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October 26, 2018 Volume 42, Issue 43

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2018

Issue#	Rules Due Date	Date of Issue
1	December 26, 2017	January 5, 2018
2	January 2, 2018	January 12, 2018
3	January 8, 2018	January 19, 2018
4	January 16, 2018	January 26, 2018
5	January 22, 2018	February 2, 2018
6	January 29, 2018	February 9, 2018
7	February 5, 2018	February 16, 2018
8	February 13, 2018	February 23, 2018
9	February 20, 2018	March 2, 2018
10	February 26, 2018	March 9, 2018
11	March 5, 2018	March 16, 2018
12	March 12, 2018	March 23, 2018
13	March 19, 2018	March 30, 2018
14	March 26, 2018	April 6, 2018
15	April 2, 2018	April 13, 2018
16	April 9, 2018	April 20, 2018
17	April 16, 2018	April 27, 2018
18	April 23, 2018	May 4, 2018
19	April 30, 2018	May 11, 2018
20	May 7, 2018	May 18, 2018
21	May 14, 2018	May 25, 2018
22	May 21, 2018	June 1, 2018
23	May 29, 2018	June 8, 2018
24	June 4, 2018	June 15, 2018
25	June 11, 2018	June 22, 2018

26	June 18, 2018	June 29, 2018
27	June 25, 2018	July 6, 2018
28	July 2, 2018	July 13, 2018
29	July 9, 2018	July 20, 2018
30	July 16, 2018	July 27, 2018
31	July 23, 2018	August 3, 2018
32	July 30, 2018	August 10, 2018
33	August 6, 2018	August 17, 2018
34	August 13, 2018	August 24, 2018
35	August 20, 2018	August 31, 2018
36	August 27, 2018	September 7, 2018
37	September 4, 2018	September 14, 2018
38	September 10, 2018	September 21, 2018
39	September 17, 2018	September 28, 2018
40	September 24, 2018	October 5, 2018
41	October 1, 2018	October 12, 2018
42	October 9, 2018	October 19, 2018
43	October 15, 2018	October 26, 2018
44	October 22, 2018	November 2, 2018
45	October 29, 2018	November 9, 2018
46	November 5, 2018	November 16, 2018
47	November 13, 2018	November 26, 2018
48	November 19, 2018	November 30, 2018
49	November 26, 2018	December 7, 2018
50	December 3, 2018	December 14, 2018
51	December 10, 2018	December 21, 2018
52	December 17, 2018	December 28, 2018

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Animal Welfare Act
- 2) Code Citation: 8 Ill. Adm. Code 25
- 3) Section Number: 25.120 Proposed Action:
Amendment
- 4) Statutory Authority: Sections 10, 20, and 20.5 of the Animal Welfare Act [225 ILCS 605/20]
- 5) A Complete Description of the Subjects and Issues Involved: The Animal Welfare Act and Regulations lay out the responsibilities and actions of animal welfare licensees. It provides specific requirements based on the classification of license, such as kennel operator, animal shelter, or other. In the past, a facility licensed as a kennel operator was not allowed to group house animals. However, it has become apparent that facilities are wanting to transition to a "cage free" type experience, as that is what consumers are desiring.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in section 3(b) of the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Pamela Harmon
Illinois Department of Agriculture

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

State Fairgrounds
P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Pet boarding facilities
 - B) Reporting, bookkeeping or other procedures required for compliance: Record of owner's consent to group housing shall be maintained for 12 months.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The Agency did not anticipate the need for this rulemaking.

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

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

PART 25
ANIMAL WELFARE ACT

Section

25.10	Definitions
25.15	Incorporations By Reference
25.20	Buildings and Premises
25.30	General Care of Animals
25.40	Dogs and Other Companion Animals Brought into Illinois (Repealed)
25.45	Importation of Exotic or Non-Domestic Animals; Permit (Repealed)
25.47	Animals Imported Into Illinois
25.50	Shipment of Mammals and Birds
25.60	Health of Animals at Time of Release
25.70	Department May Restrict The Sale of Animals
25.80	Quarantine
25.90	Records
25.100	Consent Statement and Inspection
25.110	Animals Prohibited from Sale
25.115	Guard and Sentry Dogs
25.120	Boarding and Training
25.130	Animal Control Facilities and Animal Shelters
25.140	Foster Homes
25.150	Illinois Diseased Animals Act

AUTHORITY: Implementing and authorized by the Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50].

SOURCE: Regulations Relating to the Animal Welfare Act, filed May 17, 1974, effective May 27, 1974; amended October 6, 1976, effective October 16, 1976; codified at 5 Ill. Reg. 10438; amended at 7 Ill. Reg. 1724, effective January 28, 1983; amended at 12 Ill. Reg. 8265, effective May 2, 1988; amended at 13 Ill. Reg. 3628, effective March 13, 1989; amended at 18 Ill. Reg. 14898, effective September 26, 1994; amended at 20 Ill. Reg. 265, effective January 1, 1996; amended at 23 Ill. Reg. 9758, effective August 9, 1999; amended at 28 Ill. Reg. 13376, effective

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

October 1, 2004; amended at 30 Ill. Reg. 13124, effective July 24, 2006; amended at 31 Ill. Reg. 6904, effective May 1, 2007; amended at 43 Ill. Reg. _____, effective _____.

Section 25.120 Boarding and Training

Persons licensed as kennel operators shall comply with the following rules, in addition to 8 Ill. Adm. Code 25.10 through 25.110:

- a) Records shall be maintained for a period of 12 months after the boarding or training is completed. The record shall state the owner's name, address, and telephone number; expected duration of the stay; service to be provided; and owner's agent for emergency contacts.
- b) No dog or cat shall be accepted for boarding or training unless it has been vaccinated for distemper and proof of such vaccination has been furnished to the kennel operator. (Exemption to distemper vaccination requirement is available upon written recommendation from owner's veterinarian.) Any dog accepted must be in compliance with the rabies vaccination requirements of the Illinois Animal Control Act [510 ILCS 5].
- c) Any animal that appears to be ill shall be promptly examined by a veterinarian of the owner's choice, if known, or by the veterinarian employed by the licensee, and a record kept of the examination and treatment.
- d) In the event an animal dies while being boarded or while in training, the body shall be handled in one of the following ways:
 - 1) The body preserved by refrigeration or freezing until examined or returned to the owner. The body is to be held for at least one week after the time the owners are scheduled to return, after which time the body may be disposed of in compliance with the Illinois Dead Animal Disposal Act [225 ILCS 610] or the Companion Animal Cremation Act [815 ILCS 318]; or
 - 2) Bodies are to be submitted to a licensed veterinarian and a necropsy performed at the kennel operator's expense, unless prior agreement for payment of such services by the owner is made. A copy of the necropsy report is to be given to the owner.

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- e) Animals shall not be group-housed unless the owners of the animals provide prior consent and a record of that consent is maintained by the licensee for 12 months at any time, unless they are owned by the same person and are compatible.
- f) If the owners of animals do not appear or contact the kennel operator within 30 days ~~after~~ their stated return time, the kennel operator has the right to dispose of the animal.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hatcheries, Poultry Flocks, and Produce Thereof
- 2) Code Citation: 8 Ill. Adm. Code 55
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
55.10	Amendment
55.40	Amendment
55.45	Amendment
55.50	Amendment
55.90	Amendment
- 4) Statutory Authority: Section 2.3 of the Poultry Inspection Act [510 ILCS 85/ 2.3]
- 5) A Complete Description of the Subjects and Issues Involved: The Poultry Inspection Act [510 ILCS 85] authorizes the Department to regulate the movement and testing of poultry into and within the State. These amendments update references to the Code of Federal Regulations and Program Standards for the National Poultry Improvement Plan. There are no substantive changes to the Sections listed.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Pamela Harmon

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Agriculture
State Fairgrounds
P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Illinois poultry producers
 - 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: The Agency did not anticipate the need for this rulemaking.

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED 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 55
HATCHERIES, POULTRY FLOCKS, AND PRODUCE THEREOF

Section

55.5	Definitions
55.10	Shipments of Poultry or Hatching Eggs
55.20	Infected Flock
55.30	Classification of Flock
55.40	Breeding Poultry
55.45	Turkeys
55.50	Persons Who May Perform the Test
55.60	Inspection
55.70	Show and Exhibition Birds
55.80	Banding
55.90	Sanitation
55.100	Administrative Hearing

AUTHORITY: Implementing and authorized by the Poultry Inspection Act [510 ILCS 85].

SOURCE: Regulations Relating to Hatcheries, Poultry Flocks, and the Produce Thereof, filed January 17, 1972, effective January 27, 1972; amended at 3 Ill. Reg. 33, p. 343, effective August 17, 1979; codified at 5 Ill. Reg. 10446; amended at 8 Ill. Reg. 5929, effective April 23, 1984; amended at 9 Ill. Reg. 18423, effective November 19, 1985; amended at 16 Ill. Reg. 11766, effective July 8, 1992; amended at 20 Ill. Reg. 1537, effective January 12, 1996; amended at 23 Ill. Reg. 423, effective January 1, 1999; amended at 30 Ill. Reg. 10062, effective May 22, 2006; amended at 43 Ill. Reg. _____, effective _____.

Section 55.10 Shipments of Poultry or Hatching Eggs

- a) All shipments of poultry or hatching eggs entering or moving within Illinois shall:
 - 1) be accompanied by a "Report of Sales of Hatching Eggs, Chicks and Poults" (VS Form 9-3); or

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 2) be accompanied by a Certificate of Veterinary Inspection approved by the chief livestock official of the state of origin which states that the poultry originated from a flock that has been tested for pullorum and typhoid diseases within one year and was free of reactors to these diseases.
- b) In addition to the above requirements, all poultry or hatching eggs entering or moving within Illinois for table egg production shall originate from a flock that meets the U.S. S. Enteritidis requirements under the National Poultry Improvement Plan [for Breeding Poultry](#) (9 CFR 145, [20182005](#)) and Auxiliary Provisions on National Poultry Improvement Plan (9 CFR 147, [20182005](#)). Incorporation of federal rules does not include later amendments or editions.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 55.40 Breeding Poultry

- a) All breeding poultry (20 weeks of age or older) must be tested and comply with the National Poultry Improvement Plan [for Breeding Poultry](#) (9 CFR 145 ([20182005](#))) and Auxiliary Provisions on National Poultry Improvement Plan (9 CFR 147 ([20182005](#))) for pullorum-typhoid. The Department participates in the National Poultry Improvement Plan as an Official State Agency cooperating through a Memorandum of Understanding. Incorporation of federal rules does not include later amendments or editions.
- b) The Department only requires compliance with the expressed requirements of the National Poultry Improvement Plan in order for a participant to be in compliance with the Plan, except as provided for in this Part.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 55.45 Turkeys

- a) All turkeys entering Illinois and not consigned to slaughter must originate from flocks or hatcheries that are officially classified as U.S. Mycoplasma Gallisepticum Clean in accordance with the provisions of the National Poultry Improvement Plan (9 CFR 145.43(c) ([20182005](#))) or be negative to a test for Mycoplasma gallisepticum within 30 days prior to entry. Incorporation by reference shall not include later amendments or editions beyond the date specified.

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- b) Hatching eggs entering Illinois shall originate from hatcheries or flocks that are officially classified as U.S. Mycoplasma Gallisepticum Clean.
- c) Turkeys and hatching eggs entering Illinois shall be accompanied by a health certificate ~~that~~which shall indicate either that the turkeys are negative to a test for Mycoplasma gallisepticum or that they originated from U.S. Mycoplasma Gallisepticum Clean flocks or hatcheries.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 55.50 Persons Who May Perform the Test

Persons officially approved by the Department may perform the stained-antigen, rapid, whole-blood test for pullorum-typhoid. Approval shall be given by the Department after the applicant has orally described and physically demonstrated proper testing procedures (found in USDA's National Poultry Improvement Plan Program Standards (January 2017)~~at 9 CFR 147.3 (2005)~~) to Department inspectors, veterinarians or laboratory personnel and has correctly interpreted test results. Each individual authorized to perform the test in the State will be sent a card showing his or her~~their~~ authorization to perform the test.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 55.90 Sanitation

Participants in the National Poultry Improvement Plan shall comply with the sanitation requirements prescribed in subpart~~Subpart~~ C of 9 CFR 147 (~~2018~~2005), except that the Department accepts any fumigant that is registered by the U.S. United States Environmental Protection Agency and for which the manufacturer's label specifies the product is for egg sanitation or cleaning of poultry equipment.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Section Number: 85.12 Proposed Action:
Amendment
- 4) Statutory Authority: Sections 1, 9, and 10 of the Illinois Diseased Animals Act [510 ILCS 50/1, 9, and 10]
- 5) A Complete Description of the Subjects and Issues Involved: The Diseased Animals Act and regulations provide authority to the Department to issue quarantines in cases of listed contagious or infectious disease. This amendment expands that list to include emerging diseases that are a threat to an animal population.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45 day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments to:

Pamela Harmon
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield IL 62794-9281

217/524-6905

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

fax: 217/785-4505

- 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: Current procedure for disease reporting will not change.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The Agency did not anticipate the need for this rulemaking.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 85.130 Vesicular Stomatitis
- 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
- 85.155 Release from Quarantine

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

DEPARTMENT OF AGRICULTURE

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31 Ill. Reg. 82, effective January 1, 2007; amended at 34 Ill. Reg. 19399, effective January 1, 2011; amended at 38 Ill. Reg. 20655, effective October 16, 2014; amended at 40 Ill. Reg. 2682, effective January 22, 2016; amended at 43 Ill. Reg. _____, effective _____.

Section 85.12 Contagious or Infectious Diseases

- a) The Department will designate a disease as contagious or infectious when it is determined that the disease is a threat to the animal industry. A disease will be considered a threat to the animal industry for any of the following reasons:
- 1) is of unknown cause or previously not a recognized disease;
 - 2) can cause interstate or international trade restrictions;
 - 3) is highly communicable to other animals or species;
 - 4) has the potential to produce uncontrollable death loss; or
 - 5) is not endemic in the animal industry.
- b) The following diseases are considered to be contagious or infectious:
- African horse sickness
 - African swine fever
 - akabane
 - anthrax
 - avian influenza
 - bluetongue
 - Borna disease
 - bovine petechial fever
 - brucellosis
 - chronic wasting disease (CWD) – cervids
 - contagious bovine pleuropneumonia
 - contagious equine metritis (CEM)
 - dourine
 - ephemeral fever
 - equine herpes virus (neurologic form)
 - equine infectious anemia (EIA)
 - equine viral arteritis (EVA)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

equine viral encephalitides
epizootic lymphangitis
foot and mouth disease
fowl typhoid
glanders
heartwater
hemorrhagic septicemia
hog cholera
horse pox
infectious encephalomyelitis – avian
infectious laryngotracheitis
Japanese B encephalitis
Jembrana disease
louping-ill
lumpy skin disease
monkeypox
Mycoplasma gallisepticum – turkeys
Mycoplasma synoviae – turkeys
Nairobi sheep disease
Newcastle disease
peste des petits – ruminants
paramyxovirus infection – avian
paratuberculosis (Johne's disease)
piroplasmosis
plague
pseudorabies (Aujeszky's disease)
psittacosis (ornithosis)
pullorum disease
Q fever
rabies
Rift Valley fever
rinderpest
salmonella enteritidis – poultry
salmonella typhimurium – poultry
scabies – cattle and sheep
scrapie
sheep and goat pox
swine vesicular disease
transmissible spongiform encephalopathy (TSE)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

trichinellosis

tuberculosis

tularemia

vesicular conditions of any type

vesicular exanthema of swine

Wesselsbron disease

West Nile Virus

any contagious or infectious disease presently considered as "exotic", i.e., not known to exist in the United States or emerging and considered by the Department to be a significant threat to one or more animal population

(Source: Amended at 43 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Equine Infectious Anemia Control
- 2) Code Citation: 8 Ill. Adm. Code 116
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
116.10	Amendment
116.30	Amendment
- 4) Statutory Authority: Section 7 of the Illinois Equine Anemia Control Act [510 ILCS 65/7]
- 5) A Complete Description of the Subjects and Issues Involved: The Equine Infectious Anemia (EIA) Control Act and regulations provide requirements for testing of eligible equine, importation of test eligible equine, quarantine of test positive equine, and area testing of potentially exposed equine. The increased suspicion that the disease spread is more common through iatrogenic means as well as becoming more consistent with the USDA Vet Services Uniform Methods and Rules for EIA are the basis for these proposed changes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: USDA VS Uniform Methods for EIA
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45 day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments to:

Pamela Harmon
Illinois Department of Agriculture

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

State Fairgrounds, P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax 217/785-4505

- 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: Reduced
 - C) Types of professional skills necessary for compliance: Licensed veterinarians
- 14) Regulatory Agenda on which this rulemaking was summarized: The Agency did not anticipate the need for this rulemaking.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED 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 116
 EQUINE INFECTIOUS ANEMIA CONTROL

Section

116.10	Testing of Illinois Equidae
116.20	Retesting of Reactors
116.30	Quarantining of Reactors
116.40	Movement of Equidae Through Livestock Sales and Livestock Auction Markets (Repealed)
116.50	Falsification of Records

AUTHORITY: Implementing and authorized by the Illinois Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Adopted at 18 Ill. Reg. 1861, effective January 24, 1994; amended at 20 Ill. Reg. 290, effective January 1, 1996; amended at 20 Ill. Reg. 16188, effective January 1, 1997; amended at 43 Ill. Reg. _____, effective _____.

