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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
125.10	Amend
125.30	Amend
152.40	Amend
125.50	Amend
125.80	Amend
125.90	Amend
125.100	Amend
125.110	Amend
125.140	Amend
125.141	Amend
125.142	Amend
125.143	Amend
125.145	Amend
125.146	Amend
125.150	Amend
125.170	Amend
125.190	Amend
125.200	Amend
125.210	Amend
125.230	Amend
125.240	Amend
125.250	Amend
125.260	Amend
125.270	Amend
125.280	Amend
125.290	Amend
125.300	Amend
125.305	Amend
125.310	Amend
125.320	Amend
125.340	Amend
125.350	Amend
125.360	Amend
125.370	Amend
125.370	Amend

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NOTICE OF PROPOSED AMENDMENTS

- | | |
|---------|-------|
| 125.380 | Amend |
| 125.400 | Amend |
| 125.410 | Amend |
- 4) Statutory Authority: 225 ILCS 650 and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]
 - 5) A Complete Description of the Subjects and Issues Involved: In Section 125.80(b), any requests by the licensee for changes in the work schedule or minor deviations from the daily operating schedule shall be approved by the supervisor only. The Department is striking Section 125.80(c) and (d) because the Department does not charge plants \$25.00 an hour on holidays or any day or workday at times other than the hours set forth in the approved work schedule. All references to the Code of Federal Regulations (CFR) are being updated.
 - 6) Will this rulemaking replace an emergency rule in effect? No
 - 7) Does this rulemaking contain an automatic repeal date? No
 - 8) Does this rulemaking contain incorporations by reference? No
 - 9) Are there any other proposed amendments pending on this Part? No
 - 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local governments.
 - 11) 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 rulemaking appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281
217/785-5713
217/785-4505 (fax)
 - 12) Initial Regulatory Flexibility Analysis:

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NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: State licensed meat and poultry establishments.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: No additional skills needed.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2004

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 c: MEAT AND POULTRY INSPECTION ACTPART 125
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125.350	Ante-Mortem Inspection
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125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
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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].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective

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NOTICE OF PROPOSED AMENDMENTS

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 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;

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NOTICE OF PROPOSED AMENDMENTS

peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; peremptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; peremptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; peremptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; peremptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; peremptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; peremptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; peremptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; peremptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; peremptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; peremptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; peremptory amendment at 27 Ill. Reg.

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NOTICE OF PROPOSED AMENDMENTS

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; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION**Section 125.10 Definitions**

- a) Terms shall be as defined in 9 CFR 301, 303.1(d)(2), (ii), (iii) (a), (b), (d), (e) and (f), (iv), (v) and (vi), 381.1, 381.10(d)(2), (ii), (iii)(a), (b), (d), (iv), (v) and (vi), 352.1(b) through (t) and 362.1 (~~2004-1997; 64 FR 732, effective March 8, 1999; 64 FR 56400 and 65 FR 2283, effective January 25, 2000; 66 FR 1750 and 66 FR 19713, effective January 9, 2002; 66 FR 22899, effective April 26, 2001; 67 FR 13253, effective April 22, 2002~~); 69 FR 1874, effective January 12, 2004), unless they are otherwise defined in the Meat and Poultry Inspection Act [225 ILCS 650] or in this Section as follows:

"Act" means the Meat and Poultry Inspection Act [225 ILCS 650].

"Approved veterinarian" means any person who has graduated from a veterinary college that is recognized by the American Veterinary Medical Association.

"Birds" shall mean poultry as defined in Section 2.7 of the Act.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product made from rabbits or the processing, handling, or packaging which may affect the wholesomeness of such product.

"Livestock" means cattle, sheep, swine, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and goats.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

"Members of the household" means those persons who occupy a single family unit.

- b) With regard to the definitions of consumer and similar type establishment, the Director has not designated any other type of establishment or institution under these terms other than those specifically stated in the incorporated language.
- c) With regard to the definitions of retail store, only those sections which are incorporated by reference as stated in Section 125.10(a) shall be included in the definition. References within the incorporated language to the section of the federal rules pertaining to operations of types traditionally and usually conducted at retail stores and restaurants refer to the operations defined in Section 5(A) of the Act. No product exempted from inspection in accordance with Section 5 of the Act shall be prepared in any retail store, restaurant or similar retail-type establishment.
- d) References in the incorporated language to 9 CFR 312 and 313 shall be interpreted as references to Sections 125.90 and 125.220 respectively. References to the Humane Methods and Slaughter Act of 1978 shall mean as set forth in Section 125.220.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.30 Application for License; Approval

- a) An application for license to operate an establishment or act as a broker shall be made in accordance with Section 3 of the Act. A fee as set forth in Section 3(b) of the Act shall accompany the license application.
- b) When there is a change in the ownership of the brokerage business or of the establishment or of any tenant or subsidiary of the licensee, a new application for license shall be submitted by the person desiring to operate the establishment or act as a broker in accordance with subsection (a) of this Section. If there has been no change in the facilities of the establishment as shown on the drawings and specifications required by subsection (c) of this Section and the licensee so states in writing to the Department, copies of drawings and specifications shall not be required to accompany the new application for license. When there is a change in the facilities or location of any official establishment or broker, a new application for license shall be submitted by the licensee in accordance with subsections (a)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

and (c) of this Section.

- c) In the case of establishments handling meat and meat products, the Department incorporates by reference 9 CFR 304.2(a)(1) and (2) and 304.3 (1997), and in case of establishments handling poultry and poultry products, the Department incorporates by reference 9 CFR 381.22 (~~2004~~1997; ~~64 FR 72150~~, effective February 22, 2000). If the establishment handles both meat and/or poultry or meat and/or poultry products, the establishment shall comply with both of the before-stated provisions. Except that in any case, the Department requests 3 copies of said drawings and specifications to accompany the application for license. The specification requirements are as set forth in Sections 125.170 and 125.180.
- d) The applicant for license to operate an establishment or act as a broker shall submit the following information to the Department on the application form:
- 1) Name and address and telephone number of the applicant.
 - 2) Type of operation(s) the applicant will be performing (i.e., slaughter, processing, custom slaughter, meat broker, poultry broker, or meat and poultry broker).
 - 3) The location of the establishment or brokerage business for which the license is requested.
 - 4) The name and address of any tenant or subsidiary of the applicant that will be preparing meat and/or poultry or meat and/or poultry products at the establishment (if applicable).
 - 5) Name of the establishment (trade name).
 - 6) Legal entity of the applicant (e.g., individual, association, corporation) and the legal name of the business.
 - 7) State where the corporation or association is incorporated and list of officers (if applicable).
- e) The applicant for license shall certify on the application for license that he/she shall comply with the Act and the rules of this Part. The applicant and any tenant or subsidiary of the applicant shall be responsible for compliance with the Act and rules of this Part.

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- f) The slaughter or preparation of meat and/or poultry products at any official establishment shall be performed only by employees of the licensee or by employees of the tenant or subsidiary whose name was submitted to the Department on the license application.
- g) Before issuing a license to operate an establishment an inspection shall be made of the establishment to determine compliance with Sections 125.50, 125.170 and 125.180. All labels shall be approved in accordance with Sections 125.90 and 125.260 before any meat and/or poultry or meat and/or poultry product is transported in commerce. The Director shall issue a license to act as a broker or to operate an establishment if the applicant is not in violation of Section 19 of the Act and the establishment is in compliance with the rules of this Part. If the applicant for license is denied, the procedure as set forth in Section 19(F) of the Act shall be followed.
- h) Only one license to operate an official establishment shall be issued by the Department for each facility. The slaughter of meat and/or poultry or the preparation of meat and/or poultry products by any tenant or subsidiary of the licensee who is listed on the application form shall be construed as part of the official establishment for inspection purposes.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.40 Official Number

| The Department incorporates by reference 9 CFR 305.1 (~~2004~~1997).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.50 Inspections; Suspension or Revocation of License

- a) An official establishment shall be physically separated (e.g., permanent wall or separate building) from any other operations licensed by the Department (e.g., renderer or blender).
- b) | The Department incorporates by reference 9 CFR 305.2(c), 305.3 and 381.26 (~~2004~~1997). The sanitary conditions and adequate facilities referred to in the incorporated language shall mean that the conditions will be deemed sanitary if they are in compliance with Section 125.180 and facilities will be deemed

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NOTICE OF PROPOSED AMENDMENTS

adequate if they are in compliance with Section 125.170.

- c) The Director shall suspend or revoke a license in accordance with the provisions of Section 19(E) of the Act. The Department shall follow the procedure set forth in Section 19(F) of the Act prior to suspending or revoking a license. The Department will suspend a license until the violation is corrected and brought into compliance with the Act or this Part. The Department will revoke a license for repeated violations of the Act or this Part. In deciding to revoke a license, the Department shall consider factors pertinent to the case, such as the number of violations involved, the number of previous violations of the establishment, the nature of the violation(s) (e.g., public health hazard, bribery, and misuse of official legends or marks) and its severity.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.80 Schedule of Operations; Overtime

- a) The Department incorporates by reference 9 CFR 307.4(a), 307.4(d), and 381.37(a) and (d) (1997). References to 9 CFR 307.6(b) and 381.39(b) in the incorporated language shall be interpreted according to this Section.
- b) The basic workweek and workday shall be those days and hours on file and approved by the Department of Central Management Services in accordance with the Personnel Code [20 ILCS 415] and the rules for that Act (80 Ill. Adm. Code 303.300). The work schedule of the licensee and any requests for changes in the work schedule shall be submitted in writing by the licensee to the ~~supervisor~~regional administrator. A grant of overtime shall be at the sole discretion of the Department and shall be based on inspector availability, efficacious and efficient use of resources and budget considerations. However, minor deviations (one hour or less) from the daily operating schedule shall be approved by the supervisor and/or the regional administrator if the request is received by the regional office on the day before the change is to occur and the change is only for that particular day.
- ~~e) For inspection services rendered on a holiday or any day or workday at times other than the hours set forth in the approved work schedule, the rate shall be \$25.00 per hour or any fraction of an hour.~~
- ~~d) The overtime charge shall be for the actual time the inspector is performing the inspection service and associated travel. Travel expenses and the minimum~~

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~~overtime that will be billed are as follows:~~

- ~~1) When an inspector has departed the official establishment after the completion of his/her regular workday and is recalled to perform inspection service, the minimum overtime that will be charged shall be two hours.~~
- ~~2) For inspection service rendered on Saturday, Sunday or on a holiday, the minimum overtime that will be charged is two hours.~~
- ~~3) When an inspector is required to return to the establishment after the completion of his/her regular work day or on a Saturday, Sunday or holiday, the official establishment will be billed for mileage charged by the inspector in accordance with Travel Regulations (80 Ill. Adm. Code 2800) in addition to the overtime charged.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.90 Official Marks of Inspection, Devices and Certificates

- a) The official inspection legend which indicates the meat, poultry, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and/or poultry product was inspected and passed shall be as prescribed in Section 2.26 of the Act.
- b) The Department incorporates by reference 9 CFR 312.2(b)(2), 312.4, 312.5, 312.6, 312.9, 381.98, 381.99, 381.100, 381.101, 381.103, and 381.108, 381.110 through 381.111 (~~2004-1997; 64 FR 56400 and 65 FR 2283, effective January 25, 2000~~), except that the inscription on the mark of inspection shall contain the word "Illinois" rather than "U.S."
- c) The brands shall be in the forms as prescribed in Section 2.26 of the Act.
- d) The Department shall supply all Illinois Retained, Illinois Seizure, and Illinois Rejected paper tags. The Illinois Seizure tag is used in lieu of the federal detained tag.
- e) The seal referred to in 9 CFR 312.5 and 381.98 shall be a padlock or metal self-locking tab as shown in the illustration for the federal rules.

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- f) The only official brands, symbols, legends and devices shall be those set forth in this Section.
- g) Certificates shall be those set forth in the incorporated federal rules.
- h) Reference to federal forms FSIS 6502-2 and FSIS 6501-1 shall mean Illinois paper tags as identified in this Section and FSIS 9061-2 shall mean Illinois form IL 406-0372. A seal is used by the Department in lieu of issuing a form the equivalent of federal form FSIS 7350-1.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.100 Records and Reports

- a) The Department incorporates by reference 9 CFR 320.1(b), 320.6(a), 320.7, 381.175(b), 381.180(a) and 381.181 (~~20041997; 64 FR 732, effective March 8, 1999~~; 69 FR 1874, effective January 12, 2004).
- b) Access to the establishment, its premises, records and inventories shall be provided to the Department in accordance with Section 14 of the Act and Section 125.70.
- c) Each person who is required to be licensed in accordance with Section 3 of the Act shall keep records as stated in the incorporated language of 9 CFR 320.1(b) and 381.175(b), except that for custom slaughtering and custom processing transactions, the recordkeeping requirements shall be those set forth in Section 5(B)(2)(f) of the Act. Records shall be retained for 5 years after December 31 of the year in which the transaction to which the record relates has occurred. If a record must be retained for longer than 5 years because of an on-going investigation or litigation, the Department shall notify the licensee in writing as to which record is to be retained, the reasons for such retention and the retention period. The Department shall consider when determining the retention period the court date, if known, or the time needed to conclude the investigation (e.g., considering the type of disease being investigated, the number of animals involved, and laboratory testing procedures, if applicable).
- d) The licensee of the official establishment shall maintain such records at the establishment. In the case of a broker, the records shall be maintained at the office listed on the application for license.

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- e) The Department shall request a licensee to submit an evaluation of the inspection program or of the inspector's performance when the Department is conducting a review of the effectiveness of the Meat and Poultry Inspection Program or when a complaint on the inspector's performance has been received.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.110 Exemptions

- a) Meat and/or poultry and meat and/or poultry products exempted from ante-mortem and post-mortem inspection requirements shall be as set forth in Section 5 of the Act. Transportation of meat and/or poultry and meat and/or poultry products which are exempted from ante-mortem and post-mortem inspection shall be in accordance with Section 5 of the Act (i.e., they cannot be transported in commerce). Labeling requirements on such exempted meat and/or poultry and meat and/or poultry products shall be as stated in Section 5 of the Act.
- b) The Department incorporates by reference 9 CFR 303.2 (~~20041997~~).
- c) The Department incorporates by reference 9 CFR 303.1(e) and 9 CFR 381.10(e) (~~20041997~~).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.140 Detention; Seizure; Condemnation

- a) The Department incorporates by reference 9 CFR 329.1 through 329.5(a) and 329.5(c), and 381.210 through 381.214(a) and 381.214(c) (~~20041997~~).
- b) Reference in the incorporated language to Title I and II of the Act, any other federal law, laws of any territory or the District of Columbia, notification of federal authorities not connected with the program, and Section 404 of the Act are not applicable to the Department in its enforcement of the incorporated language. References to federal form 8080-1 shall mean Illinois form MI-51. Illinois Retained or Illinois Seizure tags are used in lieu of federal form FSIS 8400-2.
- c) Meat and/or poultry or meat and/or poultry product that is detained shall be released when it is in conformance with the Act and the rules of this Part. The Department shall verbally inform, followed up with written notification, the owner or person in charge of the detained meat and/or poultry or meat and/or

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poultry product as to what action must be taken to bring the meat and/or poultry or meat and/or poultry product into compliance. Meat and/or poultry or meat and/or poultry products shall be condemned as stated in Section 15 of the Act.

- d) *Condemned meat or poultry products shall be effectively destroyed for human food purposes by the owner of the meat or poultry product under the supervision of an inspector* (Section 15 of the Act) in accordance with the denaturing procedures as set forth in Section 125.290 (specifically the incorporated language in 9 CFR 325.13). If the owner of the meat and/or poultry or meat and/or poultry product refuses to destroy the condemned meat and/or poultry or meat and/or poultry product, the Department shall take judicial action in the circuit court within the jurisdiction where the condemned product was found to confiscate the condemned meat and/or poultry or meat and/or poultry product in order to denature such meat and/or poultry or meat and/or poultry product so it cannot be used for human food purposes.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.141 Sanitation Standard Operating Procedures (SOP's)

The Department incorporates by reference 9 CFR 416 (~~20041997; 62 FR 26211, effective June 12, 1997; 64 FR 56400, effective January 25, 2000~~). The applicability date for 9 CFR 416 will be October 1, 1997.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.142 Hazard Analysis and Critical Control Point (HACCP) Systems

The Department incorporates by reference 9 CFR 417 (~~20041997; 62 FR 61007, effective January 13, 1998~~). The HACCP regulations set forth in 9 CFR 417 and related provisions set forth in 9 CFR 304, 327, and 381 will be applicable as follows:

- a) In large establishments, defined as all establishments with 500 or more employees, on October 1, 1998;
- b) In smaller establishments, defined as all establishments with 10 or more employees but fewer than 500, on January 25, 1999;
- c) In very small establishments, defined as all establishments with fewer than 10 employees or annual sales of less than \$2.5 million, on January 25, 2000.

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.143 Imported Products

The Department incorporates by reference 9 CFR 327.2, 327.7, and 381.196 (~~20041997; 68 FR 37069, effective August 22, 2003~~).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.144 Preparation and Processing Operations

The Department incorporates by reference 9 CFR 424 (~~20041999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 3121, effective March 20, 2000; 65 FR 34381, effective August 28, 2000~~).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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

The Department incorporates by reference 9 CFR 430 (~~20042003; 68 FR 34207, effective October 6, 2003~~).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.146 Consumer Protection Standards: Raw Products

The Department incorporates by reference 9 CFR 441 (~~20042001~~).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART B: MEAT INSPECTION

Section 125.150 Livestock and Meat Products Entering Official Establishments

The Department incorporates by reference 9 CFR 302.3 (~~20041997~~).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 125.170 Facilities for Inspection

- a) The Department incorporates by reference 9 CFR 307.1, 307.2, 307.3 and 307.7 (~~20041997; 64 FR 56400, effective January 25, 2000~~).
- b) The Department shall approve construction of an establishment or the remodeling of an establishment if such establishment or the remodeling is in accordance with 9 CFR 416. The inspector's office shall be approved if it is in compliance with the requirements for an inspector's office as set forth in 9 CFR 416 (9 CFR 416 is incorporated in Section 125.141) and the provisions of this Section. The office will be considered as being in a convenient location if it is on the premises of the official establishment or located in a building adjacent to the official establishment. Small plants (as identified in 9 CFR 307.1) shall furnish an inspector's office either at the establishment or in a building adjacent to the official establishment.
- c) Facilities and equipment shall be provided by the official establishment as necessary to meet the operational needs (e.g., slaughtering facilities, processing facilities) of the establishment and the Department shall construe such facilities and equipment as being adequate, suitable or sufficient if the operational needs of the establishment can be met and inspection and sanitary conditions maintained in accordance with the rules of this Part.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.190 Ante-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 309.1 through 309.4(a), 309.5 through 309.11, and 309.13 through 309.18 (~~20041997~~; 69 FR 1862, effective January 12, 2004).
- b) In cases of emergency slaughter (see 9 CFR 311.27) and where the inspector cannot be contacted or is unable to return to the establishment, the owner of the animal shall obtain the services of a licensed veterinarian who shall perform an ante-mortem examination on the animal. If upon examination the animal shows no symptoms of disease or abnormal conditions that would prohibit its intended use as human food in accordance with the provisions of this Section, the veterinarian shall prepare a written statement to the effect that the animal is in compliance with ante-mortem requirements of this Section and can be slaughtered at the official establishment. The veterinarian's statement shall be kept on file by

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the official establishment in accordance with Section 125.100. The costs of the veterinary services shall be borne by the owner of the animal.

- c) The Department shall approve treatment programs for diseased animals providing the licensee provides the necessary holding pens where such animals can be kept apart from the other livestock awaiting slaughter and the owner of the animal(s) agrees to the treatment and assumes the cost of such treatment. Following treatment, the animal shall be released from slaughter at the request of the owner or of the official establishment and permitted to be transported from the establishment provided the animal was not infected with a reportable disease (see Section 125.130).
- d) An animal found in a comatose or semicomatose condition shall be set apart from the other livestock and held for further observation at the request of the owner or the official establishment.
- e) "Other responsible official supervision" shall mean under the supervision of a licensed veterinarian or a program employee of the U.S. Department of Agriculture.
- f) At the option of the owner of the animal, any animal identified as a suspect may be reinspected by a veterinarian as set forth in Section 9 of the Act or the animal shall be slaughtered and identified in accordance with the provisions of this Section.
- g) An animal will be withheld from slaughter to permit biological residues to be reduced in accordance with 9 CFR 309.16 when the owner informs the inspector that the animal was taking chemicals or biologics or there is evidence to suggest that the animal was taking chemicals or biologics (e.g., injection marks, chemical odor). The time period for holding such animal shall depend on the withdrawal period of the chemical or biologic that was administered the animal. The inspector shall permit the slaughter of such animal (see 9 CFR 309.16a) when requested by the official establishment or by the owner of the animal.
- h) The inspector shall approve the use by any establishment of any skin tattoo that contains a number identifying the animal or lot. The identifying number for the skin tattoo shall be assigned by the inspector.
- i) Reference to federal form FSIS 6150-1 shall mean Illinois form V-3. References in the incorporated language to 9 CFR 314 shall be interpreted to mean in

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accordance with Section 125.230.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.200 Post-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 310.1(a) and 310.2 through 310.23 (~~20041997; 64 FR 72168, effective January 24, 2000~~; 69 FR 1862 and 69 FR 1885, effective January 12, 2004), except that the preparation of meat and meat products for nonhuman food purposes (e.g., dog food) is not permitted at an official establishment. The preparation of nonhuman food products must be done in establishments licensed under the Illinois Dead Animal Disposal Act. The Department incorporates by reference 9 CFR 310.25 (1997; 62 FR 26211, effective June 12, 1997); the E. coli process control testing regulations set forth in 9 CFR 310.25(a) will be applicable on October 1, 1997, and the Salmonella pathogen reduction performance standards regulations set forth in 9 CFR 310.25(b) will be applicable simultaneously with applicability dates for implementation of HACCP in Section 125.142.
- b) The unusual circumstance and acceptable arrangements referred to in 9 CFR 310.1(a) shall mean in the case of emergency slaughter and in accordance with the procedure outlined in Section 125.190.
- c) In the case of emergency slaughter and where a veterinarian was obtained by the owner to perform ante-mortem inspection (see Section 125.190), the veterinarian may perform post-mortem inspection of the animal. The carcass and all parts, including viscera, shall be identified as set forth in 9 CFR 310.2 and held for the inspector. If the veterinarian performs the post-mortem inspection at the request of the owner, then the cost of such service shall be borne by the owner of the animal.
- d) Disinfectants that can be used in an official establishment shall be those set forth in Section 125.180.
- e) With regard to the incorporated language in 9 CFR 310.2(b)(4), alternate methods proposed by the operator of an official establishment for handling devices shall be approved if such method will accomplish the specific provisions as stated in that paragraph.

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- f) Retained carcasses may be washed or trimmed provided such washing or trimming does not affect the disposition of the carcasses by removing conditions or lesions which caused the carcasses to be identified as retained.
- g) Temporary identification of retained carcasses by an official establishment shall be permitted; however, Illinois Retained tags shall be used to identify the carcasses along with any temporary identification that is used.
- h) References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- i) Facilities for handling and inspecting cow udders shall be as set forth in 9 CFR 416 (incorporated in Section 125.141).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts

- a) The Department incorporates by reference 9 CFR 311 (~~20041997~~; 69 FR 1862, effective January 12, 2004).
- b) For the purpose of administering the incorporated language, the laboratories referred to shall mean any approved laboratory as defined in 8 Ill. Adm. Code 20.1. "Properly prepared and packaged" shall mean that the specimen shall be wrapped so as to prevent adulteration of the specimen and any leakage from the package.
- c) An approved freezing facility is an establishment licensed under the Illinois Refrigerated Warehouses Act [240 ILCS 35].

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment

- a) Condemned and inedible products shall be disposed of by persons licensed in accordance with the Illinois Dead Animal Disposal Act (see Section 125.120). If the official establishment has no facilities for tanking the condemned carcasses or meat products or if the inspector cannot leave the slaughter area, the condemned meat or meat products shall be denatured as set forth in 9 CFR 314.3 (~~20041997~~) before they leave the official establishment.

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- b) The Department incorporates by reference 9 CFR 314.2, 314.7, and 314.9 through 314.11 (~~20041997; 64 FR 56400, effective January 25, 2000~~).
- c) The Department does not permit animals that have died other than by slaughter in accordance with the custom slaughter exemption in Section 5 of the Act to be brought on the premises of the official establishment, except for animals which have died en route. Animals that have died en route to the official establishment shall be disposed of by licensed renderers (see Section 125.120).
- d) Pipes and chutes shall be installed in accordance with the provisions of Section 125.180.
- e) Proprietary material shall be as set forth in the "List of Proprietary Substances and Nonfood Compounds" as adopted in Section 125.20.
- f) "Denaturing of carcasses to the extent necessary to preclude its use for food purposes" shall mean that one of the denaturing methods in 9 CFR 325.13 as adopted in Section 125.290 must be used.
- g) Carcasses or parts of carcasses condemned on account of anthrax shall be disposed of in accordance with the provisions of Section 125.120.
- h) Specimens of condemned or other inedible products shall be released if compliance with the specific provisions of 9 CFR 314.9 is met. An example of an objectionable condition would be in the case of a sanitary problem.
- i) The movement of livers and condemned products from an official establishment will be permitted in accordance with the provisions of Section 125.120.
- j) Reference to federal form FSIS 6700-2 shall mean Illinois form MI-10. References in the incorporated language to other sections within 9 CFR 314 that have not been adopted shall be interpreted to mean in accordance with the provisions of this Section. References to 9 CFR 325 shall be interpreted to mean in accordance with Section 125.290.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking

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- a) The Department incorporates by reference 9 CFR 315 (~~20041997~~).
- b) References to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- c) When the product in the tank that has been passed for cooking does not consist of a carcass or whole primal part, the tank shall be sealed by the inspector.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.250 Marking Products and Their Containers

- a) The Department incorporates by reference 9 CFR 316.1 through 316.5(d), 316.5(f) through 316.11, 316.13(a), 316.13(b), 316.13(d) through 316.13(h) and 316.14 through 316.15 (~~20041997~~).
- b) Branding ink need not be submitted to the Department and it will be approved for use by the inspector in accordance with Section 2.11(B)(4) of the Act and the other provisions of the incorporated federal Section (9 CFR 316.5). Branding ink shall be purple.
- c) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided it is in compliance with Section 125.90.
- d) Additional official marks of inspection may be applied to meat and/or meat products at the option of the official establishment.
- e) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90 and reference to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- f) "Customarily sold at retail intact" shall mean that the meat product in the casing is sold at a retail store and customarily is not cut up into smaller packages.
- g) Products as identified in the incorporated language of 9 CFR 316.10 shall comply with Section 125.290 (specifically the incorporated language in 9 CFR 325.5) when being transferred between official establishments. No special form for this transfer is issued by the Department as in the case of federal inspection (federal form FSIS 7350-1).

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- h) Only those methods specifically included in 9 CFR 316.10(c) shall be approved for applying the list of ingredients.
- i) "Legibly and conspicuously marked" shall mean in compliance with the provisions of Section 125.260 (specifically the incorporated language of 9 CFR 317.2(j)(6) through (9)).
- j) Carcasses and meat products prepared on a custom basis shall be labeled in accordance with Section 5(B)(2)(d) of the Act.
- k) Food additives and color additives shall be approved for use if the product is not adulterated in accordance with Section 2.11(B)(3) and (4) of the Act. When a specific antioxidant appears on the label, it shall be identified as set forth in Section 125.260 (specifically the incorporated language of 9 CFR 317.2(j)(10)).
- l) Stencils, box dies, labels and brands shall be approved in accordance with the provisions of Section 125.260.
- m) References within the incorporated language to paragraphs 302(c)(2) of the Act and 23(b) of the Act shall be interpreted to mean those exemptions as set forth in Section 125.110.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (~~20041997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 40843, effective September 5, 2001; 66 FR 52484, effective November 15, 2001; 66 FR 54912, effective December 31, 2001; 68 FR 44859, effective October 22, 2003; 69 FR 34913, effective July 31, 2004; 69 FR 48799, effective November 30, 2004~~).
- b) The Department shall approve only those abbreviations for marks of inspection as

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specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.

- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).
- f) Any Type I establishment is authorized to use generically approved labeling for meat and poultry products as defined in subsection (h) of this Section without the labeling being submitted for approval to the Department, provided the labeling is in accordance with this Section and shows all mandatory features in a prominent manner as required in 9 CFR 317.2 and 381 and is not otherwise false or misleading.
- g) The Department shall select samples of generically approved labeling from the records maintained by official establishments to determine compliance with labeling requirements. Any finding of false or misleading labeling shall institute the proceedings prescribed in 225 ILCS 650/13.
- h) Generically approved labeling is labeling that complies with the following:
 - 1) Labeling for a product that has a product standard as specified in 9 CFR 319 and 381 or the Standards and Labeling Policy Book and does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees, or is not a domestic product labeled in a foreign language;
 - 2) Labeling for single-ingredient products, such as beef steak or lamb chops, that does not contain any special claims such as quality claims, nutrient

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content claims, health claims, negative claims, geographical origin claims or guarantees or is not a domestic product labeled with a foreign language;

- 3) Labeling for containers of products sold under contract specifications to federal government agencies that the product is not offered for sale to the general public, provided that the contract specifications include specific requirements with respect to labeling and are made available to the inspector-in-charge;
- 4) Labeling for shipping containers that contain fully labeled immediate containers, provided that the labeling complies with 9 CFR 316.13 and 381.127;
- 5) Labeling for products not intended for human food, provided it complies with 9 CFR 325, 381.152(c) and 381.193;
- 6) Meat inspection legends;
- 7) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use or to be placed within containers and coverings of products, provided the devices contain no reference to product and bear no misleading feature;
- 8) Labeling for consumer test products not intended for sale;
- 9) Labeling that was previously approved by the Department as sketch labeling, and the final labeling was prepared without modification or with the following modifications:
 - A) All features of the labeling are proportionately enlarged or reduced provided that all minimum size requirements specified in applicable regulations are met and the labeling is legible;
 - B) The substitution of any unit of measurement with its abbreviation or the substitution of any abbreviation with its unit of measurement, e.g., "lb." for "pound" or "oz." for "ounce" or of the word "pound" for "lb." or "ounce" for "oz.";
 - C) A master or stock label has been approved where the name and address of the distributor are omitted and the name and address are

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applied before being used (in that case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when the labels are offered for approval);

- D) Wrappers or other covers bearing pictorial designs, emblematic designs or illustrations, e.g., floral arrangements, illustrations of animals, fireworks, etc., are used with approved labeling (The use of the designs will not make necessary the application of labeling not otherwise required.);
- E) A change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;
- F) The addition, deletion or amendment of a dated or undated coupon, a cents-off statement, cooking instructions, packer product code information or the UPC product code information;
- G) Any change in the name or address of the packer, manufacturer or distributor that appears in the signature line;
- H) Any change in the net weight, provided the size of the net weight statement complies with CFR 317.2 and 318.121;
- I) The addition, deletion or amendment of recipe suggestions for the product;
- J) Any change in punctuation;
- K) Newly assigned or revised establishment numbers for a particular establishment that has been approved by the Department;
- L) The addition or deletion of open dating information;
- M) A change in the type of packaging material on which label is printed;
- N) Brand name changes, provided that there are no design changes, the brand name does not use a term that connotes quality or other

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product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;

- O) The deletion of the word "new" on new product labeling;
- P) The addition, deletion or amendment of special handling statements, provided that the change is consistent with CFR 317.2(k) and 318.125(a);
- Q) The addition of safe handling instructions as required by CFR 317.2(1) and 381.125(b);
- R) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label, provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of the ingredients prescribed in CFR 318, 319 and 381.147;
- S) Changes in the color of the labeling, provided that sufficient contrast and legibility remain;
- T) A change in the product vignette, provided that the change does not affect mandatory labeling information or misrepresent the content of the package;
- U) A change in the establishment number by a corporation or parent company for an establishment under its ownership;
- V) Changes in nutrition labeling that only involve quantitative adjustments to the nutrition labeling information, except for serving sizes, provided the nutrition labeling information maintains its accuracy and consistency;
- W) Deletion of any claim, and the deletion of non-mandatory features or non-mandatory information; and
- X) The addition or deletion of a direct translation of the English language into a foreign language for products marked "for export only".

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- i) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- j) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (~~20041997~~)).
- k) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- l) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- m) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- n) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.6, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.23, 318.24, 318.300 through 318.311 (~~20041997; 61 FR 58780, effective January 21, 1997; 62 FR 27940, effective July 21, 1997; 62 FR 33744, effective August 22, 1997; 62 FR 45016, effective September 24, 1997; 62 FR 43631, effective October 14, 1997; 62 FR 61619, effective January 20, 1998; 64 FR 732, effective March 8, 1999; 64 FR~~

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~~27901, effective July 23, 1999; 64 FR 72168, effective January 24, 2000; 65 FR 34381 and 65 FR 53531, effective August 28, 2000; 69 FR 1862 and 69 FR 1874, effective January 12, 2004).~~

- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.
- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.
- d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.
- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not

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adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.
- i) References within the incorporated language to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with the Meat and Poultry Inspection Act and the rules of this Part.
- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.
- k) Disinfectants shall be those as set forth in Section 125.180.
- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.280 Meat Definitions and Standards of Identity or Composition

The Department incorporates by reference 9 CFR 319 (~~20041997; 62 FR 45016, effective September 24, 1997; 63 FR 147, effective March 6, 1998; 64 FR 27901, effective July 23, 1999; 64 FR 72168, effective January 24, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 54912, effective December 31, 2001; 68 FR 22576, effective June 30, 2003; 68 FR 44859, effective October 22, 2003; 69 FR 1862, effective January 12, 2004; 69 FR 28042, effective July 31,~~

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2004; 69 FR 34913, effective July 23, 2004). Methods for the destruction of live trichinae in pork shall be as set forth in Section 125.270 (specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.290 Transportation

- a) The Department incorporates by reference 9 CFR 325.1(a) through 325.2, 325.5 through 325.8(b), 325.10, 325.13 through 325.19 (~~20041997~~).
- b) Transportation of products which have become adulterated or misbranded from an official establishment shall be in sealed containers or sealed trucks.
- c) Proprietary substances shall be those as stated in the "List of Proprietary and Nonfood Compounds" as adopted by the Department in Section 125.20.
- d) Specimens of product for laboratory examination, research or for other nonhuman food purposes (e.g., educational training) shall be in compliance with Section 125.230.
- e) References in the incorporated language to 9 CFR 312, 320 and 314 shall be interpreted to mean in accordance with Sections 125.90, 125.100 and 125.230, respectively.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.300 Special Services Relating to Meat and Other Products

- a) The Department incorporates by reference 9 CFR 350.1 through 350.3(a), 350.3(c), 350.5 through 350.7(a) and 350.7(d) (~~20041997~~).
- b) The charges for special services shall be paid by check, draft or money order payable to the Illinois Department of Agriculture upon furnishing to the person who requested the service a statement as to the amount due. The fee for rendering these services shall be at the rate of \$25 per hour, except for services rendered on a holiday which shall be \$30. The person who requested the special service shall also be billed for travel expenses incurred by the inspector in accordance with Travel Regulations (80 Ill. Adm. Code 2800).

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.305 Exotic Animal Inspection

- a) With regard to the inspection and processing of exotic animals, the Department incorporates by reference 9 CFR 352.1, 352.3, 352.11, 352.12, 352.13, 352.14, 352.15, 352.16, and 352.17 (~~20041997~~).
- b) The Department incorporates by reference 9 CFR 352.7 (~~20041997~~), except that the description of the official inspection legend and brand shall be as described in Section 125.90.
- c) References in the incorporated language to 9 CFR 304, 317, 309, 310, 311, 314, 318, 320, and 325 shall be interpreted as references to the provisions in Sections 125.30, 125.250, 125.190, 125.200, 125.210, 125.230, 125.270, 125.100 and 125.290, respectively.
- d) References in the incorporated language to 9 CFR 313 shall be interpreted as references to Section 125.220.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART C: POULTRY INSPECTION

Section 125.310 Application of Inspection

The Department incorporates by reference 9 CFR 381.3(c) through (e) and 381.7 (~~20041997~~), unless such products are exempted from inspection in accordance with Section 5 of the Act. All rabbits that are eviscerated in an official establishment shall be inspected for condition and wholesomeness and no dressed rabbits or uninspected products of rabbits shall be brought into an official establishment, unless they are exempt from inspection in accordance with Section 5 of the Act.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.320 Facilities for Inspection

- a) The Department incorporates by reference 9 CFR 381.36 (~~20041997; 64 FR 56400, effective January 25, 2000; 66 FR 22899, effective April 26, 2001~~).

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- b) The Department shall approve the construction of an establishment or the remodeling of an establishment if such establishment or the remodeling is in compliance with 9 CFR 416. The inspector's office shall be approved if it is in compliance with the requirements for an inspector's office as set forth in 9 CFR 416 (9 CFR 416 is incorporated in Section 125.141). The office will be considered as being in a convenient location if it is on the premises of the official establishment or located in a building adjacent to the official establishment. Small plants (as identified in 9 CFR 381.36) which do slaughtering shall furnish an inspector's office either at the establishment or in a building adjacent to the official establishment.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.340 Operating Procedures

- a) The Department incorporates by reference 9 CFR 381.65 through 381.67 (~~20041997~~); ~~62 FR 5139, effective May 5, 1997~~; ~~63 FR 48958, effective November 10, 1998~~; ~~66 FR 1750 and 66 FR 19713, effective January 9, 2002~~; ~~66 FR 22899, effective April 26, 2001~~).
- b) The bar-cut method of evisceration shall not be used.
- c) Cut-up poultry may be processed from unchilled eviscerated poultry only in air-conditioned rooms (50 degrees F. or less).
- d) The meltage of ice in the chilling system shall be counted toward the minimum fresh water intake requirements provided an accurate measurement of the amount of melted ice can be obtained.
- e) Reference to the Poultry Inspector's Handbook shall mean the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- f) The Department shall approve the shipment of poultry in operational type containers, such as chill tanks or lugs, from one official establishment to another official establishment for further processing provided the means of conveyance is sealed and the poultry can reach its destination in accordance with the general chilling requirements as stated in this Section (see 9 CFR 381.66(b)).
- g) Ready-to-cook poultry shall be permitted to be moved from an official establishment prior to freezing in accordance with the specific requirements as

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stated in 9 CFR 381.66(f)(3).

- h) Compounds used in immersion or spray freezing procedures shall be those that are listed in the "List of Proprietary Substances or Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.350 Ante-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 381: Subpart J (~~20041997; 66 FR 22899, effective April 26, 2001; 67 FR 13253, effective April 22, 2002~~).
- b) Procedures for ante-mortem and post-mortem inspections and any correlation between the two inspections shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- c) Incineration of poultry suspected of having been treated with or exposed to any substance which imported a biological residue shall be in accordance with Section 125.370. The Department shall permit the slaughter of such poultry for the purpose of collecting tissues for analysis of the residue upon the request of the owner of the poultry or at the request of the official establishment.
- d) The Director shall approve the slaughter of poultry which was used in research in accordance with the specific provisions as stated in 9 CFR 381.75, except for rabbits as stated in Section 125.360.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts

- a) The Department incorporates by reference 9 CFR 381: Subpart K (~~20041997; 62 FR 5139, effective May 5, 1997; 62 FR 26211, effective June 12, 1997; 62 FR 61007, effective January 13, 1998; 65 FR 34381, effective August 28, 2000; 66 FR 22899, effective April 26, 2001; 67 FR 13253, effective April 22, 2002~~). The E. coli process control testing regulations set forth in 9 CFR 381.94(a) will be applicable on October 1, 1997, and the Salmonella pathogen reduction performance standards regulations set forth in 9 CFR 381.94(b) will be applicable simultaneously with applicability dates for implementation of HACCP in Section 125.142.

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- b) Carcasses of rabbits affected with or showing lesions of any of the following named diseases or conditions shall be condemned: Tularemia, anthrax, hemorrhagic septicemia, pyemia, septicemia, leukemia, acute enteritis, peritonitis, sarcomatosis, metritis, necrobacillosis (Smorl's Disease), tuberculosis, emaciation, streptobacillary pseudotuberculosis, and advanced stages of snuffles. Rabbits from pathological laboratories shall be condemned.
- c) Carcasses of rabbits showing any disease, such as generalized melanosis and pseudoleukemia which systemically affect the rabbit, shall be condemned.
- d) Any organ or part of a rabbit carcass which is badly bruised or which is affected by an abscess or a suppurating sore, shall be condemned. Parts or carcasses of rabbits which are contaminated by pus shall be condemned.
- e) Carcasses of rabbits contaminated by volatile oils, paints, poisons, gases or other substances which affect the wholesomeness of the carcass shall be condemned.
- f) All carcasses of rabbits so infected that consumption of the meat or meat food products thereof may give rise to meat poisoning shall be condemned. This includes all carcasses showing signs of any of the following diseases: Acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges, septicemia or pyemia (whether traumatic, or without evident cause), gangrenous or severe hemorrhagic enteritis or gastritis, polyarthritis and acute nephritis. Immediately after the slaughter of any rabbit so infected, the infected premises and implements used shall be sanitized. The part or parts of any carcass coming into contact with the carcass or any part of the carcass of any rabbit listed in this paragraph other than those affected with acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges, shall be condemned.
- g) Carcasses of rabbits showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which, as a result of a pathological condition show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication shall be condemned.
- h) Carcasses of rabbits affected with mange or scab in advanced stages or showing emaciation or extension of the inflammation to the flesh shall be condemned. When the diseased condition is localized, the carcass shall be passed for food purposes after removal and condemnation of the affected parts.

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- i) In the disposal of carcasses and parts of carcasses of rabbits showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the non-affected portion of the carcass, or part of the carcass, shall be certified for food purposes after the removal and condemnation of the affected portions. Where a part of a carcass shows numerous lesions caused by parasites, or the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. Where parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be certified as capable for use as human food and the entire carcass shall be condemned. Carcasses of rabbits infested with a hydatid cyst or cysts (*Echinococcus grandulosus*), transmissible to dogs and from dogs to man, shall in all cases be condemned regardless of the degree of infestation.
- j) Carcasses of rabbits showing such degree of emaciation or anemic condition as would render the meat unwholesome, and carcasses which show a slimy degeneration of the fat or a serious infiltration of the muscles shall be condemned.
- k) Carcasses of poultry, the viscera and any part removed from the carcass shall be kept together and identified by a lot number until the inspector performs a post-mortem inspection.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments

Condemned and inedible poultry and/or poultry products shall be disposed of by persons licensed in accordance with the Illinois Dead Animal Disposal Act (see Section 125.120). If the official establishment has no facilities for tanking the condemned carcasses or poultry products or if the inspector cannot leave the slaughter area, the condemned poultry or poultry products shall be denatured as set forth in 9 CFR 381.95(c) (~~20041997~~).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.380 Labeling and Containers

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- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.134, 381.136 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443; 381.444; 381.445; 381.454; 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (~~20041997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998; 63 FR 11359, effective May 8, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 40843, effective September 5, 2001; 66 FR 52484, effective November 15, 2001; 66 FR 54912, effective December 31, 2001; 68 FR 44859, effective October 22, 2003; 69 FR 28042, effective July 31, 2004; 69 FR 57899, effective November 30, 2004~~).
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in

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accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (~~2004~~1997)).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

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- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

- a) The Department incorporates by reference 9 CFR 381.145(b) through 381.146, 381.148, 381.150 through 381.151, 381.200, 381.300 through 381.311 (~~20041997; 62 FR 33744, effective August 22, 1997; 62 FR 45016, effective September 24, 1997; 64 FR 732, effective March 8, 1999; 64 FR 72168, effective January 24, 2000; 65 FR 2284, effective February 22, 2000; 65 FR 34381 and 65 FR 53531, effective August 28, 2000~~).
- b) No poultry or poultry product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110. However, poultry or poultry products imported into the United States may be transported to an inspection site in accordance with the provisions of 9 CFR 381.200 for reinspection.
- c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.
- d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

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- e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.
- f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- g) The Department does not approve new substances to be used on poultry or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) Ready-to-heat-and-eat poultry or stuffed ready-to-roast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).
- i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).
- j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.
- l) Disinfectants which may be used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 125.400 Definitions and Standards of Identity or Composition

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- a) The Department incorporates by reference 9 CFR 381: Subpart P (~~20041997; 63 FR 48958, effective November 10, 1998; 68 FR 22576, effective June 30, 2003~~).
- 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 29 Ill. Reg. _____, effective _____)

Section 125.410 Transportation; Sale of Poultry or Poultry Products

- a) The Department incorporates by reference 9 CFR 381.189 through 381.193 (~~20041997~~).
- b) Transportation of dead, dying, disabled or diseased poultry and parts of carcasses or poultry that has died otherwise than by slaughter at an official establishment, unless exempt from inspection and transportation requirements as set forth in Section 125.110, shall be in accordance with Section 125.120.
- c) The manner for handling heads and feet of poultry shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- d) References in the incorporated language to USDA and PPIA shall mean the Illinois Department of Agriculture and the Meat and Poultry Inspection Act, respectively. References to "penalties in Section 11 of the Act" shall mean as set forth in Section 19 of the Meat and Poultry Inspection Act.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of Part: Motor Fuel Standards Act
- 2) Code Citation: 8 Ill. Adm. Code 850
- 3) Section Number: Proposed Action:
850.60 Add
- 4) Statutory Authority: Motor Fuel Standards Act [815 ILCS 370]
- 5) A Complete Description of the Subjects and Issues Involved: The oil industry requested the delay in the enforcement of the lubricity requirement for diesel fuel. Many pipeline companies will not allow the use of the lubricity additive in the pipeline systems. The American Petroleum Institute has asked all states that automatically adopt the most current version of ASTM specifications to delay the enforcement of the lubricity requirement. North Carolina has granted the temporary suspension of enforcement for the lubricity requirement until October 1, 2005. Several other states are currently researching the request and have not yet announced their position on the issue.
- 6) Will this proposed rulemaking replace any emergency rulemaking in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? October 1, 2005
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
850.10	Amend	28 Ill. Reg. 8817; June 25, 2004
850.40	Amend	28 Ill. Reg. 8817; June 25, 2004

- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.
- 11) 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 rulemaking appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
 Illinois Department of Agriculture
 State Fairgrounds, P. O. Box 19281

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Springfield, IL 62794-9281
217/785-5713
217/785-4505 (fax)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Oil refineries and fuel terminals
 - B) Reporting, bookkeeping or other procedures required for compliance: N/A
 - C) Types of professional skills necessary for compliance: N/A
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because this rulemaking was not anticipated to be considered.

The full text of the Proposed Amendment is identical to the Emergency Amendment that begins on page 16352 of the *Illinois Register*:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.80	Amend
310.230	Amend
310.410	Amend
310.Appendix A, Table G	Amend
310.Appendix A, Table H	Amend
310.Appendix A, Table I	Amend
310.Appendix A, Table J	Amend
310.Appendix A, Table N	Amend
310.Appendix A, Table O	Amend
310.Appendix A, Table P	Amend
310.Appendix A, Table R	Amend
310.Appendix A, Table W	Amend
310.Appendix A, Table X	Amend
310.Appendix A, Table Y	Amend
310.Appendix A, Table Z	Amend
310.Appendix A, Table AA	Amend
310.Appendix B	Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) A Complete Description of the Subjects and Issues Involved: Section 310.80(e), Other Pay Increases, (1) Promotion and Reallocation, is amended to reference Appendix A as the provisions are applied to Negotiated Rates of Pay as well as Appendix B Schedule of Salary Grades, and to correctly reference the application of promotion of an employee on Step 8. The Step 8 policy has been implemented since the February 15, 2002 Memorandum of Understanding was signed between AFSCME and the Department of Central Management Services (CMS), which is further referenced in a February 28, 2002 CMS memorandum outlining its implementation.

In Section 310.230, the abolished Labor Relations Investigator title is deleted. The title was abolished when laterally reclassified to the Human Resources Specialist title on July 16, 1996.

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In Section 310.410, the merit compensation titles and their corresponding salary ranges are added.

In Section 310.Appendix A, Table G, wording is added to more clearly indicate the information already provided.

To assist in the implementation of the Pay Plan, the designations for “in between” salary grades are changed from “a” to “.5”, for pay rates subject to the alternative retirement formula are changed from “a” to “Q”, and for maximum security pay rates are changed from “m” to “S.” The changes are in Section 310.Appendix A, Tables H, I, J, N, O, R, W, X, and Z and Appendix B.

In Section 310.Appendix A, Table H, another change is placing the Correctional Agricultural Supervisor in alphabetic order in the list of titles.

In Section 310.Appendix A, Table I, another change is adding the “I” after the “Mental Health Technician Trainee” to correctly identify that title.

In Section 310.Appendix A, Table J, the Graphics Arts Designer Supervisor is added with title code 17365 and salary grade RC-014-18. The Memorandum of Understanding between AFSCME and CMS was signed June 3, 2004 and effective March 31, 2004.

In Section 310.Appendix A, Table P, the salary grades labeled as effective July 1, 2005 should read January 1, 2005.

In Section 310.Appendix A, Table W, the alphabetic order of the titles is corrected by rearranging the Behavioral Analyst Associate, Natural Resources Advanced Specialist, and Site Assistant Superintendent I and II titles. The new classes by July 2002 - namely Child Protection Advanced Specialist, Child Protection Associate Specialist, Child Protection Specialist, Child Welfare Associate Specialist, Criminal Justice Specialist Trainee, Disability Claims Adjudicator Trainee, Human Rights Investigator I, II, and III, Human Rights Specialist I and II, Insurance Performance Examiner II, the Real Estate Professions Examiner, Unemployment Insurance Special Agent - were added. The salaries were revised effective June 16, 2002 for Disability Claims Adjudicator I from RC-062-15 to 16, for Disability Claims Adjudicator II from RC-062-17 to 18, and for Disability Claims Specialist from RC-062-18 to 19 are reflected in Table W. The salary revision effective April 1, 2002 for Health Services Investigator II – Option C and D from RC-062-13 to 25 are reflected in Table W. The title Insurance Performance Examiner was corrected to include the “I”. Titles abolished by January 16, 2002, namely Substance Abuse Specialist I, II, and II, and Unemployment Insurance Special Agent I

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and II, were removed. Title abolished effective July 1, 2001, namely Child Protective Associate Investigator, Child Protective Lead Investigator, Child Protective Investigator, and Child Welfare Specialist I, (incorrectly in the table as Child Welfare Specialist), were removed.

In Section 310.Appendix A, Table X, changes include removing abolished titles and adding new titles effective July 1, 2001. The abolished titles are Child Welfare Specialist II, III, and IV. The new titles are Child Welfare Advanced Specialist, Child Welfare Senior Specialist, and Child Welfare Specialist.

In Section 310.Appendix A, Table Y, nine-month pay schedule are added as reflected in the contract.

In Section 310.Appendix A, Table AA, the changes reflect current pay ranges and a 2.00% increase for all rates effective January 1, 2005. The Agreement between Teamsters NR-916 and the Departments of Central Management Services, Transportation, and Natural Resources was signed July 30, 2004 and effective July 1, 2004.

- 6) Will these proposed amendments replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.110	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.130	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.530	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.540	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix B	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix C	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at

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Section Numbers	Proposed Action	Ill. Reg. Citation
310.Appendix D	Amend	28 Ill. Reg. 12728, 9/10/04 28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix G	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)

- 10) Statement of Statewide Policy Objectives: The Department of Central Management Services is updating the Pay Plan to match recently negotiated agreements, to correspond with active classification titles and salaries, and to ease implementation practices by providing an orderly resource of titles and salaries.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Ms. Dawn DeFraties
Deputy Director
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706
(217) 524-8773
Fax: (217) 558-4497
- 12) 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
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

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NOTICE OF PROPOSED AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2004
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2004
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
- 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- 310.TABLE D HR-001 (Teamsters Local #726)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)

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310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2004
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2004
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2004
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2004

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

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

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

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

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

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

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: NARRATIVE

Section 310.80 Increases in Pay

After the effective date of this Part, except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with [the Schedule of Negotiated Rates \(Appendix A\)](#) and the Schedule of Salary Grades (Appendix B) specified herein, increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

- a) Satisfactory Performance Increase –

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- 1) Each employee who has not attained Step 8 of the relevant salary grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the salary grade after one year of creditable service in the same class. (Effective July 1, 2003, step increases are suspended.)
 - 2) A satisfactory performance increase shall become effective on the first day of the month within which the required period of creditable service is reached.
 - 3) No satisfactory performance increase may be given after the effective date of separation.
- b) Withholding Satisfactory Performance Increase – As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:
- 1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.
 - 2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services – It shall be reported upon completion of action required by subsection (b)(1)-above, but not later than the submission of the payroll reflecting the denial of the increase.
- c) Redetermination – A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.
- d) Superior Performance Increase –

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- 1) The head of an agency may grant a superior performance increase to an employee who characteristically carries out his/her work activities in such a way that the results are substantially above a satisfactory level of performance.
 - 2) An employee shall be eligible for a superior performance increase after six months continuous service. A minimum of 18 months must elapse between superior performance increases. A superior performance increase shall be for one step in the relevant salary grade. (Effective July 1, 2003, step increases are suspended.)
 - 3) A superior performance increase does not affect the creditable service anniversary date. A performance record supporting a superior performance increase award shall be retained by each agency head, and shall be available to the Director of Central Management Services upon request.
 - 4) During the fiscal year, the number of superior performance increases in an agency should not exceed one out of five employees.
- e) Other Pay Increases –
- 1) Promotion and Reallocation – Normally upon promotion or reallocation an employee shall be advanced to the lowest step in the new grade which represents at least a full step increase in the former grade. When an employee is promoted from Step 8 after February 15, 2002, the employee shall be paid at the lowest step rate in the new range that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (include longevity if the employee is receiving this). Then place the employee on the lowest step in the new range that is at least equivalent to that amount. An equivalent of a full step for those employees on Step 8 shall be determined by the value difference between Steps 6 and 7 of the former pay grade.

Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment

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of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.

