86 - 2000	12/20/2006.....	117
35 - 225	12/21/2006.....	129
77 - 370	12/21/2006.....	192
80 - 1540	12/21/2006.....	211

### EMERGENCY RULES

56 - 2770	01/01/2007.....	221
-----------	-----------------	-----

### PEREMPTORY RULES

80 - 310	12/20/2006.....	230
----------	-----------------	-----

### REGULATORY AGENDA

83 - 280	.....	275
38 - 370	.....	277
56 - 210	.....	304
14 - 150	.....	307
23 - 3020	.....	310
20 - 1905	.....	321
23 - 1	.....	322
74 - 800	.....	331
23 - 2700	.....	336
80 - 1650	.....	343

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