Section 116.10 Testing of Illinois Equidae

When a ~~single~~ reactor is disclosed on an official test within Illinois, the reactor and all other equidae found by the Department to be exposed shall be quarantined and owners are required to submit all exposed equidae ~~within a one and one half mile radius of the reactor~~ for an equine infectious anemia (EIA) test within three months. An animal in the family equidae has been exposed to EIA when the animal has been directly or indirectly associated with equines having tested positive on approved diagnostic tests. ~~In the case of multiple reactors, all equidae within a three mile radius of the reactors shall be tested for EIA within three months.~~ Veterinarians employed by the Department or USDA will ~~conduct~~ the testing at no cost to the owner. If the owner wishes to have his or her private veterinarian conduct the test, all costs associated with the testing are the responsibility of the owner. ~~the State will not pay the private veterinarian to do the testing but will waive the laboratory fee if the sample is submitted to a Department operated laboratory.~~ A retest of any remaining equidae on the premises where a reactor was disclosed and either removed under authority of the Department ~~shipped to slaughter~~ or euthanized shall be conducted by the Department or USDA not less than 60 days ~~six months~~ nor more than six

DEPARTMENT OF AGRICULTURE

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~~months~~~~one year~~ after the reactor has left the premises. Negative retest results on the exposed equidae shall be reason for release from quarantine.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 116.30 Quarantining of Reactors

If the owner of a known reactor does not wish to have the reactor euthanized or removed under the authority of the Department~~shipped to slaughter~~, the animal must be quarantined for life. The reactor must be kept at all times in an insect proof stall and cannot be removed from this enclosure, except to be euthanized ~~or shipped to slaughter~~. All quarantine facilities must be in place within 15 days after the confirmatory test and be approved by the Department and will be inspected on a regular basis to make sure that the reactor is maintained under quarantine. If the reactor is euthanized or removed under the authority of the Department~~shipped~~, it must be done within 10 days after the confirmatory test, ~~and reactors shipped to slaughter cannot be diverted en route.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: 125.400 Proposed Action:
Amendment
- 4) Statutory Authority: Section 16 of the Meat and Poultry Inspection Act [225 ILCS 650/16]
- 5) A Complete Description of the Subjects and Issues Involved: The Food Safety and Inspection Service (FSIS) is amending the definition and standard of identity for the "roaster" or "roasting chicken" poultry class to better reflect the characteristics of "roaster" chickens in the market today. "Roasters" or "roasting chickens" are described in terms of the age and ready-to-cook (RTC) carcass weight of the bird. Genetic changes and management techniques have continued to reduce the grow-out period and increased the RTC weight for this poultry class. Therefore, FSIS is amending the "roaster" definition to remove the 8-week minimum age criterion and increase the RTC carcass weight from 5 pounds to 5.5 pounds. FSIS is taking this action in response to a petition submitted by the National Chicken Council.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

Pamela Harmon
Illinois Department of Agriculture
State Fairgrounds
P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensed meat and poultry inspected establishments may be affected. This final rule will not result in additional costs to the industry because FSIS allows chickens younger than 8 weeks with the physical attributes of "roasters" to be labeled as "roasters".
 - 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: The Agency did not anticipate the need for this rulemaking.

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section

125.10 Definitions

125.20 Incorporation by Reference of Federal Rules

125.30 Application for License; Approval

125.40 Official Number

125.50 Inspections; Suspension or Revocation of License

125.60 Administrative Hearings; Appeals (Repealed)

125.70 Assignment and Authority of Program Employees

125.80 Schedule of Operations; Overtime

125.90 Official Marks of Inspection, Devices and Certificates

125.100 Records and Reports

125.110 Exemptions

125.120 Disposal of Dead Animals and Poultry

125.130 Reportable Animal and Poultry Diseases

125.140 Detention; Seizure; Condemnation

125.141 Sanitation Standard Operating Procedures (SOP's)

125.142 Hazard Analysis and Critical Control Point (HACCP) Systems

125.143 Imported Products

125.144 Preparation and Processing Operations

125.145 Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products

125.146 Consumer Protection Standards: Raw Products

125.147 Rules of Practice

125.148 Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights

125.149 Label Approval

SUBPART B: MEAT INSPECTION

Section

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation (Repealed)
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; preemptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; preemptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; preemptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; preemptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; preemptory amendment at 31 Ill. Reg. 16763, effective December 10, 2007; preemptory amendment at 32 Ill. Reg. 590, effective January 1, 2008; preemptory amendment at 32 Ill. Reg. 17831, effective October 30, 2008; preemptory amendment at 33 Ill. Reg. 1230, effective January 5, 2009; preemptory amendment at 33 Ill. Reg. 6338, effective April 17, 2009; preemptory amendment at 33 Ill. Reg. 12040, effective August 5, 2009; preemptory amendment at 35 Ill. Reg. 571, effective December 22, 2010; preemptory amendment at 35 Ill. Reg. 1802, effective January 14, 2011; preemptory amendment at 35 Ill. Reg. 19553, effective January 1, 2012; preemptory amendment at 36 Ill. Reg. 9264, effective June 6, 2012; amended at 36 Ill. Reg. 14664, effective October 1, 2012; preemptory amendment at 36 Ill. Reg. 17930, effective December 21, 2012; preemptory amendment at 37 Ill. Reg. 875, effective January 28, 2013; preemptory amendment at 37 Ill. Reg. 6870, effective May 6, 2013; preemptory amendment at 38 Ill. Reg. 4176, effective February 1, 2014; preemptory amendment at 38 Ill. Reg. 20825, effective October 20, 2014; preemptory amendment at 39 Ill. Reg. 502, effective December 22, 2014; amended at 40 Ill. Reg. 2739, effective January 22, 2016; amended at 40 Ill. Reg. 8696, effective June 17, 2016;

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

peremptory amendment at 40 Ill. Reg. 13486, effective September 16, 2016; amended at 43 Ill. Reg. _____, effective _____.

SUBPART C: POULTRY INSPECTION

Section 125.400 Definitions and Standards of Identity or Composition

- a) The Department incorporates by reference 9 CFR 381: Subpart P ([81 FR 21706, effective January 1, 2018](#)~~2008; 76 FR 68058, effective January 1, 2014~~).
- b) Cooling of poultry shall be in accordance with the provisions set forth in Section 125.330.
- c) Definitions and standards of identity or composition for poultry products shall be as set forth in this Section and in Section 13(d) of the Act.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Section Number: 1220.255 Proposed Action:
New Section
- 4) Statutory Authority: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules set forth the dental education course requirements for public health dental hygienists and include identifying the number of hours required for each dental education course. The Illinois Dental Practice Act [225 ILCS 25], in part, defines a Public health dental hygienist as a hygienist who holds a valid license to practice in the State, has 2 years of full-time clinical experience or an equivalent of 4,000 hours of clinical experience and has completed at least 42 clock hours of additional structured courses in dental education approved by rule by the Department in advanced areas specific to public health dentistry. The Act authorizes a Public health dental hygienist to work independently in a public health setting pursuant to a written supervision agreement with a licensed dentist as defined by rule by the Department. The agreement must be with a dentist working in or contracted with a local or State government agency or institution or who is providing services as part of a certified school-based program or school-based oral health program.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

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

Interested persons may submit written comments to:

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Those providing dental services, pursuant to the licensure provisions of this Part may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Dental skills are necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1220
ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section

1220.10	Definitions
1220.100	Application for Licensure
1220.110	Application for Examination (Repealed)
1220.120	Dental Examinations
1220.130	System of Retaking the Clinical Sections of the Examination (Repealed)
1220.140	Minimum Standards for an Approved Program in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST

Section

1220.200	Application for Licensure
1220.210	Application for Examination (Repealed)
1220.220	Dental Hygiene Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination (Repealed)
1220.240	Prescribed Duties for Dental Hygienists
1220.245	Prescribed Duties of Dental Assistants
1220.250	Approved Programs of Dental Hygiene
1220.255	Public Health Dental Hygienists
1220.260	Restoration
1220.270	Renewal

SUBPART C: DENTAL SPECIALIST

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Section

1220.310	Applications
1220.320	Examination (Repealed)
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates (Repealed)
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

SUBPART D: GENERAL

Section

1220.380	Definitions
1220.400	Reportable Diseases and Conditions
1220.403	Dentists Administering Flu Vaccines
1220.405	Reporting of Adverse Occurrences
1220.406	Impaired Dentist and Dental Hygienist Program of Care, Counseling or Treatment
1220.407	Death or Incapacitation of Dentist
1220.410	Endorsement
1220.415	Fees
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section

1220.500	Definitions
1220.505	Minimal Sedation in the Dental Office Setting
1220.510	Moderate Sedation (Conscious Sedation) in the Dental Office Setting
1220.520	Deep Sedation and General Anesthesia in the Dental Office Setting
1220.525	Renewal
1220.530	Anesthesia Review Panel
1220.540	Approved Programs in Anesthesiology (Repealed)
1220.550	Reporting of Adverse Occurrences (Repealed)
1220.560	Restoration of Permits

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1220.APPENDIX A Pre-clinical Restorative Dentistry Sub-section (Repealed)
- 1220.APPENDIX B Dental Assistant Permitted Procedures (Repealed)
- 1220.APPENDIX C Dental Hygienist Permitted Procedures (Repealed)
- 1220.APPENDIX D Characteristics of Levels of Anesthesia

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 2332, effective January 8, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10574, effective June 1, 1998; amended at 22 Ill. Reg. 14880, effective July 29, 1998; amended at 23 Ill. Reg. 7294, effective June 10, 1999; amended at 24 Ill. Reg. 13992, effective August 31, 2000; amended at 25 Ill. Reg. 10901, effective August 13, 2001; amended at 26 Ill. Reg. 18286, effective December 13, 2002; amended at 30 Ill. Reg. 8574, effective April 20, 2006; emergency amendment at 30 Ill. Reg. 12999, effective July 18, 2006, for a maximum of 150 days; emergency expired December 14, 2006; amended at 30 Ill. Reg. 19656, effective December 18, 2006; amended at 34 Ill. Reg. 7205, effective May 5, 2010; amended at 38 Ill. Reg. 15907, effective July 25, 2014; amended at 40 Ill. Reg. 12553, effective September 2, 2016; amended at 43 Ill. Reg. _____, effective _____.

SUBPART B: DENTAL HYGIENIST

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Section 1220.255 Public Health Dental Hygienists

- a) A public health dental hygienist must complete 42 clock hours of additional structured courses in advanced dental health education in the following subject areas:
- 1) Courses in the following topic areas must be completed as specified; 29 hours must include:
- A) Emergency Procedures for Medically Compromised Patients (5 hours, including a minimum of 3 hours of clinical instruction);
 - B) Geriatric Dentistry (5 hours, including a minimum of 3 hours of clinical instruction);
 - C) Pediatric Dentistry (5 hours, including a minimum of 3 hours of clinical instruction);
 - D) Pharmacology (5 hours, including a minimum of 3 hours of didactic instruction);
 - E) Pathology (5 hours, including a minimum of 3 hours of didactic instruction);
 - F) Medical Recordkeeping Procedures (4 hours, including a minimum of 2 hours of didactic instruction); and
- 2) Courses in the following topic areas may be taken as didactic instruction or online instruction; 13 hours must include:
- A) Special Needs Patients;
 - B) Teledentistry;
 - C) Nutrition;
 - D) Communication Techniques with Low Oral Health Literacy Patients;

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NOTICE OF PROPOSED AMENDMENT

- E) Cultural Competency;
 - F) Professional Ethics.
- b) All advanced dental health education courses completed must be provided by:
- 1) An educational institution accredited by the Commission on Dental Accreditation, such as a dental school or dental hygiene or dental assistant program; or
 - 2) A statewide dental association or dental hygiene association, approved by the Department to provide continuing education, that has developed and conducted training programs for expanded functions for dental assistants or hygienists.
- c) After successful completion of the required dental courses, a public health dental hygienist may enter into a written supervision agreement with a licensed dentist to work in an approved facility or program pursuant to the Dental Practice Act [225 ILCS 25].
- d) Upon request by the Department, documentation of the advanced dental health education courses must be provided to verify compliance.
- e) Upon request by the Department, the written supervision agreement must be provided.

(Source: Added at 43 Ill. Reg. _____, effective _____)

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Claim Eligible to be Offset
- 2) Code Citation: 74 Ill. Adm. Code 285
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
285.1101	Amendment
285.1104	Amendment
285.1105	Amendment
- 4) Statutory Authority: Implementing Section 10.05 of the State Comptroller Act [15 ILCS 405/10.05], Sections 5 and 10(i-1) of the State Collections Act [30 ILCS 210/5 and 10(i-1)], and Section 15-139.5, 15-155, and 15-155.1 of the Illinois Pension Code [40 ILCS 15/15-139.5, 15-155, and 15-155.1]. Authorized by Section 21 of the State Comptroller Act [5 ILCS 405/21].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends existing rules to implements PA 100-624, 100-763, and 100-988 relating to the State offset system and debt collection. The rulemaking amends existing rules to recognize use of the offset system by State agencies seeking to collect funds owed by other State agencies, when such collection is specifically authorized by statute. The amendments also provide for notice and waiver of the 60-day protest period by a person subject to offset. The amendments remove an outdated reference to the Garnishment Trust Fund.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

OFFICE OF THE COMPTROLLER

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Whitney Rosen
General Counsel
Office of the Comptroller
325 W. Adams
Springfield IL 62704

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Whitney.Rosen@illinoiscomptroller.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) This rule was not included on either of the 2 most recent agendas because: The Illinois Office of the Comptroller did not anticipate the filing of this rulemaking at the time for submittal of a regulatory agenda. Accordingly, the Illinois Office of the Comptroller did not summarize the rulemaking in a regulatory agenda.

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

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLERPART 285
CLAIM ELIGIBLE TO BE OFFSET

Section	
285.1100	Foreword
285.1101	Definitions
285.1102	Request for Processing a Claim Under Section 10.05 of the Act
285.1103	Warrants Subject to Deduction
285.1104	Processing a Claim Under Section 10.05
285.1105	Wage Deductions
285.1106	Ascertaining the Amount Due and Payable to the State
285.1107	Notification of the Comptroller's Exercise of Section 10.05
285.1108	Record Retention
285.1109	Accounting for Recovery
285.1110	Transition Period

AUTHORITY: Implementing Section 10.05 of the State Comptroller Act [15 ILCS 405], Sections 5 and 10(i-1) of the Illinois State Collection Act [30 ILCS 210], and Sections 15-139.5, 15-155 and 15-155.1 of the Illinois Pension Code [40 ILCS 5]. Authorized by Section 21 of the State Comptroller Act [15 ILCS 405].