- 2) Reevaluation – If a higher salary grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade which represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately.
 - 3) Separation & Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a position in a higher salary grade, an increase shall be given under the conditions and requirements applicable to promotions.
- f) Adjustment – An employee may receive an upward adjustment in his/her base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART B: SCHEDULE OF RATES

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Position

Rates

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Account Technician II	14.10 to 19.49 (hourly) 106 to 146 (daily)
Apiary Inspector	8.28 to 10.15 (hourly)
Building/Grounds Laborer	5.50 to 6.00 (hourly)
Building/Grounds Lead I	5.50 to 7.00 (hourly)
Building/Grounds Lead II	5.50 to 8.00 (hourly)
Building/Grounds Maintenance Worker	5.50 to 6.00 (hourly)
Chaplain I	44 to 70 (daily)
Chemist I	44 to 45 (daily)
Conservation/Historic Preservation Worker	5.50 to 9.00 (hourly)
Conservation/Historic Preservation Worker (2nd season – site interpretation)	5.50 to 9.00 (hourly)
Conservation/Historic Preservation Worker (3rd season – site interpretation)	5.50 to 9.00 (hourly)
Dentist I	70 to 150 (daily)
Dentist II	100 to 185 (daily)
Educator	44 to 85 (daily)
Educator Aide	44 (daily)
Guard II	67 to 84 (daily)
Guard III	75 to 96 (daily)
Hearing and Speech Advanced Specialist	15 to 30 (hourly)
Hearings Referee	75 to 200 (daily)
Janitor I	5.50 (hourly)
Labor Maintenance Lead Worker	5.50 to 6.00 (hourly)
Labor Relations Investigator	44 to 70 (daily)
Laborer (Maintenance)	7.05 to 8.00 (hourly)
Maintenance Worker	5.50 (hourly)
Occupational Therapist Program Coordinator	44 to 160 (daily)
Office Aide	10.45 to 13.46 (hourly) 78 to 101 (daily)
Office Assistant	12.18 to 16.04 (hourly) 91 to 120 (daily)
Office Associate	12.24 to 16.42 (hourly) 92 to 123 (daily)
Office Clerk	11.55 to 15.08 (hourly) 87 to 113 (daily)
Optometrist	15 to 35 (hourly) 50 to 160 (daily)
Physician	100 to 300 (daily)

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Physician Specialist (A)	20 to 60 (hourly) 100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly) 100 to 350 (daily)
Physician Specialist (C)	20 to 105 (hourly) 100 to 360 (daily)
Physician Specialist (D)	20 to 115 (hourly) 100 to 370 (daily)
Podiatrist	50 to 125 (daily)
Psychologist I	44 to 80 (daily)
Psychologist II	44 to 125 (daily)
Psychologist III	44 to 150 (daily)
Recreation Worker I	5.50 (hourly) 44 to 45 (daily)
Registered Nurse I	44 to 54 (daily)
Registered Nurse I (2nd or 3rd shift)	44 to 56 (daily)
Registered Nurse I (Cook County)	44 to 58 (daily)
Registered Nurse I (Cook County – 2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II	44 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County – 2nd or 3rd shift)	47 to 62 (daily)
Revenue Tax Specialist I	14.10 to 19.49 (hourly) 106 to 146 (daily)
Social Worker II	44 to 75 (daily)
Social Worker III	44 to 80 (daily)
Student Worker	5.50 to 8.00 (hourly)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to all classes of positions ~~so~~ designated [below and](#) in the ALPHABETIC INDEX OF POSITION TITLES. [Also see Section 310.495 for the](#)

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[application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Section 310.Appendix G.](#)

Position Title	Salary Plan
Accountant Supervisor	MC-05
Activity Therapist Supervisor	MC-07
Actuary III	MC-16
Administrative Assistant I	MC-04
Administrative Assistant II	MC-06
Agricultural Marketing Representative	MC-05
Assignment Coordinator	MC-07
Assistant Automotive Shop Supervisor	MC-03
Automotive Shop Supervisor	MC-07
Boat Safety Inspection Supervisor	MC-06
Building Construction Inspector I	MC-04
Building Construction Inspector II	MC-05
Business Manager	MC-05
Commerce Commission Police Sergeant	MC-07
Corrections Leisure Activities Specialist III	MC-06
Corrections Leisure Activities Specialist IV	MC-07
Corrections Vocational School Supervisor	MC-05
Court Reporter Supervisor	MC-08
Data Processing Supervisor II	MC-04
Data Processing Supervisor III	MC-07
Dentist II	MC-14
Dietary Manager I	MC-03
Dietary Manager II	MC-05
Disability Claims Analyst	MC-06
Economic Development Representative I	MC-05
Economic Development Representative II	MC-07
Elections Specialist I	MC-03
Elections Specialist II	MC-05
Elections Specialist III	MC-07
Electrical Engineer	MC-10
Employment Security Field Office Supervisor	MC-06
Engineering Technician IV	MC-07
Executive I	MC-05
Executive II	MC-07

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Executive Secretary II	MC-01
Executive Secretary III	MC-02
Facility Fire Chief	MC-02
Guard Supervisor	MC-01
Guardianship Supervisor	MC-07
Highway Construction Supervisor I	MC-07
Highway Construction Supervisor II	MC-09
Historical Exhibits Designer	MC-03
Historical Library Chief of Acquisitions	MC-06
Human Rights Mediator	MC-05
Human Rights Specialist III	MC-07
Human Services Casework Manager	MC-07
Industrial and Community Development Representative I	MC-05
Industrial and Community Development Representative II	MC-07
Insurance Performance Examiner III	MC-07
Internal Auditor I	MC-05
Internal Security Investigator I	MC-04
Internal Security Investigator II	MC-07
International Marketing Representative I	MC-05
Kidcare Supervisor I	MC-06
Kidcare Supervisor II	MC-07
Laundry Manager I	MC-01
Liability Claims Adjuster II	MC-06
Librarian II	MC-05
Local Historical Services Representative	MC-05
Lottery Regional Coordinator	MC-07
Management Operations Analyst I	MC-06
Manuscript Manager	MC-06
Meat and Poultry Inspector Supervisor	MC-05
Mental Health Administrator I	MC-05
Mental Health Administrator II	MC-07
Methods and Procedures Advisor III	MC-07
Mine Rescue Station Supervisor	MC-01
Office Administrator IV	MC-02
Office Administrator V	MC-03
Oral Health Consultant	MC-07
Plumbing Consultant	MC-09
Police Lieutenant	MC-09

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Private Secretary I	MC-02
Private Secretary II	MC-04
Property Tax Analyst III	MC-05
Public Aid Family Support Specialist II	MC-05
Public Aid Quality Control Supervisor	MC-07
Public Aid Staff Development Specialist III	MC-06
Public Health Program Specialist III	MC-07
Public Information Coordinator	MC-06
Public Information Officer III	MC-05
Public Information Officer IV	MC-07
Radiologic Technologist Chief	MC-03
Rehabilitation Workshop Supervisor III	MC-05
Reimbursement Officer II	MC-05
Reproduction Service Supervisor I	MC-02
Reproduction Service Supervisor II	MC-04
Residential Care Program Supervisor I	MC-06
Retirement System Disability Specialist	MC-06
Safety Responsibility Analyst Supervisor	MC-02
Secretary to the Athletic Board	MC-07
Security Officer Chief	MC-04
Security Officer Lieutenant	MC-02
Security Therapy Aide IV	MC-05
Sign Shop Foreman	MC-06
Staff Development Specialist I	MC-05
Staff Development Technician II	MC-03
Statistical Research Specialist III	MC-06
Statistical Research Supervisor	MC-07
Storekeeper III	MC-01
Supervising Vehicle Testing Compliance Officer	MC-06
Switchboard Chief Operator	MC-01
Technical Advisor I	MC-05
Technical Advisor II	MC-07
Telecommunications Supervisor	MC-07
Telecommunications Systems Consultant	MC-06
Utility Engineer I	MC-05
Utility Engineer II	MC-07
Vehicle Emissions Compliance Supervisor	MC-05
Volunteer Services Coordinator III	MC-07

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[Waterways Construction Supervisor I](#)

[MC-05](#)

[Waterways Construction Supervisor II](#)

[MC-07](#)

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE G RC-045 (Automotive Mechanics, IFPE)**| A) Statewide [except for the Department of Corrections](#)

	July 1, 2004 Monthly Rate	January 1, 2005 Monthly Rate
Auto & Body Repairer	3846	3923
Automotive Attendant I	2323	2369
Automotive Attendant II	2478	2528
Automotive Mechanic	3846	3923
Automotive Parts Warehouse	3693	3767
Automotive Parts Warehouse Specialist	3766	3841
Small Engine Mechanic	3386	3454
*Storekeeper I	3619	3691
*Storekeeper II	3695	3769

*Cook County only.

B) Statewide for the Department of Corrections

[Alternative Formula](#)

	July 1, 2004 Monthly Rate	January 1, 2005 Monthly Rate
Auto & Body Repairer	3924	4032
Automotive Attendant I	2381	2446
Automotive Attendant II	2540	2610
Automotive Mechanic	3924	4032

| ☺ Maximum Security Institutions

	July 1, 2004 Monthly Rate	January 1, 2005 Monthly Rate
Auto & Body Repairer	3980	4089
Automotive Attendant I	2431	2498
Automotive Attendant II	2590	2661
Automotive Mechanic	3980	4089

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE H RC-006 (Corrections Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Canine Specialist	RC-006-14	06500
Correctional Officer	RC-006-09	09675
Correctional Officer Trainee	RC-006-05	09676
Correctional Sergeant	RC-006-12	09717
Corrections Agricultural Supervisor	RC-006-15	09746
Corrections Agricultural Lead Worker	RC-006-12	09747
Corrections Agricultural Supervisor	RC-006-15	09746
Corrections Clerk I	RC-006-09	09771
Corrections Clerk II	RC-006-11	09772
Corrections Food Service Supervisor I	RC-006-11	09793
Corrections Food Service Supervisor II	RC-006-13	09794
Corrections Grounds Supervisor	RC-006-12	09796
Corrections Identification Technician	RC-006-11	09801
Corrections Industry Lead Worker	RC-006-12	09805
Corrections Laundry Manager I	RC-006-12	09808
Corrections Locksmith	RC-006-12	09818
Corrections Maintenance Craftsman	RC-006-12	09821
Corrections Maintenance Worker	RC-006-10	09823
Corrections Medical Technician	RC-006-10	09824
Corrections Residence Counselor I	RC-006-10	09837
Corrections Supply Supervisor I	RC-006-11	09861
Corrections Supply Supervisor II	RC-006-13	09862
Corrections Transportation Officer I	RC-006-11	09871
Corrections Transportation Officer II	RC-006-14	09872
Corrections Utilities Operator	RC-006-12	09875
Corrections Vocational Instructor	RC-006-12	09879
Educator Aide	RC-006-06	13130
Housekeeper II	RC-006-02	19602
Pest Control Operator	RC-006-06	31810
Property and Supply Clerk II	RC-006-04	34792
Social Service Aide Trainee	RC-006-01	41285
Storekeeper I	RC-006-07	43051
Storekeeper II	RC-006-08	43052
Stores Clerk	RC-006-03	43060
Youth Supervisor I	RC-006-06	49911

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Youth Supervisor II	RC-006-09	49912
Youth Supervisor III	RC-006-12	49913
Youth Supervisor Trainee	RC-006-05	49915

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	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04 8
RC-006-01 ^{Qa}	1982	2027	2075	2124	2180	2236	2286	2349	2400	2500	2550	2575
RC-006-01 Sm	2034	2079	2126	2176	2231	2288	2337	2400	2452	2552	2603	2629
RC-006-02 ^{Qa}	2030	2078	2127	2177	2232	2285	2345	2404	2459	2561	2612	2638
RC-006-02 Sm	2082	2129	2179	2228	2284	2336	2396	2456	2510	2612	2664	2690
RC-006-03 ^{Qa}	2082	2130	2180	2232	2286	2354	2412	2470	2533	2635	2688	2714
RC-006-03 Sm	2133	2182	2231	2284	2337	2405	2463	2522	2585	2689	2743	2770
RC-006-04 ^{Qa}	2131	2181	2233	2286	2356	2415	2485	2550	2617	2732	2787	2814
RC-006-04 Sm	2183	2232	2285	2337	2407	2466	2536	2601	2670	2785	2841	2869
RC-006-05 ^{Qa}	2267	2321	2378	2435	2509	2590	2669	2754	2837	2969	3028	3058
RC-006-05 Sm	2319	2372	2429	2487	2561	2643	2723	2808	2890	3026	3087	3117
RC-006-06 ^{Qa}	2392	2451	2510	2571	2669	2755	2846	2939	3034	3195	3259	3291
RC-006-06 Sm	2444	2502	2562	2624	2723	2809	2901	2994	3092	3253	3318	3351
RC-006-07 ^{Qa}	2405	2463	2524	2587	2669	2762	2845	2946	3034	3189	3253	3285
RC-006-07 Sm	2457	2515	2575	2640	2723	2815	2900	3002	3092	3247	3312	3344
RC-006-08 ^{Qa}	2570	2635	2704	2775	2876	2979	3094	3199	3303	3485	3555	3590
RC-006-08 Sm	2623	2689	2757	2828	2931	3035	3151	3257	3363	3544	3615	3650
RC-006-09 ^{Qa}	2576	2641	2709	2780	2881	2988	3104	3214	3331	3511	3581	3616
RC-006-09 Sm	2629	2695	2763	2834	2936	3045	3162	3271	3389	3571	3642	3678
RC-006-10 ^{Qa}	2674	2744	2815	2889	2995	3121	3241	3363	3487	3684	3758	3795
RC-006-10 Sm	2728	2798	2869	2945	3053	3180	3298	3422	3546	3743	3818	3855

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RC-006-11Qa	2789	2862	2940	3022	3146	3268	3407	3536	3673	3883	3961	3999
RC-006-11Sm	2843	2917	2995	3079	3203	3326	3466	3595	3734	3943	4022	4061
RC-006-12Qa	2897	2976	3061	3147	3281	3423	3565	3704	3844	4063	4144	4185
RC-006-12Sm	2954	3034	3117	3204	3340	3483	3623	3765	3903	4124	4206	4248
RC-006-13Qa	3028	3114	3201	3293	3443	3598	3750	3904	4061	4295	4381	4424
RC-006-13Sm	3086	3172	3259	3351	3503	3658	3811	3964	4120	4354	4441	4485
RC-006-14Qa	3074	3161	3251	3345	3502	3661	3812	3966	4124	4366	4453	4497
RC-006-14Sm	3132	3219	3308	3405	3562	3720	3872	4025	4182	4425	4514	4558
RC-006-15Qa	3172	3262	3356	3455	3617	3780	3936	4104	4266	4512	4602	4647
RC-006-15Sm	3229	3320	3416	3514	3676	3842	3996	4165	4326	4572	4663	4709

Effective January 1, 2005

RC-006

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
01Qa	2037	2083	2132	2182	2240	2297	2349	2414	2466	2569	2646
01Sm	2090	2136	2184	2236	2292	2351	2401	2466	2519	2622	2701
02Qa	2086	2135	2185	2237	2293	2348	2409	2470	2527	2631	2711
02Sm	2139	2188	2239	2289	2347	2400	2462	2524	2579	2684	2764
03Qa	2139	2189	2240	2293	2349	2419	2478	2538	2603	2707	2789
03Sm	2192	2242	2292	2347	2401	2471	2531	2591	2656	2763	2846
04Qa	2190	2241	2294	2349	2421	2481	2553	2620	2689	2807	2891
04Sm	2243	2293	2348	2401	2473	2534	2606	2673	2743	2862	2948
05Qa	2329	2385	2443	2502	2578	2661	2742	2830	2915	3051	3142
05Sm	2383	2437	2496	2555	2631	2716	2798	2885	2969	3109	3203
06Qa	2458	2518	2579	2642	2742	2831	2924	3020	3117	3283	3382
06Sm	2511	2571	2632	2696	2798	2886	2981	3076	3177	3342	3443
07Qa	2471	2531	2593	2658	2742	2838	2923	3027	3117	3277	3375

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07 <u>Sm</u>	2525	2584	2646	2713	2798	2892	2980	3085	3177	3336	3436
08 <u>Qa</u>	2641	2707	2778	2851	2955	3061	3179	3287	3394	3581	3689
08 <u>Sm</u>	2695	2763	2833	2906	3012	3118	3238	3347	3455	3641	3750
09 <u>Qa</u>	2647	2714	2783	2856	2960	3070	3189	3302	3423	3608	3715
09 <u>Sm</u>	2701	2769	2839	2912	3017	3129	3249	3361	3482	3669	3779
10 <u>Qa</u>	2748	2819	2892	2968	3077	3207	3330	3455	3583	3785	3899
10 <u>Sm</u>	2803	2875	2948	3026	3137	3267	3389	3516	3644	3846	3961
11 <u>Qa</u>	2866	2941	3021	3105	3233	3358	3501	3633	3774	3990	4109
11 <u>Sm</u>	2921	2997	3077	3164	3291	3417	3561	3694	3837	4051	4173
12 <u>Qa</u>	2977	3058	3145	3234	3371	3517	3663	3806	3950	4175	4300
12 <u>Sm</u>	3035	3117	3203	3292	3432	3579	3723	3869	4010	4237	4365
13 <u>Qa</u>	3111	3200	3289	3384	3538	3697	3853	4011	4173	4413	4546
13 <u>Sm</u>	3171	3259	3349	3443	3599	3759	3916	4073	4233	4474	4608
14 <u>Qa</u>	3159	3248	3340	3437	3598	3762	3917	4075	4237	4486	4621
14 <u>Sm</u>	3218	3308	3399	3499	3660	3822	3978	4136	4297	4547	4683
15 <u>Qa</u>	3259	3352	3448	3550	3716	3884	4044	4217	4383	4636	4775
15 <u>Sm</u>	3318	3411	3510	3611	3777	3948	4106	4280	4445	4698	4838

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE I RC-009 (Institutional Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Activity Program Aide I	RC-009-03	00151
Activity Program Aide II	RC-009-05	00152
Apparel/Dry Goods Specialist I	RC-009-05	01231
Apparel/Dry Goods Specialist II	RC-009-09	01232
Apparel/Dry Goods Specialist III	RC-009-23	01233
Clinical Laboratory Associate	RC-009-08	08200
Clinical Laboratory Phlebotomist	RC-009-06	08213
Clinical Laboratory Technician I	RC-009-16	08215
Clinical Laboratory Technician II	RC-009-22	08216
Cook I	RC-009-07	09601
Cook II	RC-009-14	09602
Educator Aide	RC-009-19	13130
Facility Assistant Fire Chief	RC-009-21	14430
Facility Fire Safety Coordinator	RC-009-21	14435
Facility Firefighter	RC-009-16	14439
Florist II	RC-009-19	15652
Institutional Maintenance Worker	RC-009-10	21465
Laboratory Assistant	RC-009-02	22995
Laboratory Associate I	RC-009-16	22997
Laboratory Associate II	RC-009-22	22998
Licensed Practical Nurse I	RC-009-15	23551
Licensed Practical Nurse II	RC-009-20	23552
Locksmith	RC-009-27	24300
Mental Health Technician I	RC-009-05	27011
Mental Health Technician II	RC-009-09	27012
Mental Health Technician III	RC-009-12	27013
Mental Health Technician IV	RC-009-14	27014
Mental Health Technician V	RC-009-17	27015
Mental Health Technician VI	RC-009-18	27016
Mental Health Technician Trainee	RC-009-01	27021
Musician	RC-009-12	28805
Pest Control Operator	RC-009-15	31810
Physical Therapy Aide I	RC-009-03	32191
Physical Therapy Aide II	RC-009-09	32192
Physical Therapy Aide III	RC-009-17	32193

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Rehabilitation Workshop Instructor I	RC-009-12	38192
Rehabilitation Workshop Instructor II	RC-009-20	38193
Residential Care Worker	RC-009-20	38277
Residential Care Worker Trainee	RC-009-11	38279
Security Therapy Aide I	RC-009-24	39901
Security Therapy Aide II	RC-009-25	39902
Security Therapy Aide III	RC-009-26	39903
Security Therapy Aide Trainee	RC-009-13	39905
Social Service Aide I	RC-009-12	41281
Social Service Aide II	RC-009-17	41282
Social Service Aide Trainee	RC-009-02	41285
Support Service Coordinator I	RC-009-15	44221
Support Service Coordinator II	RC-009-22	44222
Support Service Lead	RC-009-07	44225
Support Service Worker	RC-009-04	44238
Transportation Officer	RC-009-25	45830
Veterans Nursing Assistant - Certified	RC-009-12	47750

Effective July 1, 2003

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04
RC-009-01	1843	1886	1931	1977	2022	2077	2127	2176	2227	2321	2367	2391
RC-009-01Qa	1886	1931	1977	2024	2071	2127	2179	2229	2282	2379	2427	2450
RC-009-02	1884	1929	1975	2022	2077	2131	2180	2241	2290	2388	2436	2460
RC-009-02Qa	1929	1975	2022	2071	2127	2183	2233	2296	2347	2448	2497	2521
RC-009-03	1898	1943	1989	2037	2101	2169	2236	2309	2381	2478	2528	2552
RC-009-03Qa	1943	1989	2037	2086	2152	2222	2291	2366	2440	2540	2591	2616
RC-009-04	1932	1978	2025	2074	2127	2179	2236	2294	2348	2447	2496	2520
RC-009-04Qa	1978	2025	2074	2124	2179	2232	2291	2351	2406	2508	2558	2583
RC-009-05	1945	1991	2039	2088	2153	2222	2290	2365	2440	2538	2589	2614
RC-009-05Qa	1991	2039	2088	2139	2206	2277	2347	2424	2501	2602	2654	2680
RC-009-06	1986	2034	2083	2133	2192	2250	2314	2373	2437	2540	2591	2616

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

RC-009-06	2034	2083	2133	2185	2246	2306	2371	2432	2498	2604	2656	2682
RC-009-07	2029	2078	2128	2180	2248	2304	2372	2435	2499	2607	2659	2685
RC-009-07	2078	2128	2180	2233	2303	2361	2431	2496	2562	2676	2730	2756
RC-009-08	2040	2089	2140	2192	2253	2319	2384	2449	2517	2631	2684	2710
RC-009-08	2089	2140	2192	2246	2309	2377	2444	2510	2581	2701	2755	2782
RC-009-09	2047	2096	2147	2199	2269	2341	2415	2493	2575	2685	2739	2766
RC-009-09	2096	2147	2199	2253	2325	2399	2475	2556	2642	2756	2811	2839
RC-009-10	2091	2142	2194	2248	2314	2377	2448	2515	2586	2708	2762	2789
RC-009-10	2142	2194	2248	2303	2371	2436	2509	2578	2654	2780	2836	2863
RC-009-11	2096	2147	2199	2253	2324	2393	2469	2535	2608	2731	2786	2813
RC-009-11	2147	2199	2253	2309	2382	2453	2531	2599	2677	2804	2860	2888
RC-009-12	2107	2158	2211	2265	2337	2412	2489	2569	2655	2771	2826	2854
RC-009-12	2158	2211	2265	2321	2395	2472	2552	2635	2726	2844	2901	2929
RC-009-13	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-009-13	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-009-14	2165	2218	2273	2329	2403	2483	2561	2646	2737	2858	2915	2944
RC-009-14	2218	2273	2329	2387	2463	2545	2627	2715	2810	2936	2995	3024
RC-009-15	2213	2267	2323	2381	2454	2537	2617	2706	2783	2917	2975	3005
RC-009-15	2267	2323	2381	2440	2516	2601	2685	2778	2857	2998	3058	3088
RC-009-16	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-009-16	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-009-17	2231	2286	2343	2401	2478	2561	2644	2735	2826	2968	3027	3057
RC-009-17	2286	2343	2401	2461	2540	2627	2713	2808	2903	3053	3114	3145
RC-009-18	2252	2308	2365	2424	2501	2586	2673	2764	2856	2992	3052	3082
RC-009-18	2308	2365	2424	2485	2564	2654	2744	2838	2934	3078	3140	3170
RC-009-19	2283	2339	2397	2457	2549	2631	2719	2807	2894	3047	3108	3138
RC-009-19	2339	2397	2457	2519	2614	2701	2790	2882	2973	3136	3199	3230

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

RC-009-20	2301	2358	2417	2478	2569	2653	2744	2834	2926	3104	3166	3197
RC-009-20Qa	2358	2417	2478	2540	2635	2724	2816	2911	3008	3194	3258	3290
RC-009-21	2365	2424	2485	2548	2635	2719	2812	2907	3005	3170	3233	3265
RC-009-21Qa	2424	2485	2548	2612	2705	2790	2887	2988	3092	3261	3326	3359
RC-009-22	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-009-22Qa	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-009-23	2456	2518	2582	2649	2747	2843	2950	3052	3152	3324	3390	3424
RC-009-23Qa	2518	2582	2649	2719	2819	2921	3034	3141	3243	3424	3492	3527
RC-009-24	2461	2523	2587	2655	2752	2852	2960	3066	3177	3348	3415	3448
RC-009-24Qa	2523	2587	2655	2726	2825	2930	3044	3154	3271	3450	3519	3554
RC-009-25	2664	2735	2808	2883	3000	3117	3251	3374	3506	3710	3784	3821
RC-009-25Qa	2735	2808	2883	2963	3086	3207	3346	3475	3612	3821	3897	3936
RC-009-26	2768	2842	2919	3001	3132	3264	3402	3538	3671	3885	3963	4002
RC-009-26Qa	2842	2919	3001	3087	3223	3361	3504	3644	3780	4003	4083	4123
RC-009-27	2897	2976	3061	3147	3281	3423	3565	3704	3844	4063	4144	4185
RC-009-27Qa	2979	3063	3148	3239	3378	3527	3672	3816	3960	4184	4268	4310

Effective January 1, 2005

RC-009

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
01	1880	1924	1970	2017	2062	2119	2170	2220	2272	2367	2439
01Qa	1938	1984	2031	2080	2128	2185	2239	2290	2345	2444	2517
02	1922	1968	2015	2062	2119	2174	2224	2286	2336	2436	2509
02Qa	1982	2029	2078	2128	2185	2243	2294	2359	2412	2515	2590
03	1936	1982	2029	2078	2143	2212	2281	2355	2429	2528	2603
03Qa	1996	2044	2093	2143	2211	2283	2354	2431	2507	2610	2688
04	1971	2018	2066	2115	2170	2223	2281	2340	2395	2496	2570

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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04Qa	2032	2081	2131	2182	2239	2293	2354	2416	2472	2577	2654
	05	1984	2031	2080	2130	2196	2266	2336	2412	2489	2666
05Qa	2046	2095	2145	2198	2267	2340	2412	2491	2570	2674	2754
	06	2026	2075	2125	2176	2236	2295	2360	2420	2486	2668
06Qa	2090	2140	2192	2245	2308	2369	2436	2499	2567	2676	2756
	07	2070	2120	2171	2224	2293	2350	2419	2484	2549	2739
07Qa	2135	2187	2240	2294	2366	2426	2498	2565	2632	2750	2832
	08	2081	2131	2183	2236	2298	2365	2432	2498	2567	2764
08Qa	2146	2199	2252	2308	2372	2442	2511	2579	2652	2775	2859
	09	2088	2138	2190	2243	2314	2388	2463	2543	2627	2821
09Qa	2154	2206	2259	2315	2389	2465	2543	2626	2715	2832	2917
	10	2133	2185	2238	2293	2360	2425	2497	2565	2638	2845
10Qa	2201	2254	2310	2366	2436	2503	2578	2649	2727	2856	2942
	11	2138	2190	2243	2298	2370	2441	2518	2586	2660	2869
11Qa	2206	2259	2315	2372	2448	2520	2601	2670	2751	2881	2967
	12	2149	2201	2255	2310	2384	2460	2539	2620	2708	2911
12Qa	2217	2272	2327	2385	2461	2540	2622	2707	2801	2922	3010
	13	2204	2258	2313	2370	2444	2523	2600	2683	2763	2979
13Qa	2275	2330	2388	2448	2524	2606	2686	2774	2857	2993	3083
	14	2208	2262	2318	2376	2451	2533	2612	2699	2792	3003
14Qa	2279	2336	2393	2453	2531	2615	2699	2790	2887	3017	3107
	15	2257	2312	2369	2429	2503	2588	2669	2760	2839	3065
15Qa	2329	2387	2446	2507	2585	2673	2759	2854	2936	3080	3173
	16	2274	2330	2388	2447	2536	2612	2698	2783	2870	3107
16Qa	2347	2405	2465	2527	2619	2699	2789	2878	2968	3125	3218

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

17	2276	2332	2390	2449	2528	2612	2697	2790	2883	3027	3118
17Qa	2349	2407	2467	2529	2610	2699	2788	2885	2983	3137	3231
18	2297	2354	2412	2472	2551	2638	2726	2819	2913	3052	3144
18Qa	2371	2430	2491	2553	2635	2727	2819	2916	3015	3163	3257
19	2329	2386	2445	2506	2600	2684	2773	2863	2952	3108	3201
19Qa	2403	2463	2525	2588	2686	2775	2867	2961	3055	3222	3319
20	2347	2405	2465	2528	2620	2706	2799	2891	2985	3166	3261
20Qa	2423	2483	2546	2610	2707	2799	2893	2991	3091	3282	3380
21	2412	2472	2535	2599	2688	2773	2868	2965	3065	3233	3330
21Qa	2491	2553	2618	2684	2779	2867	2966	3070	3177	3351	3451
22	2448	2509	2572	2638	2735	2826	2931	3027	3139	3308	3407
22Qa	2528	2591	2657	2727	2828	2922	3035	3137	3253	3429	3532
23	2505	2568	2634	2702	2802	2900	3009	3113	3215	3390	3492
23Qa	2587	2653	2722	2794	2897	3001	3117	3227	3332	3518	3624
24	2510	2573	2639	2708	2807	2909	3019	3127	3241	3415	3517
24Qa	2592	2658	2728	2801	2903	3011	3128	3241	3361	3545	3652
25	2717	2790	2864	2941	3060	3179	3316	3441	3576	3784	3897
25Qa	2810	2885	2962	3044	3171	3295	3438	3571	3711	3926	4044
26	2823	2899	2977	3061	3195	3329	3470	3609	3744	3963	4082
26Qa	2920	2999	3084	3172	3312	3453	3600	3744	3884	4113	4236
27	2955	3036	3122	3210	3347	3491	3636	3778	3921	4144	4269
27Qa	3061	3147	3235	3328	3471	3624	3773	3921	4069	4299	4429

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Account Clerk I	RC-014-05	00111
Account Clerk II	RC-014-07	00112
Account Technician I	RC-014-10	00115
Account Technician II	RC-014-12	00116
Administrative Services Worker Trainee	RC-014-02	00600
Aircraft Dispatcher	RC-014-12	00951
Aircraft Lead Dispatcher	RC-014-14	00952
Audio Visual Technician I	RC-014-06	03501
Audio Visual Technician II	RC-014-09	03502
Buyer Assistant	RC-014-10	05905
Check Issuance Machine Operator	RC-014-09	06920
Clerical Trainee	RC-014-TR	08050
Communications Dispatcher	RC-014-09	08815
Communications Equipment Technician I	RC-014-17	08831
Communications Equipment Technician II	RC-014-19	08832
Communications Equipment Technician III	RC-014-20	08833
Court Reporter	RC-014-15	09900
Data Processing Assistant	RC-014-06	11420
Data Processing Operator	RC-014-04	11425
Data Processing Operator Trainee	RC-014-02	11428
Drafting Worker	RC-014-11	12749
Electronic Equipment Installer/Repairer	RC-014-10	13340
Electronic Equipment Installer/Repairer Lead Worker	RC-014-12	13345
Electronics Technician	RC-014-15	13360
Emergency Response Lead Telecommunicator	RC-014-12	13540
Emergency Response Telecommunicator	RC-014-10	13543
Engineering Technician II	RC-014-13	13732
Engineering Technician III	RC-014-16	13733
Executive Secretary I	RC-014-11	14031
Executive Secretary II	RC-014-14	14032
Graphic Arts Designer	RC-014-14	17366
Graphic Arts Designer Supervisor	RC-014-18	17365
Graphic Arts Technician	RC-014-12	17400
Industrial Commission Reporter	RC-014-16	21080
Industrial Commission Technician	RC-014-11	21095

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Insurance Analyst I	RC-014-09	21561
Insurance Analyst II	RC-014-12	21562
Insurance Analyst Trainee	RC-014-07	21566
Intermittent Clerk	RC-014-02H	21686
Library Aide I	RC-014-03	23421
Library Aide II	RC-014-05	23422
Library Aide III	RC-014-07	23423
Library Technical Assistant	RC-014-10	23450
Lottery Telemarketing Representative	RC-014-09	24520
Microfilm Laboratory Technician I	RC-014-07	27175
Microfilm Laboratory Technician II	RC-014-09	27176
Microfilm Operator I	RC-014-04	27181
Microfilm Operator II	RC-014-06	27182
Microfilm Operator III	RC-014-08	27183
Office Aide	RC-014-02	30005
Office Assistant	RC-014-06	30010
Office Associate	RC-014-08	30015
Office Clerk	RC-014-04	30020
Office Coordinator	RC-014-09	30025
Photographer I	RC-014-11	32085
Photographer II	RC-014-14	32086
Photographer III	RC-014-15	32087
Photographic Technician I	RC-014-11	32091
Photographic Technician II	RC-014-14	32092
Photographic Technician III	RC-014-15	32093
Procurement Representative	RC-014-09	34540
Property and Supply Clerk I	RC-014-03.5a	34791
Property and Supply Clerk II	RC-014-05.5a	34792
Property and Supply Clerk III	RC-014-08	34793
Property Tax Examiner	RC-014-09	34930
Rehabilitation Case Coordinator I	RC-014-07	38141
Rehabilitation Case Coordinator II	RC-014-09	38142
Reproduction Service Technician I	RC-014-05	38203
Reproduction Service Technician II	RC-014-09	38204
Reproduction Service Technician III	RC-014-11	38205
Safety Responsibility Analyst	RC-014-12	38910
Storekeeper I	RC-014-10.5a	43051
Storekeeper II	RC-014-12.5a	43052
Storekeeper III	RC-014-14	43053
Stores Clerk	RC-014-04.5a	43060

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Switchboard Operator I	RC-014-05	44411
Switchboard Operator II	RC-014-07	44412
Telecommunicator – Command Center	RC-014-13	45316
Telecommunicator Lead Worker – Command Center	RC-014-15	45318
Telecommunicator	RC-014-12	45321
Telecommunicator – Call Taker	RC-014-14	45322
Telecommunicator – Lead Call Taker	RC-014-16	45323
Telecommunicator Lead Worker	RC-014-14	45324
Telecommunicator Trainee	RC-014-10	45325
Telecommunicator Specialist	RC-014-15	45326
Telecommunicator Lead Specialist	RC-014-17	45327
Vehicle Permit Evaluator	RC-014-11	47585
Veterans Service Officer Associate	RC-014-13	47804

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S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04 8
RC-014-02	1805	1847	1890	1935	1977	2022	2076	2124	2172	2253	2298	2321
RC-014-02 <u>Qa</u>	1847	1890	1935	1981	2024	2071	2126	2176	2225	2309	2355	2378
RC-014-02 <u>Sm</u>	1899	1942	1986	2033	2076	2122	2178	2227	2277	2360	2407	2431
RC-014-02H	11.11	11.37	11.63	11.91	12.17	12.44	12.78	13.07	13.37	13.86	14.14	14.28
RC-014-02H <u>Qa</u>	11.37	11.63	11.91	12.19	12.46	12.74	13.08	13.39	13.69	14.21	14.49	14.63
RC-014-02H <u>Sm</u>	11.69	11.95	12.22	12.51	12.78	13.06	13.40	13.70	14.01	14.52	14.81	14.96
RC-014-03	1843	1886	1931	1977	2022	2077	2127	2176	2227	2321	2367	2391
RC-014-03 <u>.5a</u>	1886	1931	1977	2024	2071	2127	2179	2229	2282	2379	2427	2450
RC-014-03 <u>Sm</u>	1938	1982	2028	2076	2122	2179	2230	2281	2333	2430	2479	2503
RC-014-03 <u>.5a</u>	1884	1929	1975	2022	2074	2127	2178	2227	2284	2381	2429	2452
RC-014-03 <u>.5Qaa</u>	1929	1975	2022	2071	2124	2179	2231	2282	2341	2440	2489	2513
RC-014-03 <u>.5Sam</u>	1980	2026	2074	2122	2176	2230	2283	2333	2392	2492	2542	2567
RC-014-04	1884	1929	1975	2022	2077	2131	2180	2241	2290	2388	2436	2460
RC-014-04 <u>Qa</u>	1929	1975	2022	2071	2127	2183	2233	2296	2347	2448	2497	2521
RC-014-04 <u>Sm</u>	1980	2026	2074	2122	2179	2234	2285	2348	2398	2499	2549	2574

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RC-014-04. 5a	1932	1978	2025	2074	2127	2179	2236	2294	2348	2447	2496	2520
RC-014-04. 5Qaa	1978	2025	2074	2124	2179	2232	2291	2351	2406	2508	2558	2583
RC-014-04. 5Sam	2029	2077	2125	2176	2230	2284	2343	2402	2458	2560	2611	2637
RC-014-05	1935	1981	2028	2077	2133	2191	2248	2302	2358	2455	2504	2529
RC-014-05 Qa	1981	2028	2077	2127	2185	2245	2303	2359	2417	2517	2567	2593
RC-014-05 Sm	2033	2080	2128	2179	2236	2296	2355	2411	2468	2568	2619	2645
RC-014-05. 5a	1981	2028	2077	2127	2180	2246	2301	2358	2420	2518	2568	2594
RC-014-05. 5Qaa	2028	2077	2127	2179	2233	2301	2358	2417	2481	2582	2634	2659
RC-014-05. 5Sam	2080	2128	2179	2230	2285	2353	2410	2468	2532	2634	2687	2713
RC-014-06	1986	2034	2083	2133	2192	2250	2314	2373	2437	2540	2591	2616
RC-014-06 Qa	2034	2083	2133	2185	2246	2306	2371	2432	2498	2604	2656	2682
RC-014-06 Sm	2085	2135	2185	2236	2297	2357	2423	2484	2550	2658	2711	2738
RC-014-07	2040	2089	2140	2192	2253	2319	2384	2449	2517	2631	2684	2710
RC-014-07 Qa	2089	2140	2192	2246	2309	2377	2444	2510	2581	2701	2755	2782
RC-014-07 Sm	2141	2191	2244	2297	2360	2428	2495	2562	2633	2754	2809	2837
RC-014-08	2096	2147	2199	2253	2324	2393	2469	2535	2608	2731	2786	2813
RC-014-08 Qa	2147	2199	2253	2309	2382	2453	2531	2599	2677	2804	2860	2888
RC-014-08 Sm	2198	2251	2304	2360	2433	2504	2583	2653	2731	2857	2914	2943
RC-014-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-014-09 Qa	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-014-09 Sm	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-014-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-014-10 Qa	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-014-10 Sm	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-014-10. 5a	2295	2352	2411	2471	2549	2636	2718	2813	2894	3041	3102	3132
RC-014-10. 5Qaa	2352	2411	2471	2533	2614	2706	2789	2888	2973	3128	3191	3222
RC-014-10. 5Sam	2403	2462	2523	2585	2668	2760	2843	2944	3032	3187	3251	3283
RC-014-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-014-11 Qa	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-014-11 Sm	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328

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RC-014-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-014-12 ^{Qa}	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-014-12 Sm	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-014-12.5 ^a	2456	2518	2582	2649	2747	2843	2950	3052	3152	3324	3390	3424
RC-014-12.5 ^{Qaa}	2518	2582	2649	2719	2819	2921	3034	3141	3243	3424	3492	3527
RC-014-12.5 ^{Sam}	2569	2634	2703	2773	2874	2976	3092	3198	3301	3484	3554	3589
RC-014-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-014-13 ^{Qa}	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-014-13 Sm	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-014-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-014-14 ^{Qa}	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-014-14 Sm	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-014-15	2688	2760	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-014-15 ^{Qa}	2760	2834	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-014-15 Sm	2813	2887	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-014-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-014-16 ^{Qa}	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-014-16 Sm	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-014-17	2932	3015	3102	3192	3340	3494	3642	3789	3943	4178	4262	4303
RC-014-17 ^{Qa}	3015	3102	3192	3284	3440	3599	3750	3903	4061	4304	4390	4433
RC-014-17 Sm	3072	3160	3250	3343	3501	3660	3811	3963	4120	4364	4451	4495
RC-014-18	3082	3171	3262	3359	3522	3686	3853	4011	4172	4421	4509	4554
RC-014-18Q	3171	3262	3359	3460	3630	3797	3970	4133	4297	4553	4644	4690
RC-014-18S	3228	3320	3420	3518	3689	3857	4029	4192	4358	4612	4704	4750
RC-014-19	3244	3338	3437	3541	3722	3897	4079	4249	4427	4695	4789	4836
RC-014-19 ^{Qa}	3338	3437	3541	3647	3833	4012	4202	4377	4561	4836	4933	4981
RC-014-19 Sm	3398	3499	3602	3707	3894	4073	4261	4438	4621	4895	4993	5042
RC-014-20	3425	3529	3634	3742	3931	4114	4309	4496	4681	4967	5066	5116
RC-014-20 ^{Qa}	3529	3634	3742	3854	4049	4238	4439	4630	4822	5117	5219	5271
RC-014-20 Sm	3587	3694	3802	3914	4108	4297	4498	4690	4882	5175	5279	5330

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S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
02	1841	1884	1928	1974	2017	2062	2118	2166	2215	2298	2367
02 <u>Qa</u>	1898	1942	1988	2035	2080	2128	2184	2236	2286	2372	2443
02 <u>Sm</u>	1951	1995	2041	2089	2133	2180	2238	2288	2340	2425	2498
02H	11.33	11.59	11.86	12.15	12.41	12.69	13.03	13.33	13.63	14.14	14.57
02H <u>Qa</u>	11.68	11.95	12.23	12.52	12.8	13.1	13.44	13.76	14.07	14.6	15.03
02H <u>Sm</u>	12.01	12.28	12.56	12.86	13.13	13.42	13.77	14.08	14.4	14.92	15.37
03	1880	1924	1970	2017	2062	2119	2170	2220	2272	2367	2439
03 <u>Qa</u>	1938	1984	2031	2080	2128	2185	2239	2290	2345	2444	2517
03 <u>Sm</u>	1991	2037	2084	2133	2180	2239	2291	2344	2397	2497	2572
03. <u>5a</u>	1922	1968	2015	2062	2115	2170	2222	2272	2330	2429	2501
03. <u>5Qaa</u>	1982	2029	2078	2128	2182	2239	2292	2345	2405	2507	2582
03. <u>5Sam</u>	2034	2082	2131	2180	2236	2291	2346	2397	2458	2561	2638
04	1922	1968	2015	2062	2119	2174	2224	2286	2336	2436	2509
04 <u>Qa</u>	1982	2029	2078	2128	2185	2243	2294	2359	2412	2515	2590
04 <u>Sm</u>	2034	2082	2131	2180	2239	2295	2348	2413	2464	2568	2645
04. <u>5a</u>	1971	2018	2066	2115	2170	2223	2281	2340	2395	2496	2570
04. <u>5Qaa</u>	2032	2081	2131	2182	2239	2293	2354	2416	2472	2577	2654
04. <u>5Sam</u>	2085	2134	2183	2236	2291	2347	2407	2468	2526	2630	2710
05	1974	2021	2069	2119	2176	2235	2293	2348	2405	2504	2580
05 <u>Qa</u>	2035	2084	2134	2185	2245	2307	2366	2424	2483	2586	2664
05 <u>Sm</u>	2089	2137	2187	2239	2297	2359	2420	2477	2536	2639	2718
05. <u>5a</u>	2021	2069	2119	2170	2224	2291	2347	2405	2468	2568	2646
05. <u>5Qaa</u>	2084	2134	2185	2239	2294	2364	2423	2483	2549	2653	2732
05. <u>5Sam</u>	2137	2187	2239	2291	2348	2418	2476	2536	2602	2706	2788

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06	2026	2075	2125	2176	2236	2295	2360	2420	2486	2591	2668
06Qa	2090	2140	2192	2245	2308	2369	2436	2499	2567	2676	2756
06Sm	2142	2194	2245	2297	2360	2422	2490	2552	2620	2731	2813
07	2081	2131	2183	2236	2298	2365	2432	2498	2567	2684	2764
07Qa	2146	2199	2252	2308	2372	2442	2511	2579	2652	2775	2859
07Sm	2200	2251	2306	2360	2425	2495	2564	2632	2705	2830	2915
08	2138	2190	2243	2298	2370	2441	2518	2586	2660	2786	2869
08Qa	2206	2259	2315	2372	2448	2520	2601	2670	2751	2881	2967
08Sm	2258	2313	2367	2425	2500	2573	2654	2726	2806	2936	3024
09	2204	2258	2313	2370	2444	2523	2600	2683	2763	2893	2979
09Qa	2275	2330	2388	2448	2524	2606	2686	2774	2857	2993	3083
09Sm	2327	2384	2441	2500	2576	2659	2741	2829	2913	3050	3141
10	2274	2330	2388	2447	2536	2612	2698	2783	2870	3016	3107
10Qa	2347	2405	2465	2527	2619	2699	2789	2878	2968	3125	3218
10Sm	2399	2458	2518	2579	2672	2754	2844	2932	3026	3184	3280
10.5a	2341	2399	2459	2520	2600	2689	2772	2869	2952	3102	3195
10.5Qaa	2417	2477	2539	2603	2686	2780	2866	2967	3055	3214	3311
10.5Sam	2469	2530	2592	2656	2741	2836	2921	3025	3115	3275	3373
11	2356	2414	2475	2537	2624	2709	2806	2899	2989	3147	3242
11Qa	2432	2493	2555	2620	2713	2802	2902	2999	3095	3261	3359
11Sm	2486	2546	2608	2673	2768	2856	2957	3056	3154	3320	3420
12	2448	2509	2572	2638	2735	2826	2931	3027	3139	3308	3407
12Qa	2528	2591	2657	2727	2828	2922	3035	3137	3253	3429	3532
12Sm	2581	2644	2711	2781	2883	2978	3093	3197	3313	3490	3595
12.5a	2505	2568	2634	2702	2802	2900	3009	3113	3215	3390	3492
12.5Qaa	2587	2653	2722	2794	2897	3001	3117	3227	3332	3518	3624
12.5Sam	2640	2706	2777	2849	2953	3058	3177	3286	3392	3580	3688
13	2537	2601	2668	2738	2839	2947	3058	3170	3287	3471	3575

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13	Qa	2620	2688	2758	2831	2936	3051	3170	3285	3407	3601	3709
13	Sm	2673	2742	2813	2886	2992	3109	3229	3345	3469	3663	3773
14		2640	2709	2782	2856	2965	3080	3215	3332	3459	3660	3770
14	Qa	2729	2802	2877	2954	3070	3193	3332	3457	3589	3798	3912
14	Sm	2783	2856	2931	3011	3129	3252	3392	3517	3650	3858	3974
15		2742	2815	2891	2969	3099	3227	3354	3491	3621	3838	3954
15	Qa	2836	2912	2991	3074	3211	3345	3479	3624	3757	3982	4101
15	Sm	2890	2966	3048	3133	3271	3403	3542	3684	3817	4043	4164
16		2864	2941	3022	3108	3248	3390	3532	3679	3826	4052	4174
16	Qa	2962	3044	3131	3222	3366	3518	3666	3816	3970	4205	4331
16	Sm	3020	3103	3190	3281	3427	3580	3728	3878	4032	4265	4394
17		2991	3075	3164	3256	3407	3564	3715	3865	4022	4262	4389
17	Qa	3098	3187	3280	3374	3535	3698	3853	4010	4173	4422	4555
17	Sm	3156	3247	3339	3435	3597	3761	3916	4072	4233	4484	4619
18		3144	3234	3327	3426	3592	3760	3930	4091	4255	4509	4645
18	Q	3258	3352	3451	3555	3730	3901	4079	4247	4415	4678	4819
18	S	3317	3411	3514	3615	3790	3963	4140	4307	4478	4739	4881
19		3309	3405	3506	3612	3796	3975	4161	4334	4516	4789	4933
19	Qa	3430	3532	3638	3747	3938	4122	4318	4497	4686	4969	5118
19	Sm	3491	3595	3701	3809	4001	4185	4378	4560	4748	5030	5181
20		3494	3600	3707	3817	4010	4196	4395	4586	4775	5066	5218
20	Qa	3626	3734	3845	3960	4160	4355	4561	4757	4955	5258	5416
20	Sm	3686	3796	3907	4022	4221	4415	4622	4819	5016	5317	5477

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE N RC-010 (Professional Legal Unit, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Hearings Referee	RC-010-23	18300
Hearings Referee – Intermittent	RC-010-23H	18301
Technical Advisor I	RC-010-18	45251
Technical Advisor II	RC-010-20	45252
Technical Advisor III	RC-010-23	45253

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S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
RC-010-18	3082	3171	3262	3359	3522	3686	3853	4011	4172	4421	4554
RC-010-18Qa	3171	3262	3359	3460	3630	3797	3970	4133	4297	4553	4690
RC-010-20	3425	3529	3634	3742	3931	4114	4309	4496	4681	4967	5116
RC-010-20Qa	3529	3634	3742	3854	4049	4238	4439	4630	4822	5117	5271
RC-010-23	4056	4177	4302	4430	4665	4904	5137	5374	5608	5959	6138
RC-010-23Qa	4177	4302	4430	4565	4806	5052	5290	5534	5775	6137	6321
RC-010-23H	24.96	25.70	26.47	27.26	28.71	30.18	31.61	33.07	34.51	36.67	37.77

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S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
18	3144	3234	3327	3426	3592	3760	3930	4091	4255	4509	4645
18Qa	3258	3352	3451	3555	3730	3901	4079	4247	4415	4678	4819
20	3494	3600	3707	3817	4010	4196	4395	4586	4775	5066	5218
20Qa	3626	3734	3845	3960	4160	4355	4561	4757	4955	5258	5416
23	4137	4261	4388	4519	4758	5002	5240	5481	5720	6078	6261

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23Qa	4292	4420	4552	4691	4938	5191	5435	5686	5934	6306	6495
23H	25.46	26.22	27.00	27.81	29.28	30.78	32.25	33.73	35.20	37.40	38.53

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Administrative Assistant I	RC-028-17	00501
Apparel/Dry Goods Specialist III	RC-028-12.5a	01233
Assistant Reimbursement Officer	RC-028-08	02424
Child Development Aide III	RC-028-10	07183
Clinical Laboratory Associate	RC-028-07	08200
Clinical Laboratory Technician I	RC-028-10	08215
Clinical Laboratory Technician II	RC-028-12	08216
Compliance Officer	RC-028-14	08919
Construction Supervisor I	RC-028-13	09561
Construction Supervisor II	RC-028-16	09562
Crime Scene Investigator	RC-028-21	09980
Data Processing Administrative Specialist	RC-028-14	11415
Data Processing Specialist	RC-028-12	11430
Data Processing Technician	RC-028-09	11440
Data Processing Technician Trainee	RC-028-06	11443
Dental Assistant	RC-028-09	11650
Dental Hygienist	RC-028-13	11700
Electroencephalograph Technician	RC-028-08	13300
Environmental Equipment Operator I	RC-028-12	13761
Environmental Equipment Operator II	RC-028-14	13762
Environmental Protection Technician I	RC-028-08	13831
Environmental Protection Technician II	RC-028-10	13832
Health Information Associate	RC-028-10	18045
Health Information Technician	RC-028-12	18047
Hearing & Speech Technician I	RC-028-06	18261
Hearing & Speech Technician II	RC-028-09	18262
Housekeeper II	RC-028-03.5a	19602
Inhalation Therapist	RC-028-08	21259
Intermittent Unemployment Insurance Technician (Hourly)	RC-028-06H	21690
Laboratory Assistant	RC-028-04	22995
Laboratory Associate I	RC-028-10	22997
Laboratory Associate II	RC-028-12	22998
Legal Research Assistant	RC-028-13	23350

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Licensed Practical Nurse I	RC-028-09.5a	23551
Licensed Practical Nurse II	RC-028-10.5a	23552
Lock and Dam Tender	RC-028-10	24290
Natural Resource Technician I	RC-028-10	28851
Natural Resource Technician II	RC-028-13	28852
Office Administrative Specialist	RC-028-12	29990
Office Specialist	RC-028-11	30080
Pharmacist Lead Technician	RC-028-09	32007
Pharmacist Technician	RC-028-07	32008
Public Aid Eligibility Assistant	RC-028-08	35825
Radiologic Technologist	RC-028-11	37500
Radiologic Technologist Program Coordinator	RC-028-12	37507
Ranger	RC-028-13	37725
Rehabilitation Counselor Aide I	RC-028-09	38155
Rehabilitation Counselor Aide II	RC-028-11	38156
Senior Ranger	RC-028-14	40090
Site Interpreter	RC-028-10	41090
Site Technician I	RC-028-10	41131
Site Technician II	RC-028-12	41132
Social Service Community Planner	RC-028-11	41295
State Police Crime Information Evaluator	RC-028-11	41801
State Police Evidence Technician I	RC-028-12	41901
State Police Evidence Technician II	RC-028-13	41902
Statistical Research Technician	RC-028-11	42748
Veterans Service Officer	RC-028-14	47800
Vocational Instructor	RC-028-12	48200

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S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04
RC-028-03.5a	1884	1929	1975	2022	2074	2127	2178	2227	2284	2381	2429	2452
RC-028-03.5Qaa	1929	1975	2022	2071	2124	2179	2231	2282	2341	2440	2489	2513
RC-028-03.5Sam	1980	2026	2074	2122	2176	2230	2283	2333	2392	2492	2542	2567
RC-028-04	1884	1929	1975	2022	2077	2131	2180	2241	2290	2388	2436	2460

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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RC-028-04Qa	1929	1975	2022	2071	2127	2183	2233	2296	2347	2448	2497	2521
RC-028-04Sm	1980	2026	2074	2122	2179	2234	2285	2348	2398	2499	2549	2574
RC-028-06	1986	2034	2083	2133	2192	2250	2314	2373	2437	2540	2591	2616
RC-028-06Qa	2034	2083	2133	2185	2246	2306	2371	2432	2498	2604	2656	2682
RC-028-06Sm	2085	2135	2185	2236	2297	2357	2423	2484	2550	2658	2711	2738
RC-028-06H	12.22	12.52	12.82	13.13	13.49	13.85	14.24	14.60	15.00	15.63	15.94	16.10
RC-028-06HQa	12.52	12.82	13.13	13.45	13.82	14.19	14.59	14.97	15.37	16.02	16.34	16.50
RC-028-06HSm	12.83	13.14	13.45	13.76	14.14	14.50	14.91	15.29	15.69	16.36	16.68	16.85
RC-028-07	2040	2089	2140	2192	2253	2319	2384	2449	2517	2631	2684	2710
RC-028-07Qa	2089	2140	2192	2246	2309	2377	2444	2510	2581	2701	2755	2782
RC-028-07Sm	2141	2191	2244	2297	2360	2428	2495	2562	2633	2754	2809	2837
RC-028-08	2096	2147	2199	2253	2324	2393	2469	2535	2608	2731	2786	2813
RC-028-08Qa	2147	2199	2253	2309	2382	2453	2531	2599	2677	2804	2860	2888
RC-028-08Sm	2198	2251	2304	2360	2433	2504	2583	2653	2731	2857	2914	2943
RC-028-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-028-09Qa	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-028-09Sm	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-028-09.5a	2213	2267	2323	2381	2454	2537	2617	2706	2783	2917	2975	3005
RC-028-09.5Qaa	2267	2323	2381	2440	2516	2601	2685	2778	2857	2998	3058	3088
RC-028-09.5Sam	2319	2375	2432	2492	2567	2655	2739	2832	2912	3057	3118	3149
RC-028-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-028-10Qa	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-028-10Sm	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-028-10.5a	2301	2358	2417	2478	2569	2653	2744	2834	2926	3104	3166	3197
RC-028-10.5Qaa	2358	2417	2478	2540	2635	2724	2816	2911	3008	3194	3258	3290
RC-028-10.5Sam	2410	2468	2529	2592	2689	2777	2870	2966	3066	3252	3317	3350
RC-028-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-028-11Qa	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-028-11Sm	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-028-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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RC-028-12 <u>Qa</u>	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-028-12 <u>Sm</u>	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-028-12. <u>5a</u>	2456	2518	2582	2649	2747	2843	2950	3052	3152	3324	3390	3424
RC-028-12. <u>5Qaa</u>	2518	2582	2649	2719	2819	2921	3034	3141	3243	3424	3492	3527
RC-028-12. <u>5Sam</u>	2569	2634	2703	2773	2874	2976	3092	3198	3301	3484	3554	3589
RC-028-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-028-13 <u>Qa</u>	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-028-13 <u>Sm</u>	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-028-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-028-14 <u>Qa</u>	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-028-14 <u>Sm</u>	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-028-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-028-16 <u>Qa</u>	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-028-16 <u>Sm</u>	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-028-17	2932	3015	3102	3192	3340	3494	3642	3789	3943	4178	4262	4303
RC-028-17 <u>Qa</u>	3015	3102	3192	3284	3440	3599	3750	3903	4061	4304	4390	4433
RC-028-17 <u>Sm</u>	3072	3160	3250	3343	3501	3660	3811	3963	4120	4364	4451	4495
RC-028-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-028-21 <u>Qa</u>	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-028-21 <u>Sm</u>	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656