SOURCE: Adopted at 5 Ill. Reg. 423, effective December 30, 1980; codified at 5 Ill. Reg. 10598; amended at 8 Ill. Reg. 2451, effective February 9, 1984; amended at 10 Ill. Reg. 10538, effective June 3, 1986; amended at 11 Ill. Reg. 11996, effective July 7, 1987; amended at 11 Ill. Reg. 18630, effective October 29, 1987; amended at 15 Ill. Reg. 5070, effective March 21, 1991; amended at 19 Ill. Reg. 227, effective December 30, 1994; emergency amendment at 24 Ill. Reg. 17371, effective November 1, 2000, for a maximum of 150 days; emergency expired March 30, 2001; amended at 37 Ill. Reg. 15376, effective September 9, 2013; amended at 43 Ill. Reg. _____, effective _____.

Section 285.1101 Definitions

As used in this Part unless the context indicates otherwise, the following terms shall have the meanings specified:

"Account or claim eligible to be offset" means an amount owed to the State or to

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any of its agencies or instrumentalities or other amount authorized by statute to be collected through offset that represents:

an outstanding liability of a person to a fund in the State Treasury or other fund held by the State Treasurer;

an outstanding liability of a person to a fund not held by the State Treasurer, when that amount exceeds \$10;

past due child support owed by a person as a result of support action being taken by the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code [305 ILCS 5/~~Art. X~~], whether or not that support is owed to the State;

delinquent or defaulted amounts due and owing from a borrower, whether or not due and owing to the State, on any loan guaranteed by the Illinois State Scholarship Commission under the Higher Education Student Assistance Act [110 ILCS 947] or on any "eligible loan" as that term is defined under the Education Loan Purchase Program Law [110 ILCS 947/125 to 170];~~or~~

any amounts recoverable under Section 120 of the Higher Education Student Assistance Act [110 ILCS 947/~~120~~], whether or not any amounts so recoverable are due and owing to the State, in a civil action from a person who received a scholarship, grant, monetary award or guaranteed loan; or

any amount specifically authorized by statute to be collected by the Comptroller.

"Act" means the "State Comptroller Act" [15 ILCS 405].

"Comptroller" means the Comptroller of the State of Illinois or any employee of the Office of the Comptroller authorized by the Comptroller to perform the functions and duties required by the Act or this Part.

"Disposable earnings" means that part of the earnings of an individual remaining after deduction of any amounts required by law to be withheld.

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"Net amount of the warrant" means the amount of money a State agency has authorized the Comptroller to order the payment of, remaining after all involuntary and voluntary deductions are made and deferred compensation is deducted.

"Offset" means a contrary claim or demand by which a given person's claim to a warrant of the State Comptroller may be lessened or cancelled.

"Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, unit of local government or any other organization.

"Person subject to the offset" means the payee of any warrant from which the Comptroller has offset an account or claim eligible to be offset.

"Received a voucher" means that point in time when the Comptroller has physically received the voucher in-house and has date-stamped the voucher.

"Section 10.05 of the Act" means Section 10.05 of the State Comptroller Act [15 ILCS 405/~~10.05~~].

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 285.1104 Processing a Claim Under Section 10.05

The following provisions shall govern the processing of a claim under Section 10.05 of the Act:

- a) Before making an offset, the Comptroller shall review the information provided by the State agency notifying the Comptroller of a claim and shall ascertain from that information the amount due and payable.
- b) The Comptroller shall charge the State agency that submits a voucher against which an offset claim is applied for the full amount of the voucher submitted. The Comptroller shall draw a warrant on the treasury or on other funds held by the State Treasurer in the amount of the claim eligible to be offset and deposit that warrant into the State Offset Claims Fund. The State Offset Claims Fund shall be a trust fund established and administered by the Comptroller for the deposit of monies deducted from a person's warrant pursuant to an offset and the subsequent payment of monies back to either the State agency requesting the offset or the

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original payee. If, after 60 days have elapsed from the date the Comptroller gives notice of the offset as prescribed in Section 285.1106(a), no protest is made by the person subject to the offset, or upon notification to the Comptroller by the person subject to the offset that the person is waiving the 60 day protest period, the Comptroller shall issue a warrant on the State Offset Claims Fund for the amount of that deposit to the agency entitled to the offset. If a protest conforming to the requirements of Section 285.1106(b) is made, the Comptroller shall not issue the warrant to the State agency until the Comptroller ascertains the amount due and payable as provided in Section 285.1106(c).

- c) If the Comptroller receives a proper request for a claim after he or she has drawn a warrant or warrants, the Comptroller shall, when feasible, reprocess the warrant in order that the offset may be taken, as provided for in this Section.
- d) If the amount of the claim eligible to be offset is less than the amount to which the person is entitled, the Comptroller shall draw a warrant for the balance of the amount of the voucher against which the Comptroller has made the offset and shall issue that warrant to the person subject to the offset.
- e) In cases in which offsets are to be made against an employee's wages or from pension annuity payments made under the Illinois Pension Code, no more than 25% of the employee's disposable earnings or annuity payments may be subject to offset. Final compensation payments paid to a person, when the person leaves the employ of a State agency, for accrued vacation or sick leave or overtime are exempt from the 25% limitation. State agencies may submit claims for offset for the entire amount owed to the State agency and the Comptroller's Offset System will compute the required 25% available for offset. In the event that the calculation of 25% of the employee's disposable earnings exceeds the net amount of the warrant (i.e., the employee's take-home pay), that employee's payroll voucher will be returned to the submitting State agency. A payroll reversal will be processed and the employee's voluntary deductions must be cancelled or reduced so that the employee's take-home pay will be sufficient to satisfy the amount calculated as available for offset. State agencies should contact their employees to determine which of the voluntary deductions are to be cancelled or reduced.
- f) The limitations set forth in subsection (e) apply to:
 - 1) wage or salary payments; ~~and~~

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- 2) regular and continuing contractual payments made to an individual for personal services paid on a contractual payroll; and
- 3) pension annuity payments made under the Illinois Pension Code.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 285.1105 Wage Deductions

Section 10.05 claims arising under this Part have priority over all wage deduction summonses. If the amount of money represented by the voucher against which the Comptroller is making an offset is subject to a wage deduction and is insufficient to satisfy the amount required to be offset, the Comptroller shall make an offset against any amounts that were deducted from that warrant ~~and placed in the Garnishment Trust Fund.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Control of Emissions from Large Combustion Sources
- 2) Code Citation: 35 Ill. Adm. Code 225
- 3) Section Number: 225.233 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: The proposal would provide certain coal-fired electric generating units owned by Vistra in central and southern Illinois additional flexibility in complying with the Multi-Pollutant Standard (MPS) under Part 225, the Illinois mercury rule. The MPS establishes control requirements and emission standards for nitrogen oxides, sulfur dioxide, and mercury. The proposed amendments relate only to the MPS's annual and seasonal emission standards for NOx and annual standard for SO2 and would offer operational flexibility in complying with those standards while protecting air quality.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None cited by IEPA
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R18-20 and be addressed to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Clerk's Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Interested persons may request copies of the Board's opinion and order in R18-20 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

- 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: July 2017

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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
- 225.150 Commence Commercial Operation

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 ~~Standards~~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
- 225.239 Periodic Emissions Testing Alternative Requirements
- 225.240 General Monitoring and Reporting Requirements
- 225.250 Initial Certification and Recertification Procedures for Emissions Monitoring
- 225.260 Out of Control Periods and Data Availability for Emission Monitors
- 225.261 Additional Requirements to Provide Heat Input Data

POLLUTION CONTROL BOARD

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225.263	Monitoring of Gross Electrical Output
225.265	Coal Analysis for Input Mercury Levels
225.270	Notifications
225.290	Recordkeeping and Reporting
225.291	Combined Pollutant Standard: Purpose
225.292	Applicability of the Combined Pollutant Standard
225.293	Combined Pollutant Standard: Notice of Intent
225.294	Combined Pollutant Standard: Control Technology Requirements and Emissions Standards for Mercury
225.295	Combined Pollutant Standard: Emissions Standards for NO _x and SO ₂
225.296	Combined Pollutant Standard: Control Technology Requirements for NO _x , SO ₂ , and PM Emissions
225.297	Combined Pollutant Standard: Permanent Shut-Downs
225.298	Combined Pollutant Standard: Requirements for NO _x and SO ₂ Allowances
225.299	Combined Pollutant Standard: Clean Air Act Requirements

SUBPART C: CLEAN AIR ACT INTERSTATE
RULE (CAIR) SO₂ TRADING PROGRAM

Section	
225.300	Purpose
225.305	Applicability
225.310	Compliance Requirements
225.315	Appeal Procedures
225.320	Permit Requirements
225.325	Trading Program

SUBPART D: CAIR NO_x ANNUAL TRADING PROGRAM

Section	
225.400	Purpose
225.405	Applicability
225.410	Compliance Requirements
225.415	Appeal Procedures
225.420	Permit Requirements
225.425	Annual Trading Budget
225.430	Timing for Annual Allocations
225.435	Methodology for Calculating Annual Allocations
225.440	Annual Allocations

POLLUTION CONTROL BOARD

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225.445	New Unit Set-Aside (NUSA)
225.450	Monitoring, Recordkeeping and Reporting Requirements for Gross Electrical Output and Useful Thermal Energy
225.455	Clean Air Set-Aside (CASA)
225.460	Energy Efficiency and Conservation, Renewable Energy, and Clean Technology Projects
225.465	Clean Air Set-Aside (CASA) Allowances
225.470	Clean Air Set-Aside (CASA) Applications
225.475	Agency Action on Clean Air Set-Aside (CASA) Applications
225.480	Compliance Supplement Pool

SUBPART E: CAIR NO_x OZONE SEASON TRADING PROGRAM

Section	
225.500	Purpose
225.505	Applicability
225.510	Compliance Requirements
225.515	Appeal Procedures
225.520	Permit Requirements
225.525	Ozone Season Trading Budget
225.530	Timing for Ozone Season Allocations
225.535	Methodology for Calculating Ozone Season Allocations
225.540	Ozone Season Allocations
225.545	New Unit Set-Aside (NUSA)
225.550	Monitoring, Recordkeeping and Reporting Requirements for Gross Electrical Output and Useful Thermal Energy
225.555	Clean Air Set-Aside (CASA)
225.560	Energy Efficiency and Conservation, Renewable Energy, and Clean Technology Projects
225.565	Clean Air Set-Aside (CASA) Allowances
225.570	Clean Air Set-Aside (CASA) Applications
225.575	Agency Action on Clean Air Set-Aside (CASA) Applications

SUBPART F: COMBINED POLLUTANT STANDARDS

<u>Section</u>	
225.600	Purpose (Repealed)
225.605	Applicability (Repealed)
225.610	Notice of Intent (Repealed)

POLLUTION CONTROL BOARD

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- 225.615 Control Technology Requirements and Emissions Standards for Mercury (Repealed)
- 225.620 Emissions Standards for NO_x and SO₂ (Repealed)
- 225.625 Control Technology Requirements for NO_x, SO₂, and PM Emissions (Repealed)
- 225.630 Permanent Shut Downs (Repealed)
- 225.635 Requirements for CAIR SO₂, CAIR NO_x, and CAIR NO_x Ozone Season Allowances (Repealed)
- 225.640 Clean Air Act Requirements (Repealed)

- 225.APPENDIX A Specified EGUs for Purposes of the CPS (Coal-Fired Boilers as of July 1, 2006)
- 225.APPENDIX B Continuous Emission Monitoring Systems for Mercury
 - 225.EXHIBIT A Specifications and Test Procedures
 - 225.EXHIBIT B Quality Assurance and Quality Control Procedures
 - 225.EXHIBIT C Conversion Procedures
 - 225.EXHIBIT D Quality Assurance and Operating Procedures for Sorbent Trap Monitoring Systems

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

SOURCE: Adopted in R06-25 at 31 Ill. Reg. 129, effective December 21, 2006; amended in R06-26 at 31 Ill. Reg. 12864, effective August 31, 2007; amended in R09-10 at 33 Ill. Reg. 10427, effective June 26, 2009; amended in R15-21 at 39 Ill. Reg. 16225, effective December 7, 2015; amended in R18-20 at 43 Ill. Reg. _____, effective _____.

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

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_x and SO₂, as well as for emissions of mercury.

POLLUTION CONTROL BOARD

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- 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 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 CAAPP 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) Notwithstanding any contrary provision in this subsection (a), on and after January 1, 2019:

POLLUTION CONTROL BOARD

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- A) The following EGUs shall be merged into a new MPS Group: Baldwin Units 1, 2, and 3; Coffeen Units 1 and 2; Duck Creek Unit 1; E.D. Edwards Units 2 and 3; Havana Unit 9; Hennepin Units 1 and 2; Joppa Units 1, 2, 3, 4, 5, and 6; and Newton Unit 1. If one or more of the above EGUs are transferred to a different owner, such EGU or EGUs will become a separate MPS Group on and after the date of transfer. For purposes of this Section, "transfer" means sale, conveyance, transfer, or other change in ownership of an EGU; and
- B) No other EGUs except for those listed in subsection (a)(4)(A) are subject to the requirements of this Section.

54) When an EGU is subject to the requirements of this Section, the requirements apply to all owners or operators of 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;
- 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

POLLUTION CONTROL BOARD

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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 SO₂ 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 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 SO₂ 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,

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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;
 - B) The injection of halogenated activated carbon manufactured by Alstom, Norit, or Sorbent Technologies, Calgon Carbon's FLUEPAC CF Plus, or Calgon Carbon's FLUEPAC MC Plus, 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

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- 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 shall be the gas flow rate in the stack for all units except for those equipped with activated carbon injection prior to a hot-side electrostatic precipitator; for units equipped with activated carbon injection prior to a hot-side electrostatic precipitator, the flue gas flow rate shall be the gas flow rate at the inlet to the hot-side electrostatic precipitator, which shall be determined as the stack flow rate adjusted through the use of Charles' Law for the

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differences in gas temperatures in the stack and at the inlet to the electrostatic precipitator ($V_{esp} = V_{stack} \times T_{esp}/T_{stack}$, where V = gas flow rate in acf and T = gas temperature in Kelvin or Rankine).

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

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- 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:

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- A) For the first 36 months that injection of sorbent is required, it must maintain records of the usage of sorbent, the flue gas flow rate from the EGU (and, if the unit is equipped with activated carbon injection prior to a hot-side electrostatic precipitator, flue gas temperature at the inlet of the hot-side electrostatic precipitator and in the stack), and the sorbent feed rate, in pounds per million actual cubic feet of flue gas, 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, gas flow rate in the stack, and, if the unit is equipped with activated carbon injection prior to a hot-side electrostatic precipitator, flue gas temperature at the inlet of the hot-side electrostatic precipitator and in the stack. It must automatically record this data and the sorbent carbon feed rate, in pounds per million actual cubic feet of flue gas, 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) Until June 30, 2012, as an alternative to the CEMS or excepted monitoring system (sorbent trap system) monitoring, recordkeeping, and reporting requirements in Sections 225.240 through 225.290, the owner or operator of an EGU may elect to comply with the emissions testing, monitoring, recordkeeping, and reporting requirements in Section 225.239(c), (d), (e), (f)(1) and (2), (h)(2), (i)(3) and (4), and (j)(1).
- 7) 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

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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 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), or Section 225.232 until December 31, 2013.
- 4) Until June 30, 2012, as an alternative to demonstrating compliance with the emissions standards in this subsection (d), the owner or operator of an EGU may elect to comply with the emissions testing requirements in Section 225.239(a)(4) and (b), (c), (d), (e), (f), (g), (h), (i), and (j) ~~of this Subpart~~.
- e) Emission Standards for NO_x and SO₂:
- 1) NO_x Emission Standards:
 - A) Beginning in calendar year 2012 and continuing through calendar year 2018 ~~in each calendar thereafter~~, for the EGUs in each MPS Group, the owner and operator of the EGUs must comply with an

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overall NO_x 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_x emissions, whichever is more stringent.

- B) Beginning in the 2012 ozone season and continuing through the 2018 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_x 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_x emissions, whichever is more stringent.
- C) Except as otherwise provided in subsections (f), (g), and (h), beginning in calendar year 2019 and continuing in each calendar year thereafter, the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual NO_x emissions in excess of 22,469 tons from all EGUs.
- D) Except as otherwise provided in subsections (f), (g), and (h), beginning in the year 2019 and continuing in each year thereafter, from May 1 to September 30 the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined NO_x emissions in excess of 11,500 tons from all EGUs.
- E) On and after January 1, 2019, the owner and operator of any of Baldwin Units 1 and 2, Coffeen Units 1 and 2, Duck Creek Unit 1, E.D. Edwards Unit 3, and Havana Unit 9 must comply with the following:
- i) Operate each existing selective catalytic reduction (SCR) control system on each EGU in accordance with good operating practices and at all times when the unit it serves is in operation, provided that such operation of the SCR control system is consistent with the technological limitations, manufacturers' specifications, and good engineering and maintenance practices for the SCR control system. During any such period in which the SCR is not operational, the owner and operator must minimize

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emissions to the extent reasonably practicable. All NO_x emissions from each EGU, regardless of whether the SCR is operational or non-operational, must be included in determining compliance with the emission standards set forth under subsections (e)(1)(C), (e)(1)(D), (f)(1), (g)(1), and (h)(1), as applicable.

ii) From May 1 through September 30, comply with a combined NO_x average emission rate of no more than 0.10 lb/mmBtu. Averaging is only allowed among EGUs in the same MPS Group.

2) SO₂ 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 SO₂ annual emission rate of 0.33 lb/million Btu or a rate equivalent to 44 percent of the Base Rate of SO₂ emissions, whichever is more stringent.
- B) Beginning in calendar year 2015 and continuing through calendar year 2018~~in each calendar year thereafter~~, for the EGUs in each MPS Group~~Grouping~~, the owner and operator of the EGUs must comply with an overall annual emission rate for SO₂ of 0.25 lbs/million Btu or a rate equivalent to 35 percent of the Base Rate of SO₂ emissions, whichever is more stringent.
- C) Except as otherwise provided in subsections (f), (g), and (h), beginning in calendar year 2019 and continuing in each calendar year thereafter, the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual SO₂ emissions in excess of 44,920 tons from all EGUs.
- D) Beginning in calendar year 2019 and continuing in each calendar year thereafter, the owner and operator of Joppa Units 1, 2, 3, 4, 5, and 6 must not cause or allow to be discharged into the atmosphere combined annual SO₂ emissions in excess of 19,860 tons from such EGUs.

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- 3) ~~Ameren MPS Group Multi-Pollutant Standard~~
- A) ~~Notwithstanding the provisions of subsections (e)(1) and (2) of this Section, this subsection (e)(3) applies to the Ameren MPS Group as described in the notice of intent submitted by Ameren Energy Resources in accordance with subsection (b) of this Section.~~
- B) ~~NO_x Emission Standards~~
- i) ~~Beginning in the 2010 ozone season and continuing in each ozone season thereafter, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall NO_x seasonal emission rate of no more than 0.11 lb/million Btu.~~
- ii) ~~Beginning in calendar year 2010 and continuing in calendar year 2011, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall NO_x annual emission rate of no more than 0.14 lb/million Btu.~~
- iii) ~~Beginning in calendar year 2012 and continuing in each calendar year thereafter, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall NO_x annual emission rate of no more than 0.11 lb/million Btu.~~
- C) ~~SO₂ Emission Standards~~
- i) ~~Beginning in calendar year 2010 and continuing in each calendar year through 2013, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall SO₂ annual emission rate of 0.50 lb/million Btu.~~
- ii) ~~In calendar year 2014, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply~~

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~~with an overall SO₂ annual emission rate of 0.43 lb/million Btu.~~

- ~~iii) Beginning in calendar year 2015 and continuing in calendar year 2016, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall SO₂ annual emission rate of 0.25 lb/million Btu.~~
- ~~iv) Beginning in calendar year 2017 and continuing in each calendar year thereafter, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall SO₂ annual emission rate of 0.23 lb/million Btu.~~

- ~~4) Compliance with the NO_x and SO₂ 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) Transfer of EGUs in an MPS Group

1) If EGUs in an MPS Group are transferred to a different owner:

A) For the MPS Group from which EGUs are transferred: The combined emissions limitations for the MPS Group set forth in this Section, as applicable, must be adjusted by subtracting from those limitations the applicable allocation amounts set forth in Columns A, B, and C in subsection (f)(2) that are attributable to the transferred EGUs. The owner and operator of the MPS Group must comply with the adjusted emissions limitations beginning with the year in which the transfer occurs.

B) For a new MPS Group consisting of the acquired EGUs:

- i) The owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual NO_x emissions in excess of

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the applicable annual NO_x limitation from all EGUs. The applicable annual NO_x limitation shall be the sum of the allocation amounts attributable to all EGUs in the MPS Group set forth in Column A of subsection (f)(2).

ii) From May 1 through September 30, the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined NO_x emissions in excess of the applicable seasonal NO_x limitation from all EGUs. The applicable seasonal NO_x limitation shall be the sum of the allocation amounts attributable to all EGUs in the MPS Group set forth in Column B of subsection (f)(2).

iii) The owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual SO₂ emissions in excess of the applicable annual SO₂ limitation from all EGUs. The applicable annual SO₂ limitation shall be the sum of the unit allocation amounts attributable to all EGUs in the MPS Group set forth in Column C of subsection (f)(2).

iv) Notwithstanding subsections (f)(1)(B)(i) through (iii), if all the EGUs set forth under subsection (a)(4)(A) are transferred to the same owner on the same date, the owner and operator of the EGUs in the new MPS Group must comply with the emission limitations under subsection (e); the allocation amounts in subsection (f)(2) shall not apply.

C) The owner and operator of the EGUs as of the last day of the applicable compliance period must demonstrate compliance with the emission standards of this Section for the entire applicable compliance period. In determining compliance, such owner and operator must include in their calculations emissions from the EGUs for the entire applicable compliance period; the prior owner and operator shall not include in their calculations emissions from the EGUs for the applicable compliance period.

D) Nothing in this subsection (f) shall be construed to relieve owners

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and operators of EGUs in an MPS Group from any of the other requirements set forth in this Section, including the mercury standards in subsection (d).

2) Allocation Amounts in the Event of Transfer of EGUs

	<u>Column A.</u>	<u>Column B.</u>	<u>Column C.</u>
	<u>No_x Allocation Amount (TPY in the Event of Transfer</u>	<u>NO_x Allocation Amount (May1 through Sept 30 Tons) in the Event of Transfer</u>	<u>SO₂ Allocation Amount (TPY) in the Event of Transfer</u>
A) <u>Baldwin</u>	<u>5,400</u>	<u>2,700</u>	<u>4,900</u>
B) <u>Havana</u>	<u>1,620</u>	<u>810</u>	<u>1,225</u>
C) <u>Hennepin</u>	<u>1,350</u>	<u>675</u>	<u>4,900</u>
D) <u>Coffeen</u>	<u>1,800</u>	<u>900</u>	<u>200</u>
E) <u>Duck Creek</u>	<u>1,260</u>	<u>630</u>	<u>200</u>
F) <u>Edwards</u>	<u>2,700</u>	<u>1,350</u>	<u>8,200</u>
G) <u>Joppa</u>	<u>4,680</u>	<u>2,340</u>	<u>14,700</u>
H) <u>Newton</u>	<u>2,430</u>	<u>1,215</u>	<u>8,200</u>

3) If EGUs in an MPS Group are transferred to a different owner:

A) The transferring owner must notify the Agency's Bureau of Air, Compliance Section, in writing within seven days after the date of transfer. The notification must include the following information:

- i) Name and address of the transferring owner and operator;
- ii) List of the EGUs transferred;

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- iii) For the remaining EGUs in the MPS Group, calculations pursuant to subsection (f)(1)(A) demonstrating the adjusted combined annual NO_x emissions limitation, the adjusted combined NO_x emissions limitation from May 1 through September 30, and the adjusted combined annual SO₂ emissions limitation that are applicable to the MPS Group;
- iv) Name and address of the new owner and operator; and
- v) Date of transfer.
- B) The acquiring owner must notify the Agency's Bureau of Air, Compliance Section, in writing within seven days after the date of transfer. The notification must include the following information:
 - i) Name and address of the acquiring owner and operator;
 - ii) Name and address of the transferring owner and operator;
 - iii) List of the EGUs acquired;
 - iv) Calculations pursuant to subsection (f)(1)(B) demonstrating the combined annual NO_x emissions limitation, the combined NO_x emissions limitation from May 1 through September 30, and the combined annual SO₂ emissions limitation that are applicable to the acquiring owner and operator's MPS Group; and
 - v) Date of transfer.
- g) Permanent Shutdown of EGUs in an MPS Group
 - 1) If one or more EGUs in an MPS Group are permanently shut down:
 - A) Such EGU or EGUs are no longer part of an MPS Group and no longer subject to the requirements of this Section.
 - B) The combined emissions limitations for the MPS Group set forth in

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this Section, as applicable, must be adjusted by subtracting from those limitations the applicable allocation amounts set forth in Columns A, B, and C in subsection (g)(2) that are attributable to the shutdown EGU or EGUs. The owner and operator of the MPS Group must comply with the adjusted emissions limitations, beginning with the compliance period or periods during which the permanent shutdown occurs. For the purposes of this Section, "permanent shutdown" occurs on the date the owner or operator of the EGUs submits a written request to the Agency to modify its operating permit to reflect the shutdown of the EGU or EGUs, or to withdraw the permit for the source.

- C) Nothing in this subsection (g) shall be construed to relieve owners and operators of EGUs in an MPS Group from any of the other requirements set forth in this Section, including the mercury standards in subsection (d).

2) Allocation Amounts in the Event of Shutdown of EGUs

	<u>Column A.</u>	<u>Column B.</u>	<u>Column C.</u>
	<u>No_x Allocation Amount (TPY) for Shutdown</u>	<u>NO_x Allocation 1 through Sept 30 (Tons) for Shutdown</u>	<u>SO₂ Allocation Amount (TPY) for Shutdown</u>
A) <u>Baldwin 1</u>	<u>1,850</u>	<u>920</u>	<u>1,680</u>
B) <u>Baldwin 2</u>	<u>1,710</u>	<u>860</u>	<u>1,560</u>
C) <u>Baldwin 3</u>	<u>1,840</u>	<u>920</u>	<u>1,660</u>
D) <u>Havana 9</u>	<u>1,620</u>	<u>800</u>	<u>1,225</u>
E) <u>Hennenpin 1</u>	<u>320</u>	<u>160</u>	<u>1,180</u>
F) <u>Hennenpin 2</u>	<u>1,030</u>	<u>500</u>	<u>3,720</u>
G) <u>Coffeen 1</u>	<u>670</u>	<u>340</u>	<u>80</u>

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H)	<u>Coffeen 2</u>	<u>1,130</u>	<u>560</u>	<u>120</u>
I)	<u>Duck Creek 1</u>	<u>1,260</u>	<u>640</u>	<u>200</u>
J)	<u>Edwards 2</u>	<u>1,130</u>	<u>560</u>	<u>3,440</u>
K)	<u>Edward 3</u>	<u>1,570</u>	<u>780</u>	<u>4,760</u>
L)	<u>Joppa 1</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
M)	<u>Joppa 2</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
N)	<u>Joppa 3</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
O)	<u>Joppa 4</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
P)	<u>Joppa 5</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
Q)	<u>Joppa 6</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
R)	<u>Newton 1</u>	<u>2,430</u>	<u>1,220</u>	<u>8,200</u>

- 3) If one or more EGUs in an MPS Group are permanently shut down, the owner must notify the Agency's Bureau of Air, Compliance Section, in writing within seven days after the date of shutdown. Such notification must include the following information:
- A) Name and address of the owner and operator;
 - B) List of the EGUs permanently shut down;
 - C) For the remaining EGUs in the MPS Group, calculations pursuant to subsection (g)(1)(B) demonstrating the adjusted combined annual NO_x emissions limitation, the adjusted combined NO_x emissions limitation from May 1 through September 30, and the adjusted combined annual SO₂ emissions limitation that are applicable to the MPS Group; and

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D) Date of permanent shutdown.

h) Temporary shutdown of EGUs in an MPS Group

1) If one or more EGUs in an MPS Group are temporarily shut down over an entire compliance period or periods:

A) The combined emissions limitations for the MPS Group set forth in this Section, as applicable, must be adjusted by subtracting from those limitations the applicable allocation amounts set forth in Columns A, B, and C in subsection (h)(2) that are attributable to the temporary shutdown of EGU or EGUs.

B) The owner and operator of the MPS Group must comply with the adjusted emissions limitations, beginning with the compliance period or periods during which the temporary shutdown occurs. The adjusted emissions limitations will no longer apply if the EGU or EGUs resume operation.

C) Nothing in this subsection (h) shall be construed to relieve owners and operators of EGUs in an MPS Group from any of the other requirements set forth in this Section, including the mercury standards in subsection (d).

2) Allocation amounts in the event of temporary shutdown of EGUs:

	<u>Column A.</u>	<u>Column B.</u>	<u>Column C.</u>
	<u>NO_x Allocation Amount (TPY) for Temporary Shutdown</u>	<u>NO_x Allocation Amount (May1 through Sept 30 Tons) for Temporary Shutdown</u>	<u>SO₂ Allocation Amount (TPY) for Temporary Shutdown</u>
<u>A) Baldwin 1</u>	<u>1,850</u>	<u>920</u>	<u>1,680</u>
<u>B) Baldwin 2</u>	<u>1,710</u>	<u>860</u>	<u>1,560</u>
<u>C) Baldwin 3</u>	<u>1,840</u>	<u>920</u>	<u>1,660</u>

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D)	<u>Havana 9</u>	<u>1,620</u>	<u>800</u>	<u>1,225</u>
E)	<u>Hennenpin 1</u>	<u>320</u>	<u>160</u>	<u>1,180</u>
F)	<u>Hennenpin 2</u>	<u>1,030</u>	<u>500</u>	<u>3,720</u>
G)	<u>Coffeen 1</u>	<u>670</u>	<u>340</u>	<u>80</u>
H)	<u>Coffeen 2</u>	<u>1,130</u>	<u>560</u>	<u>120</u>
I)	<u>Duck Creek 1</u>	<u>1,260</u>	<u>640</u>	<u>200</u>
J)	<u>Edwards 2</u>	<u>1,130</u>	<u>560</u>	<u>3,440</u>
K)	<u>Edward 3</u>	<u>1,570</u>	<u>780</u>	<u>4,760</u>
L)	<u>Joppa 1</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
M)	<u>Joppa 2</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
N)	<u>Joppa 3</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
O)	<u>Joppa 4</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
P)	<u>Joppa 5</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
Q)	<u>Joppa 6</u>	<u>780</u>	<u>390</u>	<u>2,450</u>
R)	<u>Newton 1</u>	<u>2,430</u>	<u>1,220</u>	<u>8,200</u>

3) If one or more EGUs in an MPS Group are temporarily shut down over an entire compliance period, the owner or operator must notify the Agency's Bureau of Air, Compliance Section, in writing within seven days after the start date of shutdown. Such notification must include the following information:

A) Name and address of the owner and operator;

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- B) List of the EGUs temporarily shut down;
- C) For the remaining EGUs in the MPS Group, calculations pursuant to subsection (g)(1)(B) demonstrating the adjusted combined annual NO_x emissions limitation, the adjusted combined NO_x emissions limitation from May 1 through September 30, and the adjusted combined annual SO₂ emissions limitation that are applicable to the MPS Group during the temporary shutdown of one or more EGUs; and
- D) Start date and duration of temporary shutdown.

i)Ⓣ Requirements for NO_x and SO₂ 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_x 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 SO₂ 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.
- 3) The provisions of this subsection (i)Ⓣ do not restrict or inhibit the sale or trading of allowances that become available from one or more EGUs in a

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MPS Group as a result of holding allowances that represent over-compliance with the NO_x or SO₂ 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 ~~(i)(f)~~, NO_x and SO₂ 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, or any future federal NO_x or SO₂ emissions trading programs that modify or replace these programs. 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) By 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 ~~(i)(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 will 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 will 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_x, or SO₂.~~

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- j) Recordkeeping
On and after January 1, 2019, and continuing each year thereafter, the owner and operator of the EGUs in an MPS Group must keep and maintain all records necessary to demonstrate compliance with this Section, including but not limited to those listed in subsections (j)(1) and (j)(2). Copies of such records must be kept at the source and maintained for at least five years from the date the document is created and must be submitted by the owner and operator to the Agency within 30 days after receipt of a written request by the Agency.
- 1) All emissions monitoring information gathered in accordance with 40 CFR 75.
 - 2) Copies of all reports and compliance certifications required under subsection (k) of this Section.
- k) Reporting
- 1) Prior to January 1, 2019, compliance with the NO_x and SO₂ 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.
 - 2) On and after January 1, 2019, and continuing each year thereafter, the owner and operator of the EGUs in an MPS Group must demonstrate compliance with the applicable requirements set forth in this subsection (k)(2).
 - A) Beginning in 2020, and continuing each year thereafter, the owner and operator of EGUs in an MPS Group must submit to the Agency's Bureau of Air, Compliance Section, a report demonstrating compliance with the annual emissions standards in subsections (e)(1)(C), (e)(2)(C), (e)(2)(D), and (f)(1), as applicable, and with the requirements of subsection (e)(1)(E)(i), as applicable, on or before March 1 of each year. The compliance report must include the following for the preceding calendar year:
 - i) Actual emissions of each pollutant, expressed in tons, for

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each individual EGU in the MPS Group.