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S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
03. <u>5a</u>	1922	1968	2015	2062	2115	2170	2222	2272	2330	2429	2501
03. <u>5Qaa</u>	1982	2029	2078	2128	2182	2239	2292	2345	2405	2507	2582
03. <u>5Sam</u>	2034	2082	2131	2180	2236	2291	2346	2397	2458	2561	2638
04	1922	1968	2015	2062	2119	2174	2224	2286	2336	2436	2509
04 <u>Qa</u>	1982	2029	2078	2128	2185	2243	2294	2359	2412	2515	2590
04 <u>Sm</u>	2034	2082	2131	2180	2239	2295	2348	2413	2464	2568	2645

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06	2026	2075	2125	2176	2236	2295	2360	2420	2486	2591	2668
06Qa	2090	2140	2192	2245	2308	2369	2436	2499	2567	2676	2756
06Sm	2142	2194	2245	2297	2360	2422	2490	2552	2620	2731	2813
06H	12.47	12.77	13.08	13.39	13.76	14.12	14.52	14.89	15.30	15.94	16.42
06HQa	12.86	13.17	13.49	13.82	14.20	14.58	14.99	15.38	15.80	16.47	16.96
06HSm	13.18	13.50	13.82	14.14	14.52	14.90	15.32	15.70	16.12	16.81	17.31
07	2081	2131	2183	2236	2298	2365	2432	2498	2567	2684	2764
07Qa	2146	2199	2252	2308	2372	2442	2511	2579	2652	2775	2859
07Sm	2200	2251	2306	2360	2425	2495	2564	2632	2705	2830	2915
08	2138	2190	2243	2298	2370	2441	2518	2586	2660	2786	2869
08Qa	2206	2259	2315	2372	2448	2520	2601	2670	2751	2881	2967
08Sm	2258	2313	2367	2425	2500	2573	2654	2726	2806	2936	3024
09	2204	2258	2313	2370	2444	2523	2600	2683	2763	2893	2979
09Qa	2275	2330	2388	2448	2524	2606	2686	2774	2857	2993	3083
09Sm	2327	2384	2441	2500	2576	2659	2741	2829	2913	3050	3141
09.5a	2257	2312	2369	2429	2503	2588	2669	2760	2839	2975	3065
09.5Qaa	2329	2387	2446	2507	2585	2673	2759	2854	2936	3080	3173
09.5Sam	2383	2440	2499	2561	2638	2728	2814	2910	2992	3141	3236
10	2274	2330	2388	2447	2536	2612	2698	2783	2870	3016	3107
10Qa	2347	2405	2465	2527	2619	2699	2789	2878	2968	3125	3218
10Sm	2399	2458	2518	2579	2672	2754	2844	2932	3026	3184	3280
10.5a	2347	2405	2465	2528	2620	2706	2799	2891	2985	3166	3261
10.5Qaa	2423	2483	2546	2610	2707	2799	2893	2991	3091	3282	3380
10.5Sam	2476	2536	2599	2663	2763	2853	2949	3048	3150	3341	3442
11	2356	2414	2475	2537	2624	2709	2806	2899	2989	3147	3242
11Qa	2432	2493	2555	2620	2713	2802	2902	2999	3095	3261	3359
11Sm	2486	2546	2608	2673	2768	2856	2957	3056	3154	3320	3420
12	2448	2509	2572	2638	2735	2826	2931	3027	3139	3308	3407
12Qa	2528	2591	2657	2727	2828	2922	3035	3137	3253	3429	3532

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

12 <u>Sm</u>	2581	2644	2711	2781	2883	2978	3093	3197	3313	3490	3595
12 <u>5a</u>	2505	2568	2634	2702	2802	2900	3009	3113	3215	3390	3492
12 <u>5Qaa</u>	2587	2653	2722	2794	2897	3001	3117	3227	3332	3518	3624
12 <u>5Sam</u>	2640	2706	2777	2849	2953	3058	3177	3286	3392	3580	3688
13	2537	2601	2668	2738	2839	2947	3058	3170	3287	3471	3575
13 <u>Qa</u>	2620	2688	2758	2831	2936	3051	3170	3285	3407	3601	3709
13 <u>Sm</u>	2673	2742	2813	2886	2992	3109	3229	3345	3469	3663	3773
14	2640	2709	2782	2856	2965	3080	3215	3332	3459	3660	3770
14 <u>Qa</u>	2729	2802	2877	2954	3070	3193	3332	3457	3589	3798	3912
14 <u>Sm</u>	2783	2856	2931	3011	3129	3252	3392	3517	3650	3858	3974
16	2864	2941	3022	3108	3248	3390	3532	3679	3826	4052	4174
16 <u>Qa</u>	2962	3044	3131	3222	3366	3518	3666	3816	3970	4205	4331
16 <u>Sm</u>	3020	3103	3190	3281	3427	3580	3728	3878	4032	4265	4394
17	2991	3075	3164	3256	3407	3564	3715	3865	4022	4262	4389
17 <u>Qa</u>	3098	3187	3280	3374	3535	3698	3853	4010	4173	4422	4555
17 <u>Sm</u>	3156	3247	3339	3435	3597	3761	3916	4072	4233	4484	4619
21	3688	3800	3914	4029	4236	4441	4649	4861	5063	5378	5540
21 <u>Qa</u>	3827	3943	4059	4180	4397	4607	4824	5043	5254	5581	5749
21 <u>Sm</u>	3889	4004	4120	4244	4457	4669	4886	5105	5314	5642	5812

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)**

Effective July 1, 2004

	S T E P S							
	1	2	3	4	5	6	7	8
Agricultural Products Promoter	2783	2889	2998	3108	3223	3403	3470	3574
Animal and Animal Products Investigator	2907	3020	3152	3267	3391	3588	3661	3771
Apiary Inspector	2077	2131	2180	2241	2290	2388	2427	2500
Breath Alcohol Analysis Technician	3184	3324	3463	3607	3751	3973	4053	4175
Commodities Inspector	2486	2561	2645	2728	2814	2957	3011	3101
Drug Compliance Investigator	4966	5225	5476	5729	5988	6363	6491	6686
Environmental Protection Legal Investigator I	2681	2771	2874	2968	3077	3243	3305	3404
Environmental Protection Legal Investigator II	2907	3020	3152	3267	3391	3588	3661	3771
Environmental Protection Legal Investigator Specialist	3038	3164	3288	3423	3550	3763	3837	3952
Explosives Inspector I	2907	3020	3152	3267	3391	3588	3661	3771
Explosives Inspector II	3340	3494	3642	3789	3943	4178	4262	4390
Fingerprint Technician	2681	2771	2874	2968	3077	3243	3305	3404
Fire Prevention Inspector I	3038	3164	3288	3423	3550	3763	3837	3952
Fire Prevention Inspector II	3522	3686	3853	4011	4172	4421	4508	4643
Guard I	2133	2191	2248	2302	2358	2455	2497	2572
Guard II	2324	2393	2469	2535	2608	2731	2779	2862
Guard III	2573	2656	2751	2842	2930	3085	3145	3239
Licensing Assistant	2253	2319	2384	2449	2517	2631	2677	2757
Licensing Investigator I	2573	2656	2751	2842	2930	3085	3145	3239
Licensing Investigator II	2907	3020	3152	3267	3391	3588	3661	3771
Licensing Investigator III	3038	3164	3288	3423	3550	3763	3837	3952
Licensing Investigator IV	3340	3494	3642	3789	3943	4178	4262	4390
Liquor Control Special Agent I	2784	2894	3005	3114	3229	3410	3477	3581
Motorist Assistant Specialist	2253	2319	2384	2449	2517	2631	2677	2757
Plant & Pesticide Specialist I	3184	3324	3463	3607	3751	3973	4053	4175
Plant & Pesticide Specialist II	3522	3686	3853	4011	4172	4421	4508	4643

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Plumbing Inspector	3722	3897	4079	4249	4427	4695	4787	4931
Polygraph Examiner I	3522	3686	3853	4011	4172	4421	4508	4643
Polygraph Examiner II	3931	4114	4309	4496	4681	4967	5066	5218
Polygraph Examiner III	4394	4609	4827	5050	5261	5587	5699	5870
Products & Standards Inspector	2907	3020	3152	3267	3391	3588	3661	3771
Security Officer	2681	2771	2874	2968	3077	3243	3305	3404
Security Officer Sergeant	2783	2889	2998	3108	3223	3403	3470	3574
Seed Analyst I	2573	2656	2751	2842	2930	3085	3145	3239
Seed Analyst II	2681	2771	2874	2968	3077	3243	3305	3404
Site Security Officer	2324	2393	2469	2535	2608	2731	2779	2862
Truck Weighing Inspector	2486	2561	2645	2728	2814	2957	3011	3101
Vehicle Compliance Inspector	3184	3324	3463	3607	3751	3973	4053	4175
Vehicle Emissions Compliance Inspector	2783	2889	2998	3108	3223	3403	3470	3574
Vehicle Emissions Quality Assurance Auditor	2681	2771	2874	2968	3077	3243	3305	3404
Vital Records Quality Control Inspector	2681	2771	2874	2968	3077	3243	3305	3404
Warehouse Claims Specialist	3722	3897	4079	4249	4427	4695	4787	4931
Warehouse Examiner	3038	3164	3288	3423	3550	3763	3837	3952
Warehouse Examiner Specialist	3340	3494	3642	3789	3943	4178	4262	4390
Well Inspector I	2907	3020	3152	3267	3391	3588	3661	3771
Well Inspector II	3340	3494	3642	3789	3943	4178	4262	4390

RC-029 Alternative Retirement Formula Schedule

Effective July 1, 2004

	S T E P S							
	1	2	3	4	5	6	7	8
Arson Investigator I	3424	3568	3714	3864	4092	4175	4259	4387
Arson Investigator II	3797	3970	4133	4297	4553	4644	4737	4879
Arson Investigator II (Lead Worker)	3922	4095	4258	4422	4678	4769	4862	5004
Commerce Commission Police Officer I	3424	3568	3714	3864	4092	4175	4259	4387
Commerce Commission Police Officer II	3797	3970	4133	4297	4553	4644	4737	4879
Licensing Investigator III	3125	3255	3386	3527	3656	3875	3950	4069

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Police Officer I	3424	3568	3714	3864	4092	4175	4259	4387
Police Officer II	3797	3970	4133	4297	4553	4644	4737	4879
Police Officer III	4049	4238	4439	4630	4822	5117	5218	5375
Polygraph Examiner III	4526	4748	4971	5201	5419	5755	5871	6047
Security Officer	2752	2844	2954	3053	3166	3337	3404	3506
Security Officer Sergeant	2857	2969	3085	3197	3316	3505	3574	3681

Note: The Step 8 rate shall be increased by \$50 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 8 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series; and after reaching 17 years of service in the same classification series, an increase of an additional \$75 per month shall be granted.

Effective ~~January~~ July 1, 2005

	S T E P S							
	1	2	3	4	5	6	7	8
Agricultural Products Promoter	2839	2947	3058	3170	3287	3471	3539	3645
Animal and Animal Products Investigator	2965	3080	3215	3332	3459	3660	3734	3846
Apiary Inspector	2119	2174	2224	2286	2336	2436	2476	2550
Breath Alcohol Analysis Technician	3248	3390	3532	3679	3826	4052	4134	4259
Commodities Inspector	2536	2612	2698	2783	2870	3016	3071	3163
Drug Compliance Investigator	5065	5330	5586	5844	6108	6490	6621	6820
Environmental Protection Legal Investigator I	2735	2826	2931	3027	3139	3308	3371	3472
Environmental Protection Legal Investigator II	2965	3080	3215	3332	3459	3660	3734	3846
Environmental Protection Legal Investigator Specialist	3099	3227	3354	3491	3621	3838	3914	4031
Explosives Inspector I	2965	3080	3215	3332	3459	3660	3734	3846
Explosives Inspector II	3407	3564	3715	3865	4022	4262	4347	4478
Fingerprint Technician	2735	2826	2931	3027	3139	3308	3371	3472
Fire Prevention Inspector I	3099	3227	3354	3491	3621	3838	3914	4031
Fire Prevention Inspector II	3592	3760	3930	4091	4255	4509	4598	4736

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Guard I	2176	2235	2293	2348	2405	2504	2547	2623
Guard II	2370	2441	2518	2586	2660	2786	2835	2919
Guard III	2624	2709	2806	2899	2989	3147	3208	3304
Licensing Assistant	2298	2365	2432	2498	2567	2684	2731	2812
Licensing Investigator I	2624	2709	2806	2899	2989	3147	3208	3304
Licensing Investigator II	2965	3080	3215	3332	3459	3660	3734	3846
Licensing Investigator III	3099	3227	3354	3491	3621	3838	3914	4031
Licensing Investigator IV	3407	3564	3715	3865	4022	4262	4347	4478
Liquor Control Special Agent I	2840	2952	3065	3176	3294	3478	3547	3653
Motorist Assistant Specialist	2298	2365	2432	2498	2567	2684	2731	2812
Plant & Pesticide Specialist I	3248	3390	3532	3679	3826	4052	4134	4259
Plant & Pesticide Specialist II	3592	3760	3930	4091	4255	4509	4598	4736
Plumbing Inspector	3796	3975	4161	4334	4516	4789	4883	5030
Polygraph Examiner I	3592	3760	3930	4091	4255	4509	4598	4736
Polygraph Examiner II	4010	4196	4395	4586	4775	5066	5167	5322
Polygraph Examiner III	4482	4701	4924	5151	5366	5699	5813	5987
Products & Standards Inspector	2965	3080	3215	3332	3459	3660	3734	3846
Security Officer	2735	2826	2931	3027	3139	3308	3371	3472
Security Officer Sergeant	2839	2947	3058	3170	3287	3471	3539	3645
Seed Analyst I	2624	2709	2806	2899	2989	3147	3208	3304
Seed Analyst II	2735	2826	2931	3027	3139	3308	3371	3472
Site Security Officer	2370	2441	2518	2586	2660	2786	2835	2919
Truck Weighing Inspector	2536	2612	2698	2783	2870	3016	3071	3163
Vehicle Compliance Inspector	3248	3390	3532	3679	3826	4052	4134	4259
Vehicle Emissions Compliance Inspector	2735	2826	2931	3027	3139	3308	3371	3472
Vehicle Emissions Quality Assurance Auditor	2839	2947	3058	3170	3287	3471	3539	3645
Vital Records Quality Control Inspector	2735	2826	2931	3027	3139	3308	3371	3472
Warehouse Claims Specialist	3796	3975	4161	4334	4516	4789	4883	5030
Warehouse Examiner	3099	3227	3354	3491	3621	3838	3914	4031
Warehouse Examiner Specialist	3407	3564	3715	3865	4022	4262	4347	4478
Well Inspector I	2965	3080	3215	3332	3459	3660	3734	3846
Well Inspector II	3407	3564	3715	3865	4022	4262	4347	4478

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Effective ~~January~~ July 1, 2005

	S T E P S							
	1	2	3	4	5	6	7	8
Arson Investigator I	3518	3666	3816	3970	4205	4290	4376	4508
Arson Investigator II	3901	4079	4247	4415	4678	4772	4867	5013
Arson Investigator II (Lead Worker)	4030	4208	4375	4544	4807	4900	4996	5142
Commerce Commission Police Officer I	3518	3666	3816	3970	4205	4290	4376	4508
Commerce Commission Police Officer II	3901	4079	4247	4415	4678	4772	4867	5013
Licensing Investigator III	3211	3345	3479	3624	3757	3982	4059	4181
Police Officer I	3518	3666	3816	3970	4205	4290	4376	4508
Police Officer II	3901	4079	4247	4415	4678	4772	4867	5013
Police Officer III	4160	4355	4561	4757	4955	5258	5361	5523
Polygraph Examiner III	4650	4879	5108	5344	5568	5913	6032	6213
Security Officer	2828	2922	3035	3137	3253	3429	3498	3602
Security Officer Sergeant	2936	3051	3170	3285	3407	3601	3672	3782

Note: The Step 8 rate shall be increased by \$50 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 8 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series; and after reaching 17 years of service in the same classification series, an increase of an additional \$75 per month shall be granted.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE R RC-042 (Residual Maintenance Workers, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Building/Grounds Laborer	RC-042-01	05598
Building/Grounds Lead I	RC-042-04	05601
Building/Grounds Lead II	RC-042-05	05602
Building/Grounds Maintenance Worker	RC-042-02	05613
Intermittent Laborer (Maintenance) (Hourly)	RC-042-01H	21687
Race Track Maintainer I	RC-042-03	37551
Race Track Maintainer II	RC-042-06	37552
Refrigeration & Air Conditioning Repairer	RC-042-07	38119

Effective July 1, 2003

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04 8
RC-042-01	2226	2281	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-042-01Qa	2281	2337	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-042-01Sm	2332	2389	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-042-01H	13.65	13.98	14.87	15.25	15.77	16.28	16.86	17.42	17.96	18.91	19.29	19.48
RC-042-01HQa	13.98	14.33	15.25	15.63	16.18	16.72	17.31	17.89	18.46	19.46	19.84	20.04
RC-042-01HSm	14.30	14.65	15.56	15.94	16.51	17.04	17.64	18.23	18.82	19.81	20.21	20.40
RC-042-02	2383	2442	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-042-02Qa	2442	2503	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-042-02Sm	2494	2555	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-042-03	2419	2480	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-042-03Qa	2480	2542	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-042-03Sm	2531	2594	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-042-04	2432	2493	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-042-04Qa	2493	2556	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-042-04Sm	2544	2607	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

RC-042-05	2598	2667	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-042-05 <u>Qa</u>	2667	2737	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-042-05 <u>Sm</u>	2720	2790	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-042-06	2678	2749	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-042-06 <u>Qa</u>	2749	2822	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-042-06 <u>Sm</u>	2803	2876	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-042-07	2710	2782	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-042-07 <u>Qa</u>	2782	2856	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-042-07 <u>Sm</u>	2836	2911	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053

Effective January 1, 2005

RC-042

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
01	2271	2327	2475	2537	2624	2709	2806	2899	2989	3147	3242
01 <u>Qa</u>	2344	2401	2555	2620	2713	2802	2902	2999	3095	3261	3359
01 <u>Sm</u>	2396	2455	2608	2673	2768	2856	2957	3056	3154	3320	3420
01H	13.92	14.27	15.17	15.55	16.09	16.61	17.2	17.77	18.32	19.29	19.87
01H <u>Qa</u>	14.37	14.72	15.66	16.06	16.63	17.18	17.79	18.38	18.97	19.99	20.59
01H <u>Sm</u>	14.69	15.05	15.99	16.39	16.97	17.51	18.13	18.73	19.33	20.35	20.97
02	2431	2491	2572	2638	2735	2826	2931	3027	3139	3308	3407
02 <u>Qa</u>	2509	2572	2657	2727	2828	2922	3035	3137	3253	3429	3532
02 <u>Sm</u>	2563	2625	2711	2781	2883	2978	3093	3197	3313	3490	3595
03	2467	2530	2668	2738	2839	2947	3058	3170	3287	3471	3575
03 <u>Qa</u>	2548	2612	2758	2831	2936	3051	3170	3285	3407	3601	3709
03 <u>Sm</u>	2601	2665	2813	2886	2992	3109	3229	3345	3469	3663	3773
04	2481	2543	2668	2738	2839	2947	3058	3170	3287	3471	3575
04 <u>Qa</u>	2562	2626	2758	2831	2936	3051	3170	3285	3407	3601	3709
04 <u>Sm</u>	2614	2679	2813	2886	2992	3109	3229	3345	3469	3663	3773
05	2650	2720	2891	2969	3099	3227	3354	3491	3621	3838	3954
05 <u>Qa</u>	2740	2812	2991	3074	3211	3345	3479	3624	3757	3982	4101

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

	05	Sm	2795	2867	3048	3133	3271	3403	3542	3684	3817	4043	4164
	06		2732	2804	2891	2969	3099	3227	3354	3491	3621	3838	3954
	06	Qa	2825	2900	2991	3074	3211	3345	3479	3624	3757	3982	4101
	06	Sm	2880	2955	3048	3133	3271	3403	3542	3684	3817	4043	4164
	07		2764	2838	2891	2969	3099	3227	3354	3491	3621	3838	3954
	07	Qa	2859	2935	2991	3074	3211	3345	3479	3624	3757	3982	4101
	07	Sm	2914	2991	3048	3133	3271	3403	3542	3684	3817	4043	4164

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Accountant	RC-062-14	00130
Accountant Advanced	RC-062-16	00133
Accounting and Fiscal Administration Career Trainee	RC-062-12	00140
Activity Therapist	RC-062-15	00157
Activity Therapist Coordinator	RC-062-17	00160
Actuarial Assistant	RC-062-16	00187
Actuarial Examiner	RC-062-16	00195
Actuarial Examiner Trainee	RC-062-13	00196
Actuarial Senior Examiner	RC-062-19	00197
Actuary I	RC-062-20	00201
Actuary II	RC-062-24	00202
Agricultural Market News Assistant	RC-062-12	00804
Agricultural Marketing Generalist	RC-062-14	00805
Agricultural Marketing Reporter	RC-062-18	00807
Agricultural Marketing Representative	RC-062-18	00810
Agriculture Land and Water Resource Specialist I	RC-062-14	00831
Agriculture Land and Water Resource Specialist II	RC-062-17	00832
Agriculture Land and Water Resource Specialist III	RC-062-20	00833
Aircraft Pilot I	RC-062-19	00955
Aircraft Pilot II	RC-062-22	00956
Appraisal Specialist I	RC-062-14	01251
Appraisal Specialist II	RC-062-16	01252
Appraisal Specialist III	RC-062-18	01253
Arts Council Associate	RC-062-12	01523
Arts Council Program Coordinator	RC-062-18	01526
Arts Council Program Representative	RC-062-15	01527
Bank Examiner I	RC-062-16	04131
Bank Examiner II	RC-062-19	04132
Bank Examiner III	RC-062-22	04133
Behavioral Analyst Associate	RC-062-15	04355
Behavioral Analyst I	RC-062-17	04351
Behavioral Analyst II	RC-062-19	04352
Behavioral Analyst Associate	RC-062-15	04355
Business Administrative Specialist	RC-062-16	05810
Buyer	RC-062-18	05900

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Carnival and Amusement Safety Inspector	RC-062-16	06550
Carnival and Amusement Safety Inspector Trainee	RC-062-10	06555
Chemist I	RC-062-16	06941
Chemist II	RC-062-19	06942
Chemist III	RC-062-21	06943
<u>Child Protection Advanced Specialist</u>	<u>RC-062-19</u>	<u>07161</u>
<u>Child Protection Associate Specialist</u>	<u>RC-062-16</u>	<u>07162</u>
<u>Child Protection Specialist</u>	<u>RC-062-18</u>	<u>07163</u>
Child Protective Associate Investigator	RC-062-15	07187
Child Protective Investigator	RC-062-17	07188
Child Protective Lead Investigator	RC-062-18	07189
<u>Child Welfare Associate Specialist</u>	<u>RC-062-16</u>	<u>07216</u>
Child Welfare Staff Development Coordinator I	RC-062-17	07201
Child Welfare Staff Development Coordinator II	RC-062-19	07202
Child Welfare Staff Development Coordinator III	RC-062-20	07203
Child Welfare Staff Development Coordinator IV	RC-062-22	07204
Child Welfare Specialist	RC-062-15	07211
Children and Family Service Intern – Option 1	RC-062-12	07241
Children and Family Service Intern – Option 2	RC-062-15	07242
Clinical Laboratory Technologist I	RC-062-18	08220
Clinical Laboratory Technologist II	RC-062-19	08221
Clinical Laboratory Technologist Trainee	RC-062-14	08229
Communications Systems Specialist	RC-062-23	08860
Community Management Specialist I	RC-062-15	08891
Community Management Specialist II	RC-062-17	08892
Community Management Specialist III	RC-062-19	08893
Community Planner I	RC-062-15	08901
Community Planner II	RC-062-17	08902
Community Planner III	RC-062-19	08903
Conservation Education Representative	RC-062-12	09300
Conservation Grant Administrator I	RC-062-18	09311
Conservation Grant Administrator II	RC-062-20	09312
Conservation Grant Administrator III	RC-062-22	09313
Construction Program Assistant	RC-062-12	09525
Correctional Counselor I	RC-062-15	09661
Correctional Counselor II	RC-062-17	09662
Correctional Counselor III	RC-062-19	09663
Corrections Academy Trainer	RC-062-17	09732
Corrections Apprehension Specialist	RC-062-19	09750
Corrections Industries Marketing Representative	RC-062-17	09803

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Corrections Leisure Activities Specialist I	RC-062-15	09811
Corrections Leisure Activities Specialist II	RC-062-17	09812
Corrections Leisure Activities Specialist III	RC-062-19	09813
Corrections Parole Agent	RC-062-17	09842
Corrections Senior Parole Agent	RC-062-19	09844
Criminal Intelligence Analyst I	RC-062-18	10161
Criminal Intelligence Analyst II	RC-062-20	10162
Criminal Intelligence Analyst Specialist	RC-062-22	10165
Criminal Justice Specialist I	RC-062-16	10231
Criminal Justice Specialist II	RC-062-20	10232
Criminal Justice Specialist Trainee	RC-062-13	10236
Curator of the Lincoln Collection	RC-062-16	10750
Day Care Licensing Representative I	RC-062-16	11471
Developmental Disabilities Council Program Planner I	RC-062-12	12361
Developmental Disabilities Council Program Planner II	RC-062-16	12362
Developmental Disabilities Council Program Planner III	RC-062-18	12363
Dietitian	RC-062-15	12510
Disability Appeals Officer	RC-062-22	12530
Disability Claims Adjudicator I	RC-062- 1645	12537
Disability Claims Adjudicator II	RC-062- 1847	12538
Disability Claims Adjudicator Trainee	RC-062-13	12539
Disability Claims Analyst	RC-062-20	12540
Disability Claims Specialist	RC-062- 1948	12558
Disaster Services Planner	RC-062-19	12585
Document Examiner	RC-062-22	12640
Educator – Provisional	RC-062-12	13105
Employment Security Manpower Representative I	RC-062-12	13621
Employment Security Manpower Representative II	RC-062-14	13622
Employment Security Program Representative	RC-062-14	13650
Employment Security Program Representative – Intermittent	RC-062-14H	13651
Employment Security Service Representative	RC-062-16	13667
Employment Security Specialist I	RC-062-14	13671
Employment Security Specialist II	RC-062-16	13672
Employment Security Specialist III	RC-062-19	13673
Employment Security Tax Auditor I	RC-062-17	13681
Employment Security Tax Auditor II	RC-062-19	13682
Energy and Natural Resources Specialist I	RC-062-15	13711
Energy and Natural Resources Specialist II	RC-062-17	13712
Energy and Natural Resources Specialist III	RC-062-19	13713

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Energy and Natural Resources Specialist Trainee	RC-062-12	13715
Environmental Health Specialist I	RC-062-14	13768
Environmental Health Specialist II	RC-062-16	13769
Environmental Health Specialist III	RC-062-18	13770
Environmental Protection Associate	RC-062-12	13785
Environmental Protection Specialist I	RC-062-14	13821
Environmental Protection Specialist II	RC-062-16	13822
Environmental Protection Specialist III	RC-062-18	13823
Environmental Protection Specialist IV	RC-062-22	13824
Financial Institution Examiner I	RC-062-16	14971
Financial Institution Examiner II	RC-062-19	14972
Financial Institution Examiner III	RC-062-22	14973
Financial Institution Examiner Trainee	RC-062-13	14978
Flight Safety Coordinator	RC-062-21	15640
Forensic Scientist I	RC-062-18	15891
Forensic Scientist II	RC-062-20	15892
Forensic Scientist III	RC-062-22	15893
Forensic Scientist Trainee	RC-062-15	15897
Guardianship Representative	RC-062-17	17710
Habilitation Program Coordinator	RC-062-17	17960
Handicapped Services Representative I	RC-062-11	17981
Health and Safety Officer I	RC-062-14	18001
Health and Safety Officer II	RC-062-16	18002
Health and Safety Officer Trainee	RC-062-10	18006
Health Facilities Surveyor I	RC-062-16	18011
Health Facilities Surveyor II	RC-062-19	18012
Health Facilities Surveyor III	RC-062-20	18013
Health Planning Specialist I	RC-062-19	18154
Health Planning Specialist II	RC-062-22	18155
Health Services Investigator I – Opt. A	RC-062-19	18181
Health Services Investigator I – Opt. B	RC-062-20	18182
Health Services Investigator II – Opt. A	RC-062-22	18185
Health Services Investigator II – Opt. B	RC-062-22	18186
Health Services Investigator II – Opt. C	RC-062- 2523	18187
Health Services Investigator II – Opt. D	RC-062- 2523	18188
Historical Documents Conservator I	RC-062-13	18981
Historical Research Editor II	RC-062-14	19002
Human Relations Representative	RC-062-16	19670
<u>Human Rights Investigator I</u>	<u>RC-062-15</u>	<u>19774</u>
<u>Human Rights Investigator II</u>	<u>RC-062-17</u>	<u>19775</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Human Rights Investigator III	RC-062-18	19776
Human Rights Specialist I	RC-062-14	19778
Human Rights Specialist II	RC-062-16	19779
Human Services Caseworker	RC-062-16	19785
Human Services Grants Coordinator I	RC-062-14	19791
Human Services Grants Coordinator II	RC-062-17	19792
Human Services Grants Coordinator III	RC-062-20	19793
Human Services Grants Coordinator Trainee	RC-062-12	19796
Human Services Sign Language Interpreter	RC-062-16	19810
Iconographer	RC-062-12	19880
Industrial Services Consultant I	RC-062-14	21121
Industrial Services Consultant II	RC-062-16	21122
Industrial Services Consultant Trainee	RC-062-11	21125
Industrial Services Hygienist	RC-062-19	21127
Industrial Services Hygienist Technician	RC-062-16	21130
Industrial Services Hygienist Trainee	RC-062-12	21133
Instrument Designer	RC-062-18	21500
Insurance Analyst III	RC-062-14	21563
Insurance Analyst IV	RC-062-16	21564
Insurance Company Field Staff Examiner	RC-062-16	21608
Insurance Company Financial Examiner Trainee	RC-062-13	21610
Insurance Performance Examiner I	RC-062-14	21671
Insurance Performance Examiner II	RC-062-16	21672
Intermittent Unemployment Insurance Representative	RC-062-12H	21689
Labor Conciliator	RC-062-20	22750
Laboratory Equipment Specialist	RC-062-18	22990
Laboratory Quality Specialist I	RC-062-19	23021
Laboratory Quality Specialist II	RC-062-21	23022
Laboratory Research Specialist I	RC-062-19	23027
Laboratory Research Specialist II	RC-062-21	23028
Land Acquisition Agent I	RC-062-15	23091
Land Acquisition Agent II	RC-062-18	23092
Land Acquisition Agent III	RC-062-21	23093
Land Reclamation Specialist I	RC-062-14	23131
Land Reclamation Specialist II	RC-062-17	23132
Liability Claims Adjuster I	RC-062-14	23371
Library Associate	RC-062-12	23430
Life Sciences Career Trainee	RC-062-12	23600
Liquor Control Special Agent II	RC-062-15	23752
Local Housing Advisor I	RC-062-14	24031

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Local Housing Advisor II	RC-062-16	24032
Local Housing Advisor III	RC-062-18	24033
Local Revenue and Fiscal Advisor I	RC-062-15	24101
Local Revenue and Fiscal Advisor II	RC-062-17	24102
Local Revenue and Fiscal Advisor III	RC-062-19	24103
Lottery Sales Representative	RC-062-16	24515
Management Operations Analyst I	RC-062-18	25541
Management Operations Analyst II	RC-062-20	25542
Manpower Planner I	RC-062-14	25591
Manpower Planner II	RC-062-17	25592
Manpower Planner III	RC-062-20	25593
Manpower Planner Trainee	RC-062-12	25597
Medical Assistance Consultant I	RC-062-13	26501
Medical Assistance Consultant II	RC-062-16	26502
Medical Assistance Consultant III	RC-062-19	26503
Mental Health Specialist I	RC-062-12	26924
Mental Health Specialist II	RC-062-14	26925
Mental Health Specialist III	RC-062-16	26926
Mental Health Specialist Trainee	RC-062-11	26928
Meteorologist	RC-062-18	27120
Methods and Procedures Advisor I	RC-062-14	27131
Methods and Procedures Advisor II	RC-062-16	27132
Methods and Procedures Career Associate I	RC-062-11	27135
Methods and Procedures Career Associate II	RC-062-12	27136
Methods and Procedures Career Associate Trainee	RC-062-09	27137
Metrologist Associate	RC-062-15	27146
Microbiologist I	RC-062-16	27151
Microbiologist II	RC-062-19	27152
Natural Resources Advanced Specialist	RC-062-20	28833
Natural Resources Coordinator	RC-062-15	28831
Natural Resources Specialist	RC-062-18	28832
Natural Resources Advanced Specialist	RC-062-20	28833
Network Control Center Specialist	RC-062-21	28873
Network Control Center Technician I	RC-062-13	28875
Network Control Center Technician II	RC-062-16	28876
Network Control Center Technician Trainee	RC-062-10	28879
Paralegal Assistant	RC-062-14	30860
Police Training Specialist	RC-062-17	32990
Program Integrity Auditor I	RC-062-16	34631
Program Integrity Auditor II	RC-062-19	34632

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Program Integrity Auditor Trainee	RC-062-12	34635
Property Consultant	RC-062-15	34900
Property Tax Analyst I	RC-062-12	34921
Property Tax Analyst II	RC-062-14	34922
Public Aid Appeals Advisor	RC-062-18	35750
Public Aid Family Support Specialist I	RC-062-17	35841
Public Aid Investigator	RC-062-19	35870
Public Aid Investigator Trainee	RC-062-14	35874
Public Aid Lead Casework Specialist	RC-062-17	35880
Public Aid Program Quality Analyst	RC-062-19	35890
Public Aid Quality Control Reviewer	RC-062-17	35892
Public Aid Staff Development Specialist I	RC-062-15	36071
Public Aid Staff Development Specialist II	RC-062-17	36072
Public Health Educator Associate	RC-062-14	36434
Public Health Program Specialist I	RC-062-14	36611
Public Health Program Specialist II	RC-062-16	36612
Public Health Program Specialist Trainee	RC-062-12	36615
Public Information Officer I	RC-062-12	37001
Public Information Officer II	RC-062-14	37002
Railroad Safety Specialist I	RC-062-19	37601
Railroad Safety Specialist II	RC-062-21	37602
Railroad Safety Specialist III	RC-062-23	37603
Railroad Safety Specialist IV	RC-062-25	37604
Real Estate Investigator	RC-062-19	37730
Real Estate Professions Examiner	RC-062-22	37760
Recreation Worker I	RC-062-12	38001
Recreation Worker II	RC-062-14	38002
Rehabilitation Counselor	RC-062-17	38145
Rehabilitation Counselor Senior	RC-062-19	38158
Rehabilitation Counselor Trainee	RC-062-15	38159
Rehabilitation Services Advisor I	RC-062-20	38176
Rehabilitation Workshop Supervisor I	RC-062-12	38194
Rehabilitation Workshop Supervisor II	RC-062-14	38195
Reimbursement Officer I	RC-062-14	38199
Reimbursement Officer II	RC-062-16	38200
Research Economist I	RC-062-18	38207
Research Scientist I	RC-062-13	38231
Research Scientist II	RC-062-16	38232
Research Scientist III	RC-062-20	38233
Resource Planner I	RC-062-17	38281

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Resource Planner II	RC-062-19	38282
Resource Planner III	RC-062-22	38283
Revenue Auditor I	RC-062-16	38371
Revenue Auditor II	RC-062-19	38372
Revenue Auditor III	RC-062-22	38373
Revenue Auditor Trainee	RC-062-12	38375
Revenue Collection Officer I	RC-062-15	38401
Revenue Collection Officer II	RC-062-17	38402
Revenue Collection Officer III	RC-062-19	38403
Revenue Collection Officer Trainee	RC-062-12	38405
Revenue Senior Special Agent	RC-062-23	38557
Revenue Special Agent	RC-062-19	38558
Revenue Special Agent Trainee	RC-062-14	38565
Revenue Tax Specialist I	RC-062-12	38571
Revenue Tax Specialist II	RC-062-14	38572
Revenue Tax Specialist III	RC-062-17	38573
Revenue Tax Specialist Trainee	RC-062-10	38575
Site Assistant Superintendent I	RC-062-15	41071
Site Assistant Superintendent II	RC-062-17	41072
Site Interpretive Coordinator	RC-062-13	41093
Site Services Specialist I	RC-062-15	41117
Site Services Specialist II	RC-062-17	41118
Site Assistant Superintendent I	RC-062-15	41071
Site Assistant Superintendent II	RC-062-17	41072
Social Service Consultant I	RC-062-18	41301
Social Service Consultant II	RC-062-19	41302
Social Service Program Planner I	RC-062-15	41311
Social Service Program Planner II	RC-062-17	41312
Social Service Program Planner III	RC-062-20	41313
Social Service Program Planner IV	RC-062-22	41314
Social Services Career Trainee	RC-062-12	41320
Social Worker I	RC-062-16	41411
Staff Development Technician I	RC-062-12	41781
State Police Field Specialist I	RC-062-18	42001
State Police Field Specialist II	RC-062-20	42002
Statistical Research Specialist I	RC-062-12	42741
Statistical Research Specialist II	RC-062-14	42742
Statistical Research Specialist III	RC-062-17	42743
Storage Tank Safety Specialist	RC-062-18	43005
Substance Abuse Specialist I	RC-062-17	43251

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Substance Abuse Specialist II	RC-062-19	43252
Substance Abuse Specialist III	RC-062-22	43253
Telecommunications Systems Analyst	RC-062-17	45308
Telecommunications Systems Technician I	RC-062-10	45312
Telecommunications Systems Technician II	RC-062-13	45313
Unemployment Insurance Adjudicator I	RC-062-11	47001
Unemployment Insurance Adjudicator II	RC-062-13	47002
Unemployment Insurance Adjudicator III	RC-062-15	47003
Unemployment Insurance Revenue Analyst I	RC-062-15	47081
Unemployment Insurance Revenue Analyst II	RC-062-17	47082
Unemployment Insurance Revenue Specialist	RC-062-13	47087
Unemployment Insurance Special Agent	RC-062-18	47096
Unemployment Insurance Special Agent I	RC-062-15	47091
Unemployment Insurance Special Agent II	RC-062-17	47092
Veterans Educational Specialist I	RC-062-15	47681
Veterans Educational Specialist II	RC-062-17	47682
Veterans Educational Specialist III	RC-062-21	47683
Veterans Employment Representative I	RC-062-14	47701
Veterans Employment Representative II	RC-062-16	47702
Vocational Assessment Specialist	RC-062-18	48160
Volunteer Services Coordinator I	RC-062-13	48481
Volunteer Services Coordinator II	RC-062-16	48482
Wage Claims Specialist	RC-062-09	48770
Weatherization Specialist I	RC-062-14	49101
Weatherization Specialist II	RC-062-17	49102
Weatherization Specialist III	RC-062-20	49103
Weatherization Specialist Trainee	RC-062-12	49105

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S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04
RC-062-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-062-09 Qa	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-062-09 Sm	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-062-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-062-10 Qa	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132

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RC-062-10Sm	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-062-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-062-11Qa	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-062-11Sm	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-062-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-062-12Qa	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-062-12Sm	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-062-12H	14.77	15.14	15.52	15.91	16.50	17.05	17.69	18.26	18.94	19.96	20.36	20.55
RC-062-12HQa	15.14	15.52	15.91	16.33	16.94	17.50	18.18	18.79	19.48	20.54	20.95	21.15
RC-062-12HSm	15.46	15.83	16.23	16.66	17.27	17.83	18.52	19.14	19.84	20.90	21.32	21.53
RC-062-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-062-13Qa	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-062-13Sm	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-062-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-062-14Qa	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-062-14Sm	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-062-14H	15.93	16.34	16.78	17.23	17.89	18.58	19.40	20.10	20.87	22.08	22.52	22.74
RC-062-14HQa	16.34	16.78	17.23	17.69	18.39	19.13	19.96	20.70	21.50	22.74	23.20	23.43
RC-062-14HSm	16.67	17.11	17.56	18.03	18.74	19.48	20.31	21.06	21.86	23.11	23.57	23.80
RC-062-15	2688	2760	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-062-15Qa	2760	2834	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-062-15Sm	2813	2887	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-062-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-062-16Qa	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-062-16Sm	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-062-17	2932	3015	3102	3192	3340	3494	3642	3789	3943	4178	4262	4303
RC-062-17Qa	3015	3102	3192	3284	3440	3599	3750	3903	4061	4304	4390	4433
RC-062-17Sm	3072	3160	3250	3343	3501	3660	3811	3963	4120	4364	4451	4495
RC-062-18	3082	3171	3262	3359	3522	3686	3853	4011	4172	4421	4509	4554
RC-062-18Qa	3171	3262	3359	3460	3630	3797	3970	4133	4297	4553	4644	4690

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RC-062-18 <u>Sm</u>	3228	3320	3420	3518	3689	3857	4029	4192	4358	4612	4704	4750
RC-062-19	3244	3338	3437	3541	3722	3897	4079	4249	4427	4695	4789	4836
RC-062-19 <u>Qa</u>	3338	3437	3541	3647	3833	4012	4202	4377	4561	4836	4933	4981
RC-062-19 <u>Sm</u>	3398	3499	3602	3707	3894	4073	4261	4438	4621	4895	4993	5042
RC-062-20	3425	3529	3634	3742	3931	4114	4309	4496	4681	4967	5066	5116
RC-062-20 <u>Qa</u>	3529	3634	3742	3854	4049	4238	4439	4630	4822	5117	5219	5271
RC-062-20 <u>Sm</u>	3587	3694	3802	3914	4108	4297	4498	4690	4882	5175	5279	5330
RC-062-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-062-21 <u>Qa</u>	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-062-21 <u>Sm</u>	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656
RC-062-22	3822	3937	4056	4177	4394	4609	4827	5050	5261	5587	5699	5755
RC-062-22 <u>Qa</u>	3937	4056	4177	4302	4526	4748	4971	5201	5419	5755	5870	5928
RC-062-22 <u>Sm</u>	3997	4114	4237	4363	4584	4808	5029	5260	5480	5815	5931	5989
RC-062-23	4056	4177	4302	4430	4665	4904	5137	5374	5608	5959	6078	6138
RC-062-23 <u>Qa</u>	4177	4302	4430	4565	4806	5052	5290	5534	5775	6137	6260	6321
RC-062-23 <u>Sm</u>	4237	4363	4491	4624	4865	5111	5350	5594	5835	6197	6321	6383
RC-062-24	4315	4444	4577	4715	4966	5225	5476	5729	5988	6363	6490	6554
RC-062-24 <u>Qa</u>	4444	4577	4715	4858	5116	5381	5641	5901	6167	6555	6686	6752
RC-062-24 <u>Sm</u>	4504	4637	4775	4918	5174	5440	5700	5961	6228	6614	6746	6812
RC-062-25	4599	4737	4879	5025	5301	5580	5858	6137	6416	6828	6965	7033
RC-062-25 <u>Qa</u>	4737	4879	5025	5175	5460	5746	6034	6322	6608	7032	7173	7243
RC-062-25 <u>Sm</u>	4798	4938	5086	5235	5520	5805	6093	6381	6667	7092	7234	7305

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S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
09	2204	2258	2313	2370	2444	2523	2600	2683	2763	2893	2979
09 <u>Qa</u>	2275	2330	2388	2448	2524	2606	2686	2774	2857	2993	3083
09 <u>Sm</u>	2327	2384	2441	2500	2576	2659	2741	2829	2913	3050	3141
10	2274	2330	2388	2447	2536	2612	2698	2783	2870	3016	3107

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10Qa	2347	2405	2465	2527	2619	2699	2789	2878	2968	3125	3218
10Sm	2399	2458	2518	2579	2672	2754	2844	2932	3026	3184	3280
11	2356	2414	2475	2537	2624	2709	2806	2899	2989	3147	3242
11Qa	2432	2493	2555	2620	2713	2802	2902	2999	3095	3261	3359
11Sm	2486	2546	2608	2673	2768	2856	2957	3056	3154	3320	3420
12	2448	2509	2572	2638	2735	2826	2931	3027	3139	3308	3407
12Qa	2528	2591	2657	2727	2828	2922	3035	3137	3253	3429	3532
12Sm	2581	2644	2711	2781	2883	2978	3093	3197	3313	3490	3595
12H	15.06	15.44	15.83	16.23	16.83	17.39	18.04	18.63	19.32	20.36	20.97
12HQa	15.56	15.94	16.35	16.78	17.40	17.98	18.68	19.30	20.02	21.10	21.74
12HSm	15.88	16.27	16.68	17.11	17.74	18.33	19.03	19.67	20.39	21.48	22.12
13	2537	2601	2668	2738	2839	2947	3058	3170	3287	3471	3575
13Qa	2620	2688	2758	2831	2936	3051	3170	3285	3407	3601	3709
13Sm	2673	2742	2813	2886	2992	3109	3229	3345	3469	3663	3773
14	2640	2709	2782	2856	2965	3080	3215	3332	3459	3660	3770
14Qa	2729	2802	2877	2954	3070	3193	3332	3457	3589	3798	3912
14Sm	2783	2856	2931	3011	3129	3252	3392	3517	3650	3858	3974
14H	16.25	16.67	17.12	17.58	18.25	18.95	19.78	20.50	21.29	22.52	23.20
14HQa	16.79	17.24	17.70	18.18	18.89	19.65	20.50	21.27	22.09	23.37	24.07
14HSm	17.13	17.58	18.04	18.53	19.26	20.01	20.87	21.64	22.46	23.74	24.46
15	2742	2815	2891	2969	3099	3227	3354	3491	3621	3838	3954
15Qa	2836	2912	2991	3074	3211	3345	3479	3624	3757	3982	4101
15Sm	2890	2966	3048	3133	3271	3403	3542	3684	3817	4043	4164
16	2864	2941	3022	3108	3248	3390	3532	3679	3826	4052	4174
16Qa	2962	3044	3131	3222	3366	3518	3666	3816	3970	4205	4331
16Sm	3020	3103	3190	3281	3427	3580	3728	3878	4032	4265	4394
17	2991	3075	3164	3256	3407	3564	3715	3865	4022	4262	4389
17Qa	3098	3187	3280	3374	3535	3698	3853	4010	4173	4422	4555
17Sm	3156	3247	3339	3435	3597	3761	3916	4072	4233	4484	4619

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18	3144	3234	3327	3426	3592	3760	3930	4091	4255	4509	4645
18Qa	3258	3352	3451	3555	3730	3901	4079	4247	4415	4678	4819
18Sm	3317	3411	3514	3615	3790	3963	4140	4307	4478	4739	4881
19	3309	3405	3506	3612	3796	3975	4161	4334	4516	4789	4933
19Qa	3430	3532	3638	3747	3938	4122	4318	4497	4686	4969	5118
19Sm	3491	3595	3701	3809	4001	4185	4378	4560	4748	5030	5181
20	3494	3600	3707	3817	4010	4196	4395	4586	4775	5066	5218
20Qa	3626	3734	3845	3960	4160	4355	4561	4757	4955	5258	5416
20Sm	3686	3796	3907	4022	4221	4415	4622	4819	5016	5317	5477
21	3688	3800	3914	4029	4236	4441	4649	4861	5063	5378	5540
21Qa	3827	3943	4059	4180	4397	4607	4824	5043	5254	5581	5749
21Sm	3889	4004	4120	4244	4457	4669	4886	5105	5314	5642	5812
22	3898	4016	4137	4261	4482	4701	4924	5151	5366	5699	5870
22Qa	4045	4168	4292	4420	4650	4879	5108	5344	5568	5913	6091
22Sm	4107	4227	4354	4483	4710	4940	5167	5405	5631	5975	6154
23	4137	4261	4388	4519	4758	5002	5240	5481	5720	6078	6261
23Qa	4292	4420	4552	4691	4938	5191	5435	5686	5934	6306	6495
23Sm	4354	4483	4615	4751	4999	5252	5497	5748	5995	6367	6559
24	4401	4533	4669	4809	5065	5330	5586	5844	6108	6490	6685
24Qa	4566	4703	4845	4992	5257	5529	5796	6063	6337	6735	6938
24Sm	4628	4765	4906	5053	5316	5590	5857	6125	6399	6796	6999
25	4691	4832	4977	5126	5407	5692	5975	6260	6544	6965	7174
25Sa	4867	5013	5163	5317	5610	5904	6200	6496	6790	7225	7442
25Qm	4930	5074	5226	5379	5672	5965	6261	6556	6850	7287	7506

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Architect	RC-063-22	01440
Chaplain I	RC-063-16	06901
Chaplain II	RC-063-19	06902
Child Welfare Administrative Case Reviewer	RC-063-22	07190
Child Welfare Court Facilitator	RC-063-22	07196
Child Welfare Advanced Specialist	RC-063-19	07215
Child Welfare Senior Specialist	RC-063-22	07217
Child Welfare Specialist	RC-063-18	07218
Child Welfare Specialist II	RC-063-17	07212
Child Welfare Specialist III	RC-063-18	07213
Child Welfare Specialist IV	RC-063-21	07214
Child Welfare Supervisor	RC-063-22	07230
Civil Engineer I	RC-063-15	07601
Civil Engineer II	RC-063-17	07602
Civil Engineer III	RC-063-19	07603
Civil Engineer IV	RC-063-22	07604
Clinical Pharmacist	RC-063-25	08235
Clinical Psychologist	RC-063-23	08250
Day Care Licensing Representative II	RC-063-18	11472
Dentist I	RC-063-23	11751
Environmental Engineer I	RC-063-15	13751
Environmental Engineer II	RC-063-17	13752
Environmental Engineer III	RC-063-19	13753
Environmental Engineer IV	RC-063-22	13754
Environmental Protection Engineer I	RC-063-15	13791
Environmental Protection Engineer II	RC-063-17	13792
Environmental Protection Engineer III	RC-063-19	13793
Environmental Protection Engineer IV	RC-063-22	13794
Environmental Protection Geologist I	RC-063-14	13801
Environmental Protection Geologist II	RC-063-16	13802
Environmental Protection Geologist III	RC-063-18	13803
Geographic Information Specialist I	RC-063-19	17271
Geographic Information Specialist II	RC-063-23	17272
Geographic Information Trainee	RC-063-15	17276
Graduate Pharmacist	RC-063-20	17345

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Hearing and Speech Advanced Specialist	RC-063-22	18227
Hearing and Speech Associate	RC-063-18	18231
Hearing and Speech Specialist	RC-063-20	18233
Information Services Intern	RC-063-15	21160
Information Services Specialist I	RC-063-17	21161
Information Services Specialist II	RC-063-19	21162
Information Systems Analyst I	RC-063-21	21165
Information Systems Analyst II	RC-063-23	21166
Information Systems Analyst III	RC-063-25	21167
Laboratory Research Scientist	RC-063-23	23025
Landscape Architect	RC-063-22	23145
Landscape Planner	RC-063-19	23150
Librarian I	RC-063-16	23401
Management Systems Specialist	RC-063-21	25583
Mechanical Engineer I	RC-063-15	26201
Mechanical Engineer II	RC-063-17	26202
Mechanical Engineer III	RC-063-19	26203
Nutritionist	RC-063-18	29820
Occupational Therapist	RC-063-17	29900
Occupational Therapist Program Coordinator	RC-063-19	29908
Optometrist	RC-063-14	30300
Pharmacy Services Coordinator	RC-063-25	32010
Physical Therapist	RC-063-17	32145
Physical Therapist Program Coordinator	RC-063-19	32153
Podiatrist	RC-063-14	32960
Project Designer	RC-063-19	34725
Psychologist I	RC-063-17	35611
Psychologist II	RC-063-20	35612
Psychologist III	RC-063-22	35613
Psychologist Associate	RC-063-15	35626
Public Health Educator	RC-063-19	36430
Rehabilitation/Mobility Instructor	RC-063-19	38163
Rehabilitation/Mobility Instructor Trainee	RC-063-15	38167
School Psychologist	RC-063-18	39200
Social Worker II	RC-063-18	41412
Social Worker III	RC-063-19	41413
Social Worker IV	RC-063-21	41414
Staff Pharmacist	RC-063-24	41787
Veterinarian I	RC-063-18	47901
Veterinarian II	RC-063-20	47902

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Veterinarian III	RC-063-21	47903
Vision/Hearing Consultant I	RC-063-16	47941
Vision/Hearing Consultant II	RC-063-20	47942
Vision/Hearing Consultant III	RC-063-21	47943

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S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04
RC-063-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-063-14 ^{Qa}	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-063-14 Sm	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-063-15	2688	2760	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-063-15 ^{Qa}	2760	2834	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-063-15 Sm	2813	2887	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-063-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-063-16 ^{Qa}	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-063-16 Sm	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-063-17	2932	3015	3102	3192	3340	3494	3642	3789	3943	4178	4262	4303
RC-063-17 ^{Qa}	3015	3102	3192	3284	3440	3599	3750	3903	4061	4304	4390	4433
RC-063-17 Sm	3072	3160	3250	3343	3501	3660	3811	3963	4120	4364	4451	4495
RC-063-18	3082	3171	3262	3359	3522	3686	3853	4011	4172	4421	4509	4554
RC-063-18 ^{Qa}	3171	3262	3359	3460	3630	3797	3970	4133	4297	4553	4644	4690
RC-063-18 Sm	3228	3320	3420	3518	3689	3857	4029	4192	4358	4612	4704	4750
RC-063-19	3244	3338	3437	3541	3722	3897	4079	4249	4427	4695	4789	4836
RC-063-19 ^{Qa}	3338	3437	3541	3647	3833	4012	4202	4377	4561	4836	4933	4981
RC-063-19 Sm	3398	3499	3602	3707	3894	4073	4261	4438	4621	4895	4993	5042
RC-063-20	3425	3529	3634	3742	3931	4114	4309	4496	4681	4967	5066	5116
RC-063-20 ^{Qa}	3529	3634	3742	3854	4049	4238	4439	4630	4822	5117	5219	5271
RC-063-20 Sm	3587	3694	3802	3914	4108	4297	4498	4690	4882	5175	5279	5330
RC-063-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431