- ii) Combined actual emissions of each pollutant, expressed in tons, for all EGUs in the MPS Group.
- iii) Combined actual emissions of SO₂, expressed in tons, for all Joppa EGUs.
- iv) A statement indicating whether each existing SCR control system on Baldwin Units 1 and 2, Coffeen Units 1 and 2, Duck Creek Unit 1, E.D. Edwards Unit 3, and Havana Unit 9 was operated in accordance with good operating practices and at all times when the unit it serves was in operation, consistent with the technological limitations, manufacturers' specifications, and good engineering and maintenance practices for the SCR control system.
- v) A statement indicating whether the EGUs in an MPS Group were operated in compliance with the requirements of this Section.
- vi) A certification by a responsible official that states the following:

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.

- B) By November 1 of each year, the owner and operator of EGUs in an MPS Group must submit to the Agency's Bureau of Air, Compliance Section, a report demonstrating compliance with the

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seasonal emissions standards under subsections (e)(1)(D), (e)(1)(E)(ii), and (f)(1), as applicable. The compliance report must include the following for the preceding May 1 through September 30:

- i) Actual emissions of NO_x, expressed in tons, for each individual EGU in the MPS Group.
- ii) Combined actual emissions of NO_x, expressed in tons, of all EGUs in the MPS Group.
- iii) NO_x average emission rate (lbs/mmBtu) for each of Baldwin Units 1 and 2; Coffeen Units 1 and 2; Duck Creek Unit 1; E.D. Edwards Unit 3; and Havana Unit 9, as applicable.
- iv) Combined NO_x average emission rate (lbs/mmBtu) for Baldwin Units 1 and 2; Coffeen Units 1 and 2; Duck Creek Unit 1; E.D. Edwards Unit 3; and Havana Unit 9, as applicable under subsection (e)(1)(E)(ii).
- v) A statement indicating whether the EGUs in an MPS Group were operated in compliance with the requirements of this Section.
- vi) A certification by a responsible official that states the following:

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.

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- 3) For each EGU in an MPS Group, the owner or operator must notify the Agency of deviations from any of the requirements of this Section within 30 days after discovery of the deviations. At a minimum, these notifications must include a description of the deviations, a discussion of the possible cause of the deviations, and a description of any corrective actions and preventative measures taken.

- 4) Within 30 days after the beginning of a period during which the SCR control system on any of Baldwin Unit 1, Baldwin Unit 2, Coffeen Unit 1, Coffeen Unit 2, Duck Creek Unit 1, E.D. Edwards Unit 3, or Havana Unit 9 is not operated when the EGU it serves is in operation, the owner and operator must notify the Agency's Bureau of Air, Compliance Section, in writing. This notification must include, at a minimum, a description of why the SCR control system was not operated, the time frames during which the SCR control system was not operated, and the steps taken to minimize emissions during those time frames.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.9715 Adopted Action:
New Section
- 4) Statutory Authority: 35 ILCS 5/304(d)
- 5) Effective Date of Rule: October 12, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 9160, June 8, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The differences between the proposal and the final version are cosmetic and grammatical and changes to the manner of citing the Internal Revenue Code.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u> 100.2850	<u>Proposed Action:</u> New Section	<u>Illinois Register Citation:</u> 41 Ill. Reg. 15198, December 26, 2017
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- 15) Summary and Purpose of Rulemaking: This rulemaking adds new Section 100.9715 to 86 Ill. Adm. Code to provide a definition of "transportation company" for purposes of the

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apportionment formula for taxpayers providing transportation services in IITA Section 304(d).

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

Brian Stocker
Staff Attorney
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield IL 62796

217/782-2844

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

DEPARTMENT OF REVENUE

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

100.2000	Introduction
100.2050	Net Income (IITA Section 202)
100.2055	Standard Exemption (IITA Section 204)
100.2060	Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

SUBPART B: CREDITS

Section

100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Section 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA Section 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2171	Angel Investment Credit (IITA 220)
100.2175	Invest in Kids Credit (IITA 224)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA Section 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193	Student-Assistance Contributions Credit (IITA 218)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)

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- 100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
- 100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
- 100.2198 Economic Development for a Growing Economy Credit (IITA 211)
- 100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or

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- After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986 (IITA Section 207)
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership
- 100.2360 Illinois Net Losses and Illinois Net Loss Deductions for Losses of Cooperatives Occurring On or After December 31, 1986 (IITA Section 203(e)(2)(F))

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
- 100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2465 Claim of Right Repayments (IITA Section 203(a)(2)(P), (b)(2)(Q), (c)(2)(P) and (d)(2)(M))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone and River Edge Redevelopment Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

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Section

- 100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y))
- 100.2565 Subtraction for Recovery of Itemized Deductions (IITA Section 203(a)(2)(I))
- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF CORPORATIONS

Section

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2657 Subtraction Modification for High Impact Business Interest (IITA Section 203(b)(2)(M-1))
- 100.2665 Subtraction for Payments to an Attorney-in-Fact (IITA Section 203(b)(2)(R))
- 100.2668 Subtraction for Dividends from Controlled Foreign Corporations (IITA Section 203(b)(2)(Z))

SUBPART H: BASE INCOME OF TRUSTS AND ESTATES

- 100.2770 Subtraction for Recovery of Itemized Deductions of a Decedent (IITA Section 203(c)(2)(W))
- 100.2775 Subtraction for Refunds of Taxes Paid to Other States for Which a Credit Was Claimed (IITA Section 203(c)(2)(X))

SUBPART J: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3015 Business Income Election (IITA Section 1501)
- 100.3020 Resident (IITA Section 301)

SUBPART K: COMPENSATION

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Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART L: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART M: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3371 Sales Factor for Telecommunications Services
- 100.3373 Sales Factor for Publishing
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
- 100.3405 Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
- 100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
- 100.3450 Apportionment of Business Income of Transportation Companies (IITA Section 304(d))

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100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART N: ACCOUNTING

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100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART O: TIME AND PLACE FOR FILING RETURNS

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100.5000 Time for Filing Returns (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses
100.5050 Frivolous Returns
100.5060 Reportable Transactions (IITA Section 501(b))
100.5070 List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
100.5080 Registration of Tax Shelters (IITA Section 1405.5)

SUBPART P: COMPOSITE RETURNS

Section

100.5100 Composite Returns: Eligibility (IITA Section 502(f))
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income (IITA Section 502(f))
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits on Separate Returns
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180 Composite Returns: Overpayments and Underpayments

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100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns (IITA Section 304(e))
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

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100.6000	Payment on Due Date of Return (IITA Section 601)

SUBPART S: REQUIREMENT AND AMOUNT OF WITHHOLDING

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100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
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- 100.7100 Withholding Exemption (IITA Section 702)
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- 100.7200 Reports for Employee (IITA Section 703)

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- 100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
- 100.7310 Returns Filed and Payments Made on Annual Basis (IITA Sections 704 and 704A)
- 100.7320 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
- 100.7325 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
- 100.7330 Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
- 100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
- 100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7370 Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7380 Economic Development for a Growing Economy (EDGE) and Small Business Job Creation Credit (IITA Section 704A(g) and (h))

SUBPART W: ESTIMATED TAX PAYMENTS

Section

- 100.8000 Payment of Estimated Tax (IITA Section 803)
- 100.8010 Failure to Pay Estimated Tax (IITA Sections 804 and 806)

SUBPART X: COLLECTION AUTHORITY

Section

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100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)
100.9020 Child Support Collection (IITA Section 901)

SUBPART Y: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART Z: ASSESSMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART AA: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
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SUBPART BB: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
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100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART CC: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings (IITA Section 914)
100.9530 Books and Records

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SUBPART DD: JUDICIAL REVIEW

Section

100.9600 Administrative Review Law (IITA Section 1201)

SUBPART EE: DEFINITIONS

Section

100.9700 Unitary Business Group Defined (IITA Section 1501)

100.9710 Financial Organizations (IITA Section 1501)

[100.9715](#) [Transportation Companies \(IITA Section 304\(d\)\)](#)

100.9720 Nexus

100.9730 Investment Partnerships (IITA Section 1501(a)(11.5))

100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART FF: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

SUBPART GG: MISCELLANEOUS

Section

100.9900 Tax Shelter Voluntary Compliance Program

100.9910 State Tax Preparer Oversight Act [35 ILCS 35]

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May

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20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001;

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amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg. 17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 38 Ill. Reg. 23158, effective November 21, 2014; emergency amendment at 39 Ill. Reg. 483, effective December 23, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 1768, effective January 7, 2015; amended at 39 Ill. Reg. 5057, effective March 17, 2015; amended at 39 Ill. Reg. 6884, effective April 29, 2015; amended at 39 Ill. Reg. 15594, effective November 18, 2015; amended at 40 Ill. Reg. 1848, effective January 5, 2016; amended at 40 Ill. Reg. 10925, effective July 29, 2016; amended at 40 Ill. Reg. 13432, effective September 7, 2016; amended at 40 Ill. Reg. 14762, effective October 12, 2016; amended at 40 Ill. Reg. 15575,

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effective November 2, 2016; amended at 41 Ill. Reg. 4193, effective March 27, 2017; amended at 41 Ill. Reg. 6379, effective May 22, 2017; amended at 41 Ill. Reg. 10662, effective August 3, 2017; amended at 41 Ill. Reg. 12608, effective September 21, 2017; amended at 41 Ill. Reg. 14217, effective November 7, 2017; emergency amendment at 41 Ill. Reg. 15097, effective November 30, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 4953, effective February 28, 2018; amended at 42 Ill. Reg. 6451, effective March 21, 2018; recodified Subpart H to Subpart G at 42 Ill. Reg. 7980; amended at 42 Ill. Reg. 17582, effective September 24, 2018; amended at 42 Ill. Reg. 19190, effective October 12, 2018.

SUBPART EE: DEFINITIONS

Section 100.9715 Transportation Companies (IITA Section 304(d))

- a) Transportation company. The term "transportation company" means any person deriving 80 percent or more of its gross income, averaged over a period of three years, which includes the current tax year and the immediately preceding two tax years, from furnishing transportation services and ancillary services.
- 1) For purposes of this subsection (a), gross income shall include only amounts that are received in the ordinary course of the person's regular business activities and that are included in net income under the IITA. For purposes of determining whether a person is predominantly engaged in the business activities of a transportation company when a person is formed in a current tax year or in its immediately preceding tax year, only the years for which the person is in existence will be used in determining whether the person meets the 80 percent test.
- 2) The treatment of items of income that are not included in apportionable business income is not affected by the classification of the person as a transportation company, and those items are therefore disregarded for purposes of the gross income test. For example, interest received on United States Treasury obligations is excluded from Illinois base income and, accordingly, is disregarded for purposes of determining whether the business income of a person should be apportioned using the transportation company formula. Similarly, dividends received by a corporation shall be disregarded to the extent the dividends are deducted from federal taxable income under 26 USC 243 or are subtracted in the computation of Illinois base income under IITA Section 203(b)(2)(O).

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- 3) In the case of a sale or disposition of any asset (whether tangible or intangible, and whether the asset is part of the person's stock in trade) that occurs in the ordinary course of a person's regular business activities, only the net gain shall be taken into account for purposes of the gross income test. Thus, for example, gross income from the sale of inventory is equal to its gross receipts minus the cost of goods sold, while gross income from the sale of stock is equal to the sales price minus any brokerage commission and minus the person's basis in the stock. If gross income from a transaction is negative, the loss shall not be considered for purposes of the gross income test.
- 4) Income that results from transactions outside the ordinary course of a person's regular business activities is not taken into account for the purposes of the gross income test. For example, amounts received from the sale of a person's headquarters shall be disregarded, whether or not the gain is characterized as business income.
- 5) In applying the gross income test, a person's transactions with a person to which it is related (including transactions with a member of the person's unitary business group that are eliminated in combination under Section 100.3320(d) of this Part) shall be treated in the same manner as transactions between the person and an unrelated person, subject in all cases to the authority of the Department under IITA Section 404 to make such adjustments as are necessary to properly reflect each party's Illinois business activities.
- b) Transportation services. The term "transportation services" means the movement of freight or passengers by air, land or water, or the movement of liquid or gaseous substances by pipeline, performed by the taxpayer. Transportation services include intermodal services, which means the movement of freight by more than one form of carrier during a single movement without handling the freight itself when changing modes. For purposes of this Section, "freight" means any item, other than an individual passenger, that is transported for consideration.
- c) Ancillary services. "Ancillary services" means those services generally provided to customers in connection with the provision of transportation services, and that are provided by the same person who is performing the connected transportation service. Ancillary services include, but are not limited to:

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- 1) transfer of freight from one bulk packaging to another bulk packaging or between a bulk packing and a non-bulk packaging for purposes of continuing the movement of the freight in commerce;
- 2) with regard to railroads, the in-transit sale of food or beverages, switching, transportation detention charges, and packing and warehousing;
- 3) with regard to airlines, the in-flight rental of pillows, blankets or headsets, the in-flight sale of food or beverages, baggage services, and changing or cancelling reservations; and
- 4) with regard to trucking companies:
 - A) packing and warehousing; and
 - B) notwithstanding the requirement that ancillary services must be provided by the same person who is performing the connected transportation service, furnishing vehicles with drivers (including owner-operators) to another transportation company under a lease or similar arrangement.

(Source: Added at 42 Ill. Reg. 19190, effective October 12, 2018)

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- 1) Heading of the Part: Intergovernmental Drug Enforcement Act
- 2) Code Citation: 20 Ill. Adm. Code 1220
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1220.110	Amendment
1220.120	Amendment
1220.130	Amendment
1220.220	Amendment
1220.310	Amendment
1220.320	Amendment
1220.330	Amendment
1220.340	Amendment
1220.350	Amendment
1220.360	Amendment
1220.370	Amendment
1220.380	Amendment
1220.390	Amendment
- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Drug Laws Enforcement Act [30 ILCS 715].
- 5) Effective Date of Rules: October 10, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 10375; June 15, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: Minor grammatical and stylistic changes were made along with recommended amendments by JCAR. Descriptive language was added and redundant language was omitted for clarity. A subsection reference was included for guidance.

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments will update statutory citations, the name of the Department, and confidential source information. The records retention schedule is being changed from 3 years to 5 years. With respect to audits, the date auditing is set to begin is September 1, with the final report due no later than December 31. The time frame for completion of the audit is being changed from 115 days to 120 days. Travel costs for the auditing firm are being removed as a reimbursable expense. Information relating to foreign travel costs for employees is being added. Updates to costs requiring prior Department approval, fund disbursements, procurements requirements, special considerations, and use of property are also being made.
- 16) Information and questions regarding these adopted rules shall be directed to:

Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1220
INTERGOVERNMENTAL DRUG ENFORCEMENT ACT

SUBPART A: PROMULGATION

Section	
1220.110	Authority
1220.120	Definitions
1220.130	Public Policy

SUBPART B: OPERATIONS

Section	
1220.210	Planning and Execution of an Operation
1220.220	Confidential Sources

SUBPART C: FINANCIAL REGULATIONS

Section	
1220.310	Records
1220.320	Matching Contributions
1220.330	Administrative Policies
1220.340	Audits
1220.350	Budget
1220.360	Fund Disbursements
1220.370	Accounting Standards
1220.380	Use of Property
1220.390	Confidential Expenditures

AUTHORITY: Implementing and authorized by the Intergovernmental Drug Laws Enforcement Act [30 ILCS 715].

SOURCE: Adopted at 3 Ill. Reg. 1, p. 66, effective December 20, 1978; amended at 5 Ill. Reg. 6450, effective June 3, 1981; codified at 7 Ill. Reg. 14506; amended at 8 Ill. Reg. 13767, effective July 20, 1984; recodified from the Department of Law Enforcement to the Department of State Police pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3280;

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amended at 10 Ill. Reg. 4930, effective March 11, 1986; amended at 42 Ill. Reg. 19207, effective October 10, 2018.

SUBPART A: PROMULGATION

Section 1220.110 Authority

This Part is promulgated pursuant to the Intergovernmental Drug Laws Enforcement Act [\[30 ILCS 715\]](#), ~~Public Act 80-617~~, which charges the Illinois Department of ~~State Police~~[Law Enforcement](#) to establish reasonable rules. Additionally, the Department is charged with coordinating the operations of all MEG Units, conducting those investigations the Director deems necessary to carry out the Department's designated duties under ~~that~~[this](#) Act, including the establishment of forms for reporting by each MEG Unit to the Department.

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

Section 1220.120 Definitions

"Act" – The Intergovernmental Drug Laws Enforcement Act, [\[30 ILCS 715\]](#)~~Chapter 56½, Sections 1701-1706.~~

"Board" – A policy board composed of an elected official, or his/[her](#) designee, and the chief law enforcement officer, or his/[her](#) designee, from each participating unit of local government to oversee the operations of the MEG and make such reports to the Department as the Department may require.

"Confidential Source" – Any individual, other than law enforcement personnel, who is or whose purpose is to supply intelligence information or services to the MEG Unit, whether paid or not.

"Coordinator" – That person designated to coordinate MEG activities for the Department of [State Police\[Law Enforcement\]\(#\).](#)

~~"DCI" – The Division of Criminal Investigation within the Illinois Department of Law Enforcement.~~

"Department" ~~or "DSP"~~ – The Illinois Department of [State Police\[Law Enforcement\]\(#\).](#)

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"Director" – The Director of the Illinois Department of ~~State Police~~Law Enforcement.

"Fiscal Officer" – A designated appropriate elected official of a participating unit of local government to act as the financial officer of the particular MEG and person responsible for receiving and expending funds for the operation of the MEG.

"MEG Director" – That person appointed by a governing board responsible for supervising the day-to-day operations of a particular unit.

"Metropolitan Enforcement Group ~~(MEG)~~" or "MEG" – A combination of units of government established through an intergovernmental agreement to enforce the drug laws of this State.

"Monitor" – That person in the Department ~~of Law Enforcement~~ designated to monitor the MEG Units.

"Shall" – A term used to indicate a mandatory statement.

"Should" – A term used in the interpretation of a standard reflecting the commonly acceptable method, yet allowing for the use of effective alternatives when the standard can be shown to be inappropriate.

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

Section 1220.130 Public Policy

- a) Purpose
To the end that the health, safety and welfare of the People of the State of Illinois should be protected from those who would violate the laws regulating the production, sale, prescribing, manufacturing, administering, transporting, having in possession, dispensing, delivering, distribution or use of a controlled substance, as defined in the Illinois Controlled Substances Act ~~[720 ILCS 570] (Ill. Rev. Stat. 1981, ch. 56½, pars. 1100 et seq.)~~, and cannabis, as defined in the Cannabis Control Act ~~[720 ILCS 550] (Ill. Rev. Stat. 1981, ch. 56½, pars. 701 et seq.)~~, the Department of ~~State Police~~Law Enforcement establishes rules for the purpose of coordinating the operation of all MEG Units and ~~for reporting to report~~ those activities annually to the Governor and the General Assembly.

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- b) **Adherence to Professional Standards**
All MEG personnel and operations shall be conducted in such a way as to bring credit, and not discredit, upon the MEG Unit, the department the individual represents, and the Department of State Police~~Law Enforcement~~.
- c) **Discrimination Prohibited**
No person operating under this Part shall discriminate against any individual on the basis of race, color, religion, sex or national origin in any manner prohibited by the laws of the United States or the State of Illinois.
- d) **Interference with Department Staff Prohibited**
No person shall hinder, interfere, obstruct or intervene with any inspection or investigation conducted by the Department pursuant to the ~~provisions of the~~ Act.
- e) **Notification to the Department**
The MEG Director will notify the DSP Director, or his/her designee (Coordinator), and the authority of local jurisdiction by telephone immediately, ~~with and~~ follow up in writing within ~~twenty four (24)~~ hours ~~after of~~ any instance of:
- 1) The discharge of weapons in any situation (except in cases of required training);
 - 2) Complaints of misconduct against the Unit or any individual in the Unit;
 - 3) Serious injuries sustained by agents or defendants due to an arrest situation.
- f) **Rights**
Each MEG Director and ~~agent~~Agent shall, in all cases of action by agents of his/her Unit, insure that each person confronted or arrested by a member of his/her Unit receives those privileges afforded by the laws and Constitutions of the United States and the State of Illinois.
- g) **Information**
The Director may request and will receive all information written or oral that he/she deems necessary to evaluate the MEG Units.

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- h) Standards of Conduct
The MEG Director and his/her agents~~Agents~~ shall adhere to the Department's established standards of conduct as provided.

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

SUBPART B: OPERATIONS

Section 1220.220 Confidential Sources

- a) General
Confidential sources are to be utilized to achieve their full potential value to the Unit. They shall not be considered for the exclusive use of the agents~~Agent(s)~~ who developed the individual as a source of information.
- b) Identification of Confidential Sources
For internal record keeping purposes, all~~All~~ confidential sources will be identified, using Department guidelines. As used in this Section, however, "identification" of confidential sources does not necessarily imply disclosure to entities outside the Department and the relevant MEG Unit. Disclosure to those entities shall also be governed by the applicable Department guidelines, the following as minimum standards:
- ~~1) Full name;~~
 - ~~2) General identifying data—date/place of birth, address, telephone, height, weight, sex, race, etc.;~~
 - ~~3) Fingerprinted and photographed;~~
 - ~~4) Record checks—FBI Number, DLE Number;~~
 - ~~5) Narcotic or drug use information;~~
 - ~~6) Coded.~~
- c) Juveniles
No juvenile will be used or receive any money as a confidential source without written approval of his/her parent or guardian and the MEG Director.

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- d) **Illegal or Improper Activity**
In all cases ~~in which~~~~where~~ the confidential source's activity is suspected of being illegal or improper, the MEG ~~agents shall~~~~Agents will~~ conduct an investigation and report the results to the appropriate authority.
- e) **Reports**
MEG Directors ~~shall~~~~will~~ make available to the Department information summarizing the activity of the confidential source. Included shall be records of all monies paid and a recommendation for continued or discontinued utilization.
- f) **All information in the confidential source file ~~shall~~~~will~~ remain confidential and may not be disclosed unless prescribed by law.**

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

SUBPART C: FINANCIAL REGULATIONS

Section 1220.310 Records

- a) **Procedure**
Every MEG Unit must maintain the following:
- 1) Records ~~that~~~~which~~ fully disclose the total receipts and expenditures of the MEG Unit.
 - 2) Records ~~that~~~~which~~ fully disclose the disposition of all ~~Department~~~~DLE~~ funds for the MEG Unit.
 - 3) Records ~~that~~~~which~~ fully disclose the amount of money and/or in-kind match provided for the MEG Unit by sources other than ~~the~~~~Department~~~~DLE~~.
 - 4) Any other records requested by ~~the~~~~Department~~~~DLE~~ to facilitate an effective audit.
- b) **Accounts**
- 1) MEG Units accounts ~~shall~~~~will~~ be maintained in conformity with the

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category and subcategory detail shown in the detailed budget submitted. The MEG Unit may make allotments and account expenditures in further subcategory detail if so desired, and an account will be maintained for each such allotment.

- 2) Expenditures ~~shall~~will be recorded in a formal account. The record of expenditures may be maintained in the agency's regular accounts if the expenditures are clearly identified ~~in those accounts therein~~ and ~~the~~ memorandum records are maintained ~~that~~which separately identify the expenditures.
- c) **Recording of Receipts and Expenditures**
Accounting procedures must provide for an accurate and timely recording of receipt of funds by source, of expenditures made from ~~thesueh~~ funds, and of unexpended balances. Controls must be set up to ensure that expenditures charged to MEG activities are for allowable purposes and that documentation is readily available to verify that ~~thosesueh~~ charges are accurate.
- d) **Intermediate Records**
Intermediate or secondary records, such as ledger cards, weekly or monthly cost summaries, cost analysis reports, letters of justification, or technical cost appraisals, are not supporting records and cannot be used in place of the supporting records. For purposes of audit, expenditures ~~shall~~will be supported by both the supporting records and intermediate records.
- e) **Supporting Records (Documentation)**
Supporting records are the original or source records and documents ~~that~~which evidence expenditures made and ~~that~~which underlie the accounting transactions. Daily time records and payroll records evidencing labor costs, invoices for purchases of capital equipment and supplies or services, computations ~~that~~which show the method used in allocating indirect costs, authorizations to perform or discontinue work, change orders to the scope of the work, and similar documents and records serve as supporting records.
- f) **Responsibility**
Each MEG Unit is required to maintain, or cause to be maintained, all records (including source documentation) relating to programs undertaken as evidence of costs incurred. It is the responsibility of the MEG Unit to assure that an accounting system is in effect ~~that~~which conforms to generally accepted

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accounting principles and ~~that which~~ fully discloses the amount and disposition of the State funds, the amount and disposition of the matching contributions, and such other records as will facilitate an effective audit. It is also the responsibility of the MEG Unit to assure that procedures are established and supporting documentation is developed to substantiate allowable costs.

- g) Maintenance of Records
MEG Units are expected to insure that records of each fiscal year are separately maintained and that the information required can be readily located. The MEG Units are also obliged to protect records adequately against fire or other damage. When records are stored away from the principal office, a written index of the location of records stored should be on hand and readily accessible. ~~The Such~~ records should be maintained in an orderly manner and must be available for audit purposes.
- h) Retention of Records
- 1) Financial records of the MEG Unit, including books of original entry, source documents, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records must be retained for a period of ~~53~~ years or the period of time required by the Secretary of State's Local Records Commission (see 44 Ill. Adm. Code 4400), whichever is greater. The retention period starts from the date of the submission of the final expenditure report or ending date of the fiscal year, whichever is later. The ~~53~~-year retention period is qualified as follows:
 - A) Records for non-expendable property acquired with project funds shall be retained for ~~53~~ years after final disposition of that property.
 - B) Records must be retained beyond the ~~53~~-year period if an audit is in progress and/or the findings of a completed audit have not been resolved satisfactorily. If an audit is completed and the findings are resolved prior to the ~~53~~-year period, records will still be retained until the end of the ~~53~~-year period.
 - C) The Department~~DLE~~ may request transfer of certain records to its custody from local governments when it determines that the

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records possess long term retention value.

- 2) Program records of the MEG Unit must be retained for a period of 53 years. Program records are all records other than financial.
 - A) The retention period starts from the date of the submission of the final expenditure report or ending date of the fiscal year, whichever is later.
 - B) ~~However, records~~The 3-year retention period is qualified as follows: Records must be retained beyond the 53-year period if an audit is in progress and/or the findings of a completed audit have been resolved satisfactorily. If an audit is completed and the findings are resolved prior to the 53-year period, records will still be retained until the end of that 53-year period.
- 3) No record of the MEG Unit may be destroyed or otherwise disposed of unless the State Archivist or the Secretary of State's Local Records Commission has been notified and has given the MEG Unit written approval, as required by the Local Records Act [50 ILCS 205](Ill. Rev. Stat. 1981, ch. 116, pars. 43-101 et seq.).
 - i) Department's Fiscal Report
A Fiscal Report~~DLE fiscal report~~ will be submitted to the Department~~DLE~~ by the 30th day following the end of each fiscal quarter, reporting State and local expenditures. Obligations will be reported that~~which~~ are unliquidated at the end of the quarter. All obligations not liquidated by the end of the lapse period (September 30) will become the responsibility of the local participants. The MEG Unit fiscal year shall commence July 1 and close June 30.

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

Section 1220.320 Matching Contributions

Requirements—

The~~the~~ following subsections~~subparagraphs~~ set forth local matching contribution requirements.:

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- a) All MEGs requesting Department DLE funds must be prepared to provide at least 50 percent of the total fiscal year project cost.
- b) Matching cost contributions can be from local or private sources and shall consist~~consisting~~ of the following:
 - 1) Cash match from funds appropriated by units of local ~~units of~~ government, or cash from private and not-for-profit organizations, donations and contributions.
 - 2) In-kind resources (services, equipment, goods or facilities).
- c) Assets and equipment acquired under Illinois Criminal Justice Information Authority IJEC grants may not be provided as match.

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

Section 1220.330 Administrative Policies

- a) General
To be allowable, costs must meet the following general criteria:
 - 1) Be necessary and reasonable for proper and efficient administration of the program, be allocable to the program~~thereto~~ under these principles, and, except as specifically provided in this Section~~herein~~, not be a general expense required to carry out the overall responsibilities of local governments.
 - 2) Be authorized by₂ or in conformity with₂ local laws or regulations.
 - 3) Conform to any limitations or exclusions set forth in this Part or other governing limitations as to types or amounts of cost items.
 - 4) Be consistent with policies, regulations and procedures that apply to the unit of government of which the MEG is a part.
 - 5) Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

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- b) Conflict of Interest
- 1) No official or employee of any MEG Unit shall knowingly participate personally in any matter in which ~~DepartmentDLE~~ funds are used ~~or in which an, where~~ immediate family member, partner, or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest.
 - 2) No MEG Unit shall employ a former ~~DepartmentDLE~~ employee for any purpose directly or indirectly connected with the administration, operation or evaluation of a ~~DepartmentDLE~~ funded MEG Unit without prior written approval of the Director.
 - 3) In the use of ~~DepartmentDLE~~ funds, any official or employee of the ~~unit of local unit-of~~ government or a non-government grantee shall avoid any action ~~thatwhich~~ might result in, or create the appearance of:
 - A) Using his/her official position for private gain.
 - B) Giving preferential treatment to any person.
 - C) Losing complete independence or impartiality.
 - D) Making an official decision outside official channels.
 - E) Affecting adversely the confidence of the public in the integrity of the government or the program.
- c) Reporting Irregularities
The MEG Director is responsible for reporting promptly to the ~~DepartmentDLE~~ the nature and circumstances surrounding any financial irregularities discovered. Failure to report known irregularities can result in suspension or other remedial action.
- d) Program Income
- 1) Definition. Program income represents earnings by the MEG Unit realized from the State-supported activities. Program income includes, but is not limited to, interest earned, income from service fees, sale of

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commodities, usage or rental fees, restitution, and seized funds or assets.

- 2) Disposition of Program Income~~program income~~.
 - A) Interest income earned, restitution, and seized funds and assets ~~shall~~will be retained by the MEG Unit to be utilized in the MEG Program as matching funds.
 - B) All other program income requires the approval of the Department~~DLE~~ prior to its use or disposal~~using or disposing of it~~.
- e) Minutes of Meetings
The proceedings of all Supervisory, Advisory, Ad Hoc and Executive committees or commissions should be recorded as official minutes and maintained by the MEG Unit. Copies of the official minutes ~~shall~~will be forwarded to the Department~~DLE~~ MEG Coordinator. The minutes should be made available to the general public when mandated by law or Department~~DLE~~ staff.