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RC-063-21	Qa	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-063-21	Sm	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656
RC-063-22		3822	3937	4056	4177	4394	4609	4827	5050	5261	5587	5699	5755
RC-063-22	Qa	3937	4056	4177	4302	4526	4748	4971	5201	5419	5755	5870	5928
RC-063-22	Sm	3997	4114	4237	4363	4584	4808	5029	5260	5480	5815	5931	5989
RC-063-23		4056	4177	4302	4430	4665	4904	5137	5374	5608	5959	6078	6138
RC-063-23	Qa	4177	4302	4430	4565	4806	5052	5290	5534	5775	6137	6260	6321
RC-063-23	Sm	4237	4363	4491	4624	4865	5111	5350	5594	5835	6197	6321	6383
RC-063-24		4315	4444	4577	4715	4966	5225	5476	5729	5988	6363	6490	6554
RC-063-24	Qa	4444	4577	4715	4858	5116	5381	5641	5901	6167	6555	6686	6752
RC-063-24	Sm	4504	4637	4775	4918	5174	5440	5700	5961	6228	6614	6746	6812
RC-063-25		4599	4737	4879	5025	5301	5580	5858	6137	6416	6828	6965	7033
RC-063-25	Qa	4737	4879	5025	5175	5460	5746	6034	6322	6608	7032	7173	7243
RC-063-25	Sm	4798	4938	5086	5235	5520	5805	6093	6381	6667	7092	7234	7305
RC-063-26					5365	5657	5956	6259	6550	6844	7287	7433	7506
RC-063-26	Qa				5527	5825	6133	6446	6746	7049	7507	7657	7732
RC-063-26	Sm				5586	5886	6193	6506	6807	7109	7566	7717	7793

Effective January 1, 2005

RC-063

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	
14	2640	2709	2782	2856	2965	3080	3215	3332	3459	3660	3770	
14	Qa	2729	2802	2877	2954	3070	3193	3332	3457	3589	3798	3912
14	Sm	2783	2856	2931	3011	3129	3252	3392	3517	3650	3858	3974
15	2742	2815	2891	2969	3099	3227	3354	3491	3621	3838	3954	
15	Qa	2836	2912	2991	3074	3211	3345	3479	3624	3757	3982	4101
15	Sm	2890	2966	3048	3133	3271	3403	3542	3684	3817	4043	4164
16	2864	2941	3022	3108	3248	3390	3532	3679	3826	4052	4174	
16	Qa	2962	3044	3131	3222	3366	3518	3666	3816	3970	4205	4331
16	Sm	3020	3103	3190	3281	3427	3580	3728	3878	4032	4265	4394

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17	2991	3075	3164	3256	3407	3564	3715	3865	4022	4262	4389
17Qa	3098	3187	3280	3374	3535	3698	3853	4010	4173	4422	4555
17Sm	3156	3247	3339	3435	3597	3761	3916	4072	4233	4484	4619
18	3144	3234	3327	3426	3592	3760	3930	4091	4255	4509	4645
18Qa	3258	3352	3451	3555	3730	3901	4079	4247	4415	4678	4819
18Sm	3317	3411	3514	3615	3790	3963	4140	4307	4478	4739	4881
19	3309	3405	3506	3612	3796	3975	4161	4334	4516	4789	4933
19Qa	3430	3532	3638	3747	3938	4122	4318	4497	4686	4969	5118
19Sm	3491	3595	3701	3809	4001	4185	4378	4560	4748	5030	5181
20	3494	3600	3707	3817	4010	4196	4395	4586	4775	5066	5218
20Qa	3626	3734	3845	3960	4160	4355	4561	4757	4955	5258	5416
20Sm	3686	3796	3907	4022	4221	4415	4622	4819	5016	5317	5477
21	3688	3800	3914	4029	4236	4441	4649	4861	5063	5378	5540
21Qa	3827	3943	4059	4180	4397	4607	4824	5043	5254	5581	5749
21Sm	3889	4004	4120	4244	4457	4669	4886	5105	5314	5642	5812
22	3898	4016	4137	4261	4482	4701	4924	5151	5366	5699	5870
22Qa	4045	4168	4292	4420	4650	4879	5108	5344	5568	5913	6091
22Sm	4107	4227	4354	4483	4710	4940	5167	5405	5631	5975	6154
23	4137	4261	4388	4519	4758	5002	5240	5481	5720	6078	6261
23Qa	4292	4420	4552	4691	4938	5191	5435	5686	5934	6306	6495
23Sm	4354	4483	4615	4751	4999	5252	5497	5748	5995	6367	6559
24	4401	4533	4669	4809	5065	5330	5586	5844	6108	6490	6685
24Qa	4566	4703	4845	4992	5257	5529	5796	6063	6337	6735	6938
24Sm	4628	4765	4906	5053	5316	5590	5857	6125	6399	6796	6999
25	4691	4832	4977	5126	5407	5692	5975	6260	6544	6965	7174
25Qa	4867	5013	5163	5317	5610	5904	6200	6496	6790	7225	7442
25Sm	4930	5074	5226	5379	5672	5965	6261	6556	6850	7287	7506
26				5472	5770	6075	6384	6681	6981	7433	7656
26Qa				5679	5985	6302	6623	6932	7243	7713	7945

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| 26Sm 5740 6048 6363 6685 6994 7304 7774 8007

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE Y RC-063 (Educator, AFSCME)**

Effective January 1, 2004

S T E P S

<u>12-month</u>	Educational											
Lane	Level	1c	1b	1a	1	2	3	4	5	6	7	8
1	BA	2995	3082	3171	3262	3414	3565	3728	3921	4103	4450	4584
2	BA + 8 Hours	3074	3163	3254	3349	3504	3661	3852	4051	4243	4600	4738
3	BA + 16 Hours	3142	3232	3328	3428	3592	3775	3975	4167	4378	4748	4890
4	BA + 24 Hours	3214	3306	3405	3507	3683	3889	4094	4307	4514	4904	5051
5	MA	3292	3390	3491	3596	3787	4002	4216	4438	4649	5052	5204
6	MA + 16 Hours	3350	3452	3555	3662	3875	4089	4306	4529	4740	5153	5308
7	MA + 32 Hours	3455	3558	3665	3774	3986	4206	4425	4646	4860	5277	5435

Maximum Security Institutions Schedule
Effective January 1, 2004

S T E P S

<u>12-Month</u>	Educational											
Lane	Level	1c	1b	1a	1	2	3	4	5	6	7	8
1	BA	3053	3140	3228	3320	3474	3623	3787	3980	4163	4509	4664
2	BA + 8 Hours	3132	3221	3311	3410	3564	3720	3911	4110	4304	4659	4799
3	BA + 16 Hours	3199	3291	3386	3487	3651	3834	4034	4227	4439	4808	4952
4	BA + 24 Hours	3271	3366	3464	3568	3742	3948	4153	4367	4574	4965	5114
5	MA	3350	3451	3551	3656	3847	4061	4275	4497	4708	5111	5264
6	MA + 16 Hours	3411	3511	3615	3721	3935	4148	4366	4588	4801	5211	5367
7	MA + 32 Hours	3514	3618	3725	3833	4047	4265	4484	4706	4920	5336	5496

Effective January 1, 2005

S T E P S

<u>12-Month</u>	Educational											
Lane	Level	1c	1b	1a	1	2	3	4	5	6	7	8
1	BA	3077	3167	3258	3352	3508	3663	3831	4029	4216	4572	4710
2	BA + 8 Hours	3159	3250	3343	3441	3600	3762	3958	4162	4360	4727	4868
3	BA + 16 Hours	3228	3321	3420	3522	3691	3879	4084	4282	4498	4879	5024

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NOTICE OF PROPOSED AMENDMENTS

4	BA + 24 Hours	3302	3397	3499	3603	3784	3996	4207	4425	4638	5039	5190
5	MA	3383	3483	3587	3695	3891	4112	4332	4560	4777	5191	5347
6	MA + 16 Hours	3442	3547	3653	3763	3982	4201	4424	4654	4870	5295	5454
7	MA + 32 Hours	3550	3656	3766	3878	4096	4322	4547	4774	4994	5422	5584

Maximum Security Institutions Schedule
Effective January 1, 2005

S T E P S

<u>12-Month</u>	Educational											
Lane	Level	1c	1b	1a	1	2	3	4	5	6	7	8
1	BA	3137	3226	3317	3411	3570	3723	3891	4089	4277	4633	4792
2	BA + 8 Hours	3218	3310	3402	3504	3662	3822	4019	4223	4422	4787	4931
3	BA + 16 Hours	3287	3382	3479	3583	3751	3939	4145	4343	4561	4940	5088
4	BA + 24 Hours	3361	3459	3559	3666	3845	4057	4267	4487	4700	5102	5255
5	MA	3442	3546	3649	3757	3953	4173	4393	4621	4837	5252	5409
6	MA + 16 Hours	3505	3608	3714	3823	4043	4262	4486	4714	4933	5354	5515
7	MA + 32 Hours	3611	3717	3827	3938	4158	4382	4607	4835	5055	5483	5647

Effective July 1, 2004

S T E P S

<u>9-Month</u>	Educational								
Lane	Level	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>1</u>	<u>BA</u>	<u>2408</u>	<u>2540</u>	<u>2677</u>	<u>2813</u>	<u>2957</u>	<u>3094</u>	<u>3394</u>	<u>3496</u>
<u>2</u>	<u>BA + 8 Hours</u>	<u>2483</u>	<u>2618</u>	<u>2762</u>	<u>2905</u>	<u>3055</u>	<u>3199</u>	<u>3505</u>	<u>3610</u>
<u>3</u>	<u>BA + 16 Hours</u>	<u>2548</u>	<u>2698</u>	<u>2849</u>	<u>2998</u>	<u>3142</u>	<u>3300</u>	<u>3619</u>	<u>3727</u>
<u>4</u>	<u>BA + 24 Hours</u>	<u>2620</u>	<u>2777</u>	<u>2933</u>	<u>3089</u>	<u>3249</u>	<u>3404</u>	<u>3735</u>	<u>3847</u>
<u>5</u>	<u>MA</u>	<u>2700</u>	<u>2857</u>	<u>3017</u>	<u>3181</u>	<u>3346</u>	<u>3504</u>	<u>3846</u>	<u>3961</u>
<u>6</u>	<u>MA + 16 Hours</u>	<u>2764</u>	<u>2923</u>	<u>3084</u>	<u>3248</u>	<u>3414</u>	<u>3573</u>	<u>3920</u>	<u>4038</u>
<u>7</u>	<u>MA + 32 Hours</u>	<u>2848</u>	<u>3007</u>	<u>3170</u>	<u>3335</u>	<u>3503</u>	<u>3663</u>	<u>4016</u>	<u>4136</u>

Effective January 1, 2005

S T E P S

<u>9-Month</u>	Educational								
Lane	Level	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>1</u>	<u>BA</u>	<u>2474</u>	<u>2610</u>	<u>2751</u>	<u>2890</u>	<u>3038</u>	<u>3179</u>	<u>3487</u>	<u>3592</u>
<u>2</u>	<u>BA + 8 Hours</u>	<u>2551</u>	<u>2690</u>	<u>2838</u>	<u>2985</u>	<u>3139</u>	<u>3287</u>	<u>3601</u>	<u>3709</u>

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<u>3</u>	<u>BA + 16 Hours</u>	<u>2618</u>	<u>2772</u>	<u>2927</u>	<u>3080</u>	<u>3228</u>	<u>3391</u>	<u>3719</u>	<u>3829</u>
<u>4</u>	<u>BA + 24 Hours</u>	<u>2692</u>	<u>2853</u>	<u>3014</u>	<u>3174</u>	<u>3338</u>	<u>3498</u>	<u>3838</u>	<u>3953</u>
<u>5</u>	<u>MA</u>	<u>2774</u>	<u>2936</u>	<u>3100</u>	<u>3268</u>	<u>3438</u>	<u>3600</u>	<u>3952</u>	<u>4070</u>
<u>6</u>	<u>MA + 16 Hours</u>	<u>2840</u>	<u>3003</u>	<u>3169</u>	<u>3337</u>	<u>3508</u>	<u>3671</u>	<u>4028</u>	<u>4149</u>
<u>7</u>	<u>MA + 32 Hours</u>	<u>2926</u>	<u>3090</u>	<u>3257</u>	<u>3427</u>	<u>3599</u>	<u>3764</u>	<u>4126</u>	<u>4250</u>

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE Z RC-063 (Physicians, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Physician	RC-063-MD	32200
Physician Specialist, Option A	RC-063-MD-A	32221
Physician Specialist, Option B	RC-063-MD-B	32222
Physician Specialist, Option C	RC-063-MD-C	32223
Physician Specialist, Option D	RC-063-MD-D	32224
Physician Specialist, Option E	RC-063-MD-E	32225

Effective July 1, 2003

	S T E P S								
	1c	1b	1a	1	2	3	4	5	6
RC-063-MD									
RC-063-MD Regular Formula	6641	6841	7046	7256	7674	8094	8512	8935	9349
RC-063-MD-Q Alternative Formula	6841	7046	7256	7474	7905	8338	8768	9202	9630
RC-063-MD-S Maximum Formula	6899	7106	7316	7534	7964	8397	8829	9262	9691
RC-063-MD-A									
RC-063-MD-A Regular Formula	7022	7233	7451	7674	8148	8625	9100	9573	10046
RC-063-MD-A-Q Alternative Formula	7233	7451	7674	7905	8394	8883	9374	9860	10349
RC-063-MD-A-S Maximum Formula	7291	7511	7733	7964	8452	8943	9433	9920	10408
RC-063-MD-B									
RC-063-MD-B Regular Formula	7663	7892	8130	8372	8873	9377	9879	10382	10886
RC-063-MD-B-Q Alternative Formula	7892	8130	8372	8625	9141	9660	10176	10693	11213
RC-063-MD-B-S Maximum Formula	7952	8189	8432	8683	9200	9719	10236	10753	11272

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RC-063-MD-A-Q Alternative Formula	7432	7656	7885	8122	8625	9127	9632	10131	10634
RC-063-MD-A-S Maximum Formula	7492	7718	7946	8183	8684	9189	9692	10193	10694
RC-063-MD-B RC-063-MD-B Regular Formula	7816	8050	8293	8539	9050	9565	10077	10590	11104
RC-063-MD-B-Q Alternative Formula	8109	8354	8602	8862	9392	9926	10456	10987	11521
RC-063-MD-B-S Maximum Formula	8171	8414	8664	8922	9453	9986	10517	11049	11582
RC-063-MD-C RC-063-MD-C Regular Formula	8726	8988	9258	9536	10105	10677	11244	11814	12384
RC-063-MD-C-Q Alternative Formula	9054	9326	9606	9895	10487	11079	11667	12258	12849
RC-063-MD-C-S Maximum Formula	9115	9388	9668	9958	10547	11139	11729	12319	12911
RC-063-MD-D RC-063-MD-D Regular Formula	9771	10065	10365	10677	11244	11814	12384	12953	13522
RC-063-MD-D-Q Alternative Formula	10139	10441	10756	11079	11667	12258	12849	13441	14029
RC-063-MD-D-S Maximum Formula	10201	10503	10818	11139	11729	12319	12911	13501	14091
RC-063-MD-E RC-063-MD-E Regular Formula	10358	10667	10987	11319	11919	12524	13127	13732	14332
RC-063-MD-E-Q Alternative Formula	10746	11068	11402	11743	12368	12995	13621	14248	14872
RC-063-MD-E-S Maximum Formula	10808	11130	11463	11805	12428	13056	13682	14310	14933

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE AA NR-916 (Department of Natural Resources, Teamsters)**Effective July 1, 2004

	<u>Minimum Salary</u>	<u>Maximum Salary</u>
<u>Cartographer III</u>	<u>3290</u>	<u>5870</u>
<u>Civil Engineer I</u>	<u>3200</u>	<u>4955</u>
<u>Civil Engineer II</u>	<u>3420</u>	<u>5680</u>
<u>Civil Engineer III</u>	<u>3755</u>	<u>6365</u>
<u>Civil Engineer Trainee</u>	<u>3015</u>	<u>4210</u>
<u>Engineering Technician I</u>	<u>1860</u>	<u>3345</u>
<u>Engineering Technician II</u>	<u>2230</u>	<u>4010</u>
<u>Engineering Technician III</u>	<u>2700</u>	<u>4780</u>
<u>Engineering Technician IV</u>	<u>3310</u>	<u>6205</u>
<u>Technical Manager I</u>	<u>2535</u>	<u>4515</u>

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	<u>Minimum Salary</u>	<u>Maximum Salary</u>
<u>Cartographer III</u>	<u>3356</u>	<u>5987</u>
<u>Civil Engineer I</u>	<u>3264</u>	<u>5054</u>
<u>Civil Engineer II</u>	<u>3488</u>	<u>5794</u>
<u>Civil Engineer III</u>	<u>3830</u>	<u>6492</u>
<u>Civil Engineer Trainee</u>	<u>3075</u>	<u>4294</u>
<u>Engineering Technician I</u>	<u>1897</u>	<u>3412</u>
<u>Engineering Technician II</u>	<u>2275</u>	<u>4090</u>
<u>Engineering Technician III</u>	<u>2754</u>	<u>4876</u>
<u>Engineering Technician IV</u>	<u>3376</u>	<u>6329</u>
<u>Technical Manager I</u>	<u>2586</u>	<u>4605</u>

Effective July 1, 2002

	<u>Minimum Salary</u>	<u>Maximum Salary</u>
<u>Cartographer III</u>	<u>3035</u>	<u>5420</u>

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Civil Engineer I	2955	4575
Civil Engineer II	3155	5250
Civil Engineer III	3470	5880
Civil Engineer Trainee	2780	3885
Engineering Technician I	1715	3090
Engineering Technician II	2055	3705
Engineering Technician III	2495	4415
Engineering Technician IV	3055	5735
Technical Manager I	2340	4170

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX B Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2004

Salary Grade	S T E P S										
	1c	1b	1a	1	2	3	4	5	6	7	8
1	1663	1704	1746	1789	1835	1877	1922	1974	2018	2098	2140
2	1705	1747	1790	1835	1877	1922	1976	2024	2072	2153	2196
3	1743	1786	1831	1877	1922	1977	2027	2076	2127	2221	2265
4	1784	1829	1875	1922	1977	2031	2080	2141	2190	2288	2334
5	1835	1881	1928	1977	2033	2091	2148	2202	2258	2358	2402
6	1886	1934	1983	2033	2092	2150	2214	2273	2337	2440	2489
7	1940	1989	2040	2092	2153	2219	2284	2349	2417	2530	2581
8	1996	2047	2099	2153	2224	2293	2369	2435	2508	2626	2679
9	2061	2114	2168	2224	2296	2374	2449	2529	2605	2727	2782
10	2129	2184	2241	2299	2386	2461	2543	2623	2706	2843	2900
11	2210	2267	2326	2387	2473	2554	2645	2733	2817	2966	3025
12	2300	2360	2422	2486	2578	2664	2763	2854	2959	3118	3180
13	2387	2450	2515	2581	2676	2778	2883	2988	3099	3272	3337
14	2488	2554	2622	2692	2795	2904	3031	3141	3261	3450	3519
15	2585	2654	2725	2799	2921	3042	3162	3291	3413	3618	3690
16	2700	2772	2849	2930	3062	3196	3330	3468	3607	3820	3896
17	2819	2899	2983	3069	3212	3360	3502	3643	3791	4017	4097
18	2963	3049	3137	3230	3387	3544	3705	3857	4012	4251	4336

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19	3119	3210	3305	3405	3579	3747	3922	4086	4257	4514	4604
20	3293	3393	3494	3598	3780	3956	4143	4323	4501	4776	4872
21	3477	3582	3689	3798	3993	4187	4383	4583	4773	5070	5171
22	3675	3786	3900	4016	4225	4432	4641	4856	5059	5372	5479
23	3900	4016	4137	4260	4486	4715	4939	5167	5392	5730	5845
24	4149	4273	4401	4534	4775	5024	5265	5509	5758	6118	6240
25	4422	4555	4691	4832	5097	5365	5633	5901	6169	6565	6696

Schedule of Salary Grades (Alternative Retirement Formula only)
- Monthly Rates of Pay for Fiscal Year 2004

Salary Grade	S T E P S										
	1c	1b	1a	1	2	3	4	5	6	7	8
1Qa	1704	1746	1789	1834	1881	1924	1971	2024	2070	2152	2195
2Qa	1747	1790	1835	1881	1924	1971	2026	2076	2125	2209	2253
3Qa	1786	1831	1877	1924	1971	2027	2079	2129	2182	2279	2325
4Qa	1829	1875	1922	1971	2027	2083	2133	2196	2247	2348	2395
5Qa	1881	1928	1977	2027	2085	2145	2203	2259	2317	2417	2465
6Qa	1934	1983	2033	2085	2146	2206	2271	2332	2398	2405	2554
7Qa	1989	2040	2092	2146	2209	2277	2344	2410	2481	2597	2649
8Qa	2047	2099	2153	2209	2282	2353	2431	2499	2574	2696	2750
9Qa	2114	2168	2224	2282	2356	2436	2513	2596	2674	2801	2857
10Qa	2184	2241	2299	2359	2449	2526	2610	2693	2778	2924	2982

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11Qa	2267	2326	2387	2450	2538	2622	2715	2807	2896	3052	3113
12Qa	2360	2422	2486	2552	2646	2735	2840	2936	3044	3209	3273
13Qa	2450	2515	2581	2649	2747	2855	2966	3074	3188	3370	3437
14Qa	2554	2622	2692	2764	2873	2988	3118	3235	3359	3554	3625
15Qa	2654	2725	2799	2877	3005	3130	3256	3391	3515	3726	3801
16Qa	2772	2849	2930	3015	3150	3292	3431	3571	3715	3935	4014
17Qa	2899	2983	3069	3158	3308	3461	3606	3753	3905	4138	4221
18Qa	3049	3137	3230	3327	3490	3651	3817	3974	4132	4378	4466
19Qa	3210	3305	3405	3507	3686	3858	4040	4209	4386	4650	4743
20Qa	3393	3494	3598	3706	3893	4075	4268	4452	4637	4920	5018
21Qa	3582	3689	3798	3912	4114	4312	4514	4719	4916	5223	5327
22Qa	3786	3900	4016	4137	4352	4565	4780	5001	5211	5534	5645
23Qa	4016	4137	4260	4389	4621	4858	5087	5321	5553	5901	6019
24Qa	4273	4401	4534	4671	4919	5174	5424	5674	5930	6303	6429
25Qa	4555	4691	4832	4976	5250	5525	5802	6079	6354	6762	6897

Schedule of Salary Grades (Maximum Security Institutions)
for Fiscal Year 2004

Salary Grade	S T E P S										
	1c	1b	1a	1	2	3	4	5	6	7	8
1Sm	1755	1798	1841	1885	1933	1976	2022	2076	2121	2203	2247
2Sm	1799	1842	1886	1933	1976	2022	2078	2127	2177	2260	2305
3Sm	1838	1882	1928	1976	2022	2079	2130	2181	2233	2330	2377

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4Sm	1880	1926	1974	2022	2079	2134	2185	2248	2298	2399	2447
5Sm	1933	1980	2028	2079	2136	2196	2255	2311	2368	2468	2517
6Sm	1985	2035	2085	2136	2197	2257	2323	2384	2450	2556	2607
7Sm	2041	2091	2144	2197	2260	2328	2395	2462	2532	2648	2701
8Sm	2098	2151	2204	2260	2333	2404	2483	2551	2626	2747	2802
9Sm	2165	2220	2276	2333	2407	2488	2565	2647	2726	2854	2911
10Sm	2235	2292	2351	2410	2500	2577	2662	2744	2832	2980	3040
11Sm	2319	2378	2438	2501	2590	2673	2767	2860	2952	3107	3169
12Sm	2412	2473	2537	2603	2698	2787	2894	2991	3100	3266	3331
13Sm	2501	2566	2633	2701	2800	2910	3022	3130	3246	3428	3497
14Sm	2605	2673	2743	2817	2928	3043	3174	3291	3415	3611	3683
15Sm	2705	2776	2852	2932	3061	3185	3314	3447	3572	3784	3860
16Sm	2826	2904	2986	3070	3207	3350	3488	3629	3773	3991	4071
17Sm	2954	3038	3125	3214	3366	3519	3664	3811	3962	4196	4280
18Sm	3104	3192	3288	3383	3547	3709	3874	4031	4190	4435	4524
19Sm	3267	3364	3463	3564	3744	3916	4097	4267	4443	4707	4801
20Sm	3449	3552	3656	3763	3950	4132	4325	4510	4694	4976	5076
21Sm	3639	3747	3856	3971	4171	4369	4572	4777	4973	5280	5386
22Sm	3843	3956	4074	4195	4408	4623	4836	5058	5269	5591	5703
23Sm	4074	4195	4318	4446	4678	4914	5144	5379	5611	5959	6078

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| 24Sm 4331 4459 4591 4729 4975 5231 5481 5732 5988 6360 6487

| 25Sm 4613 4748 4890 5034 5308 5582 5859 6136 6411 6819 6955

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Local Tourism and Convention Bureau Program
- 2) Code Citation: 14 Ill. Adm. Code 550
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
550.10	New Section
550.20	New Section
550.30	New Section
550.40	New Section
550.50	New Section
550.60	New Section
550.70	New Section
550.80	New Section
- 4) Statutory Authority: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].
- 5) A Complete Description of the Subjects and Issues Involved: These rules govern our Local Tourism and Convention Bureau grant program, which provides grants to local tourism organizations to promote tourism in their assigned areas. We have found in the 20 years since the program came into effect that many changes need to be made to the rules to reflect modern business practices, travel trends, etc. This rulemaking is accompanied by a sister repealer, which contains the old version of the rules. Following is a summary of the substantive changes contained in this rulemaking:
 - Added a Definition of "Sponsorship" to ensure that grantees do not use pass-through funds to generate false grant match. Sponsorship funds can now only be used as match if the LTCB materially participates in the event for which the sponsorship is given.
 - Updated the base year for calculating maximum grants to FY05. The current base year is 1998. The formula for determining the maximum grant remains the same.
 - Divided the certification and application process into separate Sections to eliminate confusion between the two steps necessary to gain LTCB funding.
 - Allows organizations that have been in the business of promoting tourism for at least two years to seek entry into the LTCB program. The current rules prohibit entry unless the organization was in existence in 1985, effectively barring all new entrants.
 - Allows advertising to be placed within 50 miles of the event or attraction being promoted. The current rule is 100 miles. This change is based on research that shows

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overnights stays are often generated from travelers who come from much less than 100 miles away.

- Updates all bidding requirements applicable to LTCBs to reflect the latest CMS procurement guidelines. For example, if grant payments to a single vendor exceed \$10,000 for commodities or \$20,000 for services, at least two bids are required. The current rules require two bids anytime payments exceed \$5,000.
- Placed limits on grant funding of printed materials for promotion of local festivals and events. If the print project is paid for from grant funds, grantees are required to attract at least 25 percent of their visitors from outside 50 miles and 75 percent of their advertising must be distributed outside 50 miles. The change is necessary to ensure that grantees do not market local festivals that have no tourism component.
- In a related change, we are also allowing grantees who can demonstrate that at least 25 percent of their overnight stays are being generated from visitors who live less than 50 miles away from an event or attraction (e.g., Woodfield Mall) to spend a corresponding percentage of their marketing funds targeting those travelers. Again, we are simply trying to ensure that grant funds are being used in a manner that maximizes hotel stays.
- We have updated the audit requirements to meet agency guidelines. Audits are now required of all grantees receiving more than \$500,000 (previously \$300,000).
- We currently require two signatures on all checks written from grant funds. This is often unworkable for the CVBs. The new rules require two signatures on all checks over \$500.
- Language regarding filing dates of quarterly and other reports has been removed from the rules. We now reference the grant agreement for filing dates. This allows us to change filing dates without a rules change if Accounting or the Comptroller's Office changes their end-of-fiscal-year deadlines.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any proposed amendments containing incorporations by reference? No
- 10) Statement of Statewide Policy Objectives: To promote hotel stays in Illinois, thus generating hotel tax revenue.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Jolene Clarke

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Rules Administrator
Department of Commerce and Economic Opportunity
620 E. Adams Street
Springfield, Illinois 62701
Phone: 217/557-1820
Fax: 217-782-0038
e-mail: jolene_clarke@commerce.state.il.us

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses and small municipalities affected: Municipalities with state-funded convention and visitors bureaus.
 - B) Reporting, bookkeeping or other procedures required for compliance: Basic accounting skills.
 - C) Types of professional skills necessary for compliance: Basic organization management and accounting skills.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Department did not anticipate the changes until after the agendas were prepared.

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

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER 1: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 550

LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

Section

550.10	Purpose
550.20	Definitions
550.30	Allocation of Appropriations to Grantees
550.40	Certification Process
550.50	Grant Application Process
550.60	Program Requirements
550.70	Administrative Match Requirements
550.80	Contractual Requirements

AUTHORITY: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

SOURCE: Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992; amended at 16 Ill. Reg. 14628, effective September 14, 1992; amended at 19 Ill. Reg. 1808, effective February 7, 1995; amended at 21 Ill. Reg. 9732, effective July 11, 1997; amended at 22 Ill. Reg. 10425, effective June 06, 1998; emergency amendment at 25 Ill. Reg. 9629, effective July 9, 2001, for a maximum of 150 days; emergency expired November 27, 2001; old Part repealed and new Part adopted at 29 Ill. Reg. _____, effective _____.

Section 550.10 Purpose

Section 605-705(a) of the Civil Administrative Code of Illinois [20 ILCS 605/605-705(a)] authorizes a program for the establishment of grants with local tourism and convention bureaus from the Convention and Local Tourism Account in the Tourism Fund. The intent of the program is to generate increased hotel/motel occupancy and travel into and throughout the State

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of Illinois impacting the economic growth of the tourism industry. This Part establishes rules for the implementation and administration of the Local Tourism and Convention Bureau Program.

Section 550.20 Definitions

"Act" – means Section 605-705(a) of the Civil Administrative Code of Illinois [20 ILCS 605/605-705(a)] that establishes a grant program to be referred to as the Local Tourism and Convention Bureau Program.

"Applicant" – means a not-for-profit organization or unit of local government that meets the eligibility requirements.

"Application" – means the written request submitted by an applicant requesting to be a certified local tourism and convention bureau and requesting grant funds authorized by the Act.

"Bureau" – means a certified local tourism and convention bureau.

"Chief Executive Officer" – means a full-time (at least 35 hours per week), paid professional of a bureau authorized and qualified to manage and implement a bureau's marketing plan and fulfill all requirements under an LTCB grant whose sole function shall be to promote tourism development within the bureau's designated service area.

"Commodities" – means supplies and materials, including premiums, office products, equipment and printing.

"Department" – means the Department of Commerce and Economic Opportunity.

"Department Logo" – means a form of recognition as stipulated and supplied by the Department to identify a promotional project/product as being produced in whole or in part through grant funds from the Department.

"Director" – means the Director of the Department of Commerce and Economic Opportunity.

"Feasibility Study" – means a study to determine if a tourism promotional project will result in an increase in overnight stays and visitor travel and if the promotional project is capable of being successfully completed.

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"Fiscal Year" – means each period of July 1 through June 30, the fiscal year of the State of Illinois.

"Fiscal Year Marketing Plan" – means the planned program of tourism promotional activities for the fiscal year, including goals, objectives, strategies, anticipated results, and performance measures.

"Grant Agreement" – means the executed agreement between the grantee and the Department defining their respective rights and obligations with regard to the awarding of grant funds.

"Grantee" – means a bureau receiving LTCB Program funds from the Department for purposes of promoting tourism in a designated geographic area of the State.

"Illinois Bureau of Tourism (IBOT)" – means the division of the Department that has statutory authority to establish, develop, and implement a grant program for local tourism and convention bureaus.

"In-Kind Contributions" – means donated services, donated space, donated equipment, services of volunteers, services in lieu of cash or any non-monetary item.

"Market Research" – means to research potential economic impact on the grantee's service area, including but not limited to researching recruitment of present and future target markets, such as leisure and business travelers and visitor distribution.

"Matching Funds" – means that portion of the Project Budget Plan that is required to be provided by the grantee.

"Municipality" – means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Pass-Through Funds" – means funds received by a bureau from a local entity within its designated geographic service area that are designated for payment of any expenses incurred without proportionate value, either programmatically or financially, being added by the bureau.

"Population Served" – means the population of the bureau's designated service area according to the latest certified census figures.

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"Premium Items" – means tourism promotional items purchased with grant funds and distributed or disseminated at no cost for tourism promotional purposes, including but not limited to tee-shirts, pins, hats, travel packages, and award plaques.

"Program" – means the Local Tourism and Convention Bureau (LTCB) Program.

"Project Budget Plan" – means an itemized budget category breakdown of planned grant and match expenditures associated with the activities described in the Fiscal Year Marketing Plan.

"Promotional Projects" – means Department approved tourism promotional activities that are designed to encourage tourism as described in the Fiscal Year Marketing Plan.

"Service Area" – means a designated geographic area for which the bureau is certified to provide tourism promotional services.

"Services" – means the furnishing of labor by a vendor not involving the delivery of a tangible product other than accompanying reports, designs, logos, or similar artistic services.

"Sponsorship" – means a financial contribution made by a bureau to another entity for the purpose of attracting or retaining an event that will generate tourism in the designated service area.

"Tourism" – means travel by either State residents or out-of-state visitors traveling away from home overnight in paid accommodations or on day trips to places 50 miles or more from the visitor's home.

"Travel/Trade Show" – means an exhibit/marketplace of travel-related products and/or services.

"Unit of Local Government" – means a county, municipality, or township having authority to enact laws and ordinances, administer laws and ordinances, and raise taxes or spend public funds.

Section 550.30 Allocation of Appropriations to Grantees

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In accordance with the Act, annual appropriations made by the General Assembly to the Department for the purpose of this program are allocated as follows:

- a) $\frac{1}{3}$ of the annual appropriation shall be used for grants to bureaus located within Chicago; and
- b) $\frac{2}{3}$ of the annual appropriation shall be used for grants to bureaus located throughout the remainder of the State. Subject to the cap set forth below, these funds will be distributed based on a formula containing the following weighted factors: 5% population of the bureau service area; 30% food/beverage tax collected in the bureau service area; and 65% of the State's hotel/motel tax collected in the bureau service area during the prior calendar year.
- c) With the exception of bureaus located in Chicago, no bureau shall receive a grant in excess of \$720,000 in State fiscal year 2005. Each fiscal year thereafter, the cap shall be raised or lowered by the same percentage change that is made to the Department's appropriation to the Program, using State fiscal year 2005 as the base year.

Section 550.40 Certification Process

- a) Notification. Each year on or about January 1, the Department shall publish three times within a 10-day period, in the official State newspaper, a notification that includes the following:
 - 1) Availability of funds under the LTCB program as of July 1;
 - 2) That applicants must contact the Department to obtain certification criteria and forms; and
 - 3) That applicants must submit their request for certification by March 31. The Director shall not waive this submittal deadline unless the Director finds that to do so would:
 - A) Allow the Department to further the purposes of the Program;
 - B) Allow the Department to consider funding of an applicant that is otherwise eligible under the Program; and

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- C) Prevent loss of representation and promotional services to a designated geographic area of the State. The Director's waiver must be in writing to be effective.
- b) Eligibility Criteria for Previously Certified Applicants. Previously certified applicants must meet all of the following criteria to be re-certified as eligible to receive LTCB funds:
- 1) Be either a unit of local government or incorporated as a not-for-profit organization in good standing with applicable State authorities, including, but not limited to, the Illinois Secretary of State, Illinois Department of Revenue, Illinois Department of Labor, and the Office of the Illinois Attorney General;
 - 2) Employ a full-time (minimum of 35 hours per week) paid professional Chief Executive Officer; and
 - 3) Have been in legal existence for a minimum of two years, representing one county or contiguous counties or one or more municipalities, and receive hotel-motel tax receipts from one or more municipalities or counties in the applicant's proposed service area.
- c) Eligibility Criteria for New Applicants. Applicants requesting certification for the first time must satisfy the criteria described in subsections (b)(1) and (b)(2), as well as the following criteria:
- 1) Have been in legal existence for a minimum of two years with paid full-time tourism staff whose sole purpose is to promote tourism in the designated service area;
 - 2) Receive local hotel/motel tax receipts from multiple municipalities in the applicant's proposed service area; and
 - 3) Represent more than one municipality or contiguous counties in the applicant's proposed service area.
- d) Service Area for New Applicants. A new applicant will be certified to represent an area that is encompassed in an existing grantee's designated service area if:

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- 1) Documentation has been provided showing that the proposed area has provided substantial financial support to the existing grantee and received unsatisfactory representation; or
 - 2) The new applicant and the existing grantee provide a copy of a written mutual agreement supporting the new applicant's proposed service area and demonstrate support from the governing bodies of municipalities or counties in the proposed service area that it is in the best interest of the Program to create a new local tourism and convention bureau.
- e) Required Documentation
- 1) Previously Certified Applicants. Previously certified applicants must submit the following materials to be re-certified:
 - A) A request for certification;
 - B) Documentation verifying the applicant is an Illinois not-for-profit entity in good standing on the date of application with applicable State authorities, including, but not limited to, the Illinois Secretary of State, Illinois Department of Revenue, Illinois Department of Labor, the Office of the Illinois Attorney General, or, if a unit of local government, a statement/resolution signed by the head of the unit of local government that the bureau represents;
 - C) A copy of current by-laws and a listing of names of the members of the board of directors or other governing board;
 - D) A summary of tourism related experience and duties of the chief executive officer;
 - E) A statement listing the municipalities or counties included in the applicant's proposed service area, including a current letter from the governing bodies of each of these entities indicating that the applicant is recognized as their tourism promotion organization;
 - F) A complete listing of hotels/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within the applicant's proposed service area, as well as the number of rooms/units in each; and

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- G) A statement by the applicant's fiscal officer, accountant, or treasurer of local funds specifying the local hotel/motel tax revenues and/or other funding received/projected by the bureau that can be used for matching funds.
- 2) New Applicants. Applicants that have not been previously certified must submit the following to be considered for certification:
- A) A request for certification;
 - B) Documentation verifying the applicant is an Illinois not-for-profit entity and has been in good standing on the date of application with either the Illinois Secretary of State or the Office of the Illinois Attorney General for a minimum of two years, under the applicable incorporation laws, or if a unit of local government, a statement/resolution signed by the head of the unit of local government the applicant represents;
 - C) A copy of current by-laws and a list of board members or governing board representative of the applicant's proposed service area;
 - D) A description of efforts to further the growth of the State's travel industry as evidenced by previous promotional and marketing activities (e.g., copies of published advertisements, brochures or pamphlets used to promote tourism) used by the convention and visitors bureau during the two years prior to the request for certification;
 - E) A statement that it has demonstrated its commitment to tourism by operating a convention and visitors bureau with paid full-time staff dedicated solely to promoting tourism within the designated service area for a minimum of two years prior to requesting certification;
 - F) A statement that it employs a full-time professional paid chief executive officer;

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- G) A statement listing the municipalities or counties in its service area;
 - H) A complete listing of hotels/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within its service area and the number of rooms/units in each;
 - I) A statement certified by the applicant's fiscal officer, accountant, or treasurer specifying the local hotel/motel tax revenues and/or other government funding received/projected and/or expended by the bureau in the fiscal year prior to certification that can be used for match for the State grant; and
 - J) If the proposed area is currently served all or in part by a grantee, documentation must be provided demonstrating that the area has provided financial support to the grantee but received unsatisfactory representation, or the new applicant and grantee must provide a copy of a written agreement stating that it is in the best interest of tourism to create a new convention and visitors bureau.
- f) Certification Determinations/Denials. Prior to May 31, the Department shall send notice to each applicant informing the applicant of its certification status.
- 1) When a single applicant seeks certification for a designated service area and has submitted all required documentation, and the documentation meets the approval of the Department, the applicant shall be certified by the Department. The Department shall send notification of certification that includes the amount of funds available and a request for application (RFA) for grant funds.
 - 2) When more than one applicant seeks certification for an identical service area, with the exception of the City of Chicago, the Department shall send each applicant a request for proposal (RFP), which must be returned to the Department within 30 days and shall provide the following information:
 - A) Applicant's background, organization, experience and staff qualifications;

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- B) A detailed marketing plan that includes a description of activities contemplated by the applicant, objectives (long and short-term), methodology used to measure program effectiveness, intended audience, distribution targets for promotional materials, and a projected economic impact and benefit to tourism; and
 - C) Any marketing or feasibility studies in support of the plan.
- 3) Within 15 days after receipt of the RFPs, the Department shall notify in writing each applicant as follows:
- A) The Department shall send written notification of certification, amount of funds available, and an RFA for grant funds to the certified bureau, and notify all other applicants that their applications have been denied.
 - B) Denied applicants shall have the right to appeal the Department's certification decision to the Director within 10 calendar days after the date of the denial notice. The request for review shall be submitted in writing to the Department and shall set forth the reasons for appeal and any additional tourism-related information the applicant chooses to submit in support of its appeal. The Director shall render a decision within 15 days after receipt.
- 4) A previously certified applicant found to be in substantial noncompliance with the terms and conditions of the grant agreements issued in the prior two years may be considered for certification only if the applicant has submitted a plan for corrective action, satisfactory to the Department, by the earlier of 45 days from notification by the Department of material noncompliance or March 31 (certification request deadline).
- g) Denial of New Applicants. The Department shall reserve the right to deny certification to a new applicant if the Department determines that certification is not in the best interest of the Program. In making this determination, the Department shall consider: the size of the proposed service area and whether any portion of the proposed service area is currently serviced by another tourism entity.
 - h) Denial of Previously Certified Applicants. The Department may deny certification to a previously certified applicant with a new service area if the

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Department determines that to certify the new service area is not in the best interest of the Program. In making this determination, the Department shall consider such factors as: the size of the proposed service area; the historic tourism promotional relationship between the applicant's previous service area and the new service area; and whether any portion of the new service area is currently serviced by another bureau. The Department may recertify an applicant's previous service area if the Department determines that the tourism objectives of the new service area are not consistent with the tourism objectives of the applicant's previous service area.

Section 550.50 Grant Application Process

- a) Application by Bureaus for Funds Under the Act:
 - 1) All bureaus shall complete an application for funding. The bureau shall retain one copy and submit one original and three copies of the application to the Department's Springfield address. Failure to provide any information requested in the application will result in the application not being processed. A bureau's application for funding under the Local Tourism and Convention Bureau Program shall include the following information:
 - A) Name and signature of the bureau's chief executive officer, salary, and length of employment with the bureau;
 - B) A Marketing Plan detailing all activities to be initiated through the LTCB grant during the fiscal year;
 - C) Area to be served, such as municipalities, counties, etc.;
 - D) Project Budget Plan itemizing budget expenditure activities proposed for LTCB grant and eligible match monies;
 - E) Line-item breakout of source of local match funds;
 - F) A certified statement, from the authorized official of the municipalities or counties that support the bureau with local hotel/motel taxes, specifying the amount of local hotel/motel tax that will be provided to the bureau during the fiscal year for the

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bureau's use and expenditure on eligible program activities and for match for the State grant;

- G) Name of the financial institution that will serve as the depository for LTCB grant and match funds;
 - H) Fund account number for LTCB grant and match funds; and
 - I) Names, titles, and sample signatures for those persons who will be required to authorize all account transactions, with a minimum of two signatures required.
- 2) Upon receipt of applications from bureaus, the Department shall review the applications and:
- A) Grant the full amount requested; or
 - B) Ask for additional information to clarify or document the information contained in the application; and/or
 - C) Reduce the amount of grant funds requested if there are insufficient match funds, or the projects presented in the Marketing Plan do not focus on important tourism promotional activities and have little substance, i.e., no media promotions planned, no promotional materials being developed, the projects are not reasonable and are not consistent and workable, and the bureau cannot effectively carry out the projects. In the event that funding of a grant request is reduced, the bureau may appeal to the Director of the Department within 10 days after notification. The request for review shall be submitted in writing to the Director and shall contain the reasons for appeal and any additional tourism related information the bureau chooses to submit in support of its appeal. The Department shall notify the bureau in writing of the Director's decision within 15 days after receipt of the appeal.

Section 550.60 Program Requirements

- a) Fiscal Year Marketing Plan and Project Budget Plan Approval

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- 1) A Fiscal Year Marketing Plan and detailed Project Budget Plan identifying proposed tourism promotional activities and associated administrative expenditures utilizing LTCB grant and match funds shall be submitted by the applicant as a part of the application.
 - 2) Salaries and related payroll expenses for the program year paid with LTCB grant funds shall not exceed 50% of the total grant funds awarded.
 - A) 100% of tourism sales/promotion staff persons salary may be applied toward the 50% cap.
 - B) 50% of the Chief Executive Officer's salary may be applied toward the 50% cap.
 - 3) Grantees are prohibited from hiring any immediate family member of staff or of a board member who is involved in the hiring decision of staff if grant or match funds are utilized to pay the family member's salary. Immediate family members include the spouse, mother, father, daughter, son, or siblings and their children.
- b) Promotional Projects Paid from LTCB Grant Funds
- 1) Promotional Costs. Promotional costs shall total at least 90% of the grant funds awarded.
 - 2) Bids/Proposals. When the amount paid to any one vendor for a project totals \$10,000 or more for commodities, or \$20,000 or more for services, a minimum of two bids using identical specifications shall be obtained and the grantee shall select the lowest qualified bidder for commodities and the most qualified proposer for services. Evidence of compliance with this subsection (i.e., copies of at least two bid proposals) shall be retained by the grantee for review by the Department.
 - 3) All promotional products produced with grant funds shall incorporate the current Department logo, which identifies the Department's participation in the tourism promotional activity. A grantee that fails to include the Department logo shall reimburse the Department for grant funds used in support of the project unless the Department finds that the omission of the logo was beyond the grantee's control.

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- 4) The print date and quantity printed shall appear on all brochures.
- 5) The grantee shall be responsible for the accuracy of information contained within material produced with grant funds.
- 6) All printed promotional materials and premium items that are produced with grant funds shall be available free of charge.
- 7) Within 30 days after completion of a printing project, but only upon the Department's request, up to 10% of the materials printed must be sent to the Department's tourist information centers.
- 8) Costs identified under this Program shall not be claimed for any other project funded by the Department.
- 9) Examples of eligible promotional activities include, but are not limited to:
 - A) Production of printed materials, e.g., brochures, visitor guides, rack cards, and/or maps that promote:
 - i) the entire destination;
 - ii) multiple attractions within a destination; or
 - iii) a festival or event that will attract a minimum of 25% of its visitors from outside a 50-mile radius and that has been advertised, with at least 75% of promotion outside a 50-mile radius. This third provision may be waived at the Department's discretion if documentation is submitted to show that the destination or event attracts a large percentage of its overnight stays from within a 50-mile radius;
 - B) Travel/trade show booth space rental, purchase of booth, registration fees, and/or associated travel expenses (transportation, lodging, per diem at State rate) for a maximum of two bureau staff. Justification is required for additional people to attend;
 - C) Hosting of familiarization tours;

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- D) Placement and production costs of Internet, newspaper, magazine, radio, or television advertising to promote travel to the area. Advertising shall be distributed outside a 50-mile radius of the promoted destination or event. Bureaus that provide documentation to the Department that at least 25% of their overnight visitors are from within a 50-mile radius may place that documented percentage of their advertising dollars for distribution within the 50-mile radius of the destination or event. Advertising placed in the cities of Chicago or St. Louis that is circulated to the entire distribution area does not require the above documentation;
- E) Membership dues for travel/tourism related associations or organizations;
- F) Billboards utilized for tourism promotion, including design/installation of advertising and rental of space;
- G) Premiums for tourism promotional purposes bearing the Department logo;
- H) Production of tourism promotional videos;
- I) Salaries;
- J) Postage used in fulfillment and direct mail promotions;
- K) Marketing research studies;
- L) Telephone charges related to provision of tourism products/services information;
- M) Internet sites that are linked to IBOT's web site and;
- N) Sponsorships that are evidenced by a prior written agreement between IBOT and the recipient entity describing the activities to be undertaken with the sponsorship. Sponsorship funds may be used for reasonably necessary event expenses, provided, however, that:

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- i) No more than 50% of the sponsorship amount comes from grant funds, the balance being paid from matching funds; and
- ii) Sponsorship funds are expended on eligible promotional activities.

A sponsorship may be disallowed in whole or in part as an eligible grant promotional or match expenditure if it is determined by the Department that the purpose of entering into the sponsorship was to circumvent the prohibition against "pass-through funds".

- 10) Bureaus must retain documentation regarding all revenue sources and expenditures from grant or match funds claimed in conjunction with the Program. This documentation shall include, but is not limited to, original invoices, original cancelled checks, proof of performance, bids, schedules of travel expenses, and any other information needed to clarify Program reports. With regard to proof of performance, examples include brochures, the full tear sheet for advertisements (the name and date of the publication appearing on the advertisement or a copy of the publication), samples of promotional items, and photos of billboards and street banners. The Department logo on each proof of performance must be easily readable.
- 11) Examples of activities ineligible for payment from grant promotional funds include, but are not limited to:
 - A) Any administrative/operational expenses (copying, insurance, audits, accounting services, rent, office supplies, equipment, normal office postage, and non-promotional telephone expenses);
 - B) Purchase of any alcoholic beverage;
 - C) Feasibility studies; and
 - D) Salaries of administrative or clerical support staff.
- 12) Grant funds cannot be used by a bureau to complete a promotional project if those funds will allow the bureau to realize a profit on that promotional project (e.g., revenues from all sources exceed the cost of the promotional

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project). Bureaus must keep records documenting all costs incurred and revenue generated from any promotional project containing paid advertising.

- c) Administrative Activities/Expenditures
 - 1) Administrative costs shall be limited to 10% of the grant funds awarded. Examples of projects eligible for payment from grant administrative funding include, but are not limited to:
 - A) Administrative expenses (copying, normal office postage, insurance, audits, accounting services, phone, rent, office supplies, or equipment lease/rental) associated with tourism promotional activities of the bureau; and
 - B) Salaries of bureau administrative or clerical support staff.
 - 2) Examples of activities/expenditures ineligible for payment from the grant administrative funds include, but are not limited to:
 - A) Lease/purchase agreements for any items;
 - B) Purchase of equipment;
 - C) Purchase of any alcoholic beverage;
 - D) Feasibility studies; and
 - E) Penalties, fines, fees or interest charges assessed as a result of late payment.
- d) All project activities shall be subject to prior approval as stated under subsection (a) of this Section.

Section 550.70 Administrative Match Requirements

Matching Funds. Each grantee must provide match for grant funds received under the Program. Match expenditures must equal or exceed grant funds expended, as well as any interest earned on grant funds that is also expended. If a grantee fails to match any portion of the grant award in a given fiscal year, that portion of the grant shall be refunded to the Department in accordance

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with the terms of the Grant Agreement. In-kind contributions shall not be used to satisfy match requirements.

- a) Eligible matching funds must satisfy all of the following criteria:
 - 1) Be provided to the grantee for general tourism promotional purposes in the designated service area;
 - 2) Be identified in the grantee's Project Budget Plan for the applicable fiscal year;
 - 3) Be available for expenditure during the applicable grant term;
 - 4) Be supported by grantee's records of deposit;
 - 5) Be expended by the grantee solely for eligible tourism promotional activities and associated administrative costs; and
 - 6) Not be refunded to the provider of the match.
- b) Eligible Sources of Matching Funds. The following sources may be used as match for grant funds:
 - 1) Local hotel/motel tax receipts;
 - 2) Membership dues;
 - 3) Interest on local monies available for expenditure on tourism promotional activities;
 - 4) Cash contributions meeting all requirements of subsection (a); and
 - 5) Federal funds provided directly to the grantee for tourism promotional purposes that do not require match.
- c) Ineligible Sources and/or Expenditures of Matching Funds. These include, but are not limited to:
 - 1) In-kind contributions;

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- 2) State or federal funds other than those allowed in subsection (b)(5);
- 3) Monies used as match for other State or federal grants;
- 4) Penalties, fines, fees, or interest charges assessed as a result of late payment;
- 5) Pass-through funds; and
- 6) Any purchase of alcoholic beverages.

Section 550.80 Contractual Requirements

- a) Method of Compensation. Payments pursuant to a grant shall be subject to the availability of funds appropriated by the General Assembly.
 - 1) The grantee shall receive grant funds, as stipulated in the Grant Agreement, upon approval of its application by the Department and execution of the Grant Agreement by the Chief Executive Officer (CEO) and by the Department.
 - 2) Prior to funds being awarded, a grantee shall employ a full-time, paid, professional CEO. In the event of the resignation of a bureau's CEO, an interim CEO must be named within 30 days. When a new CEO is hired, the bureau must provide the Department with the individual's tourism related experience and qualifications for the position. The interim CEO shall fulfill all duties of the position.
- b) Reporting Requirements: The grantee shall submit, within the timeframes specified in the Grant Agreement, reports on the financial status of its Fiscal Year Marketing Plan/Project Budget Plan and reports on the outcomes and results of its grant-related activity. Failure to comply with the timely submission of financial and programmatic reports may result in withholding of subsequent monthly grant checks. The Department reserves the right to request additional information to clarify or document information contained in the reports.
- c) Financial Management Standards. A grantee's financial management systems shall be structured under generally accepted accounting standards, which include maintaining effective control and accountability over all funds, property, and other assets acquired with grant and match funds.

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- d) **Travel Expenses.** Travel expenses that are paid with grant funds must be in compliance with the latest State of Illinois Department of Central Management Services Travel Regulations (80 Ill. Adm. Code 2800) and shall be allowable for expenses of transportation, lodging, per diem, and related items incurred by bureau employees who are on travel status for allowable tourism promotional purposes outside the grantee's service area. The grantee shall retain receipts to document travel expenses.
- e) **Monitoring.** The Department shall periodically conduct on-site monitoring of each grantee funded under this Program. The Department will use its best efforts to notify the grantee at least two working days in advance of monitoring visits unless the Department has reason to believe that a monitoring visit must be conducted immediately. The grantee's internal procedures, financial reporting, and performance shall be evaluated for compliance with terms and conditions of the Grant Agreement. The Department reserves the right to request additional information prior to, during, or subsequent to monitoring visits.
- f) **Interest on Grant Funds.** All interest earned on grant funds shall be accounted for by the grantee and shall be expended on eligible tourism promotional activities or returned to the Department.
- g) **Obligation of Grant and Match Funds.** All grant and match funds shall be legally obligated for expenditure no later than June 30 of the fiscal year and must be paid out no later than the date stated in the Grant Agreement. Any unexpended grant funds, including accrued interest, shall be returned to the Department. In addition, the grantee shall return any funds that are determined by the Department to have been spent in violation of this Part or the Grant Agreement.
- h) **Audits.** The grantee shall be responsible for securing a compliance audit if the grant award exceeds \$500,000 or a determination is made that an audit is in the best interest of the State. Audits shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois. In addition to having to return grant funds spent in violation of this Part or the Grant Agreement, the grantee may be deemed ineligible to apply for and receive funds under this Program for a maximum of two years. The Department shall reserve the right to perform special audits of these funds during normal working hours.
- i) **Nondiscrimination.** Grantees shall refrain from unlawful discrimination in employment and will undertake affirmative action to assure equality of

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employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5]; Section 504 and the equal opportunity clause promulgated thereto of the Rehabilitation Act of 1973, as amended (29 USC 794 (1994)); the Age Discrimination Act of 1975 (42 USC 6101 et seq. (1994)); and Title VI of the Civil Rights Act of 1964, as amended (42 USC 1981 et seq. (1994)).