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

Section 1220.340 Audits

- a) Annual Audit
The Department shall have an audit of the MEG units conducted by a certified public accounting firm selected pursuant to this Section. The audits shall be submitted to the Department by December 31 for the fiscal period having ended June 30 of the previous~~that~~ year.
- b) Selection of Auditor
 - 1) The Department shall select the auditing firm from those who have submitted bids. Prior to selecting the auditing firm, the Director shall refer the bids to a committee comprised of members of the Department representing the Office of Internal Auditing; the Division of Administration, Bureau of Fiscal Management; the Division of Criminal Investigation; and such other members as the Director determines are appropriate based upon their experience and qualification.
 - 2) The Committee shall consider the following criteria in order of rank of

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importance in recommending an auditing firm to the Director.

A) Time Frame for Completion

- i) All field work will begin September 1, and must be completed within 60 days ~~of execution of the contract.~~
- ii) A draft report must be prepared and filed with the Director within 35 days of the completion of subsection (b)(2)(A)(i) supra.
- iii) A final report shall be filed with the Director no later than December 31 ~~within 25 days of subsection (ii).~~
- iv) In no event may the time for completion of the requirements of this subsection (b)(2)(A) ~~subsections (i)–(iii)~~ exceed 120+15 days.

B) Reputation and Experience of the Firm

- i) The firm shall provide the Department with evidence of its license and good standing with the Department of Financial and Professional Regulation ~~Registration and Education of the State of Illinois.~~
- ii) The firm shall provide the Department with evidence that its personnel assigned to the audit are familiar with, and experienced in conducting governmental audits involving grant programs.
- iii) The firm shall identify preliminary areas of problems and difficulties and a description of potential methods to solve those ~~such~~ problems.

C) Cost

The cost of the audit shall be limited to professional services and; administrative costs ~~and travel costs~~ which shall be reimbursed as follows: ~~according to (a)~~

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- i) 75 percent upon completion of the draft report; and ~~(b)~~
- ii) 25 percent upon acceptance of the final report by the Department.

c) Audit Scope

Each audit shall consist of a financial and compliance component of the MEG operations. Each audit shall consist of two components with coverage of at least those items listed in this subsections ~~(c)(1) and (c)(2)~~. The scope of review shall be broad enough to include expenditures and activities of MEG units with unique operations. The time frame of the examination shall be the Department's Fiscal Year including an additional 90 days in which ~~wherein~~ expenses for obligations incurred during the fiscal year shall be paid.

1) Financial Examination

The examination shall include, on a test basis, a review of the receipts and expenditures of State and local funds, including any necessary supporting documentation. The requirements of Subpart C Sections 1220.310, 1220.320, 1220.330, 1220.350, 1220.360, 1220.370, 1220.380 and 1220.390 should be considered in conducting ~~to conduct~~ this financial review, and the review shall render an opinion on the financial statements, which are to be presented on the accrual basis.

2) Compliance Review

The compliance review shall consist of an examination of documentation to determine if there has been adherence to State and local regulations concerning the allowability of receipts and expenditures, such as the prohibition of payment for unauthorized travel. A paragraph attesting to that such compliance, or non-compliance, shall be included in the report. The audit shall consider ~~The listed subsections shall be consulted.~~

- A) Development of ~~Planning to develop~~ necessary plans and concepts for the MEG operations- (see Sections 1220.210, 1220.220, 1220.320 and 1220.350-);
- B) Management policies, procedures and controls to promote efficient and effective operations, and assure that accurate records have been generated from the MEG operations- (see Sections 1220.310, 1220.320, 1220.330, 1220.350, 1220.360, 1220.370 and

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1220.390-);

- C) The expenditure of State and matching funds to ensure that they are properly recorded and controlled, are expended for the purposes agreed upon, and have been properly reported- (see Sections 1220.310, 1220.320, 1220.350, 1220.360 and 1220.390-);
- D) Non-financial resources, such as custody, utilization and control over property, equipment and supplies- (see Section 1220.380-).

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

Section 1220.350 Budget

- a) Personnel
 - 1) Written personnel policies are required and will include work hours to be maintained by employees, vacation and sick leave allowances, payment of accrued vacation at the end of employment, and overtime. The policies should also set forth employee benefits ~~which will be provided to employees~~ and information related to pay increases, promotions, and all other pertinent personnel policies and regulations.
 - 2) Amounts charged for personnel services must be based on payrolls documented and approved in accordance with the generally accepted practice of the local agency. Payrolls must be supported by time and attendance records for individual employees. These records must demonstrate the days and hours worked on the MEG Unit.
 - 3) Dual compensation is prohibited (i.e., the individual may not receive increased compensation from a second source for the same unit of work done at the same time).
 - 4) The salaries and job titles of individuals must be outlined in an approved budget.
 - 5) Appropriated State money cannot be used to pay the salaries of local and county sworn agents, with the exception of the Unit Director, unless prior approval from the Department is obtained. Determination will be made in

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accordance with existing resources or other relevant data.

- b) **Equipment**
Equipment must be outlined in the approved budget and be necessary.
- c) **Consultants (Professional Services)**
The requirement of professional services with respect to arrangements with individuals, other government units and non-government organizations or consultants needs prior approval by the Department DLE.
- d) **Other Contractual**
Other contractual costs may include the costs of utilities, equipment, rentals, evaluation and facilities facility costs. These are considered as "other contractual" in that they generally are incurred as a result of an agreement, letter of intent, contract or lease.
- e) **Travel**
 - 1) Travel costs are allowable for expenses for transportation, lodging, subsistence and related items incurred by employees who are on official business incident to a MEG program. These Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in non-State sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is not allowable except when less-than-first-class air accommodations are not reasonably available. Meals may not be claimed if travel is within the city of the employee's assigned MEG headquarters headquarters' city.
 - 2) **Foreign Travel.** Foreign travel is defined as any travel outside of Canada and the United States and its territories and possessions. Foreign travel costs are allowed only when the travel has received specific prior approval from the Department or MEG Policy Board by DLE and each separate foreign trip has been specifically approved by DLE.
 - A) Foreign travel costs for Department employees are allowed only when each specific foreign trip has received specific prior approval

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by the Department.

- B) Foreign travel costs for non-Department MEG employees are allowed only when each separate foreign trip has received specific prior approval by the relevant MEG Policy Board.
- 3) Expenses between the employee's residence and headquarters are not allowable charges.
- 4) Travel costs must be supported by travel vouchers ~~that~~which contain dates, places, and purposes of travel. Motel or hotel bills and train or airplane ticket receipts must support these charges. State and Department ~~DLE~~-travel regulations must be complied with.
- f) **Commodities**
Commodities include supplies and materials. The cost of materials and supplies necessary to carry out MEG operations is allowable. Purchases made specifically for the MEG program should be charged to that program~~thereto~~ at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the MEG Unit. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material costs. All purchases of commodities must be supported by purchase orders, invoices or cancelled checks with vouchers supporting the amounts.
- g) **Other Allowable Costs**
- 1) Conferences, lunches or dinners, reimbursement for which are limited by the Department of Central Management Services' Travel Regulations, to the extent that the funds are State appropriated.
- 2) Confidential expenditures. Confidential expenditures are payments to informants, purchases of materials as evidence (narcotics), or other uses as may be required by law enforcement personnel working in an undercover capacity as provided in Section 1220.390.
- h) **Unallowable Costs**
- 1) **Bad Debts.** Any losses arising from uncollectible accounts and other

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claims and related costs.

- 2) Contingencies. Contributions to a contingency reserve or any similar provision for unforeseen events.
 - 3) Contributions and Donations.
 - 4) Entertainment. Costs of amusements, social activities, and incidental costs relating to those activities~~hereto~~, such as meals, beverages, lodging, rentals, transportation, and gratuities.
 - 5) Fines and Penalties. Costs resulting from violations of, or failure to comply with, ~~federal~~Federal, State, and local laws and regulations.
 - 6) Interest and Other Financial Costs. Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and related legal and professional fees ~~paid in connection therewith~~.
 - 7) Inappropriate Expenditures. Expenditures not related to the program purpose or unreasonable as to cost benefits derived.
 - 8) Purchase of Unit Owned Equipment. Program funds may not be used to provide reimbursement for the purchase price of equipment already owned by the Unit unless specifically approved by the Department~~DLE~~ based upon economic need of the Unit and availability of resources of the Unit.
 - 9) Pre-Award Costs. Award costs incurred after the funding period termination or prior to award.
 - 10) Indirect Costs. The Department ~~of Law Enforcement~~ shall not allow reimbursement of Department~~DLE~~ funds for the indirect costs of preparing an application in the awarding of any funding. The intent of this policy is to concentrate the use of State funds on crime control activities.
- i) Costs Requiring Prior ~~Department~~DLE Approval, When Department Funds Will Be Expended. If the MEG Unit has a Fiduciary Agreement, those rules will be followed for procurement. Otherwise, subsection (i) shall be followed. In the event of conflict between a MEG Unit's Fiduciary Agreement and subsection (i), subsection (i) shall control.

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- ~~1)~~ ~~Purchase or lease of Automatic Data Processing Equipment.~~
- ~~12)~~ Office space or other space rental ~~when~~where rent is in excess of \$7.00 per square foot.
- ~~23)~~ Remodeling or alterations to real property in excess of \$1,500.
- ~~34)~~ ~~Purchases with a cost greater than the small purchase threshold as determined by the Chief Procurement Officer for General Services (CPO-GS). Purchase of equipment with a unit cost in excess of \$5,000 or where the aggregate exceeds \$10,000.~~
- ~~45)~~ Management studies to improve Unit effectiveness and efficiency.
- ~~56)~~ Pre-agreement costs or costs incurred prior to the beginning of a new fiscal period.
- ~~67)~~ Indirect Cost Plans.
- ~~78)~~ Foreign Travel. Defined as travel outside of the United States or its possessions and Canada.
- ~~89)~~ Sole Source Purchases ~~greater than the small purchase threshold as determined by the CPO-GS. The aggregate of which is expected to exceed \$1,500.~~
- ~~910)~~ Fixed fee contracts in excess of \$1,500.
- ~~1044)~~ Consultant fees.
- ~~1142)~~ Salaries paid by State appropriated money for sworn agents, with the exception of the ~~Unit Director~~unit director.

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

Section 1220.360 Fund Disbursements

- a) Cash Advances

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The MEG Unit shall be reimbursed for expenses incurred upon submission of the ~~DLE~~ Fiscal Report. ~~The Department~~ ~~DLE~~ recognizes that, in some instances, the Unit may not possess sufficient local financial resources to support the Unit on a reimbursable basis and that individual units may require cash advances for anticipated operational costs. Consequently, the MEG Unit may request a cash advance to cover projected costs for a subsequent fiscal quarter. ~~These~~ ~~Such~~ requests must be in writing and should include the purpose of the proposed expenditure and the reasons necessitating the advance.

- b) Sanctions
- 1) Those MEG Units not submitting Fiscal Reports will be sent a late notice via e-mail to the MEG contact~~mailed a late notice~~ and will have 30 days to respond. If no response is received to the first late notice, a second late notice will be sent via e-mail~~mailed~~ and will state that, unless a Fiscal Report is received within 15 days, disbursement of funds will be suspended and a request to return any unspent funds will be sent.
 - 2) Should no response be received to the second late notice, a registered letter will be sent to the MEG Director and the responsible authorized official notifying them of the suspension. In order to activate the suspended funds and to keep any unspent funds, a written response will be required of the policy board to include explanation of deficient reporting, corrective action to be taken, and a current Fiscal Report.
 - 3) If the action required to activate a suspension is not taken within 45 days, then appropriate measures will be taken to terminate funding and recover any unspent funds.

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

Section 1220.370 Accounting Standards

- a) Financial Responsibility
- 1) Accounting records should provide the information needed to separately identify the receipts and expenditures of State and other matching funds.
 - 2) Entries in accounting records should refer to subsidiary records and/or

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documentation ~~that supports~~~~which support~~ the entry and ~~that~~~~which~~ can be readily located.

- 3) The accounting system should provide accurate and current financial information.
 - 4) The accounting system should have an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting information, and promote operational efficiency.
- b) Internal Control
- 1) While it is recognized that many MEG Units have limited staffs, sound internal control requires a certain minimum separation of financial duties. Therefore, no one individual may control all of the following activities:
 - A) Authorization to initiate expenses, purchase orders, etc.
 - B) Approving vouchers for payment.
 - C) Signing checks.
 - D) Recording transactions in books of account.
 - E) Responsibility for physical custody of vouchers, payroll records, cancelled checks, and books of account.
 - 2) All MEG Units are required by this subsection (b)(2) to establish a pre-voucher review in order to assure proper payment of funds. The person who signs the checks must assure himself/herself by review of the accompanying voucher, time sheet, or any other reasonable means that payment is correct. The person who initials and/or approves a voucher for payment may not be the sole signer of the check paying for those goods nor may he/she be delegated the entire pre-voucher review responsibility. Financial officers have the responsibility and authority to disallow payment of expenditures made contrary to the requirements of this subsection (b)(2)~~these guidelines~~.
 - 3) Financial activities should be separated into the following functions and

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each should be performed by a different individual:

- A) Initiating expense and approving payment.
 - B) Disbursing funds or signing checks.
 - C) Recording transactions into books of account.
- 4) All MEG Units are required to have an annual audit performed by a Certified Public Accountant.
- c) **Contractual Responsibility**
The MEG Unit is the responsible authority, without recourse to ~~the DepartmentDLE~~, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of the MEG Unit. Matters concerning violation of law are to be referred to such local, State or ~~federalFederal~~ authority as may have proper jurisdiction.
- d) **Procurement Requirements**
The requirements outlined ~~in this subsection (d)below~~ represent minimum State standards for the procurement of goods and services with ~~DepartmentDLE~~ funds; MEG Units may use their own applicable local rules and regulations if ~~thesesueh~~ standards meet or exceed the following:
- 1) The MEG Unit shall develop or maintain a code of conduct, in addition to the ~~DepartmentDLE~~ rules of conduct, which shall govern the performance of its officers, employees, or agents in contracting with or expending ~~DepartmentDLE~~ funds. To the extent permissible by State or local law, rules or regulations, ~~thesesueh~~ standards shall provide for penalties, sanctions; or disciplinary actions to be applied for violations of these standards. Officers, employees or agents of the MEG Unit shall neither solicit nor accept gratuities, favors; or anything of monetary value from contractors or potential contractors.
 - 2) All procurement transactions, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum and free competition. The MEG Director should be alert to organizational conflicts of interest or non-competitive practices among contractors ~~thatwhich~~ may restrict or

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eliminate competition or otherwise restrain trade.

- 3) Proposed procurements shall be reviewed by MEG officials to avoid purchasing unnecessary or duplicative items. ~~When~~Where appropriate, a lease vs. purchase analysis shall be conducted by the Unit to determine the most economical and practical procurement. A lease vs. purchase analysis is required for any acquisition of automatic data processing equipment. ~~The Such~~ analysis must be provided to ~~the Department DLE~~ prior to procurement.
- 4) All procurements in excess of ~~\$20,000\$1,500~~ shall contain suitable provisions for termination by the MEG Unit, including the manner by which termination will be effected and the basis for settlement. ~~The Such~~ provisions shall include conditions under which the contract can be terminated for default, as well as conditions ~~under which where~~ the contract can be terminated because of circumstances beyond the MEG Unit's or the contractor's control.
- 5) All procurements in excess of ~~\$20,000\$10,000~~ shall include provisions for compliance with federal Executive Order No. 11246 entitled "Equal Employment Opportunity" as amended by Executive Order No. 11375, as supplemented ~~by U.S.~~ Department of Labor ~~regulations~~Regulations (41 CFR 60). Each contractor shall be required to have an affirmative action plan ~~that which~~ declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex or age and ~~that which~~ specifies target goals and target dates to assure implementation of that plan. The MEG Unit shall establish procedures to assure compliance with this requirement by contractors and to assure that suspected or reported violations are promptly investigated. The MEG Unit shall require the contractor to insert this provision in all subcontracts and subgrants in excess of ~~\$20,000\$10,000~~.
- 6) Procurement records for purchases in amounts in excess of the small purchase threshold determined by the CPO-GS\$1,500 shall include, as a minimum, the following information:
 - A) Justification for use of negotiation in lieu of public advertising (if applicable) and the basis for the cost of price negotiation.