- j) Complaint Process. In the case of a grantee complaint, the Department shall follow the procedures outlined in 56 Ill. Adm. Code 2605 (Administrative Hearing Rules).
- k) When expending LTCB grant and match funds, two authorizing signatures shall be required on all checks over the amount of \$500.
- l) Suspension and Termination:
 - 1) If a grantee fails to comply with this Part or the Grant Agreement, the Department may suspend the grant until the grantee has cured the deficiency. Failure to cure the deficiency within the time frame established by the Department may result in termination of the Grant Agreement and recovery of grant funds in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705]. The Department will find that a grantee has failed to comply with the Grant Agreement if the grantee has been notified in writing of a deficiency and fails to submit a corrective plan for Department approval within 30 days after the deficiency notice.
 - 2) A Grant Agreement may be terminated for cause notwithstanding availability of appropriated funds and sufficient revenues for the grant.
- m) Reallocation of Funds. On or before May 1 of the fiscal year, the grantee shall be required to identify grant funds that will not be fully expended or legally obligated by June 30, including any grant funds for which there will be insufficient match. The Grant Agreement shall be modified to decrease the grant award accordingly and the funds may be reallocated by the Department.
- n) Conflict of Interest. The grantee shall comply with all provisions of the Grant Agreement with respect to hiring or awarding contracts to family members of bureau officers, principals and board members.

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- 1) Heading of the Part: Local Tourism and Convention Bureau Program
- 2) Code Citation: 14 Ill. Adm. Code 550
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
550.10	Repeal
550.20	Repeal
550.30	Repeal
550.40	Repeal
550.50	Repeal
550.60	Repeal
550.70	Repeal
550.80	Repeal
- 4) Statutory Authority: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].
- 5) A Complete Description of the Subjects and Issues Involved: These rules govern our Local Tourism and Convention Bureau grant program, which provides grants to local tourism organizations to promote tourism in their assigned areas. We have found in the 20 years since the program came into effect that many changes need to be made to the rules to reflect modern business practices, travel trends, etc. This repealer is accompanied by a sister rulemaking, which contains the new version of the rules.
- 6) Will this proposed rulemaking replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: To promote hotel stays in Illinois, thus generating hotel tax revenue.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments

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concerning these amendments within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield IL 62701
217/557-1820

- 12) 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
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: we had originally planned to revise the existing rules.

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

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TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 550

LOCAL TOURISM AND CONVENTION BUREAU PROGRAM (REPEALED)

Section

550.10	Purpose
550.20	Definitions
550.30	Allocation of Appropriations to Grantees
550.35	Eligible Applicants
550.40	Program Requirements
550.50	Administrative Requirements
550.60	Application Process

AUTHORITY: Implementing Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 46.20 of the Civil Administrative Code of Illinois [20 ILCS 605/46.20].

SOURCE: Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992; amended at 16 Ill. Reg. 14628, effective September 14, 1992; amended at 19 Ill. Reg. 1808, effective February 7, 1995; amended at 21 Ill. Reg. 9732, effective July 11, 1997; amended at 22 Ill. Reg. 10425, effective June 6, 1998; emergency amendment at 25 Ill. Reg. 9629, effective July 9, 2001, for a maximum of 150 days; emergency expired November 27, 2001; repealed at 29 Ill. Reg. _____, effective _____.

Section 550.10 Purpose

Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] authorizes the establishment of grants with local tourism and convention bureaus from the Convention and Local Tourism Account in the Tourism Fund. The intent of the program is to generate increased hotel/motel occupancy and travel into and throughout the State of Illinois impacting the economic growth of the trade industry. This Part establishes guidelines for the implementation

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and administration of the Local Tourism and Convention Bureau Program.

Section 550.20 Definitions

"Act" – Act means Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] that establishes a grant program herein referred to as the Local Tourism and Convention Bureau Program.

"Applicant" – Applicant means a certified local tourism and convention bureau.

"Application" – Application means the written request by certified local tourism and convention bureaus for funds authorized by the Act.

"Bureau" – Bureau means local tourism and convention bureau.

"Certified Bureau" – Certified bureau means that local bureau which has been designated by the Department as a grantee entitled to receive funds under the Act in accordance with Section 550.60.

"Contractual Cooperative Promotional Project Agreement" – A contract to provide funds from a local entity to a bureau to cover a portion of the costs for a cooperative promotional project. Such funds shall be deposited in the bureau's local account and expended solely on the promotional project. Funds shall not be refunded to a local entity unless the bureau is unable to comply with the contractual agreement.

"Department" – Department means the Department of Commerce and Community Affairs.

"Department Logo" – Form of recognition as stipulated and supplied by the Department to identify promotional project/product as being produced in whole or in part through grant funds from the Department.

"Director" – Director means the Director of the Department of Commerce and Community Affairs.

"Fiscal Year" – Fiscal Year means July 1 through June 30, the fiscal year of the State of Illinois.

"Fiscal Year Marketing Plan" – Specifies goals, objectives, strategies, anticipated

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results, and evaluators describing the bureau's planned fiscal year project activities.

"Grant Document" – Grant document means a written and signed contractual document between a local tourism and convention bureau and the Department of Commerce and Community Affairs which includes a description of the activities to be performed, budget, and all terms and conditions of the contract.

"Grantee" – Grantee means a local tourism and convention bureau receiving Local Tourism and Convention Program funds from the Department.

"In-Kind Contributions" – Donated services, donated space, donated equipment, services of volunteers, services in lieu of cash or any non-monetary item.

"Local Tourism and Convention Bureau (LTCB)" – Local tourism and convention bureau means a not-for-profit organization or public agency which represents and serves one or more municipalities or counties, and whose activities are consistent with the purpose of the Act. The LTCB shall promote tourism and increase hotel-motel revenues and employ a full-time paid professional executive director/chief executive officer that devotes at least 35 hours per week to the development and growth of tourism within the Bureau's region. The LTCB shall be located within any one of the municipalities or counties served.

"Match" – Match means bureaus' local funds that do not include in-kind contributions (see Section 550.50(d)).

"Municipality" – Municipality means a city, village or incorporated town.

"Pass-Through Funds" – Money received by a bureau from a local entity for the sole purpose of paying expenses incurred by that entity and for which there is no financial contribution provided by the bureau to improve the entity's project.

"Population Served" – Population served means the population of the units of local government which the local tourism and convention bureau serves according to the latest certified census figures.

"Program" – Program means the Local Tourism and Convention Bureau Program.

"Project" – Project means administrative and promotional activities which are approved and funded by the Department.

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"Project Budget Plan" – Identifies planned project costs utilizing grant and match funds to conduct fiscal year activities described in the Marketing Plan.

"Promotional Projects" – Promotional projects mean activities which are designed to encourage overnight visits or visitors to and through Illinois or attendance at local events in accordance with Section 550.40.

"Travel/Trade Show" – An exhibit/market place of travel related products and/or services.

"Unit of Local Government" – Unit of Local Government means county(ies), municipality(ies), and township(s) having authority to enact laws and ordinances, administer laws and ordinances, raise taxes or expend funds.

Section 550.30 Allocation of Appropriations to Grantees

In accordance with the Act, annual appropriations made by the General Assembly to the Department for the purpose of this program are allocated as follows:

- a) $\frac{1}{3}$ of such monies shall be used for grants to local convention and tourism bureaus located within the corporate boundaries of cities with a population greater than 500,000; and
- b) $\frac{2}{3}$ of the annual appropriation shall be used for grants to bureaus located in the remainder of the State. Those funds will be distributed based on a formula containing the following weighted factors: 5% population of the bureau service area; 30% food/beverage tax collected in the bureau service area; and 65% State's hotel/motel tax collected in the bureau service area.

Section 550.35 Eligible Applicants

Bureaus eligible to receive funds are defined as those bureaus in legal existence as of January 1, 1985, which are either a unit of local government or incorporated as a not-for-profit organization, are affiliated with one or more municipality or county, and employ one full time (Section 46.6a(1) of the Act) paid, professional executive director/chief executive officer that devotes at least 35 hours per week to the development and growth of tourism within a bureau's region. In addition, the Department shall not certify or recertify a bureau with an expanded service area if the Department determines that the tourism objectives of the additional area do not correspond with the tourism objectives of the original bureau service area. In making this

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determination, the Department shall consider such factors as: the geographic size of the proposed expanded area, the historic promotional relationship between the existing bureau area and the proposed expanded area, and whether the proposed expanded area is currently serviced by another tourism entity.

Section 550.40 Program Requirements

- a) Fiscal Year Marketing Plan and Project Budget Plan Approval
 - 1) A Fiscal Year Marketing Plan and Detailed Budget Plan identifying proposed expenditures utilizing LTCB grant funds shall be submitted to the Department for review and approval prior to project initiation.
 - 2) Salaries and related payroll expenses for the program year shall not exceed half of the total grant funds.
 - A) 100% sales/promotion staff persons salary may be applied toward half of the total grant.
 - B) 50% Executive Director's salary may be applied toward half of the total grant.
 - 3) Bureaus are prohibited from hiring any immediate family member of staff or immediate family member of a board member who is involved in the hiring decision of staff, if grant or match funds are utilized. Immediate family members shall include a spouse, mother, father, daughter, and son.
- b) Promotional Projects
 - 1) When the total cost for printed projects, purchases of premium items, or other projects deemed appropriate by the Department exceeds \$5,000, a minimum of two bids using identical specifications shall be acquired and retained by the bureau for review by the Department.
 - 2) All projects funded through the grant program shall incorporate the current Department logo, as approved by the Department, which identifies the project as being developed in cooperation with the DCCA Bureau of Tourism. A bureau that fails to include the Department identification shall reimburse the Department for State funds received in support of the project.

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- 3) The date and quantity printed (e.g., 7/97-50/m) shall appear on brochures.
- 4) The bureau shall bear sole responsibility for accuracy of information contained within material produced with grant funds.
- 5) All printed projects that are funded through LTCB grant funds shall be available on a gratis basis – free of charge – to the public.
- 6) Within 30 days after completion of a printing project, up to 10% of the brochures printed may be required to be sent to the Department's tourist information centers. The Department reserves the right to request up to 10% of all other items produced with grant funds.
- 7) Project activities funded under this Part shall not duplicate any project funded by the Department.
- 8) Examples of eligible promotional projects include, but are not limited to:
 - A) Brochures;
 - B) Travel/trade show booth space rental, purchase of booth, registration fees, and/or travel expenses (transportation, lodging, per diem at State rate) for a maximum of 2 staff. Justification is required for additional people to attend;
 - C) Sponsorship of familiarization tours;
 - D) Placement and production costs of newspaper, magazine, radio, or television advertising to promote travel. Advertising shall be placed outside a 100-mile radius of the attraction, event or area being promoted unless a major market (e.g., Chicago, St. Louis) falls within the 100-mile radius;
 - E) Membership dues for travel related associations or organizations;
 - F) Billboards;
 - G) Premiums/specialty items for promotional purposes with Department recognition (see subsection (b)(2));

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- H) Production of videos for use in familiarization or travel/trade industry;
 - I) Salaries (see subsection (a)(2) of this Section);
 - J) Posters and flyers distributed outside of service area;
 - K) Projects distributed locally, if the bureau can demonstrate the project's ability to increase overnight stays in the service area;
 - L) Marketing research studies;
 - M) "800" telephone lines for information; and
 - N) Internet Websites.
- 9) Examples of projects ineligible for grant promotional funding include, but are not limited to:
- A) Any administrative expenses (xeroxing, postage, insurance, audits, accounting services, phone, rent, supplies, or equipment);
 - B) Purchase of any alcoholic beverage;
 - C) Feasibility studies; and
 - D) Salaries of administrative or support staff.
- c) Administrative Projects
- 1) Examples of projects eligible for grant administrative funding including, but are not limited to:
- A) Any administrative expenses (xeroxing, postage, insurance, audits, accounting services, phone, rent, supplies, or equipment lease/rental); and
 - B) Salaries of administrative or support staff (see subsection (a)(2) of this Section).

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- 2) Examples of projects ineligible for grant administrative funding include, but are not limited to:
 - A) Lease/purchase agreements for any items;
 - B) Purchase of equipment;
 - C) Purchase of any alcoholic beverage;
 - D) Feasibility studies; and
 - E) Penalties, fines, late payment fees, service or interest charges.
- d) All project activities shall be subject to prior approval as stated under subsection (a) of this Section.

Section 550.50 Administrative Requirements

- a) **Grant Limitation:** No bureau shall receive a grant for funds allocated in accordance with Section 550.30(b) in excess of \$600,000 per fiscal year based upon the 1998 fiscal appropriation to the Department. Each fiscal year thereafter, such cap shall be raised or lowered by a percentage in direct proportion to the percentage of rise or fall of the Department's fiscal appropriation to this program, using the State fiscal year 1998 appropriation as its base year. A bureau may contact the Department for information regarding the amount of funds it is eligible to receive in accordance with Section 550.30.
- b) **Administrative Costs:** Administrative costs shall be limited to not more than 10% of the grant funds awarded (see Section 550.40(c)).
- c) **Promotional Costs:** Promotional costs shall be limited to not less than 90% of the grant funds awarded (see Section 550.40(b)).
- d) **Matching Funds:** Each bureau shall provide a dollar-for-dollar match for funds received under this program. Match expenditures shall equal or exceed grant funds expended, as well as any interest earned on grant funds which is also expended. Bureaus must receive prior Department approval (see Section 550.40(a)) on contractual cooperative promotional project agreements used to satisfy match requirements. In-kind contributions shall not be used to satisfy

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match requirements.

- 1) Local match shall:
 - A) be under the control of the bureau;
 - B) be identified in the bureau's grant application for the applicable fiscal year;
 - C) be expended during the applicable grant award period;
 - D) be supported by records of deposit and documentation of expenditures;
 - E) be expended by the bureau from funds in bureau accounts solely for the administration of the bureau and tourism promotion of their service area as a destination for overnight visitors; and
 - F) not be refunded to any local source of match and still qualify as match.
- 2) Sources of Eligible Match: The following monies, when received through a bureau's budget, may be used as match for State grant funds:
 - A) local hotel/motel taxes,
 - B) membership dues,
 - C) interest on local monies,
 - D) cash contributions, and
 - E) federal dollars deposited directly to the grantee for tourism promotional purposes which do not require a match.
- 3) Ineligible Match:
 - A) In-Kind contributions such as donated services, donated space, donated equipment, services of volunteers, services in lieu of cash, or any non-monetary item;

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- B) State or federal funds other than those allowed in subsection (d)(2)(E) above;
 - C) Monies used as match for other State or federal grants;
 - D) Penalties, fines, late payment fees, or interest charges; and
 - E) Pass-through accounts.
- e) Method of Compensation: Payments pursuant to a grant shall be subject to the availability of funds appropriated by the General Assembly.
- 1) The bureau shall receive grant funds, as stipulated in the grant document, upon approval of its application by the Department and signature of the grant document by the Executive Director of the bureau and by the Department.
 - 2) Prior to funds being awarded, a bureau shall employ a full-time paid, professional Executive Director, devoting at least 35 hours per week to the development and growth of tourism within a bureau's region.
- f) Reporting Requirements: The penalty for failure to comply with the timely submission of financial and programmatic reports (described in subsections (f)(1) and (2) below) shall be the withholding of subsequent monthly grant checks until all required reports are filed. The Department reserves the right to request additional information to clarify or document information on financial, programmatic, or personnel activities outlined in the reports.
- 1) Financial Reporting – Quarterly financial status reports, as required by the Department, shall be due no later than the 30th day of October, January, April and July and a lapse report shall be due September 15. The quarterly and lapse financial reports shall specify the grant number, grantee name, grant period, report period, bureau director's name/signature, and date. Additionally, the quarterly and lapse financial reports shall be broken down between programmatic costs (to be at least 90% of grant total awarded), administrative costs (not to exceed 10% of grant total awarded), and match costs.
 - 2) Programmatic Reporting – Final programmatic reports shall be due

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September 15 for grant funds. Bureau name, grant period, name/title/signature of bureau staff person submitting report, grant number, and date submitted shall be specified. A comparison of results of promotional activities for the program year to those projected in grantee's Fiscal Year Marketing Plan and Project Budget Plan as submitted in the application must be provided, consisting of a brief narrative as to how the bureau's service area was benefited from these expenditures. Activity for LTCB-funded projects shall be broken down by Marketing Plan and Budget Category (i.e., Meeting and Convention Market, Motorcoach and Group Tour Market, etc.).

- g) Financial Management Standards: A bureau's financial management systems shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (1211 Avenue of the Americas, New York, N.Y. 10036-8775) September 19, 1987 with no later amendments or editions. The bureau shall be accountable for all funds received under this program. The bureau shall maintain effective control and accountability over all funds, property, and other assets under the grant as required by the Department. The bureau shall keep records which detail the expenditures of grant and match funds and accurately document such expenditures.
- h) Travel Expenses: Costs in accordance with the latest State of Illinois Department of Central Management Services Travel Regulations (80 Ill. Adm. Code 2800) shall be allowable for expenses of transportation, lodging, per diem, and related items incurred by employees who are in travel status for official business outside the bureau's service area. The bureau shall retain receipts as source documentation for travel expenses of its employees.
- i) Monitoring: The Department shall on-site monitor each bureau funded under this program periodically by visits throughout the period covered under the grant agreement. The Department will notify the bureau at least two working days in advance of monitoring visits. The bureau's internal procedures, financial reporting, and program shall be evaluated for compliance with terms and conditions of the grant document. The Department reserves the right to request additional information prior to, during, or subsequent to monitoring visits.
- j) Interest on Grant Funds: All interest earned on LTCB grant funds held by the bureau under the grant shall be spent on promotional projects or returned to the Department at the end of the grant period.

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- k) **Obligation of Grant Funds:** All grant funds shall be obligated with respective vendor(s) prior to June 30 of the current fiscal year. Any grant funds not obligated (unobligated funds) shall be refunded to the Department by October 15. In addition, the bureau shall repay the Department for any funds that are determined by the Department through monitoring (subsection (i) of this Section) and audit (subsection (l) of this Section) to have been spent in violation of the grant document. All obligations shall be expended on or before August 31.
- l) **Audits:** The bureau shall conduct an audit of all grant and match program records which reflect the actual activities conducted and the actual costs and expenses incurred by the bureau using an independent certified public accountant, licensed by authority of the State of Illinois. The audit shall be conducted in accordance with generally accepted auditing standards adopted by the Codification of Statements on Auditing Standards (January 1983) of the AICPA and shall be submitted to the Department as specified in the Grant Agreement. Any bureau determined to have misused program funds by fraud as a result of an audit shall be ineligible to apply for and receive funds under this program for a period not to exceed two years. The Department shall reserve the right to perform special audits of these funds during normal working hours.
- m) **Nondiscrimination:** Bureaus shall refrain from unlawful discrimination in employment and will undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5]; Section 504 and the equal opportunity clause promulgated thereto of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794 (1994); The Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq. (1994); and Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 1981 et seq. (1994).
- n) **Complaint Process:** In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- o) **Bids Solicitation:** When the total cost for printed projects, purchase of premium items, or other projects deemed appropriate by the Department exceeds \$5,000, a minimum of two bids using identical specifications shall be acquired by the Bureau. Evidence of compliance with this subsection (i.e., copies of at least two bid proposals) shall be retained by the Bureau for review by the Department. For any purchasing and/or printing costs where the lowest bid is not accepted,

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justification (e.g., project specifications and quality requirements) must be documented.

- p) Bid Rigging/Rotating: Bureaus shall certify that they have not been barred from bidding on or receiving State contracts as a result of illegal bid rigging or bid rotating as defined in Sections 33E-3 and 33E-4 of the Criminal Code of 1961 [720 ILCS 5/33E-3 and 33E-4].
- q) Separate Account: A separate bank account shall be established for the purpose of this program. Two authorizing signatures shall be required for the account. Only grant funds received under this program shall be deposited in this account unless local funds are deposited in the account to maintain a minimum balance to avoid finance charges.
- r) Suspension and Termination:
 - 1) If a bureau has failed to comply with the terms and conditions of the grant document, the Department shall suspend the grant and withhold further payments until the grant is terminated, or the bureau has achieved compliance. The Department will determine that a bureau has failed to comply with the terms and conditions of a grant when:
 - A) The bureau has been notified in writing of the existence of circumstances which the Department considers to be inconsistent with the terms and conditions of the grant (e.g., consistent failure to submit required reports or evidence of fraud and abuse); and
 - B) The bureau fails to develop, submit, and implement a corrective action plan within 45 days after the Department's notice.
 - 2) A grant shall be terminated in the absence of full State funding; if the Department determines that the bureau has failed to comply with the terms and conditions of the grant in whole or in part; or if the Department and the bureau agree to terminate the grant.
- s) Reallocation of Funds: The grantee shall be required to identify that amount of its grant funds which will not be fully obligated by the end of the fiscal year, on or before May 1 of the current fiscal year. The grant document shall be decreased by the specified amount and such funds shall be reallocated by the Department to grantees who apply for (see application procedures specified in Section

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550.60(d)) and can utilize available funds by the end of the fiscal year for new promotional projects.

- t) Bribery: The bureau's executive director/chief executive officer certifies to the best of his/her knowledge that no official, agent, or employee of the grantee has been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has any such officer, agent, or employee made an admission of guilt of such conduct which is a matter of record.
- u) Conflict of Interest:
 - 1) The bureau shall certify that no person who in any manner governs, advises, consults with, is employed by, is an officer of, or is an elected or appointed official of the bureau, or any governing board or entity of the bureau, nor any husband, wife, or minor child of that person, shall be in any manner interested, either directly or indirectly, in any contract or work awarded by the bureau unless the following requirements are met:
 - A) The bureau notifies the Department, in writing, of the nature of the conflict of interest and receives written notification of approval from the Department to proceed with the process of bidding or letting of the contract. The Department shall approve if the bureau demonstrates that the best interest of the State outweighs the conflict of interest at issue; and
 - B) The bureau discloses, for the record, the existence of the conflict of interest at any meeting held to consider the acceptance of bids or letting of contracts; the interested person abstains from discussing, voting on, or influencing the acceptance of bids or letting of contracts, and removes himself or herself from the meeting room during the time the bids or contracts are discussed and voted upon.
 - 2) Violations of this provision shall result in suspension or revocation of the grant, or both, and reimbursement to the Department by the bureau of grant funds. Violators shall also be criminally liable under other applicable State laws and subject to actions up to and including felony prosecution.

Section 550.60 Application Process

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- a) The application procedure consists of a three-step process:
 - 1) Public notification by the Department of funds available for the LTCB program.
 - 2) A request for certification.
 - 3) An application for grant funds.
- b) Each year on or about January 1, the Department shall publish, three separate times, with the first and last notification 10 days apart, in the official state newspaper, a notification which includes the following:
 - 1) Availability of funds under the LTCB program as of July 1.
 - 2) That applicants must contact the Department to obtain criteria for certification under the Act.
 - 3) That applicants must submit a request by March 31 for certification by the Department as the entity entitled to receive those funds under the Act.
- c) Certification
 - 1) Any applicant seeking certification as a local tourism and convention bureau who has previously been certified through the Local Tourism and Convention Bureau Program shall be recertified each year by the Department.
 - A) An applicant shall meet the following eligibility criteria in order to be considered for certification:
 - i) Have been a bureau in legal existence as of January 1, 1985, either as a unit of local government or incorporated as a not-for-profit corporation or organization (as evidenced by dated promotional materials which document that the applicant was conducting tourism promotional activities prior to January 1, 1985);
 - ii) Represent one or more municipality(ies) or county(ies) which must be contiguous to one another; and

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- iii) Employ one full-time paid professional executive director/chief executive officer that devotes all time to development and growth of tourism within the bureau's region.
- B) An eligible applicant shall submit the following material to be considered for certification:
- i) a request for certification;
 - ii) articles of incorporation as a not-for-profit corporation organized prior to January 1, 1985, under the applicable incorporation laws during the aforementioned dates, i.e., the General Not-For-Profit Corporation Act [805 ILCS 105], or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
 - iii) a statement that it employs a full-time paid professional executive director/chief executive officer that devotes all time to development and growth of tourism within the bureau's region, prior to receiving State grant funds;
 - iv) a statement listing the city(ies), town(s) or county(ies) in its service area, including a current letter from the governing body(ies) of this these entity(ies);
 - v) a complete listing of hotels/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within its service area and the number of rooms/units in each; and
 - vi) a certified statement by the applicant's fiscal officer, accountant, or treasurer of local funds in the applicant's budget received in the fiscal year prior to certification which can be used for match for the State grant.
- 2) Any applicant seeking certification as a local tourism and convention bureau who has not previously been certified through the Local Tourism and Convention Bureau Program shall be certified by the Department

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when meeting all the following criteria:

- A) In order to be considered for certification, an applicant shall meet the eligibility criteria specified in subsections (c)(1)(A)(i) through (iii). Additionally, in order to be eligible, their service area shall contain at least 500 hotel/motel rooms eligible to collect the State's hotel motel tax.
- B) An eligible applicant shall submit the following material to be considered eligible for certification:
 - i) a request for certification;
 - ii) a statement including a description of its history, describing previous efforts to further the growth of the State's travel industry as evidenced by documentation of previous promotional activities prior to January 1, 1985 (e.g., brochures or pamphlets used to encourage visits or visitors to and through Illinois);
 - iii) a statement that it employs a full-time paid, professional executive director/chief executive officer who devotes all time to development and growth of tourism within the bureau's region prior to receiving State grant funds. This shall include a summarization of his or her tourism related experience and a synopsis of his or her duties;
 - iv) articles of incorporation as a not-for-profit corporation organized prior to January 1, 1985, under the applicable incorporation laws during the aforementioned dates, i.e., the General Not-for-Profit Corporation Act [805 ILCS 105], or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
 - v) a statement listing the city(ies), town(s) or county(ies) in its service area, including a current resolution from the governing bodies of these entities;
 - vi) a complete listing of hotels/motels collecting the state's hotel/motel tax (including address and telephone numbers)

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within its service area and the number of rooms/units in each;

- vii) a certified statement by the applicant's fiscal officer, accountant, or treasurer of local funds in the applicant's budget received in the fiscal year prior to certification which can be used for match for the State grant; and
 - viii) documentation showing unsatisfactory representation if the proposed area of the new bureau is currently represented by an existing bureau.
- 3) Within 60 days after receipt deadline of all requests for certification under subsection (b), the Department shall send a notice to each applicant seeking certification, informing the applicant of its status.
- A) When a single local bureau seeks certification and has submitted all documentation required in subsections (c)(1) and (2) of this Section, and such documentation meets the approval of the Department, such bureau shall be certified by the Department and the Department shall send notification of certification, amount of potential funds available in the respective service area, and an application for grant funds.
 - B) When more than one local bureau seeks certification for the identical service area, with the exception of cities with a population greater than 500,000, the Department shall send each a request for proposal (RFP). Proposals shall require the following information which shall be given equal weight in the evaluation of each proposal:
 - i) bureau's background, organization, experience and staff qualifications;
 - ii) a detailed marketing plan which includes such items as a description of activities contemplated by the bureau, objectives (long and short-term), methodology used to measure program effectiveness, intended audience, distribution targets for promotional materials, and projected economic impact and benefit to tourism; and

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- iii) any marketing or feasibility studies in support of the plan.
- C) Within 15 days after receipt of the RFPs, the Department shall notify in writing each local bureau of certification determinations.
- i) The Department shall send written notification of certification, amount of potential funds available in the respective service area, and an application for grant funds to the certified bureau, and notify all other applicants of the determination.
 - ii) A bureau which is not certified shall have the right to appeal the Department's certification decision to the Director within 10 calendar days after receipt of such notice. The request for review shall be submitted in writing to the Department and shall contain the reasons for appeal and any additional tourism related information the applicant chooses to submit in support of their appeal. The Director shall render a decision no later than 15 calendar days thereafter. The Director shall make his determination based upon his review of the information required by subsection (c)(3)(B) of this Section and any additional material submitted by the applicant with their appeal.
- d) Application by Certified Bureaus for Funds Under the Act:
- 1) All certified bureaus shall complete an application for funding. The bureau shall retain one copy and submit three copies of the application to the Manager of the Local Tourism and Convention Bureau Program. Failure to provide any information requested in the application shall result in the application not being processed. A certified bureau's application for funding under the Local Tourism and Convention Bureau Program shall include the following information:
 - A) Full-time local bureau executive director's name, salary, and length of employment with bureau.
 - B) A Fiscal Year Marketing Plan and Program Budget Plan detailing all activities to be initiated and funded through the LCTB grant

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during the fiscal year.

- C) Area to be served such as municipality(ies), county(ies), etc.
 - D) Itemized budget for activities proposed for funding under LTCB monies.
 - E) Local operating budget based on state fiscal year. Match funds shall be reflected on this form.
 - F) Name of the financial institution that serves as the depositor for LTCB grant funds.
 - G) Fund account number for LTCB grant funds.
 - H) Names, titles, and sample signatures for those persons who will be required to authorize all account transactions, with a minimum of two required.
- 2) Upon receipt of applications from certified bureaus the Department shall review the applications and:
- A) grant the full amount requested, or
 - B) ask for additional information to clarify or document the information contained in the application, and/or
 - C) reduce the amount of funds requested if there are not sufficient funds available to match the full amount, or the projects presented in the marketing plan do not focus on important tourism promotional activities and have little substance, i.e., no media promotions planned, no promotional materials being developed, the projects are not reasonable and are not consistent and workable and the applicant cannot effectively carry out the projects. In the event that funding of a grant request is lowered, the bureau(s) shall be entitled to appeal to the Director of the Department within 10 days. The request for review shall be submitted in writing to the Director and shall contain the reasons for appeal and any additional tourism related information the bureau chooses to submit in support of their appeal. The Director shall make his decision based

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upon the criteria previously specified in this subsection and any additional material submitted by the bureau with their appeal. The Department shall notify these bureaus in writing of its decision within 15 days after receipt of their appeal.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Fees for Processing Requests for Conviction Information
- 2) Code Citation: 20 Ill. Adm. Code 1570
- 3) Section Number: 1570.50 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930] and the Illinois Uniform Conviction Information Act [20 ILCS 2635].
- 5) A Complete Description of the Subjects and Issues Involved: Increases the fee that criminal justice agencies other than the Illinois State Police may charge for assisting in the processing of requests for conviction information made pursuant to the Illinois Uniform Conviction Information Act.
- 6) Will this proposed amendment replace any emergency amendment currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules do not require local criminal justice agencies to assist in the processing of requests for conviction information and are therefore not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed amendment may be submitted in writing for a period of 45 days following publication of this notice to:

Corey-Anne Gulkewicz, Legal Counsel
Illinois Criminal Justice Information Authority
120 South Riverside Plaza, Suite 1016
Chicago IL 60606-3997
(312) 793-0891

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not for profit corporations affected: The rulemaking may affect small businesses and not for profit corporations that may request local criminal justice agencies to assist them with requests for conviction information under the Illinois Uniform Conviction Information Act.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: No additional skills are necessary for compliance.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This change was not anticipated before the publication of the Regulatory Agenda.

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

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE
INFORMATION AUTHORITYPART 1570
FEES FOR PROCESSING REQUESTS
FOR CONVICTION INFORMATION

Section	
1570.10	Purpose and Authorization
1570.20	Definitions
1570.30	Form and Manner for Assisting in the Processing of Conviction Information
1570.40	Cost Criteria for the Fee to be Charged
1570.50	Fee Determination
1570.60	Notification of Fee Amount

AUTHORITY: Implementing and authorized by the Illinois Uniform Conviction Information Act [20 ILCS 2635].

SOURCE: Adopted at 18 Ill. Reg. 4679, effective March 14, 1994; emergency amendment at 22 Ill. Reg. 975, effective December 17, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 9557, effective May 26, 1998; amended at 29 Ill. Reg. _____, effective _____.

Section 1570.50 Fee Determination

- a) Pursuant to Section 1570.40, the Authority shall establish the maximum fee for each calendar year by September 30 of the preceding year. In establishing this fee amount, the Authority shall consult with representatives of criminal justice agencies, and representatives of municipal, civic, and business groups to:
 - 1) establish a reasonable estimate of the actual costs to participating criminal justice agencies throughout the State to comply with this Part, and
 - 2) determine if there would be an unreasonable negative impact or undue burden placed on requesters of conviction information.
- b) Pursuant to the Act, nothing herein shall be deemed to prevent a criminal justice agency from waiving or reducing the fee established pursuant to Section 1570.40.
- c) For the calendar year ~~2005-1998~~ and each year thereafter, the maximum fee

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

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established by the Authority that a criminal justice agency other than the
Department of State Police may charge and assess under this Part shall be \$~~2416~~.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF MILITARY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Military Family Relief Fund Act
- 2) Code Citation: 95 Ill. Adm. Code 200
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
200.5	Amend
200.10	Amend
200.20	Amend
200.30	Amend
200.40	Amend
200.50	Amend
200.60	Amend
200.70	Amend
200.80	Amend
200.90	Amend
- 4) Statutory Authority: Implementing and authorized by the Illinois Military Code [20 ILCS 1805/22-9].
- 5) A Complete Description of the Subjects and Issues Involved: As a result of changes made by P.A. 93-976, responsibility for the death grants will be transferred from Military Affairs to Veterans' Affairs. Adds more stringent requirements for casualty based grants, opens status and casualty based grants to single members, and eliminates waivers from the requirements of need based grants.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate under the State Mandates Act [30 ILCS 805].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

DEPARTMENT OF MILITARY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Kevin C. Pennell, Military Programs Supervisor
Department of Military Affairs
1301 North MacArthur Boulevard
Springfield, Illinois 62702
Kevin.Pennell@il.ngb.army.mil
Telephone: 217-761-3432
Fax: 217-761-2603

- 12) 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
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear on a regulatory agenda.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which begins on the page 16355 of the *Illinois Register*:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General
- 2) Code Citation: 62 Ill. Adm. Code 1700
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1700.17	Amendment
1700.18	Repeal
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update statutory language and references in Section 1700.17 and repeal Section 1700.18.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1700

GENERAL

Section

1700.11	Applicability
1700.12	Petitions to Initiate Rulemaking
1700.13	Notice of Citizen Suits
1700.14	Availability of Records
1700.15	Computation of Time
1700.16	Fees and Forfeitures
1700.17	Administration
1700.18	Advisory Council on Reclamation (<u>Repealed</u>)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9347; amended at 11 Ill. Reg. 8051, effective July 1, 1987; amended at 14 Ill. Reg. 11795, effective January 1, 1991; amended at 15 Ill. Reg. 17136, effective January 1, 1992; amended at 20 Ill. Reg. 1956, effective January 19, 1996; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 21 Ill. Reg. 16192; amended at 26 Ill. Reg. 4209, effective March 6, 2002; amended at 29 Ill. Reg. _____, effective _____.

Section 1700.17 Administration

- a) *General Duties and Powers.* In addition to the duties and powers of the Department prescribed by the Civil Administrative Code of Illinois [20 ILCS 5] (~~Ill. Rev. Stat. 1985, ch. 127, pars. 1 et seq.~~), the Department shall have full powers and authority to carry out and administer the provision of the State Act. The Department has the power and the duty to act as the regulatory authority for the State of Illinois under the ~~Surface Mining Control and Reclamation Act of 1977~~ (~~the~~ Federal Act (30 USCA 1201 et seq.), to submit and implement a State program under the Federal Act, and to apply for, receive, receipt for and use for and in behalf of the State~~Illinois~~ such moneys and property as are given or granted under the Federal Act or any other federal law, or from any other lawful public ~~and~~ private source, for the purposes of the State Act. [225 ILCS

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~~720/9.02](Ill. Rev. Stat. 1985, ch. 96½, par. 7909.02).~~

- b) *Cooperative Agreements.* The Department may enter into cooperative agreements with the United States Secretary of the Interior under which the State will regulate mining on Federal lands. ~~[225 ILCS 720/9.03](Ill. Rev. Stat. 1985, ch. 96½, par. 7909.03).~~
- c) *Delegation to Other Agencies.* The Department may delegate responsibilities, other than final action on permits, to other State agencies with the authority and technical expertise to carry out such responsibilities, with the consent of such agencies. The Department may contract with any State officer or agency to administer responsibilities under this Act as may be deemed necessary and appropriate to provide for effective administration hereof, without unreasonable or unnecessary cost or duplication of effort, and taking into account the need to deliver fair and effective governmental service to the interested public. ~~[225 ILCS 720/9.04](Ill. Rev. Stat. 1985, ch. 96½, par. 7909.04).~~
- d) *Coordination with Other Agencies.* The Department shall work with other agencies to coordinate, simplify, and expedite the procedures required to obtain permits and approvals from the State for mining operations. ~~[225 ILCS 720/9.05](Ill. Rev. Stat. 1985, ch. 96½, par. 7909.05).~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1700.18 Advisory Council on Reclamation (Repealed)

- a) ~~There is created the Surface Mining Advisory Council (Council) to consist of nine (9) members, plus the Director. Members of the Advisory Council shall be appointed by the Governor, with the advice and consent of the Senate. The members appointed to the Council shall represent the following interests: conservation, agriculture, surface coal mining industry, local government, environmental protection, the colleges and universities, underground coal mining industry, labor, and the general public. The members shall be knowledgeable concerning the nature of problems of mining operations and reclamation. The Council shall select from its members a chairperson and such other officers as it deems necessary. The term of membership on the Advisory Council shall be three (3) years, except that the Governor may make initial appointments or fill vacancies for lesser terms so that at least three (3) memberships expire annually. Members may be reappointed. Vacancies occurring on the Advisory Council shall be filled, as nearly as possible, with a person representing the interest of his~~

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~~or her predecessor on the Advisory Council. Members of the Council shall be reimbursed for ordinary and necessary expenses incurred in the performance of the Council's duties. Members of the Council shall, in addition, receive one hundred dollars (\$100) a day for each day spent in the performance of their duties as Advisory Council members. [225 ILCS 720/1.04(a)]~~

b) ~~The Advisory Council shall meet at least three (3) times in each calendar year on a date specified at least one (1) week in advance of the meeting. A meeting may be called by the Director or on the request of a majority of Advisory Council members. [225 ILCS 720/1.04(b)]~~

e) ~~The Council shall act solely as an advisory body to the Director and to the Land Reclamation Division of the Department. The recommendations of the Council shall have no binding effect on the Director or on the Division of Land Reclamation. The advice, findings and recommendations of the Advisory Council shall be made public in a semi-annual report published by the Department. [225 ILCS 720/1.04(c)]~~

d) ~~The Department shall present proposed rules related to this Act, and proposed changes in such rules, to the Advisory Council for its comments before putting such rules or changes into effect, except for circumstances of emergency or other circumstances enumerated in Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 5]. [225 ILCS 720/1.04(d)]~~

e) ~~The Council shall review the Federal Act and the development and implementation of an approved permanent State program thereunder. The Council shall make its review and written recommendations to the Director. The Council may seek comment from affected persons and the public prior to making its recommendations. [225 ILCS 720/1.04(e)]~~

f) ~~If as a result of any final action by the Congress of the United States, any agency of the United States, or any court, any provision of the Federal Act or the Regulations is amended, modified, construed, or rendered inapplicable to mining and reclamation operations in this State, the Director shall forthwith call a meeting of the Council. The Council shall review such final action and its effect in this State. The Council shall recommend changes in this Act and the rules adopted under this Act which would cause application of this Act to reflect such final action. Pending formal amendment of this Act for reason stated in this subsection, the Director may administer this Act by emergency regulations in accordance with the purposes of this Act and in a manner consistent with any~~

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| ~~*such final action of Congress, a federal agency or a court.* [225 ILCS 720/1.04(f)]~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Areas Designated by Act of Congress
- 2) Code Citation: 62 Ill. Adm. Code 1761
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
176.11	Amendment
176.14	Amendment
176.16	Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add language to clarify regulations and to update references.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Coal Mine Operators

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- B) Reporting, bookkeeping or other procedures required for compliance: Mapping
 - C) Types of professional skills necessary for compliance: Land Surveying or Civil Engineering
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1761

AREAS DESIGNATED BY ACT OF CONGRESS

Section

1761.1	Scope
1761.5	Definition of Valid Existing Rights
1761.11	Areas Where Mining is Prohibited or Limited
1761.12	Exceptions to Existing Operations
1761.14	Procedures for Relocation or Closing of a Public Road or Waiving the Prohibition on Surface Coal Mining Operations within the Buffer Zone of a Public Road
1761.15	Procedures for Waiving the Prohibition on Surface Coal Mining Operations within the Buffer Zone of an Occupied Dwelling
1761.16	Submission and Processing of Requests for Valid Existing Rights Determinations
1761.17	Department Obligations at Time of Permit Application Review

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4933; amended at 11 Ill. Reg. 7976, effective July 1, 1987; amended at 14 Ill. Reg. 11777, effective January 1, 1991; amended at 15 Ill. Reg. 17115, effective January 1, 1992; amended at 17 Ill. Reg. 10909, effective July 1, 1993; amended at 20 Ill. Reg. 1935, effective January 19, 1996; amended at 22 Ill. Reg. 20152, effective November 5, 1998; amended at 27 Ill. Reg. 4625, effective February 26, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 1761.11 Areas Where Mining is Prohibited or Limited

Subject to valid existing rights, no surface coal mining operations shall be conducted after August 3, 1977, unless those operations existed on the date of enactment:

- a) On any lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act (16 USC 1276(a)) or study rivers or study river corridors as established in guidelines pursuant to that Act published at 47 FR 39454 (September 7, 1982), and National

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Recreation Areas designated by Act of Congress. The guidelines at 47 FR 39454 do not include any subsequent editions or amendments;

- b) On any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations may be permitted on such lands, if the Secretary of the United States Department of the Interior (Secretary) finds that there are no significant recreational, timber, economic, or other values which may be incompatible with surface coal mining operations; and surface operations and impacts are incident to an underground coal mine;
- c) On any lands which will adversely affect any publicly owned park or any places included on the National Register of Historic Places, unless approved jointly by the Department and the Federal, State or local agency with jurisdiction over the park or places;
- d) Within 100 feet measured horizontally of the outside right-of-way line of any public road, except:
 - 1) Where mine access roads or haulage roads join such right of way lines; or
 - 2) Where the Illinois Department of Natural Resources, Office of Mines and Minerals (Department) and the public road authority with jurisdiction over the road under Illinois law allows the public road to be relocated, closed, or where the Department allows the area affected to be within 100 feet of such road, after:
 - A) Public notice and opportunity for a public hearing in accordance with Section 1761.14; and
 - B) Making a written finding that the interests of the affected public and landowners will be protected;
- e) Within 300 feet measured horizontally, from any occupied dwelling in existence, under construction, or contracted for at the time of public notice, except when:
 - 1) The owner thereof has provided a written waiver, pursuant to [Section 1761.15](#), consenting to surface coal mining operations closer than 300 feet; or
 - 2) The part of the mining operation which is within 300 feet of the dwelling

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is a haul road or access road which connects with an existing public road on the side of the public road opposite the dwelling;

- f) Within 300 feet measured horizontally of any public building, school, church, community or institutional building, or public park; or
- g) Within 100 feet measured horizontally of a cemetery. Cemeteries may be relocated if authorized by applicable State law or regulations.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1761.14 Procedures for Relocation or Closing of a Public Road or Waiving the Prohibition on Surface Coal Mining Operations within the Buffer Zone of a Public Road

- a) This Section does not apply to:
 - 1) Lands for which a person has valid existing rights, as determined under Section 1761.16.
 - 2) Lands within the scope of the exception for existing operations in Section 1761.12.
 - 3) Access or haul roads that join a public road, as described in Section 1761.11(d)(1).
- b) Subject to subsection (a), where the proposed mining operation is proposed to be conducted within 100 feet measured horizontally of the outside right-of-way line of any public road (except as provided in Section 1761.11(d)(2)) and the applicant does not have VER, or where the applicant proposes to relocate or close any public road, the Department shall:

1) Require the applicant to submit the request with an application for a new permit, a significant revision of a permit, an insignificant revision of a permit, or an incidental boundary revision, as applicable;

2)4) Require the applicant to obtain necessary approvals of the authority with jurisdiction over the public road for relocation or closure of a public road;

3)2) Provide public notice in a newspaper of general circulation of the affected locale of an opportunity for a public hearing in the locality of the proposed

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mining operation for the purpose of determining whether the interests of the public and affected landowners will be protected. Any person with an interest that is or may be adversely affected by the proposed mining operation may request in writing that the Department hold a public hearing. The request shall be submitted to the Department within 14 days after the newspaper notice required by this subsection (b)(3)(2);

- ~~4)3)~~ If a public hearing is requested, provide appropriate advance notice of the public hearing, to be published in a newspaper of general circulation in the affected locale at least two weeks prior to the hearing; and
- ~~5)4)~~ Make a written finding based upon information received at the public hearing, ~~or submitted in writing within 30 days after completion of the hearing, or after any public comment period ends if no hearing is held~~, as to whether the interests of the affected public and landowners will be protected from the proposed mining operations. No mining shall be allowed within 100 feet of the outside right-of-way line of a road, ~~nor may a road be relocated or closed~~, unless the Department determines that the interests of the affected public and landowners will be protected.
- i) ~~If the proposal to conduct mining operations within 100 feet measured horizontally of the outside right-of-way line of any public road or to relocate or close any public road is contained in an application for a new permit pursuant to 62 Ill. Adm. Code 1773.13, or a significant revision pursuant to 62 Ill. Adm. Code 1774.13(b)(3), the written findings shall be issued concurrently with the permit decision pursuant to 62 Ill. Adm. Code 1773.14(a);~~
~~or~~
- ii) ~~If the proposal to conduct mining operations within 100 feet measured horizontally of the outside right-of-way line of any public road or to relocate or close any public road is contained in an application for an insignificant revision pursuant to 62 Ill. Adm. Code 1774.13(b), or an incidental boundary revision pursuant to 62 Ill. Adm. Code 1774.13(d), the written findings shall be issued concurrently with the decision to issue or deny the revision.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1761.16 Submission and Processing of Requests for Valid Existing Rights

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Determinations

- a) Basic framework for valid existing rights determinations. The following table identifies the agency responsible for making a valid existing rights determination and the definition that it must use, based upon which subsection of Section 1761.11 applies and whether the request includes Federal lands.

Subsection of 62 Ill. Adm. Code 1761.11 that provides protection	Protected feature	Type of land to which request pertains	Agency responsible for determination	Applicable definition of valid existing rights
(a)	National parks, wildlife refuges, etc.	Federal	OSM	Federal ¹
(a)	National parks, wildlife refuges, etc.	Non-Federal	Department	Federal ¹
(b)	Federal lands in national forest ³	Federal	OSM	Federal ¹
(c)	Public parks and historic places	Does not matter	Department	Regulatory program ²
(d)	Public roads	Does not matter	Department	Regulatory program ²
(e)	Occupied dwellings	Does not matter	Department	Regulatory program ²
(f)	Schools, churches, parks, etc.	Does not matter	Department	Regulatory program ²
(g)	Cemeteries	Does not matter	Department	Regulatory program ²

¹ Definition in 30 CFR 761.5.

² Definition in Section 1761.5.

³ Neither 30 USC 1272(e) nor 30 CFR 761.11 provides special protection for non-Federal lands within national forests. Therefore, this table does not include a category for those lands.

When the Department is the agency responsible for valid existing rights determinations, the procedures under subsections (b) through (g) of this Section

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apply.

- b) The applicant or permittee must submit a request for a valid existing rights determination to the Department if it intends to conduct surface coal mining operations on the basis of valid existing rights under Section 1761.11 or wishes to confirm the right to do so. Such request may be submitted before preparing and submitting an application for a permit or boundary revision for the land.
 - 1) Requirements for property rights demonstration. The applicant or permittee must provide a property rights demonstration under Section 1761.5(a) if the request relies upon the good faith/all permits standard or the needed for and adjacent standard in Section 1761.5(b). This demonstration must include the following items:
 - A) A legal description of the land to which the request pertains.
 - B) Complete documentation of the character and extent of the current interests in the surface and mineral estates of the land to which the request pertains.
 - C) A complete chain of title for the surface and mineral estates of the land to which the request pertains.
 - D) A description of the nature and effect of each title instrument that forms the basis for the request, including any provision pertaining to the type or method of mining or mining-related surface disturbances and facilities.
 - E) A description of the type and extent of surface coal mining operations that the applicant or permittee claims the right to conduct, including the method of mining, any mining-related surface activities and facilities, and an explanation of how those operations would be consistent with State property law.
 - F) Complete documentation of the nature and ownership, as of the date that the land came under the protection of Section 1761.11, of all property rights for the surface and mineral estates of the land to which the request pertains.
 - G) Names and addresses of the current owners of the surface and

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mineral estates of the land to which the request pertains.

- H) If the coal interests have been severed from other property interests, documentation that the owners of other property interests in the land to which the request pertains have been notified and provided reasonable opportunity to comment on the validity of the applicant's or permittee's property rights claims.
 - I) Any comments received in response to the notification provided under subsection (b)(1)(H) of this Section.
- 2) Requirements for good faith/all permits standard. If the request relies upon the good faith/all permits standard in Section 1761.5(b)(1) of the definition of valid existing rights, the information required under subsection (b)(1) of this Section must be submitted. The following information about permits, licenses and authorizations for surface coal mining operations on the land to which the request pertains must also be submitted:
- A) Approval and issuance dates and identification numbers for any permits, licenses, and authorizations that the applicant, permittee or predecessor in interest obtained before the land came under the protection of Section 1761.11.
 - B) Application dates and identification numbers for any permits, licenses, and authorizations for which the applicant, permittee or a predecessor in interest submitted an application before the land came under the protection of Section 1761.11.
 - C) An explanation of any other good faith effort that the applicant, permittee or a predecessor in interest made to obtain the necessary permits, licenses, and authorizations as of the date that the land came under the protection of Section 1761.11.
- 3) Requirements for needed for and adjacent standard. If the request relies upon the needed for and adjacent standard in subsection ~~(b)(2)(b)(1)~~ of the definition of valid existing rights in Section 1761.5, the applicant or permittee must submit the information required under subsection ~~(b)(1)(b)(2)~~ of this Section. In addition, the applicant or permittee must explain how and why the land is needed for and immediately adjacent to

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the operation upon which the request is based, including a demonstration that prohibiting expansion of the operation onto that land would unfairly impact the viability of the operation as originally planned before the land came under the protection of Section 1761.11.

- 4) Requirements for standards for mine roads. If the request relies upon one of the standards for roads in subsections (c)(1) through (c)(3) of the definition of valid existing rights in Section 1761.5, satisfactory documentation must be submitted that:
 - A) The road existed when the land upon which it is located came under the protection of Section 1761.11 and the applicant or permittee has a legal right to use the road for surface coal mining operations;
 - B) A properly recorded right of way or easement for a road in the location existed when the land came under the protection of Section 1761.11, and, under the document creating the right of way or easement, and under any subsequent conveyances, the applicant or permittee has a legal right to use or construct a road across that right of way or easement to conduct surface coal mining operations; or
 - C) A valid permit for use or construction of a road in that location for surface coal mining operations existed when the land came under the protection of Section 1761.11.
- c) Initial review of request.
 - 1) The Department must conduct an initial review to determine whether the request includes all applicable components of the submission requirements of subsection (b) of this Section. This review pertains only to the completeness of the request, not the legal or technical adequacy of the materials submitted.
 - 2) If the request does not include all applicable components of the submission requirements of subsection (b) of this Section, the Department must give notice of such and establish a reasonable time for submission of the missing information.

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- 3) When the request includes all applicable components of the submission requirements of subsection (b) of this Section, the Department must implement the notice and comment requirements of subsection (d) of this Section.
 - 4) If information that the Department requests under subsection (c)(2) of this Section is not provided within the time specified or as subsequently extended, the Department must issue a determination that the applicant or permittee has not demonstrated valid existing rights, as provided in subsection (e)(4) of this Section.
- d) Notice and comment requirements and procedures.
- 1) When the request satisfies the completeness requirements of subsection (c) of this Section, the applicant or permittee must publish a notice in a newspaper of general circulation in the county in which the land is located and provide the Department with a copy of the published notice. This notice must invite comment on the merits of the request. The Federal Office of Surface Mining will publish a similar notice in the Federal Register if the request involves Federal lands within an area listed in Section 1761.11(a) or (b). Each notice must include:
 - A) The location of the land to which the request pertains.
 - B) A description of the type of surface coal mining operations planned.
 - C) A reference to and brief description of the applicable standards under the definition of valid existing rights in Section 1761.5.
 - i) If the request relies upon the good faith/all permits standard or the needed for and adjacent standard in subsection (b) of the definition of valid existing rights in Section 1761.5, the notice also must include a description of the property rights that are claimed and the basis for such claim.
 - ii) If the request relies upon the standard in subsection (c)(1) of the definition of valid existing rights in Section 1761.5, the notice also must include a description of the basis for the applicant's or permittee's claim that the road existed

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when the land came under the protection of Section 1761.11. In addition, the notice must include a description of the basis for the applicant's or permittee's claim that it has a legal right to use that road for surface coal mining operations.

- iii) If the request relies upon the standard in subsection (c)(2) of the definition of valid existing rights in Section 1761.5, the notice also must include a description of the basis for the claim that a properly recorded right of way or easement for a road in that location existed when the land came under the protection of Section 1761.11. In addition, the notice must include a description of the basis for the claim that, under the document creating the right of way or easement, and under any subsequent conveyances, the applicant or permittee has a legal right to use or construct a road across the right of way or easement to conduct surface coal mining operations.
- D) If the request relies upon one or more of the standards in subsections (b), (c)(1) and (c)(2) of the definition of valid existing rights in Section 1761.5, a statement that the Department will not make a decision on the merits of the request if, by the close of the comment period under this notice or the notice required by subsection (d)(3) of this Section, a person with a legal interest in the land initiates appropriate legal action in the proper venue to resolve any differences concerning the validity or interpretation of the deed, lease, easement or other documents that form the basis of the applicant or permittee's claim.
- E) A description of the procedures that the Department will follow in processing the request.
- F) The closing date of the comment period, which must be a minimum of 30 days after the publication date of the notice.
- G) A statement that interested persons may obtain a 30 day extension of the comment period upon request.
- H) The name and address of the Department's office where a copy of

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the request is available for public inspection and to which comments and requests for extension of the comment period should be sent.

- 2) The Department must promptly provide a copy of the notice required under subsection (d)(1) of this Section to:
 - A) All reasonably locatable owners of surface and mineral estates in the land included in the request.
 - B) The owner of the feature causing the land to come under the protection of Section 1761.11, and, when applicable, the agency with primary jurisdiction over the feature with respect to the values causing the land to come under the protection of Section 1761.11. For example, both the landowner and the State Historic Preservation Officer must be notified if surface coal mining operations would adversely impact any site listed on the National Register of Historic Places. As another example, both the surface owner and the National Park Service must be notified if the request includes non-Federal lands within the authorized boundaries of a unit of the National Park System.
 - 3) The letter transmitting the notice required under subsection (d)(2) of this Section must provide a 30 day comment period, starting from the date of service of the letter, and specify that another 30 days is available upon request. At its discretion, the Department may grant additional time for good cause upon request. The Department need not consider comments received after the closing date of that comment period.
- e) How a decision will be made.
- 1) The Department must review the materials submitted under subsection (b) of this Section, comments received under subsection (d) of this Section and any other relevant, reasonably available information to determine whether the record is sufficiently complete and adequate to support a decision on the merits of the request. If not, the Department must notify the applicant or permittee in writing, explaining the inadequacy of the record and requesting submittal, within a specified reasonable time, of any additional information that the Department deems necessary to remedy the inadequacy.