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- B) A copy of the advertisement and related document upon which the contract was awarded.
- C) A copy of the purchase agreement and any modifications to that agreement~~thereto~~.
- 7) Contracts shall be made only with responsible contractors who possess the ability to perform successfully under the terms and conditions of the proposed agreement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources and accessibility to other necessary resources.
- 8) Contracts shall contain provisions or conditions that~~which~~ will allow for administrative, contractual or other remedies in instances in which~~where~~ contractors violate or breach contract terms. The~~Such~~ provisions of the contract shall provide for such sanctions and penalties as may be appropriate.
- 9) A cost plus percentage of the cost purchase agreement shall not be used.
- 10) The MEG Unit shall recognize minority and small business concerns when contracting with Department~~DLE~~ funds.
- e) **Invitations for Bids**
Formal advertising with adequate purchase descriptions, sealed bids and public bid openings shall be the required method of procurement unless otherwise authorized. When~~Where~~ ~~such~~ advertised bids are received, the contract award must be made to the lowest responsive, responsible bidder, considering price and factors affecting price ~~considered~~. (The~~Such~~ factors may be discounts, transportation costs, or taxes.) Invitations for bids shall clearly set forth all requirements ~~which~~ the bidder shall fulfill in order for his/her bid to be evaluated by the MEG Director. A fixed price purchase must result from the award after bid selection.
- f) **Negotiated Procurements**
Procurements may be negotiated if it is impractical or unfeasible to use formal advertising. The MEG Unit shall attempt, however, to secure the maximum competition possible in all negotiated procurements. Generally, procurements may be negotiated if:

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- 1) Public exigency/emergency will not permit the delay incident to formal advertising.
- 2) The material or service to be procured is available from one person or one firm.
- 3) The aggregate amount of the procurement does not exceed the small purchases threshold as determined by the CPO-GS\$1,500.
- 4) The contract is for personal, professional or, artistic services, or for any service to be rendered by a university, college or other non-profit educational institution.
- 5) No acceptable bids have been received after formal advertising.
- 6) The procurement involves use of State or local existing contracts that were originally entered into on a competitive basis.
- 7) The purchases are for:
 - A) highly perishable materials or medical supplies;~~;~~~~for~~
 - B) material or service for which~~where~~ the prices are established by law;~~;~~~~for~~
 - C) technical items or equipment requiring standardization and interchangeability of parts with existing equipment;~~;~~~~for~~
 - D) experimental, developmental or research work;~~;~~~~for~~
 - E) supplies purchased for authorized resale;~~;~~ and~~for~~
 - F) technical or specialized supplies requiring substantial initial investment for manufacture.
- 8) Formal advertising may expose the MEG Unit and hinder the MEG agents and the MEG Unit in carrying out drug law enforcement.

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- g) Special Considerations
- 1) All procurements in excess of the small procurement threshold determined by the CPO-GS that \$1,500 ~~which~~ are entered into without competition must receive prior Department ~~DLE~~ approval. The MEG Unit shall provide a complete justification indicating the reasons that preclude formal competition and a copy of the proposed purchase agreement.
 - 2) ~~A)~~ Equipment required for MEG operations should be purchased only after determination by responsible officials that no other equipment owned by the Unit is available for the effort.
 - ~~3B)~~ Funds should not be used to provide reimbursement for the purchase price of equipment already owned by the Unit. This does not apply to equipment owned by a State or local government central purchasing department and held in stock available for issuance and sale to the MEG Unit or other government offices.
 - ~~4C)~~ The MEG Unit shall include provisions, as appropriate, to preclude late delivery of equipment by contractors. These provisions may include penalty clauses and contract bonds. If it becomes evident that the contractor will be delinquent in fulfilling projected delivery schedules, the MEG Unit shall notify the Department ~~DLE~~ immediately.
- h) Construction Programs
- Any MEG project ~~that~~ which involves the erection, acquisition, expansion or repair of new or existing buildings or other physical facilities is a construction program and requires prior approval by the Department ~~DLE~~.

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

Section 1220.380 Use of Property

- a) Definitions
- 1) Excess Property. Excess property means property, under the control of any agency, ~~that~~ which ~~property, as determined by the need thereof,~~ is no longer required for the Unit's needs.

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- 2) Expendable Personal Property. Expendable personal property refers to all tangible personal property other than non-expendable property.
 - 3) Non-expendable Personal Property. Non-expendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of ~~\$100~~~~\$50.00~~ or more per unit. The MEG Unit may use its own definition of non-expendable personal property provided that ~~such~~ definition would at least include all tangible personal property as defined in subsection (a)(4) below.
 - 4) Personal Property. Personal property means property of any kind except real property. It may be tangible (i.e., =having physical existence); or intangible (i.e., =having no physical existence), such as patents, inventions and copyrights.
 - 5) Real Property. Real property means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.
- b) Real Property
Real property acquisition requires prior approval by the Department~~DLE~~.
- c) State-Owned Non-~~expendable~~Expendable Personal Property
Unless statutory authority to transfer State property has been granted to the MEG Unit, title to Department~~DLE~~/MEG owned property shall be reported to the Department~~DLE~~ for further agency use or, if appropriate, for reporting to Central Management Services for other State~~state~~ agency use. Appropriate disposition instructions will be issued to the MEG Unit after completion of agency review.
- d) Property Control
- 1) Property records shall be maintained accurately and provide for:
 - A) a description of the property;
 - B) manufacturer's serial number or other identification numbers;
 - C) acquisition date and cost;
 - D) source of the property;

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- E) location, use and condition of the property; and
 - F) ultimate disposition data, including sales price or the method used to determine current fair market value if the MEG Unit reimburses the donator for its share.
- 2) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current use, and continued need for the property.
 - 3) A control system shall be in effect to insure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft of non-expendable property shall be investigated and fully documented.
 - 4) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

Section 1220.390 Confidential Expenditures

- a) ~~Definition~~ The confidential expenditures budget is subject to prior approval by the Department, if Department funds are expended~~DLE~~. The confidential expenditures budget would be used for payment to informants, purchase of materials as evidence (such as narcotics), or other uses as may be required by law enforcement personnel working in an undercover capacity. Such an approval will be based on a finding that it is necessary and reasonable for proper and efficient administration of the MEG Unit.
- b) ~~Bonded Cashier~~ The funds authorized will be controlled by a bonded cashier.
- c) Authorization for Information
 - 1) The MEG Director to which the fund is assigned must authorize all advances of funds up to \$1,000 to agents or officers for the purchase of information. Advances and payments in excess of \$1,000 must be approved by the chairman of the Board~~policy board~~. The~~Such~~ authorization must specify the information to be received, the amount of

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expenditures, and assumed name of informer.

- 2) There must be maintained by the MEG Unit confidential files of the true names, assumed names, and signatures of all sources to whom payments of confidential expenditures have been made. To the extent practicable, pictures and/or fingerprints of the informer should also be maintained.
- 3) The cashier shall receive from the agent or officer authorized to make a confidential payment a receipt for cash advanced ~~to him~~ for ~~thosesuch~~ purposes.
- 4) The agent or officer shall receive from the confidential source payee a receipt.
- 5) The signed receipt from the confidential source payee, with a memorandum detailing the information received, will be forwarded to the agent or officer in charge. The agent or officer in charge shall compare the signature on the receipt with the confidential file of assumed name signatures. A certification of payment to the cashier will serve as support for the expenditure from the fund. The certification will be witnessed by the agent or officer in charge on the basis of the report and confidential source payee's receipt.
- 6) Each agent or officer in charge shall maintain records showing status and reconciliation of the fund and itemizing each payment, name used by informer payee, information received, and use to which information was put. This report ~~shall~~must be part of the files.
- 7) In each instance ~~in which~~when ~~Department~~DLE funds are used for confidential expenditures, it ~~shall~~will be understood that all of the ~~above~~ records listed in subsection (c)(6), except the true names of the informers, are subject to the record and audit provisions of 34 USC 10101 P.L. 90-351, Omnibus Crime Control and Safe Streets Act of 1968, as amended by P.L. 91-644 (Omnibus Crime Control Act of 1970) and as amended by P.L. 93-83 (Crime Control Act of 1973) (Section 521(a) and (b)).

(Source: Amended at 42 Ill. Reg. 19207, effective October 10, 2018)

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- 1) Heading of the Part: Imaging Products
- 2) Code Citation: 20 Ill. Adm. Code 1298
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1298.10	Amendment
1298.20	Amendment
1298.30	Amendment
1298.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].
- 5) Effective Date of Rules: October 10, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 12934; July 6, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Minor grammatical and stylistic changes were made along with recommended amendments by JCAR. Video or electronic file were included with the image description for clarity purposes. The "Graphic Image" descriptors were enhanced clarity purposes.
- 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 issued by JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The amendments will update the requirements and procedures for obtaining imaging products from the Department to include digital media. Obsolete items are being removed and fees are being changed to reflect technology changes.
- 16) Information and questions regarding these adopted rules shall be directed to:

Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1298
IMAGING PRODUCTS

Section	
1298.10	Introduction
1298.20	Definitions
1298.30	Request Procedures
1298.40	Fees

AUTHORITY: Implementing and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 27 Ill. Reg. 10315, effective June 26, 2003; amended at 37 Ill. Reg. 8041, effective June 3, 2013; amended at 42 Ill. Reg. 19238, effective October 10, 2018.

Section 1298.10 Introduction

The Department of State Police, in the context of its powers and duties, captures [digital images, videos, and measurements](#) and produces ~~photographic images~~ in a variety of formats. Individuals and other entities often desire to obtain copies of these [digital images, videos, and measurements](#) ~~imaging products~~. This Part is intended to establish the requirements and procedures for obtaining imaging products from the Department.

(Source: Amended at 42 Ill. Reg. 19238, effective October 10, 2018)

Section 1298.20 Definitions

"Department" means the Illinois Department of State Police.

"Graphic Image" means any image, [video or electronic file](#), including, but not limited to, those depicting a nude human body, ~~;~~ autopsy or post-mortem images, ~~;~~ a body with severe ~~trauma lacerations~~ or injuries, ~~;~~ or [any digital image, video or other](#) similar image, the release of which a reasonable person would find constitutes an unwarranted invasion of personal privacy.

"Imaging Products" means any [digital images, videos, or measurements collected](#) ~~or visual image on film, paper, or electronic media~~ produced by Department of

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State Police personnel. These may include, but are not limited to, digital animations, charts, or other digital media produced by Department of State Police personnel~~photographic images, whether digital or non-digital, video images, visual computer images, computer-generated illustrative images, charts, schematics, data collection files whether in raw or processed form, and computer animations.~~

"Requester" means a person or other entity that requests imaging products from the Department.

(Source: Amended at 42 Ill. Reg. 19238, effective October 10, 2018)

Section 1298.30 Request Procedures

- a) A requester shall complete an Imaging Request Form for each imaging product request.
- b) Each request shall include the appropriate fee established in Section 1298.40, for the particular image product requested. The payment of fees, established in Section 1298.40, shall be made by certified check, money order or personal check made payable to the State Police Services Fund; cash will not be accepted.
- c) The Department shall not process ~~any~~the request until ~~receipt of~~ a correctly completed Imaging Request Form and the appropriate ~~fees~~ fee is received. The Department shall return any incorrect or incomplete Imaging Request Form and fee to the requester.
- d) All imaging products will be provided to the requester in a digital format. ~~Each request will be valid for 30 calendar days from the date the request form was sent to the requester. Once this period has expired, the request shall be null and void, and a new request form must be submitted.~~
- e) Graphic images will only be provided to the requester if the Imaging Request Form is accompanied by a subpoena or notarized permission of the individual depicted in the graphic image. If the individual depicted in the graphic image is deceased or lacks capacity to grant permission, the Imaging Request Form must be accompanied by notarized permission of that individual's legal representative. ~~All imaging products, excluding digital or non-digital photographic images, shall be provided in a printed or digital format.~~

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- f) ~~Those requested images provided without a subpoena shall have all graphic images redacted.~~
- g) ~~All photographic images, whether digital or non-digital, shall be provided in the form of a 4 x 6 inch photograph. Each still image request shall also include a CD-ROM or DVD containing copies of the printed digital images.~~
- h) ~~Each request for photographic images will include all images, whether digital or non-digital, contained within the related case file; therefore, the costs associated with each request shall be dependent upon the total number of images contained within the case file or remaining images after redacting has been completed.~~
- f) All requested imaging products shall be sent to the requester by U.S. Mail ~~to the requester~~ unless other arrangements are made and paid for by the requester.
- g) The requester shall not reproduce, license, sell, or further distribute imaging products ~~obtained~~ without the written consent of the Department.
- h) Imaging products will only be provided to requesters in compliance with the exemptions to the Illinois Freedom of Information Act [5 ILCS 140/7].
- i) Imaging products will be provided to the requester in the electronic format in which they are maintained by the Department.
- k) ~~The processing of requests shall be delayed or suspended when Department imaging resources are needed for law enforcement purposes.~~
- l) ~~In the event release of an image would constitute an unwarranted invasion of the personal privacy due to the manner in which an individual is portrayed in the image, the image will not be released except as required by law or with the notarized permission of the individual or the individual's representative.~~

(Source: Amended at 42 Ill. Reg. 19238, effective October 10, 2018)

Section 1298.40 Fees

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The fees ~~will~~ reflect the costs incurred to ~~acquire, maintain, and~~ reproduce the particular imaging products. Fees ~~received~~ shall be deposited ~~into~~ the State Police Services Fund or as otherwise legally required. The fees shall be as follows:

a)	<u>Optical CD/DVD containing imaging products (<80 MB)</u>	<u>\$20</u>
b)	<u>Optical CD/DVD containing imaging products (80-160 MB)</u>	<u>\$40</u>
c)	<u>Optical CD/DVD containing imaging products (>160 MB)</u>	<u>\$100</u>
d)	<u>Flash drive containing imaging products (<80 MB)</u>	<u>\$40</u>
e)	<u>Flash drive containing imaging products (80-160 MB)</u>	<u>\$60</u>
f)	<u>Flash drive containing imaging products (>160 MB)</u>	<u>\$120</u>
a)	4x6 inch photograph — \$5 each	
b)	video tape — \$20 each	
e)	36x48 inch diagram or illustration — \$85	
d)	animations — \$40 per second of finished animation	
e)	total station electronic data — \$20	
f)	redacting of graphic images	
1)	case files containing 1-150 images	\$5
2)	case files containing 151-300 images	\$10
3)	case files containing 301-450 images	\$15
4)	case files containing 451-600 images	\$20
5)	case files containing 601-750 images	\$25
6)	case files containing 751-900 images	\$30

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7)	case files containing 901-1050 images	\$35
8)	case files containing 1051-1300 images	\$40
9)	case files containing 1301-1450 images	\$45
10)	case files containing more than 1451 images	\$50

(Source: Amended at 42 Ill. Reg. 19238, effective October 10, 2018)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of October 9, 2018 through October 15, 2018. The following rulemakings are scheduled for the November 13th meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
11/22/18	<u>Department of Human Services</u> , Medicaid Community Mental Health Services Program (New Part) (59 Ill. Adm. Code 132)	4/20/18 42 Ill. Reg. 7408	11/13/18
11/24/18	<u>Department of Natural Resources</u> , Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)	5/11/18 42 Ill. Reg. 7905	11/13/18

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the Illinois Register.
2. Name of Contributor: Mr. Mark Kratschmer, Corporate Secretary of Wegman Electric.
3. Date of Violation: October 10, 2014
4. Description of Violation: Mr. Kratchmer, an affiliated person of the business entity Wegman electric, made a contribution of \$250.00 to Citizens for Rauner, Inc., a campaign committee established to support the election of Bruce Rauner to public office. At the time of the contribution, Bruce Rauner was a declared candidate for the office of governor, and Wegman Electric had in place active contracts with the Capitol Development Board, of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officers for General Services has notified Wegman Electric of the apparent violation, reviewed responsive material provided by Wegman Electric, and have considered the value, status, and necessity of the contracts. In addition, the Officers have taken into consideration the recognition by Wegman Electric of the violation and their understanding of the necessity to avoid such situations in the future. We find that voiding affected contracts, bids or proposals would not be in the best interest of the State.

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

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 42, Issue 43 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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