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- 2) Once the record is complete and adequate, the Department must determine whether the applicant or permittee has demonstrated valid existing rights. The decision document must explain how all applicable elements of the definition of valid existing rights in Section 1761.5 have or have not been satisfied. It must contain findings of fact and conclusions, and it must specify the reasons for the conclusions.
- 3) Impact of property rights disagreements. This subsection (e)(3) applies only when the request relies upon one or more of the standards in subsections (b), (c)(1) and (c)(2) of the definition of valid existing rights in Section 1761.5.
 - A) The Department must issue a determination that the applicant or permittee has not demonstrated valid existing rights if the property rights claims are the subject of pending litigation in a court or administrative body with jurisdiction over the property rights in question. The Department will make this determination without prejudice, meaning that the applicant or permittee may refile the request once the property rights dispute is finally adjudicated. This subsection (e)(3)(A) applies only to situations in which legal action has been initiated as of the closing date of the comment period under subsection (d)(1) or (d)(3) of this Section.
 - B) If the record indicates disagreement as to the accuracy of the property rights claims, but such disagreement is not the subject of pending litigation in a court or administrative agency of competent jurisdiction, the Department must evaluate the merits of the information in the record and determine whether the applicant or permittee has demonstrated that the requisite property rights exist under subsection (a), (c)(1) or (c)(2) of the definition of valid existing rights in Section 1761.5, as appropriate. The Department must then proceed with the decision process under subsection (e)(2) of this Section.
- 4) The Department must issue a determination that valid existing rights has not been demonstrated if information that the Department requests under subsection (c)(2) or (e)(1) of this Section is not submitted within the time specified or as subsequently extended. The Department will make this determination without prejudice, meaning that a revised request may be

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refiled at any time.

- 5) After making a determination, the Department must:
- A) Provide a copy of the determination, together with an explanation of appeal rights and procedures, to the applicant or permittee, to the owner or owners of the land to which the determination applies, to the owner of the feature causing the land to come under the protection of Section 1761.11, and, when applicable, to the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of Section 1761.11.
 - B) Publish notice of the determination in a newspaper of general circulation in the county in which the land is located. The applicant or permittee must publish this notice and provide a copy of the published notice to the Department. The Federal Office of Surface Mining will publish the determination, together with an explanation of appeal rights and procedures, in the Federal Register if the request includes Federal lands within an area listed in Section 1761.11(a) or (b).
- f) Administrative and judicial review. A determination that an applicant or permittee has or does not have valid existing rights is subject to administrative and judicial review under 62 Ill. Adm. Code 1847.3.
- g) Availability of records. The Department must make a copy of a request subject to notice and comment under subsection (d) of this Section available to the public in the same manner as the Department must make permit applications available to the public under 62 Ill. Adm. Code 1773.13(d). In addition, the Department must make records associated with that request, and any subsequent determination under subsection (e) of this Section, available to the public in accordance with the requirements and procedures of 62 Ill. Adm. Code 1840.14.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Criteria for Designating Areas as Unsuitable for Surface Coal Mining Operations
- 2) Code Citation: 62 Ill. Adm. Code 1762
- 3) Section Number: 1762.15 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to citations to other Administrative Rules are being made to comply with federal Office of Surface Mining requirements.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1762

CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR
SURFACE COAL MINING OPERATIONS

Section

1762.1	Scope
1762.11	Criteria for Designating Lands as Unsuitable
1762.12	Procedures
1762.13	Land Exempt From Designation as Unsuitable for Surface Coal Mining Operations
1762.14	Applicability to Lands Designated as Unsuitable by Congress
1762.15	Exploration on Lands Designated as Unsuitable for Surface Coal Mining Operations

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 16436; amended at 11 Ill. Reg. 8031, effective July 1, 1987; amended at 27 Ill. Reg. 4646, effective February 26, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 1762.15 Exploration on Lands Designated as Unsuitable for Surface Coal Mining Operations

Designation of any area as unsuitable for all or certain types of surface coal mining operations pursuant to Section 7.02(a), (b) and (c) of the State Act and [62 Ill. Adm. Code 1761 through 1764](#)~~this Part~~ does not prohibit coal exploration operations in the area, if conducted in accordance with the State Act and [62 Ill. Adm. Code 1761 through 1850](#)~~this Part~~, ~~any approved State or Federal program~~, and other applicable requirements. Exploration operations on any lands designated unsuitable for surface coal mining operations must be approved by the Department under 62 Ill. Adm. Code 1772 to insure that exploration does not interfere with any value for which the area has been designated unsuitable for surface coal mining.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- B) Reporting, bookkeeping or other procedures required for compliance: Submitting exploration requests
 - C) Types of professional skills necessary for compliance: Land Surveying or Civil Engineering
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1772

REQUIREMENTS FOR COAL EXPLORATION

Section

1772.1	Scope and Purpose
1772.11	Notice Requirements for Exploration Removing 250 Tons of Coal or Less
1772.12	Permit Requirements for Exploration Removing More Than 250 Tons of Coal
1772.13	Coal Exploration Compliance Duties
1772.14	Requirements for Commercial Use or Sale
1772.15	Public Availability of Information

AUTHORITY: Implementing and authorized by Sections 5.01, 5.02, 5.03 and 9.01 of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/5.01, 5.02, 5.03 and 9.01].

SOURCE: Adopted at 11 Ill. Reg. 8385, effective July 1, 1987; amended at 14 Ill. Reg. 11880, effective January 1, 1991; amended at 15 Ill. Reg. 17269, effective January 1, 1992; amended at 17 Ill. Reg. 11058, effective July 1, 1993; amended at 20 Ill. Reg. 2084, effective January 19, 1996; amended at 27 Ill. Reg. 4650, effective March 26, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 1772.12 Permit Requirements for Exploration Removing More Than 250 Tons of Coal

- a) Any person who intends to conduct coal exploration outside a permit area during which more than 250 tons of coal will be removed or which will take place on lands designated as unsuitable for surface mining under 62 Ill. Adm. Code 1761 through 1764 shall before conducting the exploration submit an application and obtain written approval from the Department in an exploration permit.
- b) Each application for an exploration permit shall contain, at a minimum, the following information:
 - 1) The name, address, and telephone number of the applicant;
 - 2) The name, address, and telephone number of the applicant's representative who will be present at, and be responsible for, conducting the exploration;

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- 3) A narrative and map describing the proposed exploration area;
- 4) A narrative description of the methods and equipment to be used to conduct the exploration and reclamation;
- 5) An estimated time table for conducting and completing each phase of the exploration and reclamation;
- 6) The estimated amount of coal to be removed and a description of the methods to be used to determine the amounts;
- 7) A statement of why extraction of more than 250 tons of coal is necessary for exploration;
- 8) A description of:
 - A) Cultural or historical resources listed on the National Register of Historic Places,
 - B) Cultural or historical resources known to be eligible for listing on the National Register of Historic Places,
 - C) Known archeological resources located within the proposed exploration area, and
 - D) Any other information which the Department may require regarding known or unknown historic or archeological resources, based upon consultation with the Illinois State Historic Preservation Agency;
- 9) A description of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 USC 1531 et seq.) identified within the proposed exploration area;
- 10) A description of the measures to be used to comply with the applicable requirements of 62 Ill. Adm. Code 1815;
- 11) The name and address of the owner of record of the surface land and of the subsurface mineral estate of the area to be explored;

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- 12) A map or maps at a scale of 1:24,000 or larger, showing the areas of the proposed exploration and reclamation. The map shall specifically show existing roads, occupied dwellings, topographic and drainage features, bodies of surface water, and pipelines; proposed location of trenches, roads, and other access routes and structures to be constructed; the location of proposed land excavations; the location of exploration holes or other drill holes or underground openings; location of excavated earth or waste-material disposal areas; and the location of critical habitats of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 USC 1531 et seq.);
 - 13) If the surface is owned by a person other than the applicant, a description of the basis upon which the applicant claims the right to enter that land for the purpose of conducting exploration and reclamation; and
 - 14) For any lands listed in 62 Ill. Adm. Code ~~1761.11476.11~~, a demonstration that, to the extent technologically and economically feasible, the proposed exploration activities have been designed to minimize interference with the values for which those lands were designated as unsuitable for surface coal mining operations. The application must include documentation of consultation with the owner of the feature causing the land to come under the protection of 62 Ill. Adm. Code 1761.11, and, when applicable, with the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of 62 Ill. Adm. Code 1761.11.
- c) Public notice of the application and opportunity to comment shall be provided as follows:
- 1) Within 5 days, the applicant shall provide public notice of the filing of an administratively complete application with the Department in a newspaper of general circulation which is on the Department's list of approved newspapers in the county of the proposed exploration area;
 - 2) The public notice shall state the name and address of the person seeking approval, the date of filing of the application, the address of the Department where written comments on the application may be submitted, the closing date of the comment period, and a description of the general area of exploration. In no case shall the public comment period be less

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than 30 days;

- 3) Any person with an interest which is or may be adversely affected shall have the right to file written comments on the application within the specified public comment period.
- d) Decision on an application for exploration removing more than 250 tons of coal.
 - 1) The Department shall act upon an administratively complete application for a coal exploration permit and any written comments within 60 days after the close of the public comment period. The approval of a coal exploration permit may be based only on a complete and accurate application.
 - 2) The Department shall approve a complete and accurate application for a coal exploration permit filed in accordance with this Part, if it finds, in writing, that the applicant has demonstrated that the exploration and reclamation described in the application will:
 - A) Be conducted in accordance with the Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.) (Act), 62 Ill. Adm. Code 1815, this Part and the regulatory program;
 - B) Not jeopardize the continued existence of an endangered or threatened species listed pursuant to Section 4 of the Endangered Species Act of 1973 (16 USC 1533) or result in the destruction or adverse modification of critical habitat of those species as defined in Section 3 of the Endangered Species Act of 1973 (16 USC 1532);
 - C) Not adversely affect any cultural or historic resources listed on the National Register of Historic Places, pursuant to the National Historic Preservation Act, as amended (16 USC 470 et seq., 1976, Supp. V), unless the proposed exploration has been approved by the Department and the Illinois Historic Preservation Agency; and
 - D) With respect to exploration activities on any lands protected under 62 Ill. Adm. Code 1761.11, minimize interference, to the extent technologically and economically feasible, with the values for which those lands were designated as unsuitable for surface coal

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mining operations. Before making this finding, the Department must provide reasonable opportunity to the owner of the feature causing the land to come under the protection of 62 Ill. Adm. Code 1761.11, and, when applicable, to the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of 62 Ill. Adm. Code 1761.11, to comment on whether the finding is appropriate.

- 3) Terms of approval. Each approval issued by the Department shall contain conditions necessary to ensure that the exploration and reclamation will be conducted in compliance with the Act, this Part, 62 Ill. Adm. Code 1815, and the regulatory program.
- e) Notice and review.
- 1) The Department shall notify the applicant, the appropriate local government officials, and other commentors on the application in writing, of its decision on the application. If the application is disapproved, the notice to the applicant shall include a statement of the reason for disapproval. Public notice of the decision on each application shall be posted by the Department at a public office in the vicinity of the exploration operations.
 - 2) Any person with an interest which is or may be adversely affected by a decision of the Department pursuant to subsection (e)(1), shall have the opportunity for administrative and judicial review as set forth in 62 Ill. Adm. Code 1847.3.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1773

REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Section

1773.1	Scope and Purpose
1773.5	Definitions
1773.11	Requirements to Obtain Permits
1773.12	Regulatory Coordination with Requirements under Other Laws
1773.13	Public Participation in Permit Processing
1773.14	Opportunity for Public Hearing
1773.15	Review of Permit Applications
1773.17	Permit Conditions
1773.19	Permit Issuance and Right of Renewal
1773.20	Improvidently Issued Permits: General Procedures
1773.21	Improvidently Issued Permits: Rescission Procedures
1773.22	Verification of Ownership or Control Application Information
1773.23	Review of Ownership or Control and Violation Information
1773.24	Procedures for Challenging Ownership or Control Links Shown in the Applicant Violator System
1773.25	Standards for Challenging Ownership or Control Links and the Status of Violations

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 11 Ill. Reg. 8395, effective July 1, 1987; amended at 14 Ill. Reg. 11886, effective January 1, 1991; amended at 15 Ill. Reg. 17274, effective January 1, 1992; amended at 15 Ill. Reg. 17998, effective January 1, 1992; amended at 17 Ill. Reg. 11063, effective July 1, 1993; amended at 20 Ill. Reg. 2090, effective January 19, 1996; amended at 22 Ill. Reg. 20265, effective November 5, 1998; amended at 26 Ill. Reg. 4271, effective March 6, 2002; amended at 27 Ill. Reg. 4656, effective February 26, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 1773.15 Review of Permit Applications

- a) General.
 - 1) The Department shall review the application for a permit, revision, or

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renewal; written comments and objections submitted; and records of any informal conference or hearing held on the application, and either:

- A) Issue a written decision, in accordance with Section 1773.19, either granting or denying the application. If a public hearing is held under Section 1773.14, the decision shall be made within 60 days after the close of the public hearing, unless a later time is necessary to provide an opportunity for a hearing under subsection (b)(3); or
 - B) Issue a written decision requiring modification of the application. If a public hearing is held under Section 1773.14, the decision to require modifications shall be made within 60 days after the close of the public hearing.
 - i) If the applicant does not submit the required modifications to the Department within one year after the date of receipt of notification of the need for modifications, the Department shall issue a written finding in accordance with Section 1773.19 denying the application. The Department may issue an extension to this time limit if the applicant can demonstrate just cause (e.g., extended periods of illness, extreme inclement weather, acts of civil unrest, or other emergency situations) for doing so.
 - ii) Upon receipt of the applicant's responses to the required modifications, the Department shall review the responses and issue a written decision, in accordance with Section 1773.19, either granting or denying the application.
- 2) The applicant for a permit or revision of a permit shall have the burden of establishing that his application is in compliance with all the requirements of the regulatory program.
- b) Review of violations.
- 1) Based on a review of all reasonably available information concerning violation notices and ownership or control links involving the applicant, including information obtained pursuant to Sections 1773.22, 1773.23, 1778.13 and 1778.14, the Department shall not issue the permit if any surface coal mining and reclamation operation owned or controlled by

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either the applicant or by any person who owns or controls the applicant is currently in violation of the State Act, Federal Act, any State or federal regulation promulgated pursuant thereto, a State program, or any federal or State law or regulation pertaining to air or water environmental protection. In the absence of a failure-to-abate cessation order, the Department may presume that a notice of violation issued pursuant to 62 Ill. Adm. Code 1843.12 or under a Federal or State program is being corrected to the satisfaction of the agency with jurisdiction over the violation where the abatement period for such notice of violation has not yet expired and when, as part of the violation information provided pursuant to 62 Ill. Adm. Code 1778.14, the applicant has provided certification that such violation is in the process of being so corrected. Such presumption shall not apply where evidence to the contrary is set forth in the permit application, or where the notice of violation is issued for nonpayment of abandoned mine land reclamation fees or civil penalties. If a current violation exists, the Department shall require the applicant or person who owns or controls the applicant, before the issuance of the permit, to either:

- A) Submit to the Department proof that the current violation has been or is in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violation; or
 - B) Establish for the Department that the applicant, or any person owned or controlled by either the applicant or any person who owns or controls the applicant, has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation. If the circuit or district court reviewing the violation, pursuant to 62 Ill. Adm. Code 1847.4(p), 30 CFR 775.13 or in accordance with the procedures established by other state regulatory authorities, either denies a stay applied for in the appeal or affirms the violation, then the applicant shall submit the proof required under subsection (b)(1)(A) within 30 days after the court's decision.
- 2) Any permit that is issued on the basis of a presumption supported by certification under 62 Ill. Adm. Code 1778.14 that a violation is in the process of being corrected, on the basis of proof submitted under subsection (b)(1)(A) of this Section that a violation is in the process of being corrected, or pending the outcome of an appeal described in

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subsection (b)(1)(B) of this Section, shall be conditionally issued.

- 3) If the Department makes a finding that the applicant, anyone who owns or controls the applicant, or the operator specified in the application, controls or has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations of the Federal or State Act of such nature and duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the Federal or State Act, the application shall be denied. Before such a finding becomes final, the applicant or operator shall be afforded an opportunity for an adjudicatory hearing on the determination as provided for in 62 Ill. Adm. Code 1847.3.

- c) Written findings for permit application approval.
No permit application or application for a significant revision of a permit shall be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis of information set forth in the application or from information otherwise available that is documented in the approval, the following:

- 1) The application is complete and accurate and the applicant has complied with all requirements of the Federal Act, State Act and the regulatory program.
- 2) The applicant has demonstrated that reclamation as required by the Federal Act, State Act and the regulatory program can be accomplished under the reclamation plan contained in the permit application.
- 3) The proposed permit area ~~or the proposed shadow area for a planned subsidence operation~~ is:
 - A) Not within an area under study or administrative proceedings under a petition, filed pursuant to 62 Ill. Adm. Code 1764, to have an area designated as unsuitable for surface coal mining operations, unless the applicant demonstrates that before January 4, 1977, he has made substantial legal and financial commitments in relation to the operation covered by the permit application; or
 - B) Not within an area designated as unsuitable for mining pursuant to 62 Ill. Adm. Code 1762 and 1764 or within an area subject to the prohibitions of 62 Ill. Adm. Code 1761.11.

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- 4) For mining operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Department the documentation required under 62 Ill. Adm. Code 1778.15(b).
- 5) The Department has made an assessment of the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area, in accordance with 62 Ill. Adm. Code 1780 and 1784 and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.
- 6) The applicant has demonstrated that any existing structure will comply with 62 Ill. Adm. Code 1700.11(d).
- 7) The applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870.
- 8) The applicant has satisfied the applicable requirements of 62 Ill. Adm. Code 1785.
- 9) The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural post-mining land use, in accordance with the requirements of 62 Ill. Adm. Code 1816.111(d) and 1817.111(d).
- 10) The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 USC 1531 et seq.).
- 11) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.106 or 1817.106, the site of the operation is a previously mined area as defined in 62 Ill. Adm. Code 1701.Appendix A.
- 12) The Department has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that

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the Department has determined that no additional measures are necessary.

- 13) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.116(a)(2)(B) or 1817.116(a)(2)(B), the site of the operation is land eligible for remining as defined in 62 Ill. Adm. Code 1701.Appendix A.
- d) Expiration of findings.
Written findings issued by the Department approving a permit application shall expire within one year from the date of issuance if the permit has not been issued based upon the applicant's failure to submit permit fees in accordance with 62 Ill. Adm. Code 1777.17 or a performance bond in accordance with 62 Ill. Adm. Code 1800.11. When written findings expire, the Department will take no further action on the permit application. Should the applicant choose to resume permitting activity for the area in question, a new permit application must be submitted in accordance with the requirements of this Part.
- e) Final compliance review.
After an application is approved, but before the permit is issued, the Department shall reconsider its decision to approve the application, based on the compliance review required by subsection (b)(1), in light of any new information submitted under 62 Ill. Adm. Code 1778.13(i) and 1778.14(e).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Permanent Program Performance Standards—Underground Mining Operations
- 2) Code Citation: 62 Ill. Adm. Code 1817
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1817.42	Amendment
1817.43	Amendment
1817.116	Amendment
1817121	Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update statutory citations, amend an incorrect reference and to add language to clarify regulations.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Coal Mine Operators
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting; record keeping; environmental monitoring and reporting; earth moving; seeding
 - C) Types of professional skills necessary for compliance: Land surveying; civil engineering; environmental specialists; heavy equipment operators
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1817

PERMANENT PROGRAM PERFORMANCE STANDARDS –
UNDERGROUND MINING OPERATIONS

Section

1817.11	Signs and Markers
1817.13	Casing and Sealing of Exposed Underground Openings: General Requirements
1817.14	Casing and Sealing of Underground Openings: Temporary
1817.15	Casing and Sealing of Underground Openings: Permanent
1817.21	Topsoil: General Requirements (Repealed)
1817.22	Topsoil and Subsoil
1817.23	Topsoil: Storage (Repealed)
1817.24	Topsoil: Redistribution (Repealed)
1817.25	Topsoil: Nutrients and Soil Amendments (Repealed)
1817.41	Hydrologic Balance Protection
1817.42	Hydrologic Balance: Water Quality Standards and Effluent Limitations
1817.43	Diversions
1817.44	Hydrologic Balance: Stream Channel Diversions (Repealed)
1817.45	Hydrologic Balance: Sediment Control Measures
1817.46	Hydrologic Balance: Siltation Structures
1817.47	Hydrologic Balance: Discharge Structures
1817.48	Hydrologic Balance: Acid - Forming and Toxic - Forming Materials (Repealed)
1817.49	Impoundments
1817.50	Hydrologic Balance: Underground Mine Entry and Access Discharges (Repealed)
1817.52	Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1817.53	Hydrologic Balance: Transfer of Wells (Repealed)
1817.55	Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1817.56	Post-Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments and Treatment Facilities
1817.57	Hydrologic Balance: Stream Buffer Zones
1817.59	Coal Recovery
1817.61	Use of Explosives: General Requirements
1817.62	Use of Explosives: Pre-Blasting Survey
1817.64	Use of Explosives: General Performance Standards
1817.65	Use of Explosives: Surface Blasting Requirements (Repealed)
1817.66	Use of Explosives: Blasting Signs, Warnings, and Access Control

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- 1817.67 Use of Explosives: Control of Adverse Effects
- 1817.68 Use of Explosives: Records of Blasting Operations
- 1817.71 Disposal of Excess Spoil: General Requirements
- 1817.72 Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills
- 1817.73 Disposal of Underground Development Waste and Excess Spoil:
Head-of-Hollow Fills (Repealed)
- 1817.74 Disposal of Excess Spoil: Durable Rock Fills
- 1817.75 Disposal of Excess Spoil: Preexisting Benches
- 1817.81 Coal Mine Waste: General Requirements
- 1817.82 Coal Processing Waste Banks: Site Inspection (Repealed)
- 1817.83 Coal Mine Waste: Refuse Piles
- 1817.84 Coal Mine Waste: Impounding Structures
- 1817.85 Coal Processing Waste Banks: Construction Requirements (Repealed)
- 1817.86 Coal Processing Waste: Burning (Repealed)
- 1817.87 Coal Mine Waste: Burning and Burned Waste Utilization
- 1817.88 Coal Processing Waste: Return to Underground Workings (Repealed)
- 1817.89 Disposal of Noncoal Mine Wastes
- 1817.91 Coal Processing Waste: Dams and Embankments: General Requirements
(Repealed)
- 1817.92 Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)
- 1817.93 Coal Processing Waste: Dams and Embankments: Design and Construction
(Repealed)
- 1817.94 Coal Processing Waste: Time Requirement for Completion of Covering
(Repealed)
- 1817.95 Stabilization of Surface Areas
- 1817.97 Protection of Fish, Wildlife and Related Environmental Values
- 1817.99 Slides and Other Damage
- 1817.100 Contemporaneous Reclamation and Subsidence Control
- 1817.101 Backfilling and Grading: General Requirements
- 1817.102 Backfilling and Grading: General Grading Requirements
- 1817.103 Backfilling and Grading: Covering Coal and Acid- and Toxic-forming Materials
(Repealed)
- 1817.106 Backfilling and Grading: Previously Mined Areas
- 1817.107 Backfilling and Grading: Steep Slopes
- 1817.111 Revegetation: General Requirements
- 1817.112 Revegetation: Use of Introduced Species (Repealed)
- 1817.113 Revegetation: Timing
- 1817.114 Revegetation: Mulching and Other Soil Stabilization Practices
- 1817.115 Revegetation: Grazing (Repealed)
- 1817.116 Revegetation: Standards for Success

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1817.117	Revegetation: Tree, Shrub, and Herbaceous Vegetation
1817.121	Subsidence Control
1817.122	Subsidence Control: Public Notice
1817.124	Subsidence Control: Surface Owner Protections (Repealed)
1817.126	Subsidence Control: Buffer Zones (Repealed)
1817.131	Cessation of Operations: Temporary
1817.132	Cessation of Operations: Permanent
1817.133	Post-Mining Land Capability
1817.150	Roads: General
1817.151	Primary Roads
1817.180	Utility Installations
1817.181	Support Facilities
1817.182	Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area
1817.190	Affected Acreage Map

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8230; amended at 9 Ill. Reg. 13315, effective October 10, 1985; amended at 10 Ill. Reg. 9606, effective July 1, 1986; amended at 11 Ill. Reg. 8250, effective July 1, 1987; amended at 14 Ill. Reg. 11855, effective January 1, 1991; amended at 15 Ill. Reg. 17239, effective January 1, 1992; amended at 17 Ill. Reg. 11031, effective July 1, 1993; amended at 20 Ill. Reg. 1993, effective January 19, 1996; amended at 22 Ill. Reg. 20197, effective November 5, 1998; amended at 24 Ill. Reg. 5938, effective March 21, 2000; amended at 26 Ill. Reg. 4252, effective March 6, 2002; amended at 29 Ill. Reg. _____, effective _____.

Section 1817.42 Hydrologic Balance: Water Quality Standards and Effluent Limitations

Discharges of water from areas disturbed by underground mining activities shall be made in compliance with the Federal Water Pollution Control Act of 1972, as amended (30 [USC U.S.C.](#) 1251 et seq.), the Environmental Protection Act (~~Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1001 et seq.~~) [415 ILCS 5] and with effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR 434 (1992). 40 CFR 434 (1992) does not include any later amendments or editions.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 1817.43 Diversions

- a) General Requirements.
 - 1) With the approval of the Department, any flow from mined areas abandoned before May 3, 1978, and any flow from undisturbed areas or reclaimed areas, after meeting the criteria of Section 1817.46 for siltation structure removal, may be diverted from disturbed areas by means of temporary or permanent diversions. All diversions shall be designed to minimize adverse impacts to the hydrologic balance within the permit and adjacent areas, to prevent material damage outside the permit area and to assure the safety of the public. Diversions shall not be used to divert water into underground mines without approval of the Department under Section 1817.41(h).
 - 2) The diversion and its appurtenant structures shall be designed, located, constructed, maintained, and used to:
 - A) Be stable;
 - B) Provide protection against flooding and resultant damage to life and property;
 - C) Prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to stream flow outside the permit area. Appropriate sediment control measures for diversions may include, but not be limited to, maintenance of appropriate gradients, channel lining, revegetation, roughness structures, and detention basins; and
 - D) Comply with the Rivers, Lakes, and Streams Act (~~Ill. Rev. Stat. 1991, ch. 19, pars. 52-79~~) [615 ILCS 5], Section 404 of the Federal Water Pollution Control Act of 1972, as amended (30 USCU.S.C. 1344), and all local ordinances.
 - 3) Temporary diversions shall be removed promptly when no longer needed to achieve the purpose for which they were authorized. The land disturbed by the removal process shall be restored in accordance with this Part. Before diversions are removed, downstream water treatment facilities previously protected by the diversion shall be modified or removed, as

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necessary, to prevent overtopping or failure of the facilities. This requirement shall not relieve the permittee from maintaining water treatment facilities as otherwise required. When permanent diversions are constructed or stream channels restored prior to the removal of temporary diversions the permittee shall:

- A) Establish, restore, enhance where practicable, or maintain natural riparian vegetation on the banks of the stream, including any area that is subject to annual inundation;
 - B) Establish or restore the stream to its natural meandering shape and to an environmentally acceptable gradient, as determined by the Department; and
 - C) Establish or restore the stream to a longitudinal profile and cross-section, including aquatic habitats (usually a pattern of riffles, pools, and drops rather than uniform depth) that approximate premining stream channel characteristics.
- 4) Diversion design shall incorporate the following:
- A) Channel lining shall be designed using standard engineering practices to pass safely the design velocities. Riprap shall consist of non-degradable, non-acid or toxic-forming rock such as sandstone, limestone, or other durable rock that will not slake in water and will be free of coal, clay or shale;
 - B) Freeboard shall be no less than 0.3 feet, except as provided for in subsection (a)(5). Protection shall be provided for transition of flows and for critical areas such as swales and curves. Where the area protected is a critical area, as determined by the Department, the design freeboard may be increased;
 - C) Energy dissipators shall be installed, when necessary, at discharge points where diversions intersect with natural streams and exit velocity of the diversion ditch flow is greater than that of the receiving stream;
 - D) Excess excavated material not necessary for diversion channel geometry or regrading of the channel shall be disposed of in

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accordance with Sections 1817.71 through 1817.74; and

- E) Topsoil shall be handled in compliance with Section 1817.22.
- 5) If the terrain is such that out-of-bank flows can accommodate the design precipitation event without endangering health or the environment as a result of flooding, such as physical harm or slope failure, the need for diversion ditches may be modified by taking into account channels, banks, and flood plains.
- b) Diversions of perennial and intermittent streams.
- 1) Diversions of perennial and intermittent streams within the permit area are subject to Department approval pursuant to Section 1817.57(a).
- 2) The design capacity of channels for temporary and permanent stream channel diversions shall be at least equal to the capacity of the unmodified stream channel immediately upstream and downstream from the diversion.
- 3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for perennial and intermittent streams are designed so that the combination of channel, bank, and floodplain configuration is adequate to pass safely the peak runoff of a ~~ten~~(10) year, ~~six~~(6) hour precipitation event for a temporary diversion and a ~~one hundred~~(100) year, ~~six~~(6) hour precipitation event for a permanent diversion.
- 4) The longitudinal profile of the stream, the channel, and the floodplain shall be designed and constructed to remain stable. Erosion control structures such as channel lining structures, retention basins, and artificial channel roughness structures shall be used in diversions only when approved by the Department as being necessary to control erosion.
- 5) The design and construction of all stream channel diversions of perennial and intermittent streams shall be sealed by a qualified registered professional engineer as meeting the performance standards of this Part.
- c) Diversion of miscellaneous flows.
- 1) Miscellaneous flows, which consist of all flows except for perennial and

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intermittent streams, may be diverted away from disturbed areas if required or approved by the Department to lessen environmental impact. Miscellaneous flows shall include ground water discharges and ephemeral streams.

- 2) The design, location, construction, maintenance, and removal of diversions of miscellaneous flows shall meet all of the performance standards set forth in subsection (a).
- 3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for miscellaneous flows are designed so that the combination of channel, bank, and floodplain configuration is adequate to pass safely the peak runoff of a ~~two (2)~~ year, ~~six (6)~~ hour precipitation event for a temporary diversion and a ~~ten (10)~~ year, ~~six (6)~~ hour precipitation event for a permanent diversion.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1817.116 Revegetation: Standards for Success

- a) Success of Revegetation
 - 1) Success of revegetation shall be judged in accordance with this Section and Section 1817.117.
 - 2) Requirements
 - A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C).
 - B) The period of extended responsibility shall continue for a period of not less than 5 full years, except that on lands eligible for remining, the period of responsibility (until September 30, 2004) shall be 2 full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved standard set forth in subsection (a)(3).

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- C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding or augmented fertilization, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as diseases, pest, and vermin control; any pruning, reseeding and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook (1999-2000); and those practices which are a part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990 (7 USC 1421 et seq.). On all lands with a post-mining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990, and the reestablished vegetation must be in place for a sufficient length of time so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois-Cooperative Extension Service, Office of Agricultural Communications and Education, 69E Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the Food, Agriculture, Conservation and Trade Act of 1990 are available at the Department's Springfield office.
- D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code

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1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- F) Augmentation
Wetlands shall be considered augmented when significant alterations are made to the size or character of the watershed, pumping is used to maintain water levels, or neutralizing agents, chemical treatments or fertilizers are applied to the wetland area,

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except that wetlands managed as wildlife food plot areas using agricultural techniques shall not be considered augmented when normal agricultural husbandry practices, such as routine liming and fertilization, are used. Water level management using permanent water control structures is considered a normal husbandry practice.

G) Other Management Practices

The Department shall approve the use of deep tillage for prime farmland and high capability land as a beneficial practice that will not restart the 5 year period of responsibility, if the following conditions are met:

- i) The permittee has submitted a request to use the practice and has identified the field that will be deep tilled;
- ii) One or more hay crops, or other acceptable row crops, have been grown or will be grown to dry out the subsoil prior to deep tilling the field; and
- iii) The Department has determined that the use of deep tillage will be beneficial to the soil structure and long term crop production of the field and the benefits will continue well beyond the responsibility period.

The Department shall notify the permittee in writing of its decision. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- 3) Ground cover and production shall be considered equal to the approved success standard when they are not less than 90% of the success standard. The sampling techniques for measuring success shall use a 90% statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1817.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

- A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements of 62 Ill. Adm. Code 1800 through 1828, and that are remined or

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otherwise redistributed by surface coal mining operations, shall not be less than the greater of 70% or the percentage of ground cover existing before redistribution, and shall be adequate to control erosion during the last year of the responsibility period;

- B) For areas to be developed for industrial, commercial or residential use less than 2 years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;
- C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4). Crop production shall be considered successful if it is 90% of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4). Crop production shall be considered successful if it is 90% of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any 2 crop years of a 10 year period prior to release of the performance bond, except the first year of the 5 year responsibility period. During the extended 5 year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The 5 year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crops to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within 10 years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) until the end of the responsibility period;
- D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1817.117;

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- E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structure, etc.) productivity success (tons of grasses and/or legumes per acre) shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4). Productivity shall be considered successful if it is 90% of the productivity required in 62 Ill. Adm. Code 1816.116(a)(4) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any 2 crop years of a 10 year period prior to release of the performance bond, except the first year of the 5 year extended responsibility period. All pasture, hayland and grazing land shall be maintained using proper management practices as set forth in subsection (a)(2)(C), until the end of the responsibility period. Production for proof of productivity purposes shall be initiated within 10 years after completion of backfilling and final grading. Ground cover shall be considered successful if it is 90% with 90% statistical confidence (i.e., one sided t test with a 0.10 alpha error) for a minimum of any 2 years of a 10 year period prior to the release of the performance bond, except the first year of the 5 year extended responsibility period. On cropland-capable land, the Department shall allow the permittee to substitute corn production for hay production. If determined to be a proper management practice in accordance with subsection (a)(2)(C), the Department shall allow the permittee to substitute one year of crop production of an allowable crop specified in 62 Ill. Adm. Code 1816.116(a)(4)(D) for one year of hay production on limited capability land; and
- F) Non-contiguous areas less than or equal to 4 acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the operator can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.
- 4) In order to use the Agricultural Lands Productivity Formula, 62 Ill. Adm. Code 1816.Appendix A, to determine success of revegetation, the requirements of 62 Ill. Adm. Code 1816.116(a)(4) shall apply.

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- 5) Wetland revegetation shall be deemed successful when:
- A) The wetland vegetation criteria in the Corps of Engineers Wetlands Delineation Manual (Department of the Army Technical Report Y-87-1, January 1987, published by the Department of the Army, Waterways Experiment Station, Corps of Engineers, P.O. Box 631, Vicksburg, Mississippi 39180-0631) have been achieved following sampling procedures specified in that manual, which does not include any later amendments or editions and is available for inspection and copying at the Department's Springfield office; and
 - B) Areas designed to support vegetation in the approved plan shall have a minimum areal coverage of 30%. The testing procedure in Section 1817.117(d)(1) through (3) shall be used to evaluate the extent of cover. Areal cover shall be determined to be present if any approved wetland species is measured at the increment. The percentage of areal cover shall be established for the area tested by taking the total number of measurements where areal cover was determined to be present.
- b) The person who conducts underground mining activities shall:
- 1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a).
 - 2) Initiate a soil compaction and fertility testing plan, subject to the approval of the Department, for areas that have incurred five unsuccessful attempts to meet the production required by subsection (a)(3)(C) or (E) or 62 Ill. Adm. Code ~~1823.151785.15~~, or shall initiate deep tillage on the areas.
 - 3) Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation activities to be reported and/or evaluated include, but are not limited to, crops used in temporary and permanent seedings, grasses and legumes planted, trees and

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shrubs planted, soil amendments added, and type and location of augmentation activities. The forms shall be submitted with a copy of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1817.121 Subsidence Control

- a) Measures to prevent or minimize damage.
 - 1) The permittee shall either adopt measures consistent with known technology which prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of surface lands; or adopt mining technology that provides for planned subsidence in a predictable and controlled manner.
 - 2) Based on the requirements of 62 Ill. Adm. Code 1784.20(b)(7) and (b)(8), the permittee shall perform a survey of the condition of all structures and facilities that may be materially damaged or for which the reasonably foreseeable use may be diminished by subsidence, as well as a survey of the quantity and quality of all drinking, domestic, and residential water supplies within the permit area, subsidence shadow area, and adjacent area that could be contaminated, diminished, or interrupted by subsidence. The applicant must pay for any technical assessment or engineering evaluation used to determine the pre-mining condition or value of such structures and facilities and the quantity and quality of drinking, domestic, or residential water supplies. The applicant must provide copies of the survey and any technical assessment or engineering evaluation to the property owner.
 - A) The condition survey of structures and facilities shall be performed or scheduled to be performed a minimum of 120 days prior to undermining. A lesser time may be approved by the Department if justified by the permittee in writing. The permittee shall provide a copy of the condition survey to the property owner and maintain a copy to be provided to the Department upon request. The permittee shall provide the Department with verification that the

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survey has been completed and forwarded to the property owner.

- B) The survey of drinking, domestic and residential water supplies shall be completed and submitted 120 days prior to the water delivery system being undermined. A lesser time may be approved by the Department if justified by the permittee in writing. The permittee must provide a copy of the water survey to the property owner and to the Department.
- 3) If a permittee employs mining technology that provides for planned subsidence in a predictable and controlled manner, the permittee must take necessary and prudent measures, consistent with the mining method employed, to minimize material damage to the extent technologically and economically feasible to structures and facilities, except that measures required to minimize material damage to such structures are not required if:
- A) The permittee has the written consent of their owners; or
 - B) Unless the anticipated damage would constitute a threat to health or safety, the costs of such measures exceed the anticipated costs of repair.
- 4) Nothing in this Part prohibits the standard method of room-and-pillar mining.
- b) The permittee shall comply with all provisions of the subsidence control plan prepared pursuant to the requirements of 62 Ill. Adm. Code 1784.20, and as approved by the Department.
 - c) Repair of damage. The requirements of this subsection apply only to subsidence-related damage caused by underground coal extraction conducted after February 1, 1983, except as noted in Section 1817.41(j).
 - 1) Repair of damage to surface land. The permittee must correct any material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses which it was capable of supporting before subsidence damage.

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- 2) Repair or compensation for damage to structures and facilities. The permittee must promptly repair or compensate the owner for material damage resulting from subsidence caused to any structure or facility that existed at the time of the coal extraction under or adjacent to the materially damaged structure. If repair option is selected, the permittee must fully rehabilitate, restore or replace the damaged structure. If compensation is selected, the permittee must compensate the owner of the damaged structure for the full amount of the decrease in value resulting from the subsidence related damage. The permittee may provide compensation by the purchase, before mining, of a non-cancelable premium-prepaid insurance policy. ~~The requirements of this subsection (c) apply only to subsidence-related damage caused by underground coal extraction conducted after February 1, 1983.~~
- 3) Adjustment of bond amount for subsidence damage. When subsidence-related material damage to land, structures or facilities protected under subsections (c)(1) and (c)(2) occurs, or when contamination, diminution, or interruption to a water supply protected under Section 1817.41(j) of this Part occurs, the Department must require the permittee to obtain additional performance bond in the amount of the estimated cost of the repairs if the permittee will be repairing, or in the amount of the decrease in value if the permittee will be compensating the owner, or in the amount of the estimated cost to replace the protected water supply if the permittee will be replacing the water supply, until the repair, compensation, or replacement is completed. If repair, compensation, or replacement is completed within 90 days after the occurrence of damage, no additional bond is required. The Department may extend the 90-day time frame, but not to exceed one year, if the permittee demonstrates and the Department finds in writing that subsidence is not complete, that not all probable subsidence-related material damage has occurred to lands or protected structures, or that not all reasonably anticipated changes have occurred affecting the protected water supply, and that therefore it would be unreasonable to complete within 90 days the repair of the subsidence-related material damage to lands or protected structures, or the replacement of protected water supply. The permittee may also utilize appropriate terms and conditions for liability insurance required under 62 Ill. Adm. Code 1800.60 to assure the financial responsibility to comply with subsection (c) is in place.
- d) Underground mining activities shall not be conducted beneath or adjacent to

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public buildings and facilities; churches, schools, and hospitals; impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more, unless the subsidence control plan demonstrates that subsidence will not cause material damage to, or reduce the reasonably foreseeable use of such features or facilities. If the Department determines that it is necessary in order to minimize the potential for material damage to the features or facilities described above or to any aquifer or body of water that serves as a significant water source for any public water supply system, it may limit the percentage of coal extracted under or adjacent thereto.

- e) If subsidence causes material damage to any of the features or facilities covered by subsection (d), the Department may suspend mining under or adjacent to such features or facilities until the subsidence control plan is modified to ensure prevention of further material damage to such features of facilities.
- f) The Department shall suspend underground mining activities under urbanized areas, cities, towns, and communities, and adjacent to industrial or commercial buildings, major impoundments, or perennial streams, if imminent danger is found to inhabitants of the urbanized areas, cities, towns, or communities.
- g) All underground permittees shall on or before April 1 of each year submit three mine maps of underground workings to the Department. The mine maps shall indicate the actual extent of mining for the calendar year prior to the submittal date. Mine maps and descriptions shall include the size, configuration, and approximate location of pillars and entries, extraction ratios, measures taken to prevent or minimize subsidence and related damage and areas of full extraction. The mine maps shall also project the anticipated extent of mining for at least the calendar year at the time of the submittal. Mine maps shall also include, at a minimum, all features identified in subsection (d), public roads and all Township and Range designations and section corners. The map shall be sealed by an engineer registered in the State of Illinois. The maps shall be planned as a continuous map so that areas mined each year may be added and indicated by the dates mining occurred. Maps shall include the name of the mine and the permittee; address of the permittee; scale, including both written and bar scales; and by whom the map was drawn. Maps submitted shall be at a scale approved by the Department as necessary to provide sufficient detail for the information required by this subsection.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Emissions Reduction Market System
- 2) Code citation: 35 Ill. Adm. Code 205
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
205.120	Amend
205.130	Amend
205.150	Amend
205.200	Amend
205.205	Amend
205.210	Amend
205.220	Amend
205.300	Amend
205.310	Amend
205.315	Amend
205.316	Add
205.318	Amend
205.320	Amend
205.330	Amend
205.335	Amend
205.337	Amend
205.400	Amend
205.405	Amend
205.410	Amend
205.500	Amend
205.510	Amend
205.610	Amend
205.700	Amend
205.730	Amend
205.750	Amend
205.760	Amend
- 4) Statutory authority: Implementing Section 9.8 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.8, 27 and 28]
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of December 2, 2004, in Board docket R05-11. This rulemaking, based on a proposal filed by the Illinois Environmental Protection Agency (Agency) on November 19, 2004, amends the Board's Emission reduction market system regulations (ERMS). The ERMS system is a cap and

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trade program that involves volatile organic material (VOM) emissions in the Chicago area. The program is designed to reduce VOM emission in the Chicago non-attainment area below the levels required by reasonably available control technology and other emission standards. The amendments in this rulemaking affect sources in the Chicago ozone non-attainment area.

The current rules are based on federal regulations that have been amended. USEPA is revoking the 1-hour ozone national ambient air quality standard (NAAQS) effective on June 15, 2005. The revocation of the 1-hour NAAQS affects applicability thresholds - currently sources subject to the Clean Air Act Permit Program (CAAPP) are those with potential to emit 25 tons of VOM, but once the 1-hour ozone NAAQS is revoked, the applicability threshold raises to 100 tons. To ensure that the ERMS program remains in place in its current form so as to maintain the required volatile organic material emissions reductions in the Chicago area, the proposed rule would modify the applicability provisions and clarify other related provisions as a result of the implementation of the 8-Hour Ozone National Ambient Air Quality Standard and the revocation of the 1-Hour Ozone National Ambient Air Quality Standard.

- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3 (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R05-11 and be addressed to:

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

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

For more information contact John Knittle at 217/278-3111 or email at nittlej@ipcb.state.il.us.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses and not-for-profit corporations that are located within the Chicago area and that emit, or have the potential to emit, 25 tons per year or more of VOM or is required to obtain a CAAPP permit, and that has baseline or seasonal emissions of at least 10 tons per year.
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments require that any participating or new participating source in the ERMS program must operate with either a CAAPP permit or a federally enforceable state operating permit (FESOP).
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2004

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: ALTERNATIVE REDUCTION PROGRAM

PART 205
EMISSIONS REDUCTION MARKET SYSTEM

SUBPART A: GENERAL PROVISIONS

Section	
205.100	Severability
205.110	Purpose
205.120	Abbreviations and Acronyms
205.130	Definitions
205.150	Emissions Management Periods

SUBPART B: APPLICABILITY

Section	
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205.205	Exempt Source
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Section	
205.300	Seasonal Emissions Component of the Annual Emissions Report
205.310	ERMS Applications
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205.337	Changes in Emissions Determination Methods and Sampling, Testing, Monitoring and Recordkeeping Practices

SUBPART D: SEASONAL EMISSIONS MANAGEMENT

Section

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- 205.400 Seasonal Emissions Allotment
- 205.405 Exclusions from Further Reductions
- 205.410 Participating Source Shutdowns

SUBPART E: ALTERNATIVE ATU GENERATION

- Section
- 205.500 Emissions Reduction Generator
 - 205.510 Inter-Sector Transaction

SUBPART F: MARKET TRANSACTIONS

- Section
- 205.600 ERMS Database
 - 205.610 Application for Transaction Account
 - 205.620 Account Officer
 - 205.630 ATU Transaction Procedures

SUBPART G: PERFORMANCE ACCOUNTABILITY

- Section
- 205.700 Compliance Accounting
 - 205.710 Alternative Compliance Market Account (ACMA)
 - 205.720 Emissions Excursion Compensation
 - 205.730 Excursion Reporting
 - 205.740 Enforcement Authority
 - 205.750 Emergency Conditions
 - 205.760 Market System Review Procedures

AUTHORITY: Implementing Section 9.8 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.8, 27 and 28].

SOURCE: Adopted at 21 Ill. Reg. 15777, effective November 25, 1997; amended in R05-11 at 29 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 205.120 Abbreviations and Acronyms

Unless otherwise specified within this Part, the abbreviations used in this Part shall be the same

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as those found in 35 Ill. Adm. Code 211. The following abbreviations and acronyms are used in this Part:

ACMA	Alternative Compliance Market Account
Act	Environmental Protection Act [415 ILCS 5]
ATU	Allotment Trading Unit
BAT	Best Available Technology
CAA	Clean Air Act as amended in 1990 [42 U.S.C. 7401 through 7671q]
CAAPP	Clean Air Act Permit Program
ERMS	Emissions Reduction Market System
FESOP	Federally Enforceable State Operating Permit
LAER	Lowest Achievable Emission Rate
MACT	Maximum Achievable Control Technology
NAAQS	National Ambient Air Quality Standard
NESHAP	National Emission Standards for Hazardous Air Pollutants
RFP	Reasonable Further Progress
ROP	Rate of Progress
USEPA	United States Environmental Protection Agency
VOM	Volatile Organic Material

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.130 Definitions

Unless otherwise specified within this Part, the definitions for the terms used in this Part shall be the same as those found in Section 39.5 of the Act [415 ILCS 5/39.5] and in 35 Ill. Adm. Code 211.

"Account officer" means a natural person who has been approved by the Agency, as specified in Section 205.620 of this Part, and is subsequently responsible for one or more Transaction Accounts to which he or she is designated.

"Allotment" means the number of allotment trading units (ATUs) allotted to a source by the Agency, as established in the source's CAAPP permit [or FESOP](#).

"Allotment Trading Unit (ATU)" means a tradable unit that represents 200 lbs of VOM emissions and is a limited authorization to emit 200 lbs of VOM emissions during the seasonal allotment period.

"Annual Emissions Report" means the report submitted to the Agency annually

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pursuant to 35 Ill. Adm. Code 254.

"Baseline emissions" means a participating source's VOM emissions for the seasonal allotment period based on historical operations as determined under Subpart C of this Part. Baseline emissions shall be the basis of the allotment for each participating source.

"Best Available Technology (BAT)" means an emission level based on the maximum degree of reduction of VOM emitted from or which results from any emission unit, which the Agency, on a case-by-case basis, taking into account energy, environmental and economic impacts, determines is achievable for such unit through application of production processes and available methods, systems, and techniques for control of VOM, considering the features and production process and control methods, systems and techniques already used for the unit. BAT for an emission unit shall not be more stringent than Best Available Control Technology (BACT) as would be determined contemporaneously for such unit under the federal rules for Prevention of Significant Deterioration of Air Quality (PSD), 40 CFR 52.21 (1996). In no event shall application of "best available technology" result in emissions of VOM which exceed the emissions allowed by any standard established pursuant to Section 111 of the Clean Air Act, if such a standard is applicable to the category of emission unit.

"CAAPP" means the Clean Air Act Permit Program, pursuant to Section 39.5 of the Act [415 ILCS 5/39.5].

"Chicago ~~ozone nonattainment~~ area" means the area composed of Cook, DuPage, Kane, Lake, McHenry, and Will Counties and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County.

"Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, such as an act of God, that requires immediate corrective action to restore normal operation.

"Emissions excursion" refers to the event that occurs when a participating source or new participating source does not hold sufficient ATUs at the end of a reconciliation period to account for its VOM emissions from the preceding seasonal allotment period, in accordance with Section 205.150(c) or (d) of this Subpart.

"Excursion Compensation Notice" means an administrative notice issued by the

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Agency, pursuant to Section 205.720 of this Part, that notifies the owner or operator of a participating source or new participating source that the Agency has determined that the source has had an emissions excursion.

"General participant" means any person, other than a participating source or new participating source, that obtains a Transaction Account and is allowed to buy and sell ATUs.

"New participating source" means a source not operating prior to May 1, 1999, located in the Chicago ~~ozone nonattainment~~ area, that [emits or has the potential to emit 25 tons per year or more of VOM or](#) is required to obtain a CAAPP permit and has or will have seasonal emissions of at least 10 tons of VOM.

"Participating source" means a source operating prior to May 1, 1999, located in the Chicago ~~ozone nonattainment~~ area, that [emits or has the potential to emit 25 tons per year or more of VOM or](#) is required to obtain a CAAPP permit; and has baseline emissions of at least 10 tons, as specified in Section 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any seasonal allotment period beginning in 1999.

"Reconciliation period" means the period from October 1 through December 31 of each year during which the owner or operator of a participating source or new participating source must compile actual VOM emissions for the previous seasonal allotment period and may also buy or sell ATUs so that sufficient ATUs are held by the source by the conclusion of the reconciliation period.

"Seasonal allotment period" means the period from May 1 through September 30 of each year.

"Seasonal emissions" means actual VOM emissions at a source that occur during a seasonal allotment period.

"Sell" means to transfer ATUs to another person through sale, lease, trade or other means of transfer.

"Special participant" means any person that registers with the Agency and may purchase and retire ATUs but not sell ATUs, as specified in Section 205.610 of this Part.

"Throughput" means the activity of an emission unit during a particular period

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relevant to its generation of VOM emissions, including, but not limited to, the amount of material transferred for a liquid storage operation, the amount of material processed through or produced by the emission unit, fuel usage, or the weight or volume of coatings or inks.

"Transaction Account" means an account authorized by the Agency or its designee that allows an account officer to buy or sell ATUs.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.150 Emissions Management Periods

- a) The VOM emissions control period is the seasonal allotment period, which is from May 1 through September 30, annually.
- b) The reconciliation period is from October 1 to December 31, annually. During each reconciliation period, participating sources and new participating sources shall:
 - 1) Compile data of actual VOM emissions during the immediately preceding seasonal allotment period; and
 - 2) Submit its seasonal emissions component of its Annual Emissions Report, in accordance with Section 205.300 of this Part.
- c) At the end of each reconciliation period, on and after the dates specified in Section 205.200 of this Part, each participating source shall:
 - 1) Hold ATUs in an amount not less than its VOM emissions during the preceding seasonal allotment period, except as provided in Sections 205.220, 205.225, 205.315, [205.316](#), 205.320(e)(3) or (f) and 205.750 of this Part; or
 - 2) [Except as provided in subsection \(f\) of this Section, hold](#)~~Hold~~ ATUs in an amount not less than 1.3 times its ~~seasonal~~-emissions [during the preceding seasonal allotment period that are](#) attributable to a major modification ~~during the preceding seasonal allotment period~~, if a participating source commences operation of a major modification pursuant to 35 Ill. Adm. Code 203 on or after May 1, 1999. Additionally, such source must hold ATUs in accordance with subsection (c)(1) of this Section for VOM

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emissions ~~not attributable to this major modification~~ during the preceding seasonal allotment period that are not attributable to this major modification.

d) At the end of each reconciliation period, on and after the date on which the source commences operation, as specified in Section 205.210 of this Part, each new participating source shall:

- 1) Except as provided in subsection (f) of this Section, if ~~If~~ the new participating source is a new major source pursuant to 35 Ill. Adm. Code 203, hold ATUs in an amount not less than 1.3 times its VOM emissions during the preceding seasonal allotment period; or
- 2) If the new participating source is not a new major source pursuant to 35 Ill. Adm. 203, hold ATUs in an amount not less than its VOM emissions during the preceding seasonal allotment period, except as provided in Sections 205.220, 205.225 and 205.750 of this Part.

e) Except as provided in subsection (f) of this Section, any ~~Any~~ participating source that commences operation of a major modification on or after May 1, 1999, or any new participating source that is a new major source, which, at the end of each reconciliation period, holds ATUs in an amount not less than 1.3 times the VOM emissions during the preceding seasonal allotment period, in accordance with subsection (c)(2) or (d)(1) of this Section, as applicable, shall be deemed to have satisfied the VOM offset requirements of 35 Ill. Adm. Code 203.302(a), 203.602 and 203.701.

f) Chicago area classification

1) If the nonattainment classification of the Chicago area for ozone is changed such that the required offset ratio is no longer 1.3 to 1 and a new offset ratio applies, as specified in 35 Ill. Adm. Code 203.302, that ratio shall then apply in lieu of the 1.3 to 1 ratio set forth in subsections (c)(2), (d)(1), and (e) of this Section. Such new ratio shall not apply to any part of a source or any modification already subject to the 1.3 to 1 ratio or other new offset ratio prior to the effective date of the new ratio.

2) If the Chicago area is designated to attainment for ozone, the 1.3 to 1 ratio set forth in subsections (c)(2), (d)(1), and (e) of this Section or any new ratio established pursuant to subsection (f)(1) of this Section shall cease to apply. However, such ratio shall continue to apply to any part of a source

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or any modification that is already subject to the ratio prior to such designation.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART B: APPLICABILITY

Section 205.200 Participating Source

- a) The requirements of this Part shall apply to any source operating prior to May 1, 1999, located in the Chicago ~~ozone nonattainment~~-area, that:
- 1) emits or has the potential to emit 25 tons per year or more of VOM or is required to obtain a CAAPP permit; and
 - 2) has baseline emissions of at least 10 tons, as specified in Section 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any seasonal allotment period beginning in 1999.
- b) Each participating source shall hold ATUs, as specified in Section 205.150(c) of this Part, in accordance with the following schedule:
- 1)a) For any participating source that has baseline emissions of at least 10 tons of VOM, as determined in accordance with Section 205.320(a) of this Part, beginning with the 1999 seasonal allotment period;
 - 2)b) For any source that first becomes a participating source because its VOM emissions increase to 10 tons per season or more in any seasonal allotment period beginning with 1999 and this emissions increase is not a major modification pursuant to 35 Ill. Adm. Code 203, beginning with the first seasonal allotment period after such increased emissions occurred; or
 - 3)c) For any source that will first be subject to the requirements of this Part because of a VOM emissions increase at any time on or after May 1, 1999 that constitutes a major modification pursuant to 35 Ill. Adm. Code 203, upon commencing operation of this modification.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.205 Exempt Source

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- a) Any source that otherwise meets the criteria for participating sources shall be exempt from the requirements of this Part, except that any such source shall be required to submit the seasonal emissions component of the Annual Emissions Report as specified in Section 205.300 of this Part, if the source accepts a 15 tons per seasonal allotment period limit on its VOM emissions in its CAAPP permit or FESOP for each seasonal allotment period in which the source would be required to participate in the ERMS in accordance with the following:
- 1) If the source would be required to participate in the ERMS beginning with the 1999 seasonal allotment period in accordance with Section 205.200(b)(1)(a) of this Subpart, such source shall apply for the applicable permit limitation by March 1, 1998; or
 - 2) If the source is required to participate in the ERMS in any seasonal allotment period after 1999 because its VOM emissions increase to 10 tons or more in any seasonal allotment period beginning with 1999 in accordance with Section 205.200(b)(2) of this Subpart, such source shall apply for the applicable permit limitation by December 1 of the first year in which its seasonal emissions are at least 10 tons.
- b) Any source that otherwise meets the criteria for participating sources shall be exempt from the requirements of this Part, except that any such source shall be required to submit the seasonal emissions component of the Annual Emissions Report and an ERMS application as specified in Sections 205.300 and 205.310(d) of this Part, respectively, if such source reduces its seasonal emissions by at least 18 percent beginning in 1999. Any such source shall accept conditions in its CAAPP permit or FESOP limiting its seasonal emissions to at least 18 percent less than its baseline emissions, as determined in accordance with Section 205.320 of this Part. Any such source shall apply for the applicable permit limitation(s) by March 1, 1998. ATUs equivalent to any amount of VOM emissions reductions achieved by the source beyond 12 percent (at least six percent) shall be issued by the Agency to the ACMA.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.210 New Participating Source

- a) The requirements of this Part shall apply to any new participating source, a source not operating prior to May 1, 1999, located in the Chicago ~~ozone nonattainment~~

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area, that:

- 1) [emits or has the potential to emit 25 tons per year or more of VOM](#) or is required to obtain a CAAPP permit; and
 - 2) has or will have seasonal emissions of at least 10 tons of VOM.
- b) Each new participating source shall hold ATUs, as specified in Section 205.150(d) of this Part, upon commencing operation.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.220 Insignificant Emission Units

- a) Emission units identified as insignificant activities pursuant to the CAAPP permit for ~~each~~ participating or new participating source are exempt from the requirements of this Part.
- b) [Emission units that the Agency determines would qualify as insignificant activities under 35 Ill. Adm. Code 201.Subpart F if the source were a CAAPP source and for which a statement to this effect is contained in the FESOP for a participating or new participating source are exempt from the requirements of this Part.](#)

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART C: OPERATIONAL IMPLEMENTATION

Section 205.300 Seasonal Emissions Component of the Annual Emissions Report

- a) For each year in which the source is operational, the owner or operator of each participating source and new participating source shall submit, as a component of its Annual Emissions Report, seasonal emissions information to the Agency for each seasonal allotment period after the effective date of this Part in accordance with the following schedule:
 - 1) For each participating source or new participating source that generates VOM emissions from less than 10 emission units, by October 31 of each year; and

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- 2) For each participating source or new participating source that generates VOM emissions from 10 or more emission units, by November 30 of each year.
- b) In addition to any information required pursuant to 35 Ill. Adm. Code 254, the seasonal emissions component of the Annual Emissions Report shall contain the following information for the preceding seasonal allotment period for each emission unit emitting or capable of emitting VOM, except that such information is not required for emission units excluded pursuant to Section 205.220 of this Part or for VOM emissions attributable to startup, malfunction or breakdown, as specified in Section 205.225 of this Part:
- 1) Actual seasonal emissions of VOM from the source;
 - 2) A description of the methods and practices used to determine VOM emissions, as required by the source's CAAPP permit [or FESOP](#), including any supporting documentation and calculations;
 - 3) A detailed description of any monitoring methods that differ from the methods specified in the CAAPP permit [or FESOP](#) for the source, as provided in Section 205.337 of this Subpart;
 - 4) If a source has experienced an emergency, as provided in Section 205.750 of this Part, it shall reference the associated emergency conditions report that has been approved by the Agency;
 - 5) If a source's baseline emissions have been adjusted because of a variance, consent order or CAAPP permit compliance schedule, as provided for in Section 205.320(e)(3) of this Subpart, it shall provide documentation quantifying the adjusted VOM emissions amount; and
 - 6) If a source is operating a new or modified emission unit for which three years of operational data is not yet available, as specified in Section 205.320(f) of this Subpart, it shall specify seasonal emissions attributable to the new emission unit or the modification of the emission unit.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.310 ERMS Applications

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- a) The owner or operator of each participating source or new participating source shall submit to the Agency an ERMS application in accordance with the following schedule:
- 1) For a participating source with baseline emissions of at least 10 tons of VOM, as determined in accordance with Section 205.320(a) of this Subpart, by March 1, 1998;
 - 2) For any source that first becomes a participating source because its VOM emissions increase to 10 tons or greater during any seasonal allotment period beginning with 1999, on or before December 1 of the year of the first seasonal allotment period in which its VOM emissions are at least 10 tons, provided that this emissions increase is not a major modification pursuant to 35 Ill. Adm. Code 203; or
 - 3) For a new participating source or for a ~~major~~ modification of any source existing prior to May 1, 1999, that is [a major new source or a major modification](#) subject to 35 Ill. Adm. Code 203 based on VOM emissions, at the time a construction permit application is submitted or due for the source or modification, whichever occurs first.
- b) Except as provided in subsection (d) of this Section, each ERMS application for participating sources shall contain all information required by the Agency pursuant to Section 39.5 of the Act [415 ILCS 5/39.5] or reference such information if previously submitted to the Agency, including the following information:
- 1) Data sufficient to establish the appropriate baseline emissions for the source in accordance with Section 205.320 of this Subpart, including but not limited to the following:
 - A) VOM emissions data and production types and levels from the baseline emissions year(s), as specified in Section 205.320(a)(1), (b) or (c) of this Subpart, as appropriate;
 - B) If the source is proposing a substitute baseline emissions year(s), as provided in Section 205.320(a)(2) of this Subpart, a justification that the year is more representative than 1994, 1995 or 1996, including data on production types and levels from the proposed substitute year(s) and historical production data, as needed to

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justify that the proposed substitute year(s) is representative; and

- C) If the source is proposing a baseline emissions adjustment based on voluntary over-compliance, as provided in Section 205.320(d) of this Subpart, sufficient information for the Agency to determine the appropriate adjustment;
- 2) A description of methods and practices used to determine baseline emissions and that will be used to determine seasonal emissions for purposes of demonstrating compliance with this Part, in accordance with Sections 205.330 and 205.335 of this Subpart;
 - 3) Identification of any emission unit for which exclusion from further reductions is sought pursuant to Section 205.405(b) of this Part and including all of the information required pursuant to Section 205.405(b) of this Part;
 - 4) Identification of any emission unit excluded from further reductions pursuant to Section 205.405(a) of this Part; and
 - 5) Identification of any new or modified emission unit for which a construction permit was issued prior to January 1, 1998, but for which three years of operational data is not available, and the permitted VOM emissions or the permitted increase in VOM emissions from such emission unit(s), adjusted for the seasonal allotment period.
- c) Except as provided in subsection (h) of this Section, the ERMS application submitted by each participating source shall also be an application for a significant modification of its CAAPP permit [or a revision to its FESOP](#), or a revision to its CAAPP [or FESOP](#) application if a CAAPP permit [or FESOP](#) has not yet been issued for the source.
- d) The ERMS application for any source that elects to reduce its seasonal emissions by at least 18 percent from its baseline emissions, as provided in Section 205.205(b) of this Part, shall include:
- 1) VOM emissions data sufficient to establish the appropriate baseline emissions for the source in accordance with Section 205.320 of this Subpart; and

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- 2) A description of methods and practices used to determine baseline emissions and that will be used to demonstrate that its seasonal emissions will be at least 18 percent less than its baseline emissions, in accordance with Sections 205.330 and 205.335 of this Subpart.
- e) Within 120 days after receipt of an ERMS application, the Agency shall provide written notification to the source of a preliminary baseline emissions determination. Public notice of a draft CAAPP permit in accordance with Section 39.5(8) of the Act [415 ILCS 5/39.5(8)] shall fulfill this requirement for a preliminary baseline emissions determination if issued within 120 days.
- f) The ERMS application for each source applying for a major modification, as provided in subsection (a)(3) of this Section, shall include the information specified in subsection (b) of this Section and a certification by the owner or operator recognizing that the source will be required to hold ATUs by the end of each reconciliation period in accordance with Section 205.150(c)(2) of this Part, and provide a plan explaining the means by which it will obtain ATUs for the VOM emissions attributable to the major modification for the first three seasonal allotment periods in which this major modification is operational.
- g) The ERMS application for each new participating source shall include:
 - 1) A description of methods and practices that will be used to determine seasonal emissions for purposes of demonstrating compliance with this Part, in accordance with Sections 205.330 and 205.335 of this Subpart;
 - 2) A certification by the owner or operator recognizing that the source will be required to hold ATUs by the end of each reconciliation period in accordance with Section 205.150(d) of this Part for each seasonal allotment period in which it is operational; and
 - 3) If the source is a new major source subject to 35 Ill. Adm. Code 203, a plan explaining means by which it will obtain such ATUs for the first three seasonal allotment periods in which it is operational.
- h) The owner or operator of any participating source that has identified a new or modified emission unit, as specified in subsection (b)(5) of this Section, shall submit a written request for, or an application for, a revised emissions baseline and allotment. Such written request or application shall be submitted by December 1 of the year of the third complete seasonal allotment period in which

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such newly constructed emission unit is operational, which submittal shall include information on the seasonal emissions for these first three seasonal allotment periods.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.315 CAAPP Permits for ERMS Sources

- a) Except as provided in Section 205.316(c) of this Subpart, the~~The~~ Agency shall determine the baseline emissions for each participating source in accordance with Section 205.320 of this Subpart, through its final permit action on a new or modified CAAPP permit for ~~the~~~~each~~~~such~~ source. The Agency's baseline emissions determination may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act [415 ILCS 5/40.2]. If the permit conditions establishing a source's baseline emissions are appealed, the baseline emissions for the source shall be as proposed in the source's ERMS application during the pendency of the appeal. During the pendency of the appeal, ATUs shall be allotted to the source pursuant to the part of the source's proposed baseline emissions that is not disputed in the appeal. If such source's seasonal VOM emissions exceed the ATUs it holds at the end of reconciliation periods during the pendency of the appeal, the source will not be deemed to have had an emissions excursion to the extent that such seasonal VOM emissions do not exceed the amount it proposed as its baseline in its ERMS application, less reductions required pursuant to Section 205.400(c) or (e) of this Part, if applicable. Such source shall not be allowed to sell ATUs during the pendency of the appeal.
- b) Except as provided in Section 205.316(c) of this Subpart, the~~The~~ Agency shall determine, in accordance with Sections 205.330 and 205.335 of this Subpart, the methods and practices applicable to each participating source and new participating source to determine seasonal emissions through its final permit action on a new or modified CAAPP permit for ~~the~~~~each~~~~such~~ source. The Agency's determination of the methods and practices applicable may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act [415 ILCS 5/40.2].
- c) Except as provided in Section 205.316(c) of this Subpart, the~~The~~ Agency shall determine, in accordance with Section 205.405(b) of this Part, if an emission unit qualifies for exclusion from further reductions in its final permit action on a new or modified CAAPP permit for each such source. The Agency's determination

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may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act [415 ILCS 5/40.2]. If the permit conditions establishing the Agency's BAT determination are appealed, ATUs shall be allotted to the source for any emission unit for which the Agency's BAT determination is being appealed with the emissions reduction required by Section 205.400(c) or (e) of this Part during the pendency of the appeal. If the seasonal VOM emissions for the subject emission unit(s) exceed the ATUs that are attributed to the unit(s) during the pendency of the appeal, the source will not be deemed to have an emissions excursion to the extent that such seasonal VOM emissions do not exceed the amount of ATUs that would be attributed to this unit if the BAT exclusion was accepted. Such source shall not be allowed to sell ATUs during the pendency of the appeal.

- d) The [CAAPP permit for allotment for each](#) participating source [shall specify the allotment](#) for each seasonal allotment period ~~shall be specified in its CAAPP permit~~.
- e) To the extent possible, the Agency shall initiate the procedures of 35 Ill. Adm. Code 252, as required by Section 39.5 of the Act [415 ILCS 5/39.5], by grouping the draft CAAPP permits and supporting documents for participating sources. Specifically, to the extent possible, the Agency shall issue a joint public notice and hold a joint hearing, as appropriate, addressing participating sources for which a hearing is requested.
- f) When a CAAPP permit for a participating source is transferred from the current permittee to another person:
 - 1) In the case of a name change of the participating source where ownership is not altered, appropriate documentation shall be submitted to revise the Transaction Account to reflect the name change; or
 - 2) In the case of an ownership change of the participating source, the allotment shall also be transferred by the owner or operator of the permitted source to the new owner or operator, or the new owner or operator shall submit a statement to the Agency certifying that such transfer is not occurring and demonstrating that necessary ATUs are or will be available by other means for the intended operation of the source.
- g) Upon reopening or renewal of the CAAPP permit for any participating source or new participating source, any multiple season transfer agreement, as provided in

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Section 205.630(a)(2)(B) of this Part, that has three or more years of transfers remaining shall be identified in the renewed or reissued CAAPP permit for each such source.

- h) Upon reopening or renewal of the CAAPP permit for any participating source or new participating source, any ATUs that will be issued by the Agency for three years or more to any such source pursuant to Section 205.410, 205.500 or 205.510 of this Part shall be identified in the renewed or reissued CAAPP permit for each such source.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.316 Federally Enforceable State Operating Permits for ERMS Sources

- a) Any participating or new participating source shall not operate without a CAAPP permit or FESOP.
- 1) If a source has a CAAPP permit containing ERMS provisions and the source elects to obtain a different permit in lieu of the CAAPP permit, the source shall apply for and obtain a FESOP that contains ERMS provisions, including, but not limited to, emissions calculation methodologies, baseline emissions, and allotment for each seasonal allotment period, all of which are identical to those provisions contained in its CAAPP permit.
- 2) If a participating or new participating source does not have a CAAPP permit containing ERMS provisions and the source elects to obtain a permit other than a CAAPP permit, the source shall apply for and obtain a FESOP that contains, in addition to other necessary provisions, federally enforceable ERMS provisions, including baseline emissions, allotment for each seasonal allotment period, identification of any units deemed to be insignificant activities for the purposes of the ERMS, emissions calculation methodologies, and provisions addressing all other applicable requirements of this Part.
- b) When determining the baseline emissions and allotment for a participating source as required under subsection (a)(2) of this Section:
- 1) The Agency shall determine baseline emissions in accordance with Section 205.320 of this Subpart, through its final permit action on the new or modified FESOP for the source. The Agency's baseline emissions

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determination may be appealed in accordance with the appeal procedures specified in Section 40 of the Act [415 ILCS 5/40]. If the permit conditions establishing a source's baseline emissions are appealed, the baseline emissions for the source shall be as proposed in the source's ERMS application during the pendency of the appeal. During the pendency of the appeal, ATUs shall be allotted to the source pursuant to the part of the source's proposed baseline emissions that is not disputed in the appeal. If such source's seasonal VOM emissions exceed the ATUs it holds at the end of reconciliation periods during the pendency of the appeal, the source will not be deemed to have had an emissions excursion to the extent that such seasonal VOM emissions do not exceed the amount it proposed as its baseline in its ERMS application, less reductions required pursuant to Section 205.400(c) or (e) of this Part, if applicable. Such source shall not be allowed to sell ATUs during the pendency of the appeal.

2) The Agency shall determine, in accordance with Section 205.405(b) of this Part, if an emission unit qualifies for exclusion from further reductions in its final permit action on a new or modified FESOP for the source. The Agency's determination may be appealed in accordance with the appeal procedures specified in Section 40 of the Act [415 ILCS 5/40]. If the permit conditions establishing the Agency's BAT determination are appealed, ATUs shall be allotted to the source for any emission unit for which the Agency's BAT determination is being appealed with the emissions reduction required by Section 205.400(c) or (e) of this Part during the pendency of the appeal. If the seasonal VOM emissions for the subject emission unit(s) exceed the ATUs that are attributed to the unit(s) during the pendency of the appeal, the source will not be deemed to have an emissions excursion to the extent that such seasonal VOM emissions do not exceed the amount of ATUs that would be attributed to this unit if the BAT exclusion was accepted. Such source shall not be allowed to sell ATUs during the pendency of the appeal.

c) The Agency shall determine, in accordance with Sections 205.330 and 205.335 of this Subpart, the methods and practices applicable to the participating source or new participating source to determine seasonal emissions through its final permit action on the new or modified FESOP for such source. The Agency's determination of the methods and practices applicable may be appealed in accordance with the appeal procedures specified in Section 40 of the Act [415 ILCS 5/40].

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- d) When a FESOP for a participating source is transferred from the current permittee to another person:
- 1) In the case of a name change of the participating source where ownership is not altered, appropriate documentation shall be submitted to revise the Transaction Account to reflect the name change; or
 - 2) In the case of an ownership change of the participating source, the allotment shall also be transferred by the owner or operator of the permitted source to the new owner or operator, or the new owner or operator shall submit a statement to the Agency certifying that such transfer is not occurring and demonstrating that necessary ATUs are or will be available by other means for the intended operation of the source.
- e) Upon reopening or renewal of the FESOP for any participating source or new participating source, any multiple season transfer agreement, as provided in Section 205.630(a)(2)(B) of this Part, that has three or more years of transfers remaining shall be identified in the renewed or reissued FESOP for such source.
- f) Upon reopening or renewal of the FESOP for any participating source or new participating source, any ATUs that will be issued by the Agency for three years or more to any such source pursuant to Section 205.410, 205.500 or 205.510 of this Part shall be identified in the renewed or reissued FESOP for such source.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 205.318 Certification for Exempt CAAPP Sources

The owner or operator of any source that is located in the Chicago ~~ozone nonattainment~~ area that is required to obtain a CAAPP permit, and has seasonal emissions, as determined in accordance with Section 205.320(a) of this Subpart, of less than 10 tons shall submit a written certification to the Agency by March 1, 1998, certifying that its VOM emissions are below 10 tons per season as specified in Section 205.320(a) of this Subpart. Such certification shall include the amount of VOM emissions at the source during the 1994, 1995, 1996 and 1997 seasonal allotment periods, and supporting calculations.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.320 Baseline Emissions

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- a) Except as provided in subsection (b) or (c) of this Section, baseline emissions shall be determined by the Agency in accordance with the following, adjusted as specified in subsections (d), (e) and (f) of this Section:
- 1) Baseline emissions shall be calculated using the average of the two seasonal allotment periods with the highest VOM emissions during 1994, 1995 or 1996.
 - 2) Any source may propose to substitute seasonal emissions on a year-for-year basis due to non-representative conditions in 1994, 1995 or 1996, but must stay within the period from 1990 through 1997, and must have accurate seasonal emissions data for the substitute year(s). When considering whether to substitute a seasonal baseline emission year(s), the Agency must consider the information submitted by the source pursuant to Section 205.310(b)(1)(B) of this Subpart, as well as the accuracy of that data. For the purposes of this subsection (a)(2) "non-representative conditions" include, but are not limited to, events such as strikes, fires, floods and market conditions.
- b) Except as provided in subsection (c) of this Section, for For any source that has seasonal emissions of less than 10 tons, as determined in accordance with subsection (a) of this Section, but becomes a participating source because its seasonal emissions increase to 10 tons or more in any seasonal allotment period beginning with 1999, baseline emissions shall be determined by the Agency based on actual VOM emissions from the first seasonal allotment period in which the source's sources emissions equaled or exceeded 10 tons, adjusted as specified in subsections (d), (e) and (f) of this Section, provided such emissions increase is not a major modification pursuant to 35 Ill. Adm. Code 203.
- c) For any source that has seasonal emissions of less than 10 tons, as determined in accordance with subsection (a) of this Section, but becomes a participating source because its seasonal emissions increase to 10 tons or more in any seasonal allotment period beginning with 1999 and this emissions increase constitutes a major modification pursuant to 35 Ill. Adm. Code 203, baseline emissions shall be determined by the Agency based on the average of the actual seasonal emissions from the two seasonal periods prior to a timely submittal of its application for the major modification, adjusted as specified in subsections (d) and (e) of this Section. Any such source may substitute seasonal emissions on a year-for-year basis due to non-representative conditions in either of the two seasonal allotment

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periods prior to submittal of its application for the major modification but must stay within the five year period prior to submittal of such application. For the purposes of this subsection, "non-representative conditions" include, but are not limited to, conditions such as strikes, fires, floods and market conditions.

- d) The baseline emissions of any participating source shall be increased for voluntary over-compliance that occurred after October 31, 1990 and results in a VOM emissions level that is lower than the level required by applicable requirements effective in 1996, including limitations in the source's permit(s) based on such applicable requirements. Voluntary over-compliance shall be determined in accordance with the following:
- 1) Determine the actual activity or production types and levels from the seasonal allotment period(s) selected for baseline emissions pursuant to subsection (a), (b) or (c) of this Section;
 - 2) Determine seasonal emissions for each emission unit as the product of the amount of activity or production, as determined in accordance with subsection (d)(1) of this Section, and the actual emissions level;
 - 3) Determine seasonal emissions for each emission unit as the product of the amount of activity or production, as determined in accordance with subsection (d)(1) of this Section, and the allowable emissions level pursuant to all applicable requirements effective through 1996, including limitations in the source's permit(s) based on such applicable requirements; and
 - 4) Determine the appropriate adjustment to baseline emissions by subtracting the seasonal emissions determined pursuant to subsection (d)(2) of this Section from the seasonal emissions determined pursuant to subsection (d)(3) of this Section.
- e) The baseline emissions of any participating source shall be decreased if any of the following circumstances exist:
- 1) If a source is out of compliance with any applicable requirements, including limitations in the source's permit(s) based on such applicable requirements, in any of the seasonal allotment periods used for baseline emissions, its baseline emissions shall be lowered to reflect the amount of VOM emissions that would be achieved if in compliance with such

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requirements.

- 2) If any of the seasonal allotment periods selected for baseline emissions do not reflect compliance with requirements effective through 1996 that became applicable after any of the years selected as baseline years, the source's baseline emissions shall be lowered to reflect the amount of VOM emissions that would be achieved if in compliance with such requirements.
- 3) If, in any of the years selected for baseline emissions, a source's VOM emissions are in excess of the amount of VOM emissions allowed by applicable rules because it has been granted a variance, has entered into a consent order, or is operating pursuant to a CAAPP permit compliance schedule, the baseline emissions for such source shall be lowered to reflect the VOM emissions amount that would be achieved if in compliance with such requirements, subject to the following:
 - A) Each such source shall be allowed to emit VOM emissions in excess of the ATUs it holds at the end of the reconciliation period each year until compliance with the applicable regulation is achieved, or upon expiration of the relief allowed for in the variance, consent order or CAAPP permit compliance schedule, whichever occurs first;
 - B) Such excess VOM emissions shall be allowed to the extent allowed in the variance, consent order or CAAPP permit compliance schedule; and
 - C) The seasonal component of the Annual Emissions Report for each such source shall be adjusted each year until compliance with the applicable requirement(s) is achieved, or upon expiration of the relief allowed for in the variance, consent order or CAAPP permit compliance schedule, whichever occurs first, as specified in subsection (e)(3)(B) of this Section.
- 4) For any participating source that operated with excess emissions during startup, malfunction or breakdown during any year used to determine its baseline emissions, whether or not such operation was authorized pursuant to the source's permit, excess VOM emissions attributable to startup, malfunction or breakdown shall be excluded from the baseline emissions.

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- f) For new or modified emission units at a source for which a construction permit was issued prior to January 1, 1998, but for which three years of operational data is not available, the baseline emissions determination for the source shall include VOM emissions from such new emission unit or the increase in emissions from the modification of such emission unit based on the two seasonal allotment periods with the highest VOM emissions from the first three complete seasonal allotment periods in which any such new or modified emission unit is operational. ATUs shall only be issued in accordance with this subsection after the baseline emissions has been determined. Any such source shall not be required to hold ATUs for VOM emissions attributable to the new emission unit or the modification of the existing emission unit for the first three complete seasonal allotment periods in which it is operational.
- g) For any source which acquired emission reduction credits pursuant to a written agreement, entered into prior to January 1, 1998, and such emission reduction credits were acquired for use as emissions offsets, in accordance with 35 Ill. Adm. Code 203, such emission reduction credits, adjusted for the seasonal allotment period, and reduced by 24 percent, shall be included in the baseline emissions determination for the source, only to the extent that:
- 1) The Agency has issued a federally enforceable permit, prior to January 1, 1998, to the source from which the emission reduction credits were acquired, and such federally enforceable permit recognized the creation of the VOM emission reduction credits by the cessation of all VOM-emitting activities and the withdrawal of the operating permits for VOM-emitting activities at such other sources; and
 - 2) The Agency has not relied upon the emission reduction credits to demonstrate attainment or reasonable further progress.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.330 Emissions Determination Methods

The owner or operator of a participating source or new participating source shall determine VOM emissions from the source during the seasonal allotment period using methods as necessary to demonstrate compliance with this Part. Such methods shall be, at a minimum, as stringent as those required by any applicable requirement and any permit condition. The Agency shall establish the emissions determination methods applicable to each such source in the

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source's CAAPP permit [or FESOP](#). The following methods, in conjunction with relevant source-specific throughput and operating data, are acceptable methods a source may use to determine seasonal emissions, depending on the type of emission unit:

- a) Material balance calculation, based on the VOM content of raw materials and recovered materials, as is typically used for degreasers, coating lines, and printing lines equipped with a carbon adsorption system (recovery-type control device) or without any control device;
- b) A standard engineering formula for estimation of emissions, as is typically used for storage and transfer of volatile organic liquids;
- c) A source-specific emission factor(s), based on representative testing and sampling data and appropriate analysis, as typically used for petroleum refining processes;
- d) A published USEPA emission factor(s), as is typically used for component leaks;
- e) A source-specific emission rate or VOM control efficiency, based on representative testing, as is typically used for chemical processes and afterburners (destruction-type control device), respectively;
- f) A method not listed above that is sufficient to demonstrate compliance with this Section; or
- g) An appropriate combination of the above methods, as typically used for a coating or printing line equipped with a control device, where the available emissions are determined by material balance and the control efficiency is determined by representative testing.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.335 Sampling, Testing, Monitoring and Recordkeeping Practices

The owner or operator of a participating source or new participating source shall conduct sampling, perform testing, conduct monitoring and maintain records as needed to support its method for determining seasonal emissions in accordance with Section 205.330 of this Subpart and to demonstrate compliance with this Part. Such sampling, testing, monitoring and recordkeeping shall be, at a minimum, as stringent as that required by any applicable requirement and any permit condition. The Agency shall establish the practices applicable to each such source in the source's CAAPP permit [or FESOP](#).

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.337 Changes in Emission Determination Methods and Sampling, Testing, Monitoring and Recordkeeping Practices

- a) The methods used for determining seasonal emissions from a source shall generally be consistent with the methods used to determine its baseline emissions unless the source's permit accommodates the use of alternate methods to determine VOM emissions.
- b) Modification of Methods and Practices
 - 1) If a source proposes new or revised methods to determine VOM emissions or new or revised supporting practices for sampling, testing, monitoring or recordkeeping that differ significantly from the methods and practices specified by its current permit, the source shall obtain a revised [CAAPP](#) permit in accordance with the procedures specified in Section 39.5 of the Act [415 ILCS 5/39.5], [or a revised FESOP](#), prior to relying on such methods and practices.
 - 2) The Agency shall issue a revised permit if it finds, based upon submission of an appropriate permit application, that the proposed methods or practices are needed or appropriate to address changes in the operation of the source or emission units that were not considered when the current permit was issued, that the proposed methods and procedures will not significantly affect the determination of actual seasonal emissions, or that the proposed methods and procedures incorporate new or improved analytical techniques or estimation methods that will increase the accuracy with which actual seasonal emissions are determined, and other applicable requirements for issuance of a revised permit are met.
 - 3) If the Agency approves the use of a modified method or practice, the Agency is authorized to determine a corrected baseline and thereafter issue ATUs in accordance with Section 205.400(c) of this Part pursuant to this corrected baseline.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART D: SEASONAL EMISSIONS MANAGEMENT

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Section 205.400 Seasonal Emissions Allotment

- a) Each participating source shall receive an allotment which shall be issued by the Agency and distributed in ATUs.
- b) Except for ATUs issued pursuant to Sections 205.500 and 205.510 of this Part, ATUs issued for any seasonal allotment period are valid for use during the seasonal allotment period following issuance and the next succeeding seasonal allotment period. All ATUs shall be valid until such ATUs expire or are retired.
- c) The initial allotment for each participating source shall be based on the baseline emissions for such source, as determined in accordance with Section 205.320 of this Part, and shall be reduced by 12 percent in 1999 or in such other year that a source is issued its initial allotment, except as provided in Section 205.405 of this Subpart.
- d) Except as provided in Section 205.337(b)(3) of this Part and subsections (c) and (e) of this Section, allotments shall remain at 1999 or initial levels unless the Agency makes a demonstration to the Board, in accordance with the rulemaking provisions of Sections 9.8, 27 and 28 of the Act [415 ILCS 5/9.8, 27 and 28], that further reductions are needed. An allotment or a baseline under this Part does not constitute a property right. Nothing in this Part shall be construed to limit the authority of the Board to terminate or limit such allotment or baseline pursuant to its rulemaking authority under Sections 9.8, 27 and 28 of the Act [415 ILCS 5/9.8, 27 and 28].
- e) If the baseline emissions for any participating source are increased in accordance with Section 205.320(f) of this Part, the allotment shall be increased by the modified portion of the baseline emissions amount, reduced by 12 percent, except as provided in Section 205.405 of this Subpart.
- f) Except as provided in subsection (h) of this Section, any new participating source shall not be issued ATUs by the Agency, but shall be required to hold ATUs at the end of the reconciliation period as specified in Section 205.150(d) of this Part for each seasonal allotment period in which it is operational.
- g) Any source existing as of May 1, 1999, which first becomes subject to the requirements of this Part because its seasonal emissions increase to 10 tons or more as a result of a major modification pursuant to 35 Ill. Adm. Code 203, in any

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seasonal allotment period beginning with 1999, shall not be allotted ATUs by the Agency for the VOM emissions attributable to this modification, except as provided in subsection (h) of this Section, but shall be allotted ATUs by the Agency based on its baseline emissions, as determined in accordance with Section 205.320 of this Part. Any such participating source shall be required to hold ATUs at the end of the reconciliation period as specified in Section 205.150(c) of this Part, for each seasonal allotment period in which it is subject to this Part.

- h) If a participating source or new participating source submits an ATU transfer agreement authorizing the transfer of ATUs for more than one year, as provided in Section 205.630(a)(2)(B) of this Part, the ATUs shall be automatically transferred by the Agency from the transferor's Transaction Account to the transferee's Transaction Account. Upon reopening or renewal of the CAAPP permit [or FESOP](#) for any such source, any multiple season transfer agreement that has three or more years of transfers remaining shall be identified in the renewed or reissued CAAPP permit [or FESOP](#) for each such source.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.405 Exclusions from Further Reductions

- a) VOM emissions from the following emission units, if satisfying subsection(a)(1), (a)(2) or (a)(3) of this Section prior to May 1, 1999, shall be excluded from the VOM emissions reductions requirements specified in Section 205.400(c) and (e) of this Subpart as long as such emission units continue to satisfy subsection (a)(1), (a)(2) or (a)(3) of this Section:
- 1) Emission units that comply with any NESHAP or MACT standard promulgated pursuant to the CAA;
 - 2) Direct combustion emission units designed and used for comfort heating purposes, fuel combustion emission units and internal combustion engines; and
 - 3) An emission unit for which a LAER demonstration has been approved by the Agency on or after November 15, 1990.
- b) When it is determined that an emission unit is using, prior to May 1, 1999, BAT for controlling VOM emissions, VOM emissions from such emission unit shall not be subject to the VOM emissions reductions requirement specified in Section

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205.400(c) or (e) of this Subpart as long as such emission unit continues to use such BAT. The owner or operator of a source may request such exclusion from further reductions by providing the following information, in addition to the information required in Section 205.310 of this Part, in its ERMS application:

- 1) Identification of each emission unit for which exclusion is requested, including the year of initial operation of such emission unit;
 - 2) Identification of all requirements applicable to the emission unit;
 - 3) A demonstration that the emission unit is using BAT for controlling VOM emissions;
 - 4) Identification of the permitted VOM emissions from the emission unit;
 - 5) VOM emissions from the emission unit for each seasonal allotment period used in the baseline emissions determination for the source; and
 - 6) A description and quantification of any reductions in VOM emissions that were achieved at the emission unit or source based on its use of BAT.
- c) As part of its review of an ERMS application or application for a modified allotment, the Agency may determine that any such emission unit qualifies for exclusion from further reductions under subsection (a) or (b) of this Section. The Agency shall make its proposed determination in a draft CAAPP permit [or FESOP](#) subject to public notice and participation, accompanied by an explanation of its proposed action.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.410 Participating Source Shutdowns

- a) If a participating source shuts down all operations at the source, and withdraws its permit or its permit is revoked or terminates, allotments issued to such a source for each seasonal allotment period after the shutdown occurred shall be subject to the following:
 - 1) 80 percent of all such ATUs shall continue to be allotted to the owner or operator of such source or its duly authorized recipient; and

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- 2) 20 percent of all such ATUs shall be issued to the ACMA.
- b) Except as provided in subsection (c) of this Section, the owner or operator of any participating source that shuts down all operations, in accordance with subsection (a) of this Section, shall submit a written request to have its status changed to a general participant, upon withdrawal, revocation or termination of its permit.
- c) The owner or operator of any participating source that shuts down all operations, in accordance with subsection (a) of this Section, may authorize the issuance of future ATUs to the Transaction Account of another participating source, new participating source or general participant by submitting a transfer agreement authorizing a permanent transfer of all future ATUs. The CAAPP permit [or FESOP](#) of any participating source or new participating source designated to receive future allotments of ATUs pursuant to such a transfer agreement shall be modified to reflect this transfer upon reopening or renewal. Any ATUs issued pursuant to a transfer agreement entered into under this subsection before shut down of all operations of the participating source shall not be subject to subsection (a) of this Section.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART E: ALTERNATIVE ATU GENERATION

Section 205.500 Emissions Reduction Generator

Any participating source, new participating source or general participant may submit a proposal for issuance of ATUs to it based on VOM emissions reductions, as specified in subsection (a) of this Section, achieved by any source or group of sources located in the Chicago ~~ozone non-attainment~~ area with an operating permit(s) other than a participating source or new participating source. The owner or operator of each source from which the VOM emissions reductions have been or will be achieved shall certify its acceptance of the terms of the proposal and that it has achieved or will achieve the emissions reductions specified in the proposal. An emissions reduction generator may apply for a modification to its operating permit to incorporate limitations that make the VOM emissions reductions specified in the relevant proposal enforceable.

- a) ATUs will only be issued pursuant to this Section if based on actual VOM emissions reductions that meet one or more of the following:
 - 1) If, based on the same actual production rate, VOM emissions at the source

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for any seasonal allotment period beginning in 1999 are or will be lower due to the use of technology or materials at the source than if operating at the same production rate at the emissions level allowed by applicable requirements effective in 1996 or any requirements included in the State Implementation Plan, provided such reductions occurred after 1990;

- 2) The source shuts down a portion or all of its operation(s) after 1996 and withdraws the relevant operating permit(s), provided the VOM emissions from the shut down activity or activities will not be distributed elsewhere within the Chicago ~~ozone nonattainment~~ area;
 - 3) The source(s) curtails its seasonal production activity resulting in an actual reduction in VOM emissions during any seasonal allotment period beginning in 1999, provided the VOM emissions from the curtailment will not be distributed elsewhere within the Chicago ~~nonattainment~~ area. Such emissions reduction shall be based on the difference between the average production level for the two seasonal allotment periods prior to the year of curtailment and the curtailed production level, calculated at the VOM emission rate allowed by applicable requirements effective in 1996; or
 - 4) The source shuts down operations or curtails seasonal production activity as described in subsections (a)(2) and (a)(3) of this Section, respectively, and the VOM emissions from the shut down activity or activities or curtailment will be distributed to a participating or new participating source or sources within the Chicago ~~ozone nonattainment~~ area, and the proposal provides that all ATUs issued pursuant to this Section on account of such shut down or curtailment are to be issued to the corresponding participating or new participating source or sources.
- b) If any proposal is based on a shut down of operations, as specified in subsection (a)(2) of this Section, that results in seasonal emissions reductions of 10 tons or more, 20 percent of ATUs issued based on such an emissions reduction generator proposal shall be allocated to the ACMA.
 - c) Any proposal based on seasonal emissions reductions of 10 tons or more and the Agency's approval thereof shall be subject to the public notice requirements [in accordance with the regulations governing CAAPP permits or FESOP issuance of Section 39.5 of the Act \[415 ILCS 5/39.5\]](#).
 - d) Any proposal submitted shall include the following:

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- 1) Information identifying the source(s) from which the VOM emissions reductions has been or will be achieved and its owner or operator;
 - 2) An explanation of the method used to achieve the VOM emissions reductions;
 - 3) Relevant information describing the nature of the underlying activity that generated the VOM emissions and the relationship of the units at which the VOM emissions reduction occurred to other units or sources performing the same or related activity in the Chicago ~~ozone nonattainment~~ area, if the VOM emissions reduction is attributable to a partial or complete source shutdown or a production curtailment, as specified in subsection (a)(2), (a)(3) or (a)(4) of this Section;
 - 4) The amount of VOM emissions for the two seasonal allotment periods prior to the year(s) of curtailment, including supporting calculations, if the VOM emissions reduction is attributable to a production curtailment as specified in subsection (a)(3) or (a)(4) of this Section;
 - 5) The amount of the VOM emissions reduction, including supporting calculations and documentation, such as material usage information;
 - 6) The name and address of the participating source(s), new participating source(s) or general participant(s) to which ATUs will be issued, including the name and telephone number of the account officer for such source or participant; and
 - 7) The owner or operator of each proposed emission reduction generator shall certify its acceptance of the terms of the proposal and certify that it has achieved or will achieve the emissions reductions specified in the proposal.
- e) The owner or operator of any emissions reduction generator may modify its operating permit to incorporate limitations that make the VOM emissions reductions specified in the relevant proposal enforceable.
 - f) If the emissions reduction generator does not modify its permit, as specified in subsection (e) of this Section, or experiences a shutdown, as specified in subsection (a)(2) or (a)(4) of this Section, and the proposal is submitted prior to

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the availability of actual VOM emissions data from the relevant seasonal allotment period, the Agency shall determine if the proposal is acceptable on a preliminary basis and provide notification of this determination. The Agency shall not issue final approval, in accordance with subsection (g) of this Section, of any such proposal until the actual VOM emissions data is submitted.

- g) The Agency shall notify the participating source, new participating source or general participant in writing of its final decision with respect to the proposal within 45 days after receipt of such proposal or receipt of VOM emissions data to verify that the specified reductions occurred, whichever occurs later. If the Agency denies or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for denying or modifying the proposal. The Agency's determination as to the approvability of any proposal submitted pursuant to this Section is subject to review by the Board as provided at 35 Ill. Adm. Code 105.102, provided the proposed emissions reduction generator is not requesting a permit revision. If such a permit revision is requested, the applicable permit review and appeal procedures shall apply.
- h) If the Agency deems that the proposal is sufficient to receive final approval, the Agency shall issue ATUs in accordance with the following:
- 1) Any ATUs issued pursuant to this subsection shall be issued to the participating source(s), new participating source(s) or general participant identified in the proposal;
 - 2) If the emissions reduction generator modifies its operating permit as specified in subsection (e) of this Section, to incorporate limitations that make the VOM emissions reductions specified in the relevant proposal enforceable, ATUs shall be issued on the date such source is required to comply with the limitations in the permit and for each seasonal allotment period thereafter in which the VOM emissions reductions are required by the source's permit;
 - 3) If the proposal is based on a partial or complete shut down, as specified in subsection (a)(2) or (a)(4) of this Section, ATUs shall be issued before the seasonal allotment period for each year specified in the proposal;
 - 4) If the emissions reduction generator does not modify its permit and the proposal is submitted prior to the availability of actual VOM emissions data from the relevant seasonal allotment period(s), the Agency shall issue

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ATUs upon final approval which shall occur after actual VOM emissions data is evaluated for the relevant seasonal allotment period;

- 5) If the emissions reduction generator includes information on actual VOM emissions reductions during the seasonal allotment period for which ATUs are sought, ATUs will be issued by the Agency upon final approval of the proposal;
- 6) Except as provided in subsection (h)(7) of this Section, ATUs issued pursuant to this subsection shall only be valid for the seasonal allotment period in which the emissions reductions were achieved;
- 7) If the VOM emissions reductions specified in a proposal are incorporated into the emissions reduction generator's permit or, if the emissions reduction generator shuts down all or a portion of its operations and withdraws all relevant operating permits, ATUs issued pursuant to this subsection shall be valid for the seasonal allotment period following issuance and for the next seasonal allotment period; and
- 8) The number of ATUs issued pursuant to subsection (h)(2) or (h)(3) of this Section based on a proposal under subsection (a)(4) of this Section shall be equal to the number of ATUs otherwise issuable under this Section reduced by 12 percent.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.510 Inter-Sector Transaction

Any person may submit a proposal to the Agency to have ATUs issued to the Transaction Account of a participating source, new participating source or general participant equivalent to VOM emissions reductions from mobile sources or area sources [in the Chicago area](#). Any such proposal for the VOM emissions reduction project is subject to Agency review and approval, shall be consistent with laws and regulations and shall include all supporting documentation. The Agency shall review all such proposals in accordance with the following:

- a) **Regulatory Based Proposal**
If the VOM emission reductions that have been generated or will be generated are pursuant to a regulation that provides the procedure to determine VOM emissions reductions and allows for such reductions to be converted to ATUs, the Agency shall approve the proposal if based on the provisions of the applicable regulation.

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The Agency shall approve, conditionally approve or deny any complete and adequately supported proposal within 45 days after the Agency's receipt thereof by sending written notification of its decision. If the Agency denies or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for denying or modifying the proposal.

- b) **Other Proposals**
If the proposal is based on VOM emissions reductions that have been generated or will be generated which are beyond VOM emissions reductions required by any mandatory applicable rules, the proposal shall include an explanation of the method(s) used to achieve the VOM emissions reductions and the method(s) used to quantify the VOM emissions reductions, including supporting documentation and calculations. The Agency shall evaluate the validity of VOM emission reductions that allegedly were generated or will be generated and approve, conditionally approve or deny any complete proposal within 90 days after the Agency's receipt by sending written notification of its decision to the source. If the Agency denies or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for denying or modifying the proposal.
- c) No ATUs shall be issued based on mobile or area source VOM emissions reductions unless a proposal, in accordance with this Section, has been approved by the Agency.
- d) All ATUs issued pursuant to a proposal approved pursuant to this Section shall be issued to the Transaction Account identified in the proposal. Such ATUs shall only be valid for the seasonal allotment period in which the emissions reductions were achieved, unless the Agency specifies in its approval that such ATUs shall be valid for the seasonal allotment period following issuance and for the next seasonal allotment period.
- e) The Agency's determination that a proposal submitted pursuant to this Section is denied or conditionally approved is subject to review by the Board as provided at 35 Ill. Adm. Code 105.102.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART F: MARKET TRANSACTIONS

Section 205.610 Application for Transaction Account

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- a) Each participating source, new participating source and general participant shall apply for and obtain authorization for a Transaction Account from the Agency prior to conducting any market transactions. Each participating source shall submit to the Agency its completed application for a Transaction Account no later than 30 days prior to the beginning of the first seasonal allotment period in which the source is required to participate. Each new participating source shall submit to the Agency its completed application for a Transaction Account no later than 30 days prior to the beginning of the first seasonal allotment period in which it is operational.
- b) Each Transaction Account application shall include the following information:
- 1) The name and address of the participating source, new participating source or general participant, and the name and address of its owner or operator;
 - 2) The names and addresses of all designated account officers;
 - 3) The certification specified in Section 205.620(a)(5) of this Subpart signed by each account officer; and
 - 4) For a participating source or new participating source, identification of the CAAPP permit [or FESOP](#) number for the source.
- c) **Special Participants**
Any person may purchase ATUs to retire for air quality benefit only. Such person shall be a special participant and shall register with the Agency prior to its first ATU purchase. Special participants will not have Transaction Accounts in the Transaction Account database. All ATUs purchased by special participants will be retired effective on the date of purchase and will be listed as retired in the appropriate database.
- d) Special participants will be given a registration number by the Agency so that their purchases of ATUs can be recorded.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART G: PERFORMANCE ACCOUNTABILITY

Section 205.700 Compliance Accounting

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- a) The owner or operator of each participating source or new participating source shall maintain and retain for five years at the source or at another location agreed to by the Agency, in conjunction with the records it maintains to demonstrate compliance with its CAAPP permit [or FESOP](#), all of the following documents as its compliance master file:
- 1) A copy of its seasonal component of its Annual Emissions Report;
 - 2) Information on actual VOM emissions, as recorded in accordance with Section 205.335 of this Part, and as required by the CAAPP permit [or FESOP](#) for the source; and
 - 3) Copies of any transfer agreements for the purchase or sale of ATUs and other documentation associated with the transfer of ATUs.
- b) Compliance Master File Review
- 1) The owner or operator of each participating source or new participating source shall allow the Agency or an authorized representative to enter and inspect the premises [as described by](#)~~in accordance with~~ Section 39.5(7)(p)(ii) of the Act [415 ILCS 5/39.5(7)(p)(ii)] and to review its compliance master file.
 - 2) After the conclusion of each compliance master file review, a report shall be prepared by the Agency and issued to the inspected source that includes the following information:
 - A) An identification of any noncompliance with the requirements of this Part; and
 - B) An evaluation of increases and decreases in [seasonal](#) emissions of VOMs that are also hazardous air pollutants, as related to ATU transactions.
 - 3) Nothing in this Part shall affect any other obligations of a source to allow inspection(s) under State or federal laws or regulations.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.730 Excursion Reporting

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Upon issuance of each Excursion Compensation Notice to any source that has already had one previous admitted or adjudicated emissions excursion, the source shall submit to the Agency any additional reports required by the source's [CAAPP](#) permit or [FESOP](#) pursuant to [Section 39.5\(7\)\(f\) of the Act \[415 ILCS 5/39.5\(7\)\(f\)\]](#).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.750 Emergency Conditions

VOM emissions that are a consequence of an emergency, and are in excess of the technology-based emission rates which are achieved during normal operating conditions, to the extent that such excess emissions are not caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operation error, shall be deducted from the calculation of actual VOM emissions during the seasonal allotment period in which the emergency occurred, subject to the following:

- a) The owner or operator of the participating source or new participating source shall submit an initial emergency conditions report to the Agency within two days after the time when such excess emissions occurred due to the emergency. The submittal of this initial emergency conditions report shall be sufficient to fulfill the notice requirements of Section 39.5(7)(k) of the Act [415 ILCS 5/39.5(7)(k)] as it relates to VOM emissions at the source if the report provides a detailed description of the emergency, any steps taken to mitigate emissions and corrective actions taken, to the extent practicable. The final report shall contain the following information:
 - 1) A description of the cause(s) of the emergency and the duration of the episode;
 - 2) Verification that the source was being operated properly at the time of the emergency;
 - 3) A demonstration that the source took all reasonable steps to minimize excess VOM emissions during the emergency period, including but not limited to the following actions, if technically and economically feasible:
 - A) The level of operation of the affected emission unit(s) was minimized;

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- B) The level of emissions from the affected emission units(s) was minimized by use of alternative raw materials or alternative control measures;
 - C) The duration of the excess emissions was minimized; and
 - D) The amount of VOM emissions from other emission units at the source or other sources located in the Chicago ~~ozone nonattainment~~ area owned or operated by the person or entity were reduced;
- 4) A demonstration that appropriate corrective action(s) were taken promptly;
 - 5) A demonstration that the affected emission units were:
 - A) Being carefully and properly operated at the time of the emergency, including copies of appropriate records and other relevant evidence;
 - B) Properly designed; and
 - C) Properly maintained with appropriate preventative maintenance; and
 - 6) An estimate of the amount of VOM emissions that occurred during the emergency in excess of the technology-based emission factor achieved during normal operating conditions, including supporting data, the relevant emissions factor, and calculations.
- b) The owner or operator of any such source may supplement its initial emergency conditions report within 10 days after the conclusion of the emergency situation. If an initial emergency conditions report is not supplemented, such report is deemed the final emergency conditions report. If, however, an initial emergency conditions report is supplemented, the combination of such initial report plus the supplemental information is deemed the final emergency conditions report.
 - c) The Agency must approve, conditionally approve or reject the findings in the final emergency conditions report₂ submitted by the source₂ in writing₂ within ~~45~~30 days after receipt of the initial emergency conditions~~a complete~~ report, subject to

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the following:

- 1) If the Agency concurs with the emergency conditions report, the source is not required to hold ATUs for the excess VOM emissions attributable to the emergency;
 - 2) If the Agency approves with conditions or rejects the emergency conditions report, the source shall be required to hold ATUs by the end of the reconciliation period in an amount not less than the emissions identified as excess in the emergency conditions report or provide emissions excursion compensation in accordance with Section 205.720 of this Subpart, if an emissions excursion occurred;
 - 3) If the Agency approves with conditions an emergency conditions report, the Agency must identify in its written notice the amount of VOM emissions that are not attributable to an emergency; and
 - 4) If the Agency approves with conditions or rejects a source's emergency conditions report, the source may raise the emergency as an affirmative defense pursuant to Section 39.5(7)(k) of the Act [415 ILCS 5/39.5(7)(k)] in any action brought for noncompliance with this Part or an action brought to review the Agency's issuance of an Excursion Compensation Notice, as provided in Section 205.720(d) of this Subpart.
- d) Nothing in this Section relieves any source of any obligation to comply with other applicable requirements, permit conditions, or other provisions addressing emergency situations.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.760 Market System Review Procedures

Beginning in 2000, the Agency shall prepare an Annual Performance Review Report that addresses the effect of VOM emissions reductions in the Chicago ~~ozone nonattainment~~ area on progress toward meeting the RFP requirements and achieving attainment of the NAAQS for ozone by 2007.

- a) The Annual Performance Review Report will review trends and patterns which may have emerged in the operation of the ERMS, and shall include, but not be limited to, the following:

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- 1) Total aggregate VOM emissions during the previous seasonal allotment period;
 - 2) The number of ATUs retired for compliance purposes or for air quality benefit, currently being banked, or used by new participating sources for the previous seasonal allotment period;
 - 3) An evaluation of trading activities, including sources with no trading activity, sources that are net purchasers of ATUs and sources that are net sellers of ATUs;
 - 4) ACMA transactions since the preparation of the previous report and the account balance;
 - 5) A summary of emissions reduction generator and inter-sector proposals;
 - 6) Distribution of transactions by geographic area or character of source;
 - 7) Availability of ATUs for purchase;
 - 8) The average market price for ATU transactions from the previous seasonal allotment period; and
 - 9) Trends and spatial distributions of hazardous air pollutants.
- b) The Agency shall prepare the Report by ~~June 30~~May 15 of the year following the seasonal allotment period addressed by the Report. The Agency will make copies of its Report available to interested parties upon request.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Definitions and General Provisions
- 2) Code citation: 35 Ill. Adm. Code 211
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
211.	3695
- 4) Statutory authority: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of December 2, 2004, in Board docket R05-11. This rulemaking, based on a proposal filed by the Illinois Environmental Protection Agency (Agency) on November 19, 2004, amends the Board's Emission reduction market system regulations (ERMS). The ERMS system is a cap and trade program that involves volatile organic material (VOM) emissions in the Chicago area. The program is designed to reduce VOM emission in the Chicago non-attainment area below the levels required by reasonably available control technology and other emission standards. The amendments in this rulemaking affect sources in the Chicago ozone non-attainment area.

Specifically, the amendments to Part 211 change the phrase "Chicago nonattainment area" to "Chicago area" to reflect the change in status for the Chicago area.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3 (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

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The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R05-11 and be addressed to:

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

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

For more information contact John Knittle at 217/278-3111 or email at knittlej@ipcb.state.il.us.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses and not-for-profit corporations that are located within the Chicago area and that emit, or have the potential to emit, 25 tons per year or more of VOM or is required to obtain a CAAPP permit, and that has baseline or seasonal emissions of at least 10 tons per year.
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments do not require extensive reporting, bookkeeping or other procedures.
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2004

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

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

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

- Section
211.101 Incorporations by Reference
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

- Section
211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.210 Actual Heat Input
211.230 Adhesive
211.240 Adhesion Promoter
211.250 Aeration
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment
211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.474 Alcohol
211.479 Allowance

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211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.730	Binders
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.955	Cement
211.960	Cement Kiln
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading

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211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
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211.1430	Condensable PM-10
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
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211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
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211.1630	Custody Transfer

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211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1875	Elastomeric Materials
211.1880	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
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211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
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211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions

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211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
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211.2425	Fossil Fuel-Fired
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211.2490	Fugitive Particulate Matter
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211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
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211.2620	Generator
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
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211.2750	Green Tires
211.2770	Gross Heating Value
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211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
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211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals

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211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
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211.3070	Incinerator
211.3090	Indirect Heat Transfer
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211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
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211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO _x Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)

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211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
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211.3650	Marine Terminal
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211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3780	Mid-Kiln Firing
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Multiple Package Coating
211.3980	Nameplate Capacity
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
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211.4067	NO _x Trading Program
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
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211.4170	Open Top Vapor Degreasing

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211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
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211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment

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211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant

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211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating

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211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure

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211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].

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SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-11 at 29 Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implement the Illinois Environmental Protection Act as of July 1, 1994.

SUBPART B: DEFINITIONS

Section 211.3695 Maximum True Vapor Pressure

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"Maximum true vapor pressure" means the equilibrium partial pressure exerted by stored VOL at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOLs stored above or below the ambient temperature or at the local maximum monthly average temperature of 75 degrees fahrenheit for the Chicago ~~nonattainment~~ area as defined at 35 Ill. Adm. Code 218.100 or 79 degrees fahrenheit for the Metro-East ~~nonattainment~~ area as defined at 35 Ill. Adm. Code 219.100 for VOLs stored at the ambient temperature, as determined:

- a) In accordance with methods described in American Petroleum Institute bulletin 2517, Evaporation Loss from External Floating Roof Tanks, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or
- b) By ASTM Method D2879-83, incorporated by reference at 35 Ill. Adm. Code 218.112(a)(1) and 219.112(a)(1).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: Proposed Action:
603.70 Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: Furosemide is a potent diuretic medication approved for use in racehorses that is helpful in the management of exercise induced pulmonary hemorrhage (EIPH). EIPH is a widespread and important cause of exercise intolerance in performance horses. Eighty-two to ninety-five percent of performance horses show signs of EIPH with repeated endoscopic exams.

The Board has sanctioned the use of furosemide as a race day medication for the past 21 years. Furosemide is strictly monitored by both pre-race and post-race procedures. Periodically, the medication rules must be updated to reflect current standards of practice and knowledge.

The proposed rulemaking only concerns the amount of furosemide that will be permitted to be used. The maximum allowable dosage would be raised from 250 millograms to 500 millograms. The 500 millograms is consistent with the model rules approved on April 3, 2004 by the Association of Racing Commissioners International (ARCI) and the North American Pari-Mutuel Regulators Association (NAPRA). The uniform drug rules approved by ARCI and NAPRA were based on veterinary and testing research conducted by the Racing Medication and Testing Consortium, a group made up of 25 industry organizations. The American Association of Equine Practitioners also supports the same dosage standards. In addition, several racing jurisdictions including New York permit 500 millograms as the maximum dosage of furosemide.

Pre and post-race supervision and time of administration will remain unchanged. The post-race serum quantitative levels, as well as penalties for excessive use, will be adjusted to reflect the dosage change.

In addition, the 9 day waiting period requirement for standardbred horses, found in Section 603.70(b)(1), will be reduced to 7 days for two reasons. First, the 7 days is more common amongst other racing jurisdictions and secondly, it is more in line with the normal racing schedule of a standardbred racehorse.

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- 6) Will this proposed amendment replace any emergency amendment currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? Yes, 28 Ill. Reg. 7533, effective December 1, 2004.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:
- Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated when they were submitted.

The full text of the Proposed Amendment is found on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 603
MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28

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Ill. Reg. 15790, effective December 1, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 603.70 Furosemide

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome; this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide.
- b) Veterinarian's List
 - 1) When a horse is added to the furosemide list, it shall be placed on the veterinarian's list and shall be ineligible to race for 14 days. The 14 day ineligibility period begins on the certification date defined in subsections (c)(1)(A), (B), (C), and (D). During this 14 day period, the horse shall not be permitted to race with or without furosemide. Before the horse shall be permitted to enter a race, it must qualify on furosemide by participating in a qualifying race or by performing an official workout without bleeding, to the satisfaction of the State Veterinarian. Horses must wait 79 days following the certification date before participating in a qualifying race.
 - 2) A horse bleeding while racing with furosemide shall be barred from racing for a minimum of 30 days.
 - 3) A horse bleeding a second time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 60 days.
 - 4) A horse bleeding a third time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 180 days or the remainder of the 12 month period, whichever is greater.
 - 5) After the expiration of the barred periods in subsections (b)(2), (3) and (4),

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a horse must qualify on furosemide by participating in a qualifying race or performing an official workout without bleeding to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

- c) Eligibility for Furosemide Treatment
- 1) A horse is eligible to race with furosemide if at least one of the following occurs:
 - A) It bleeds internally or externally in the presence of an official veterinarian, or if a veterinarian licensed by the State of Illinois attests in writing that he/she witnessed a bleeding episode. The State Veterinarian will then issue a bleeder certificate and place the horse on the furosemide list. The certification date shall be the day the bleeding episode was witnessed by or reported to the State Veterinarian;
 - B) A veterinarian licensed by the Board concludes that it will be in the best interest of a horse's health to race with furosemide. The trainer shall submit to the State Veterinarian a certificate signed by the licensed veterinarian requesting approval to place the horse on the furosemide list. The certification date shall be the day the State Veterinarian grants approval. This subsection (c)(1)(B) applies to thoroughbred horses only;
 - C) The trainer provides the Board or its designee with evidence that the horse bled in another racing jurisdiction. Acceptable evidence shall be a valid bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the bleeder certificate;
 - D) The trainer provides the Board or its designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable past performance lines for harness

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horses shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.

2) Signing a Furosemide Certification Affidavit

- A) The stewards may permit a horse to be treated with furosemide for one race if the certification described in subsection (c)(1)(A), (B), (C) or (D) is not available at the time the horse must be treated with furosemide. The trainer or his/her representative shall sign a Furosemide Certification Affidavit.
- B) Within 10 days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state where the horse has bled or a statement in an official chart that the named horse bled following a race or a workout in that state. The certification date must comply with the 14 day requirement specified in subsection (b)(1).
- C) Any purse money earned by the horse in the race shall be held during the 10 day period.
- D) If the trainer fails to produce the evidence required in subsection (c)(2)(B), or if the certification date does not comply with the 14 day ineligibility period specified in subsection (b)(1), the stewards shall impose a fine of not less than \$200 and not more than \$1500 and/or suspend the trainer's license and shall redistribute the amount of any purse money earned by the horse.

d) Removal from Furosemide List

- 1) Once a horse is placed on the furosemide list, it must continue to race with furosemide unless the removal from the list is approved by the stewards.

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The stewards may remove a horse from the furosemide list upon the written request of the trainer if the horse's performance is negatively affected by the use of furosemide, or upon the recommendation of the State Veterinarian if a horse has an adverse physiological reaction to furosemide.

- 2) Once removed from the furosemide list, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A harness horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the stewards approve the removal of the horse from the furosemide list. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
- e) Administration of Furosemide
- 1) All horses on the furosemide list must be treated with furosemide in order to be permitted to participate in a race.
 - 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes before post time of the race in which a horse is entered.
 - 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than ~~500~~250 mg of furosemide intravenously and shall verify the administration on prescribed affidavits before the post time of the first race.
 - 4) The trainer or his/her licensed employee shall witness the furosemide administration.
 - 5) The furosemide administration may take place in the horse's own stall or in a centralized location.
 - 6) For violations of this subsection (e), the stewards shall scratch a horse from the race and the trainer may be fined not less than \$200 and not more

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than \$500.

- f) Absence of Furosemide
In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1500.
- g) Excessive Use of Furosemide
- 1) The test level for furosemide shall not be in excess of 100~~60~~ nanograms (ng) per milliliter (ml) of serum or plasma.
 - ~~2) The first two times the laboratory reports an amount of furosemide equal to 61 ng-85 ng/ml, inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer, the trainer shall be fined no more than \$200.~~
 - ~~23) The first time the laboratory reports an amount of furosemide in excess of 100 nanograms, the trainer shall be fined \$250. ~~equal to 86 ng-99 ng/ml inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer, the trainer shall be fined no more than \$500 and suspended not more than 30 days.~~~~
 - ~~3) The second time the laboratory reports an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$500.~~
 - ~~4) For a third or subsequent laboratory report of an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$1,000 and/or suspended for 15 days and the purse shall be redistributed.~~
 - ~~4) In the event a post-race sample contains an amount of furosemide greater than 99 ng/ml, the trainer shall be fined no more than \$2500 and/or suspended no more than 60 days and the purse shall be redistributed.~~
 - 5) When imposing penalties, the stewards shall consider the criteria in Section 603.160(b)(3), (4), (5) and (6) of this Part.

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- h) Trainer's Responsibilities for Horses on the Furosemide List
 - 1) The trainer shall be responsible for:
 - A) providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race;
 - B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;
 - C) notifying his/her veterinarian of furosemide horses and the date and times for race day treatment;
 - D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;
 - E) posting a "Security Stall" sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);
 - F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).
 - 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (h).
- i) Veterinarian's Responsibilities
 - 1) The practicing veterinarian shall be responsible for:
 - A) administering the proper furosemide medication and dose at the proper time to the proper horse.
 - B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent

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to the Board laboratory for testing.

- 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (i).
- j) Security
- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary at least 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the "security stall" to engage in exercise blow-outs or warm-up heats.
 - 2) The barn area is a secure area and shall be under the supervision of the Board.
 - 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board investigator.
 - 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board's laboratory for analysis.
 - 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.
- k) This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1240.5	Repealed
1240.7	Repealed
1240.10	Repealed
1240.15	Repealed
1240.16	Repealed
1240.20	Repealed
1240.25	Repealed
1240.30	Repealed
1240.35	Repealed
1240.40	Repealed
1240.41	Repealed
1240.45	Repealed
1240.46	Repealed
1240.47	Repealed
1240.48	Repealed
1240.50	Repealed
1240.51	Repealed
1240.55	Repealed
1240.60	Repealed
1240.65	Repealed
1240.66	Repealed
1240.70	Repealed
1240.100	Repealed
1240.110	Repealed
1240.120	Repealed
1240.130	Repealed
1240.140	Repealed
1240.150	Repealed
1240.160	Repealed
1240.170	Repealed
1240.180	Repealed
1240.190	Repealed
1240.200	Repealed
1240.205	Repealed

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

- 1240.210 Repealed
1240.220 Repealed
1240.230 Repealed
- 4) Statutory Authority: Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 446]
- 5) Effective Date of Repealer: December 2, 2004
- 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 repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposed Repealer Published in Illinois Register: July 16, 2004; 28 Ill. Reg. 9845.
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this repealer replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: PA 93-438 enacted the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 and repealed the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993. As a result, the current Part 1240 is being repealed, to be replaced by a new Part.
- 16) Information and questions regarding this repealer shall be directed to:

Department of Financial and Professional Regulation
Division of Professional Regulation
Attention: Barb Smith

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

320 West Washington, 3rd Floor
Springfield, Illinois 62786

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1240.10	New Section
1240.100	New Section
1240.200	New Section
1240.300	New Section
1240.400	New Section
1240.500	New Section
1240.505	New Section
1240.510	New Section
1240.515	New Section
1240.520	New Section
1240.525	New Section
1240.530	New Section
1240.535	New Section
1240.540	New Section
1240.550	New Section
1240.555	New Section
1240.560	New Section
1240.561	New Section
1240.565	New Section
1240.570	New Section
1240.575	New Section
1240.580	New Section
1240.585	New Section
- 4) Statutory Authority: Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 446]
- 5) Effective date of rules: December 2, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in Illinois Register: July 16, 2004; 28 Ill. Reg. 9886
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Differences between proposal and final version: In Section 1240.500, the 20 hour per week in the office minimum was removed from the definition of “participation in agency affairs” for the licensee-in-charge, and the individuals able to serve as a “qualified instructor” was greatly expanded. References have been changed from “Department” to “Division” to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. Various other nonsubstantive technical changes and clarifications have also been made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace emergency rules currently in effect? No
- 14) Are there any rules pending on this Part? No
- 15) Summary and purpose of rules: PA 93-438 enacted the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 and repealed the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993. As a result, the current Part 1240 is being repealed, to be replaced by these rules. These rules are similar to those being repealed, but in many cases items have been moved in an effort to make locating information easier and more user-friendly. Subparts A through D mirror the Act, with Detective being followed by Alarm Contractor, Security Contractor, and Locksmith. Subpart E, Proprietary Security Force, now makes reference to “armed employee” rather than “armed security guard” to reflect statutory changes. Subpart F, General, includes the remaining sections of the rules, which includes definitions, training requirements, fees and variance language. Of particular interest are definitions for “participation in agency affairs” for licensees-in-charge and “qualified instructor” for licensees teaching the basic training outlined in the Act.
- 16) Information and questions regarding these adopted rules shall be directed to:

Department of Financial and Professional Regulation
Division of Professional Regulation

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813
Fax: 217/782-7645

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240

PRIVATE DETECTIVE, PRIVATE ALARM,
PRIVATE SECURITY, AND LOCKSMITH ACT OF 2004

SUBPART A: PRIVATE DETECTIVE

Section
1240.10 Application for Examination and Licensure – Private Detective

SUBPART B: PRIVATE ALARM

Section
1240.100 Application for Examination and Licensure – Private Alarm Contractor

SUBPART C: PRIVATE SECURITY

Section
1240.200 Application for Examination and Licensure – Private Security Contractor

SUBPART D: LOCKSMITH

Section
1240.300 Application for Examination and Licensure – Locksmith
1240.310 20-Hour Basic Training Course – Locksmith
1240.320 Recordkeeping Requirements – Locksmith

SUBPART E: PROPRIETARY SECURITY FORCE

Section
1240.400 Registration of Proprietary Security Force

SUBPART F: GENERAL

Section
1240.500 Definitions
1240.505 20-Hour Basic Training Course – Private Detective, Private Alarm Contractor and
Private Security Contractor
1240.510 Firearm Training Course
1240.515 Approval of Firearm Training Programs and Firearm Instructors
1240.520 Permanent Employee Registration Card
1240.525 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due

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	to Criminal History Record Information
1240.530	Firearm Authorization Cards
1240.535	Recordkeeping Requirements
1240.540	Reporting Requirements
1240.550	Renewals
1240.555	Endorsement
1240.560	Restoration
1240.561	Inactive Status
1240.565	Requests for Duplicate Certificates
1240.570	Fees
1240.575	Conduct of Hearings
1240.580	Investigation by the Division
1240.585	Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 446] and authorized by Section 2105-15(7) and 2105-100 (b) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7) and 2105-100(b)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993; amended at 19 Ill. Reg. 954, effective January 17, 1995; amended at 19 Ill. Reg. 11473, effective July 28, 1995; emergency amendment at 19 Ill. Reg. 13460, effective September 8, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3191, effective February 2, 1996; emergency amendment at 20 Ill. Reg. 14924, effective October 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3135, effective March 4, 1997; amended at 24 Ill. Reg. 587, effective December 31, 1999; emergency amendment at 27 Ill. Reg. 1307, effective January 13, 2003, for a maximum of 150 days; emergency expired June 11, 2003; amended at 27 Ill. Reg. 9587, effective June 13, 2003; old Part repealed, new Part adopted at 28 Ill. Reg. 16209, effective December 2, 2004.

SUBPART A: PRIVATE DETECTIVE

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Section 1240.10 Application for Examination and Licensure – Private Detective

- a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 15-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:
 - 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
 - 2) "Full-time supervisor in a law enforcement agency" shall mean a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.
 - 3) "Investigator in a law enforcement agency" shall mean a sworn peace officer who serves in the capacity of a full-time detective/investigator or above rank.
- c) The passing grade on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) for licensure. The application must be complete and must be accompanied by:
 - 1) One of the following:
 - A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;
 - B) Out-of-state residents unable to utilize the Illinois State Police electronic fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the

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Illinois State Police, accompanied by the fee specified by the vendor; or

- C) Verification, on forms provided by the Division, of proof of retirement as a peace officer within 12 months prior to application in lieu of fingerprints. *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.* (Section 5-10 of the Act) Such verification shall be signed by the applicant's employer;
 - 2) Proof of at least \$1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
 - 3) The required fees specified in Section 1240.570.
- e) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

SUBPART B: PRIVATE ALARM

Section 1240.100 Application for Examination and Licensure – Private Alarm Contractor

- a) An individual seeking licensure by examination as a private alarm contractor shall make application to the Department of Financial and Professional Regulation-Division of Professional Regulation (Division), on forms provided by the Division, at least 60 days prior to the examination. The application shall include proof acceptable to the Division that the applicant has fulfilled the required experience specified in Section 20-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:
 - 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.

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- 2) Applicants qualified to sit for the examination pursuant to Section 20-10 of the Act shall have private alarm experience which shall include, but not be limited to:
 - A) Private alarm contractor experience as defined in Section 5-10 of the Act gained while licensed or lawfully practicing in another jurisdiction with substantially equivalent licensure requirements as in effect in Illinois for 3 of the last 5 years; or
 - B) *A minimum of 3 years experience of the 5 years immediately preceding application working as a full-time manager for a licensed private alarm contractor agency or for an entity that designs, sells, installs, services, or monitors alarm systems that, in the judgment of the Board, satisfies the standards of alarm industry competence. (Section 20-10(a)(6))*
- b) The passing score on the examination is 70 or above.
- c) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application shall include:
 - 1) One of the following:
 - A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;
 - B) Out-of-state residents unable to utilize the Illinois State Police electronic fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; or
 - C) Verification, on forms provided by the Division, of proof of retirement as a peace officer within 12 months prior to application in lieu of fingerprints. *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make*

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arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act) Such verification shall be signed by the applicant's employer;

- 2) Proof of at least \$1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
 - 3) The required fees specified in Section 1240.570.
- d) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

SUBPART C: PRIVATE SECURITY

Section 1240.200 Application for Examination and Licensure – Private Security Contractor

- a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 25-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:
 - 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
 - 2) "Full-time supervisor in a law enforcement agency" shall mean a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.
- c) The passing grade on the examination is 70 or above.

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- d) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application must be complete and must be accompanied by:
- 1) One of the following:
 - A) Verification of electronic fingerprint processing from the Illinois State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;
 - B) Out-of-state residents unable to utilize the Illinois State Police fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; or
 - C) Verification, on forms provided by the Division, of proof of retirement as a peace officer within 12 months prior to application in lieu of fingerprints. *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.* (Section 5-10 of the Act) Such verification shall be signed by the applicant's employer;
 - 2) Proof of at least \$1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
 - 3) The required fees specified in Section 1240.570.
- e) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

SUBPART D: LOCKSMITH

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Section 1240.300 Application for Examination and Licensure – Locksmith

- a) An individual seeking licensure by examination as a locksmith shall make application to the Division, on forms provided by the Division, at least 60 days prior to the examination. The application form shall include questions necessary for the Division to establish that the applicant meets the qualifications for licensure specified in Section 30-10 of the Act.
- b) The passing score on the examination is 70 or above.
- c) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application shall include:
 - 1) One of the following:
 - A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;
 - B) Out-of-state residents unable to utilize the Illinois State Police fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; or
 - C) Verification, on forms provided by the Division, of proof of retirement as a peace officer within 12 months prior to application in lieu of fingerprints. *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.* (Section 5-10 of the Act) Such verification shall be signed by the applicant's employer;
 - 2) Proof of at least \$1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

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- 3) The required fees specified in Section 1240.570.
- d) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

Section 1240.310 20-Hour Basic Training Course – Locksmith

- a) Every person employed as a registered employee of a locksmith agency certified under the Act shall complete, within 30 days after the applicant's employment, a course of basic training.
- b) The training shall be a minimum of 20 hours of training related to the applicant's employment that shall be certified by the employer and shall include at a minimum the following subject areas:
 - 1) Public Safety Codes (NFPA 80 & NFPA 101)
 - A) Life Safety Codes
 - B) Building Code
 - C) ADA Law
 - 2) Practical Locksmithing
 - A) Master Keying
 - B) Key Records and Codes
 - C) Key Blanks and Keyways
 - D) Product Liability
 - E) Professional Installations
 - F) Do Not Duplicate
 - 3) Responsibilities as Required by the Act

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- A) When to ask for identification
- B) What identification is acceptable
- 4) Personal Employee Registration Card (PERC)
 - A) Cause for revoking the card
 - B) Disciplinary Sanctions
 - C) Renewal
- c) Upon successful completion of the training prescribed in subsection (b), each individual shall be issued, by the employer or the instructor, a Certification of Completion of Basic and/or Refresher Training Course, which shall be signed by the instructor. The licensee-in-charge shall be responsible for the documentation of the training.
- d) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Division, the Certification or a certified copy shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original Certification shall be returned to the employee.
- e) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of Basic and/or Refresher Training Course shall be kept with the employee statement in lieu of the original Certification.
- f) Basic training materials will be made available to Division personnel upon request to verify content.

Section 1240.320 Recordkeeping Requirements – Locksmith

- a) *A locksmith who bypasses, manipulates, or originates a first key by code for a device safeguarding an area where access is meant to be limited, whether or not for compensation, shall document where the work was performed and the name, address, date of birth, telephone number, and driver's license number or other*

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identification number of the person requesting the work to be done and shall obtain the signature of that person. A copy of the work order form shall be kept by the licensed locksmith for a period of 2 years and shall include the name and license number of the locksmith or the name and identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by a law enforcement agency. (Section 30-25(a) of the Act)

- b) *A locksmith who bypasses, manipulates, or originates a first key for a motor vehicle, whether or not for compensation, shall document the name, address, date of birth, telephone number, vehicle identification number, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person. A copy of the work order form shall be kept by the licensed locksmith for a period of 2 years and shall include the name and license number of the locksmith or the name and identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by a law enforcement agency. (Section 30-25(b) of the Act)*

SUBPART E: PROPRIETARY SECURITY FORCE

Section 1240.400 Registration of Proprietary Security Force

- a) Pursuant to Section 24-2 of the Criminal Code of 1961 [720 ILCS 5/24-2], all commercial or industrial operations who employ 5 or more persons as armed employees in accordance with Section 24-2(a)(6) and all financial institutions who employ armed employees in accordance with Section 24-2(a)(8) shall register their security forces with the Division, on forms provided by the Division, which include the following:
- 1) Business name and address of the proprietary security force;
 - 2) Any doing business as (d/b/a) names of the proprietary security force;
 - 3) The type of business (sole proprietorship, partnership, corporation, etc.):
 - A) If a partnership, a listing of all partners and addresses;

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- B) If a corporation, a copy of Articles of Incorporation. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois;
 - C) If a limited liability company, a copy of the Articles of Organization;
- 4) The number of armed employees; and
 - 5) The name and title of the security director who will be registering armed employees and who is responsible for the daily activities of the force.
- b) All armed security guard employees of the registered proprietary security force in subsection (a) shall be required to complete a 20-hour basic training course in accordance with Section 1240.505 and a 20-hour firearm training course in accordance with Section 1240.510.
 - c) Each proprietary force shall be required to apply to the Division, on forms supplied by the Division, for the issuance of a firearm authorization card, in accordance with Section 1240.530(b) and (c), for each armed employee of the security force. Each application shall include:
 - 1) One of the following:
 - A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;
 - B) Out-of-state residents unable to utilize the Illinois State Police electronic fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; or
 - C) Verification, on forms provided by the Division, of proof of retirement as a peace officer as defined in subsection (j) within 12 months prior to application in lieu of the fingerprint cards. Such verification shall be signed by the applicant's employer;

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If the employee has State and federal fingerprints on file with the Division, additional fingerprints are not required;

- 2) Verification that the employee has completed the training required in subsection (b). If the employee's firearm training was completed more than two years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request; and
- 3) The fee required in Section 1240.570.
- d) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Division in writing why the card was not returned.
- e) No employee shall carry a firearm until the requirements of this Section have been satisfied.
- f) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm authorization card for each proprietary security force for which he or she uses, carries, or possesses a firearm.
- g) The Division may conduct an inspection to verify the information on the application prior to the proprietary security force being registered with the Division.
- h) All armored car companies registered as proprietary security forces pursuant to this Section shall have all employees who are required to carry a firearm authorization card complete classroom and range training in weapons on an annual basis and shall maintain a copy of verification of fingerprint processing from the Illinois Department of State Police or from one of the State Police designated agents. The armored car company shall make these documents available to the Division upon request.
- i) Individuals who are currently employed as peace officers in good standing are not required to obtain firearm authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm authorization card in accordance with this Section. For active peace officers, the

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proprietary security force shall maintain on file a copy of the current police identification card and a signed letter from the peace officer's chief of police or his/her designee indicating current status as a peace officer. The proprietary security force shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.

- j) *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)*

SUBPART F: GENERAL

Section 1240.500 Definitions

"Participation in agency affairs" – Participation in agency affairs includes but is not limited to responsibility for delivery of professional services and compliance with the Act, including employee recordkeeping, training, activities and conduct, and the review and approval of contracts and proposals. Participation in agency affairs also includes responsibility of the licensee-in-charge for maintaining at a location within Illinois all files subject to audit or inspection pursuant to Section 35-10 of the Act. The address of the location where files are maintained shall be on file with the Division. If an agency does not maintain an office or jobsite within Illinois or the licensee-in-charge resides outside of the State, it may seek a variance from the requirement of this Part pursuant to Section 1240.585. In determining whether a licensee-in-charge participates in agency affairs, the Division may consider those responsibilities identified in this Section, the number of employees under the direct supervision of the licensee-in-charge, and the employment relationship between the licensee-in-charge and the agency, including the existence of a contract for employment and any other relevant fact or circumstance.

"Qualified Instructor" – An individual employed or retained by a licensed agency under the Act who can provide the basic training as outlined in the Act. This shall include:

A licensed private detective, private alarm contractor, private security contractor or locksmith active and in good standing;

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A registered employee, retained or employed by a licensed agency, who has a minimum of 5 years experience in the discipline being taught and has been conducting training classes in at least 3 of the past 5 years;

Registered employees of licensed agencies with a least 3 years full-time supervisory experience in the area in which the individual will conduct training;

Full time or part-time faculty employed by an institution under the jurisdiction of the Illinois Board of Higher Education or the Illinois Community College Board to teach firearms training courses or security training courses.

A registered employee, retained or employed by a licensed agency, who has a baccalaureate degree in education, business, law enforcement or other related degree to provide training in the discipline to be taught or has 3 years previous experience as a corporate trainer or equivalent in another industry.

For private alarm contractors, a qualified instructor may also include factory trained and certified personnel on the types of systems or work being trained; National Institute of Certification in Engineering Technologies (NICET) certified personnel; or a Certified Protection Professional (CPP) as designated by the American Society for Industrial Security.

"Related to" – The immediate family living in the same household.

"Restored" – A court has declared an individual to be competent, as referenced in Section 35-30 of the Act.

"Traffic Offense" – As used in Section 35-30(1)(C) of the Act, does not include a misdemeanor or felony conviction related to vehicle usage.

Section 1240.505 20-Hour Basic Training Course – Private Detective, Private Alarm Contractor and Private Security Contractor

- a) Every person employed as a registered employee of a private detective, private alarm or private security agency certified under the Act shall complete, within 30 days after commencing employment, a course of basic training. The training shall

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be a minimum of 20 hours of classroom basic training related to the employment and shall be certified to by the employer. For purposes of this Section, "classroom instruction" shall mean instruction that takes place in a setting where those individuals receiving the training learn through lectures, study papers, class discussion, textbook study or other means of organized formal education techniques (i.e., video or closed-circuit instruction), as distinguished from on-the-job training.

- b) Registered employees of a private security contractor agency who provide guarding or other private security related functions, in addition to the classroom training required under subsection (a), within 6 months after their employment, shall complete an additional 8 hours of training on subjects to be determined by the employer. This training may be site-specific and may be conducted on the job.
- c) In addition to the basic training provided for in subsections (a) and (b), registered employees of a private security contractor agency who provide guarding or other private security related functions shall complete an additional 8 hours of refresher training on subjects to be determined by the employer each calendar year commencing with the calendar year following the employee's first employment anniversary date. The refresher training may be site-specific and may be conducted on the job.
- d) Upon successful completion of the training prescribed in subsections (a) through (c), each individual shall be issued, by the employer or the instructor, a Certification of Completion of Basic and/or Refresher Training signed by the instructor or the employer. The licensee-in-charge shall be responsible for the documentation of the training. Documentation of the refresher training shall consist of the date and location of the training, the subject matter covered and instructor or employee who administered the training. The Certificate of Completion of Basic and/or Refresher Training may be reproduced digitally provided the form is printed out and signed and the printed form is a virtual identical copy of the current form in use by the Division.
- e) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Division, the Certification or a certified copy shall be filed by the employer with the employee statement required by Section 35-30(b) of the Act and shall remain in the file during the term of employment. Upon termination of employment, the original Certification shall be returned to the employee.

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- f) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of Basic and/or Refresher Training shall be kept with the employee statement required by Section 35-30(b) of the Act in lieu of the original Certification.
- g) Copies of basic training, additional training, site-specific training and refresher training materials shall be made available to Division personnel upon request.

Section 1240.510 Firearm Training Course

- a) No registered employee shall be allowed to perform duties that require the use, carrying or possession of a firearm until that employee has completed the 20 hours of basic training required by the Act, and has satisfactorily completed a 20-hour firearm training course approved by the Division. The firearm training course shall include both classroom instruction and firing range experience. Classroom instruction shall include, but not be limited to, the following subject matter:
 - 1) Legal use of firearms;
 - 2) Ethical and moral considerations of weapons use;
 - 3) Liability for acts while armed;
 - 4) Use of deadly force;
 - 5) Search, seizure and arrest procedures while armed;
 - 6) Firearm safety and maintenance; and
 - 7) Fundamentals of firearm use:
 - A) Stance;
 - B) Grip;
 - C) Sight alignment;
 - D) Sight picture; and

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- E) Trigger control.
- b) Each student shall be allotted time on the firing range to apply, in supervised practice, the techniques and methods described in subsection (a). The personal firearm of each student or the firearm assigned to the student shall be inspected for safety and approved by the range master prior to the beginning of actual range firing. Instruction shall include double-action shooting.
- c) The range where the training is to be given, whether indoor or outdoor, shall be maintained in a safe condition and shall be located in an area where the firing of live ammunition is allowed. In determining whether the range is maintained in a safe condition, the Division shall conduct an on-site inspection and shall consider the following factors:
- 1) Safety of participants;
 - 2) Safety of any persons or property in the area;
 - 3) Safety maintenance procedures; and
 - 4) Operational rules and policy.
- d) Upon application to the Division, any firearm training course approved by the Illinois Community College Board and/or Illinois Board of Higher Education that requires the firing of a minimum of 50 live rounds of ammunition and a minimum qualification score of 70% will be approved as satisfying the requirements of this Section.
- e) Upon application to the Division, any Law Enforcement Firearms Instructor Course approved and registered by the National Rifle Association that requires the firing of a minimum of 50 live rounds of ammunition and a minimum qualification score of 70% will be approved for the range portion of the training.
- f) Each individual shall be required to fire a minimum of 50 rounds of live ammunition (factory loaded service ammunition or factory reloaded ammunition).
- g) Each student must qualify with a minimum score of 70% with each type of weapon (revolver, semi-automatic, shotgun, rifle) he/she will be authorized to carry.

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- h) The range instructor shall be responsible for maintaining a safe range environment. Any student who refuses to adhere to proper safety requirements shall be dismissed from training by the instructor or the range master. The range master shall also have full authority as to whether a weapon is in safe operating condition.
- i) Upon completion of the training, each student must successfully complete a written examination. A copy of the examination shall be made available to the Division upon request (e.g., course audit). The examination shall test the subjects encompassed in both classroom and range instruction. Passage of the examination shall require a score of 75%.
- j) Each instructor shall file with the Division, on forms provided by the Division, Certification of Completion of Firearm Training for each student who successfully completes the training. Upon receipt by the Division of the Certification of Completion of Firearm Training, a Certificate of Training shall be issued to the student which shall bear the training number assigned by the Division.
- k) The Certificate of Firearm Training shall be the permanent record of firearm training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Division, the Certificate of Training or certified copy shall be filed by the employer with the employee statement required by Section 35-30(b) of the Act and shall remain in the employee file during the term of employment. Upon termination of employment, the original Certificate of Firearm Training shall be returned to the employee.
- l) In the case that the employee is employed by more than one employer, a notarized copy of the Certificate of Firearm Training shall be kept with the employee statement required by Section 35-30(b) of the Act in lieu of the original Certificate of Firearm Training.
- m) Those persons employed as registered armed employees on August 5, 2003 shall be considered to have completed the training prescribed in this Section.
- n) The training requirements of this Section shall be waived for an individual approved by the Division as an instructor under the provisions of Section

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1240.515. Such individual shall, upon application to the Division, be issued a Certificate of Firearm Training by the Division.

Section 1240.515 Approval of Firearm Training Programs and Firearm Instructors

- a) Any person, business entity, agency, or institution offering the training courses described in Section 1240.505 of this Part shall first apply to and receive approval of the course, based upon compliance with Section 1240.510, from the Division. Application shall be made on forms provided by the Division.
- b) Any person teaching the firearms training course described in Section 1240.510 of this Part must be approved by the Division. Application shall be on forms provided by the Division and must be accompanied by the following:
 - 1) Proof that the applicant is recognized and approved by the National Rifle Association (NRA) having taken a Law Enforcement Firearms Instructor Course that includes Security Personnel within the course. Proof shall be a copy of the applicant's Certificate from the NRA; or
 - 2) Proof that the applicant is approved and recognized as a range instructor by the Illinois Police Training Board. Proof shall be a copy of the Instructor's Certificate issued by the Law Enforcement Training and Standards Board. Nothing in this subsection (b)(2) shall obligate the Police Training Board to train, recognize or approve range instructors for any purpose other than as specified in the Illinois Police Training Act [50 ILCS 705] and Peace Officers Firearm Training Act [50 ILCS 710]; or
 - 3) Proof of other firearm instructor education or experience that the Division may consider to be substantially equivalent to subsection (b)(1) or (2), such as experience or education received in military service or federal law enforcement service.
- c) Upon application to the Division, any full-time or part-time faculty employed by an institution under the jurisdiction of the Illinois Board of Higher Education and/or the Illinois Community College Board to teach a firearms training course or security training course shall be approved as satisfying the requirements of this Section.
- d) Any firearm training program approved by the Law Enforcement Training and Standards Board shall be approved as satisfying the requirements of this Section.

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Section 1240.520 Permanent Employee Registration Card

- a) Any person seeking employee registration under Section 35-30 of the Act shall file an application with the Division, on forms provided by the Division, along with the following:
 - 1) One of the following:
 - A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;
 - B) Out-of-state residents unable to utilize the Illinois State Police fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; or
 - C) Verification, on forms provided by the Division, of proof of retirement as a peace officer as defined in subsection (g) within 12 months prior to application in lieu of fingerprints. Such verification shall be signed by the applicant's employer;
 - 2) The required registration fee specified in Section 1240.570, made payable to the Division of Professional Regulation.
- b) An agency may employ an applicant in a temporary capacity in accordance with Section 35-30(k) of the Act by:
 - 1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Division that an application has been submitted for the individual;
 - 2) verifying on the Division's website (www.idfpr.com) that the applicant has no criminal conviction pursuant to the Illinois Division of State Police criminal history check;
 - 3) maintaining a separate roster of the names of all employees whose applications are pending; and

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- 4) meeting any other requirements set forth in this Part or the Act.
- c) If no record is found relating to the fingerprints and the applicant is otherwise qualified under the Act, the Division shall issue to the applicant a permanent employee registration card that shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.550 of this Part.
- d) A valid permanent employee registration card shall serve as proof to an employer that the bearer is eligible for employment.
- e) Exempt employees are as follows:
 - 1) Private Detective. Persons who have no access to confidential or detective related information and who otherwise do not provide traditional detective related services are exempt from employee registration. Examples of exempt employees include reception personnel. Confidential or detective related information is that which pertains to employee files, scheduling, client contracts or technical data.
 - 2) Private Alarm Contractor. Persons who have no access to confidential or alarm related information and who otherwise do not provide traditional alarm related services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical alarm data.
 - 3) Private Security Contractor. Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ticket takers, cashiers, drivers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.
 - 4) Locksmith. *Persons who have no access to confidential or security information and who otherwise do not provide traditional locksmith services, as defined in this Act, are exempt from employee registration.*

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Examples of exempt employees include, but are not limited to, employees working in the capacity of key cutters, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, master key charts, access codes, or technical security and alarm data. (Section 30-5(10) of the Act)

- 5) Individuals who are currently employed as peace officers in good standing are not required to obtain permanent employee registration cards. If the individual ceases to be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.
- 6) *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)*
- 7) All employees of any agency licensed under the Act who reside outside of Illinois and who perform no duties in Illinois.

Section 1240.525 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information

- a) For purposes of this Section, criminal history record information is defined as information collected by criminal justice agencies (defined in 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising from those charges, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.
- b) In determining whether an applicant for a permanent employee registration card or firearm authorization card is unfit for such registration because of criminal history record information, the Division shall consider the following standards:

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- 1) Whether the crime was one of armed violence or any two or more repeated acts of violence towards persons or property [720 ILCS 5/Art. 33A] or:
 - A) Crimes involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including, but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).
 - B) Drug offenses including, but not limited to, the Illinois Controlled Substances Act [720 ILCS 570/Art. I] and Federal Drug Enforcement Laws (21 USC 801 et seq.).
 - C) Sex offenses including, but not limited to, all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. 11].
 - 2) Whether the crime is related to the detective, security, alarm or locksmith profession.
 - 3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.
 - 4) Whether the conviction was from a city ordinance violation or conviction for which a jail sentence was not imposed.
 - 5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Division shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:
 - A) Completion of probation;
 - B) Completion of parole supervision; or
 - C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.
- c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b)(5):

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- 1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);
 - 2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;
 - 3) Falsification of an application for registration with the Division;
 - 4) Failure to furnish to the Division additional information or failure to appear for a conference with the Division in relation to the applicant's application for registration.
- d) The following criminal history records shall not be considered in connection with an application for registration:
- 1) Juvenile adjudications;
 - 2) Records of arrest not followed by a conviction;
 - 3) Convictions overturned by a higher court;
 - 4) Convictions that have been the subject of a pardon or expungement.
- e) If determination is made that the applicant is unfit for registration, the applicant shall be notified in writing that the Division intends to deny or intends to refuse to renew the permanent employee registration card or firearm authorization card. The applicant/licensee shall be given an opportunity to appear at a Division conference regarding the matter. Failure to appear at the conference shall result in the denial or the refusal to renew an applicant's permanent employee registration card or firearm authorization card. If the applicant chooses not to attend the conference, he/she may request a formal hearing regarding such determination prior to final action by the Division in accordance with 68 Ill. Adm. Code 1110.

Section 1240.530 Firearm Authorization Cards

- a) Each employer shall make a request to the Division, on forms supplied by the Division, for the issuance of a firearm authorization card for each employee whose duties include the use, carrying or possession of a firearm. Each employee shall have an active permanent employee registration card issued in accordance

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with Section 1240.520 prior to applying for a firearm authorization card unless employed by a proprietary security force in accordance with Section 1240.400.

- b) Upon verification by the Division that the individual employees have completed the required firearm training course within the 2 years preceding the request for a firearm authorization card, and meet all the requirements of the Act for issuance of a firearm authorization card, the Division shall issue a card to the employer for each employee. If the employee's firearm training was completed more than 2 years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within one year preceding the request.
- c) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Division in writing of the failure and the reason why the card was not returned.
- d) No employee may carry a firearm until the requirements of this Section have been satisfied.
- e) If an employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same person or different persons, that employee must possess a separate firearm authorization card for each agency.
- f) Individuals who are employed as peace officers in good standing are not required to obtain firearm authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm authorization card in accordance with this Section.
- g) *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)*

Section 1240.535 Recordkeeping Requirements

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- a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 35-30 of the Act. The employee file shall be maintained by the agency for 5 years after termination of the employee, shall be accessible to duly authorized representatives of the Division with 24 hours prior notice (72 hours notice for files more than 2 years old), and shall contain the following information:
- 1) A photograph of the employee taken within 10 days after the date the employee commences employment. The photo shall be replaced every 3 calendar years;
 - 2) The employee's statement required in Section 35-30(b) of the Act;
 - 3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;
 - 4) The employee identification card of a terminated employee pursuant to Section 35-30(h);
 - 5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;
 - 6) Application for employment;
 - 7) Certification of Completion of Basic and/or Refresher Training as provided in Section 1240.505 of this Part;
 - 8) Certificate of Firearm Training, if applicable (or notarized copy as provided in Section 1240.510 of this Part) verified by the licensee in charge;
 - 9) Copy of employee's permanent employee registration card and firearm authorization card and active Firearm Owner's Identification Card (FOID), if applicable;
 - 10) Certification or certified copy of requalification (Section 1240.510);

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- 11) Copy of the verification of fingerprint processing from the Illinois Department of State Police or from one of the Illinois State Police designated agents;
 - 12) A copy of the Division's webpage (www.idfpr.com) showing that an applicant has no criminal conviction pursuant to the Illinois Department of State Police criminal history check for individuals employed prior to issuance of the permanent employee registration card; and
 - 13) For active peace officers, the agency employee file shall include a copy of the current police identification card and, within 14 days after employment a signed letter from the peace officer's chief of police or his/her designee (or Division verification of employment form) indicating current status as a peace officer, as well as items set forth in subsections (a)(1), (4), (5) and (6). The agency shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.
- b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and/or individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Division upon 24 hours notice. It shall be considered unprofessional conduct, subject to discipline by the Division, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.

Section 1240.540 Reporting Requirements

- a) All licensees and registrants shall notify the Division in writing within 30 days after any convictions, arrests, felony information, and/or indictments against him/her.
- b) All agencies shall submit a monthly roster of employees with PERC applications pending with the Division.
- c) All agencies shall submit a weapons discharge report, on forms provided by the Division, along with the police report of the incident, within 30 days after the incident.

Section 1240.550 Renewals

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- a) Beginning with the May 1999 renewal, every individual license issued under the Act shall expire on May 31 every 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 1240.570 and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer.
- b) Beginning with the May 1999 renewal, every certificate of registration for an agency and every branch office and proprietary security force certificate issued under the Act shall expire on August 31 every 3 years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date by paying the required fee.
- c) Beginning with the May 2000 renewal, every employee registration card issued under the Act shall expire on May 31 every 3 years. The holder of the card may renew the card during the month preceding the expiration date by submitting the required fee to the Division.
- d) It is the responsibility of each licensee and employee registration card holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 45-10 of the Act.
- e) Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:
 - 1) The employee has been requalified on the firing range within one year preceding the renewal date; and
 - 2) The employee continues to be employed by the agency to which the card was issued.
- f) No employer shall, after the expiration of a firearm authorization card, employ the holder of the card in an armed capacity.

Section 1240.555 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Division, together with:

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- 1) A certification from the licensing authority of the jurisdiction stating:
 - A) The time during which the applicant was licensed in that jurisdiction;
 - B) Whether the file on the applicant contains a record of any disciplinary action taken or pending; and
 - C) A brief description of the examination taken and the grades received; and
 - 2) A completed Education Certification Form, a completed Verification of Qualifying Experience Form or a completed Work History Form detailing the education and/or experience required by Section 15-10, 20-10, 25-10 or 30-10 of the Act, as applicable; and
 - 3) The required fee specified in Section 1240.570.
- b) The Division shall examine each application to determine whether the requirements at the time of licensure in the state where the applicant was licensed were substantially equivalent to the requirements in force in the State of Illinois at that time and the state has similar rules for licensure by endorsement.
 - c) If the Division questions the documentation provided by the applicant because of discrepancies or conflicts in information, or missing information, or if the Division needs further information to determine substantial equivalence of the applicant's qualifications for licensure, the applicant will be requested to submit further information as the Division deems necessary to make such determination.

Section 1240.560 Restoration

A licensee seeking restoration of a license shall file an application on forms provided by the Division and shall also submit the following:

- a) If the license has expired for 6 years or less, the application must be accompanied by the required fees specified in Section 1240.570 or an affidavit attesting to military service as provided in Section 10-25c of the Act.

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- b) If the license has expired for more than 6 years, the applicant must submit proof of competence to resume practice satisfactory to the Division. The proof may include active practice in another jurisdiction; an affidavit attesting to military service; or passing a written examination. The applicant must also submit the required restoration fee specified in Section 1240.570.
- c) *Any permanent employee registration card expired for less than one year may be restored upon payment of lapsed renewal fees. Any permanent employee registration card expired for one year or more may be restored by making application to the Division and filing proof acceptable (proof of no past due child support) to the Division of the licensee's fitness to have the permanent employee registration card restored, including verification of fingerprint processing through the Department of State Police and Federal Bureau of Investigation and paying the restoration fee. (Section 10-25(d) of the Act)*

Section 1240.561 Inactive Status

- a) Licensees who notify the Division, on forms provided by the Division, may place their licenses on inactive status for a period of not longer than six years and shall be excused from paying renewal fees until they notify the Division in writing of the intention to resume active practice.
- b) Licensees seeking restoration from inactive status shall do so in accordance with Section 1240.560 of this Part.

Section 1240.565 Requests for Duplicate Certificates

- a) Requests for duplicate certificates to replace ones that have been lost, stolen or destroyed shall be made in writing to the Division and shall be made by the individuals to whom the certificates were issued.
- b) Any person requesting a duplicate firearm authorization card shall first file a report with the local police authority that specifies the circumstances under which the firearm authorization card was lost, stolen or destroyed.
- c) Requests for a duplicate firearm authorization card shall be accompanied by an affidavit from the person making the request, specifying the date and with what police authority the above-mentioned police report was filed, and summarizing the circumstances under which the firearm authorization card was lost, stolen or

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destroyed. The fee, as required by Section 1240.570, shall also accompany the request.

- d) For purposes of this Section, the word "certificates" shall mean and include the following:
- 1) Individual licenses (private detective, private security contractor, private alarm contractor and locksmith)
 - 2) Certificate of Registration for an agency
 - 3) Licensee Pocket Cards
 - 4) Permanent Employee Registration Cards
 - 5) Certification of Completion of Firearm Training
 - 6) Firearm Authorization Card

Section 1240.570 Fees

The following fees shall be paid to the Division and are not refundable:

- a) Application Fees
- 1) The fee for application for a license as a private detective, security contractor, alarm contractor, or locksmith is \$500. In addition, applicants for an examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application for an agency certificate is \$500.
 - 3) The fee for application for a branch office certificate is \$200.
 - 4) The fee for issuance of a permanent employee registration card is \$55.

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- 5) The fee for issuance of a firearm authorization card is \$55.
 - 6) The fee for issuance of an armed proprietary security force registration is \$20.
- b) Renewal Fees
- 1) The fee for the renewal of a license shall be calculated at the rate of \$150 per year.
 - 2) The fee for the renewal of an agency certificate is \$450 for the renewal period (see Section 1240.550(b)).
 - 3) The fee for the renewal of a branch office certificate is \$200 for the renewal period (see Section 1240.550(b)).
 - 4) The fee for the renewal of a permanent employee registration card is \$45 for the renewal period (see Section 1240.550(c)).
 - 5) The fee for the renewal of a firearm authorization card is \$45 for the renewal period (see Section 1240.550(c)).
 - 6) The fee for the renewal of an armed proprietary security force registration is \$20 for the renewal period (see Section 1240.550(b)).
- c) General Fees
- 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees; the fee for restoration from inactive status is the current renewal fee.
 - 2) The fee for the issuance of a duplicate/replacement license, agency certificate of registration, permanent employee registration card, Certification of Firearm Training, firearm authorization card, or a certificate issued for a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.

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- 3) The fee for reissuance of a firearm authorization card to an agency that has changed its name is \$10.
- 4) The fee for electronic fingerprint processing by one of the designated vendors is the cost of processing that shall be made payable to the vendor.
- 5) The fee for a certification of a licensee's record for any purpose is \$20.
- 6) The fee to have the scoring of an examination administered by the Division reviewed and verified is \$20, plus any fee charged by the testing service.
- 7) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 8) The fee for a roster of licensees or registrants shall be the actual cost of producing the roster.

Section 1240.575 Conduct of Hearings

Any hearing conducted by the Division pursuant to Section 45-10 of the Act shall be conducted in accordance with the Division's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110).

Section 1240.580 Investigation by the Division

- a) Pursuant to Section 2105-100(b) of the Civil Administrative Code of Illinois, the Division may conduct an investigation for the purpose of investigating an applicant or application, an agency, a licensee, a registrant or any other party for an alleged violation of the Act or this Part.
- b) The Division may require an applicant, an agency, a licensee or registrant to produce relevant documents, records or any other material pertinent to the investigation of alleged violations of the Act or this Part. Failure to provide such material shall be grounds for disciplinary action, as authorized by Section 40-10 of the Act. Nothing in Section 35-10 of the Act shall be construed to interfere with the Division's authority to investigate licensees under the Act.

Section 1240.585 Granting Variances

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NOTICE OF ADOPTED RULES

- a) The Director may grant variances from this Part in individual cases where he/she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) Section Number: 1320.310 Adopted Action: Amendment
- 4) Statutory Authority: Illinois Optometric Practice Act of 1987 [225 ILCS 80]
- 5) Effective date of amendment: December 2, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in Illinois Register: August 13, 2004; 28 Ill. Reg. 11479
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: References have been changed from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendment: The Department, with input and guidance from the Board of Optometry, is amending Section 1320.310 to provide for the acceptance of the practice of optometry in another jurisdiction utilizing therapeutic pharmaceutical agents for a minimum of 10 years in order to obtain therapeutic certification.

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NOTICE OF ADOPTED AMENDMENT

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

Department of Financial and Professional Regulation
Division of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813
Fax: 217/782-7645

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS

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

PART 1320

OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section

1320.20	Approved Programs of Optometry
1320.30	Application for Licensure
1320.35	Application for a Limited Residency License
1320.40	Examinations
1320.45	Fees (Emergency Expired)
1320.50	Endorsement
1320.55	Renewals (Renumbered)
1320.60	Inactive Status
1320.70	Restoration
1320.80	Continuing Education
1320.90	Minimum Eye Examination
1320.95	Minimum Equipment List
1320.100	Practice of Optometry
1320.110	Advertising
1320.120	Granting Variances (Renumbered)

SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

Section

1320.200	Standards
1320.210	Application for Diagnostic Certification
1320.220	Approved Diagnostic Topical Ocular Pharmacological Training
1320.230	Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.240	Restoration of Diagnostic Certification
1320.250	Endorsement of Diagnostic Certification
1320.260	Renewal of Certification (Repealed)
1320.270	Display of Certification (Repealed)

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

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Section

1320.300	Definitions and Standards
1320.310	Application for Therapeutic Certification
1320.315	Controlled Substance License Requirement
1320.320	Approved Therapeutic Ocular Training
1320.330	Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.340	Restoration of Therapeutic Certification
1320.350	Endorsement of Therapeutic Certification

SUBPART D: GENERAL

Section

1320.400	Fees
1320.410	Ancillary Licenses
1320.420	Renewals
1320.430	Granting Variances

AUTHORITY: Implementing the Illinois Optometric Practice Act of 1987 [225 ILCS 80] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg. 16040, effective November 24, 1997; amended at 23 Ill. Reg. 5744, effective April 30, 1999; amended at 24 Ill. Reg. 3656, effective February 15, 2000; amended at 27 Ill. Reg. 2677,

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effective January 31, 2003; amended at 28 Ill. Reg. 4945, effective March 3, 2004; amended at 28 Ill. Reg. 16247, effective December 2, 2004.

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

Section 1320.310 Application for Therapeutic Certification

A licensed optometrist seeking certification to use therapeutic ocular pharmaceutical agents for examination purposes shall file an application with the Department of Financial and Professional Regulation-Division of Professional Regulation (Division)Department, on forms provided by the DivisionDepartment:

- a) IncludingEither:
- 1) Certification signed by the Dean of the applicant's optometry program that the applicant has successfully completed 30 hours of therapeutic ocular training in systemic disease. Only optometrists who graduated from an optometry program approved by the DivisionDepartment in accordance with Section 1320.20 after January 1, 1994 are eligible to apply under this subsection; or
 - 2) Certification of training and proof of completion of an approved therapeutic ocular pharmaceutical course as set forth in Section 1320.320 of this Part. Such course shall have been taken after January 1, 1994; or-
 - 3) The submission of evidence that the applicant has practiced optometry for a minimum of 10 years utilizing therapeutic pharmaceutical agents under the laws of another jurisdiction that are deemed by the Board to be substantially equivalent to those of Illinois and that the applicant has done so with no related disciplinary action.
- b) Proof of diagnostic ocular pharmaceutical certification in accordance with Subpart B.
- c) The required fee set forth in Section 1320.400(a)(2) of this Part.

(Source: Amended at 28 Ill. Reg. 16247, effective December 2, 2004)

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- 1) Heading of the Part: Illinois Physical Therapy Act
- 2) Code Citation: 68 Ill. Adm. Code 1340
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1340.20	Amendment
1340.30	Amendment
1340.50	Amendment
1340.57	Amendment
1340.61	Amendment
1340.65	Amendment
- 4) Statutory Authority: Illinois Physical Therapy Act [225 ILCS 90]
- 5) Effective date of amendments: December 2, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in Illinois Register: March 15, 2004; 28 Ill. Reg. 3834
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: References have been changed from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. In Section 1340.61, CE credit may also be earned as a clinical instructor. For graduates of programs outside the United States required to have their credentials evaluated by a credentialing service, language was removed allowing the Committee to make its own review. Various nonsubstantive technical changes have also been made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and purpose of amendments: This rulemaking implements changes that have been adopted nationally by the accreditation entity for physical therapy programs. Section 1340.20 includes curriculum changes for physical therapists and physical therapist assistants and clarifies the evaluation process for graduates of programs outside the United States. Section 1340.61 adds additional means for satisfying the continuing education requirement. Various other nonsubstantive technical and cleanup changes have also been made.
- 16) Information and questions regarding these amendments part shall be directed to:

Department of Financial and Professional Regulation
Division of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813
Fax: 217/782-7645

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL REGULATION](#)
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1340

ILLINOIS PHYSICAL THERAPY ACT

Section

1340.15	Application for Licensure Under Section 8.1 of the Act (Grandfather) (Repealed)
1340.20	Approved Curriculum
1340.30	Application for Licensure on the Basis of Examination
1340.40	Examination
1340.50	Endorsement
1340.55	Renewals
1340.57	Fees
1340.60	Restoration
1340.61	Continuing Education
1340.65	Unprofessional Conduct
1340.66	Advertising
1340.70	Granting Variances

AUTHORITY: Implementing the Illinois Physical Therapy Act [225 ILCS 90] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 5 Ill. Reg. 6500, effective June 3, 1981; codified at 5 Ill. Reg. 11048; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 9 Ill. Reg. 1906, effective January 28, 1985; recodified from Chapter I, 68 Ill. Adm. Code 340 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1340 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2959; amended at 12 Ill. Reg. 8030, effective April 25, 1988; amended at 15 Ill. Reg. 5254, effective March 29, 1991; emergency amendment at 15 Ill. Reg. 11503, effective July 30, 1991, for a maximum of 150 days; emergency expired December 27, 1991; amended at 16 Ill. Reg. 3175, effective February 18, 1992; amended at 17 Ill. Reg. 14606, effective August 27, 1993; amended at 20 Ill. Reg. 10678, effective July 26, 1996; amended at 23 Ill. Reg. 11970, effective September 17, 1999; amended at 24 Ill. Reg. 567, effective December 31, 1999; amended at 26 Ill. Reg. 11953, effective July 18, 2002; amended at 28 Ill. Reg. 16252, effective December 2, 2004.

Section 1340.20 Approved Curriculum

- a) The Department [of Financial and Professional Regulation-Division of Professional Regulation \(Division\)](#) shall, upon the recommendation of the

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Physical Therapy Licensing and Disciplinary Committee (the Committee), approve an applicant's physical ~~therapist~~therapy curriculum if it meets the following minimum criteria:

- 1) The school from which the applicant was graduated:
 - A) Is legally recognized and authorized by the jurisdiction in which it is located to confer a physical therapy degree; and
 - B) Has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their ~~areas~~area(s) of teaching from professional colleges or institutions; and
 - C) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- 2) ~~the~~Prior to January 1, 2002, the applicant's curriculum shall have a minimum of 120 semester hours which shall include a minimum of 50 semester hours credit in general education and at least the following subject areas in professional education (~~a minimum of 57-61~~ a minimum of 57-61 semester hours required):
 - A) Basic Health Sciences
 - i) Anatomy
 - ii) Physiology
 - iii) Pathology
 - iv) Kinesiology
 - v) Neurology
 - vi) Psychology
 - B) Clinical Sciences to include, but not limited to the major areas of:

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- i) Medicine
 - ii) Surgery
 - iii) Physical therapy theory and application, including therapeutic exercise, evaluation procedures, physical agents, mechanical modalities, electrotherapy, massage, orthotics and prosthetics, and professional issues
- C) Clinical Education – a minimum of 800 clock hours.
- 3) Applicants graduating after January 1, 2002 must have a minimum of a master's degree in physical therapy.
- 4) No course in which the applicant received a grade lower than a C will be accepted for ~~professional~~ coursework.
- b) The ~~Division~~Department shall, upon the recommendation of the Committee, approve an applicant's physical therapist assistant curriculum if it meets the following minimum criteria:
 - 1) The school from which the applicant was graduated:
 - A) Is legally recognized and authorized by the jurisdiction in which it is located to offer a ~~2-year~~ physical therapist assistant curriculum that leads to an associate degree;
 - B) Has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas~~area(s)~~ of teaching from professional colleges or institutions;
 - C) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
 - 2) The applicant's curriculum includes at least the following subject areas in professional education (a minimum of 29-31 semester hours required):

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- A) Basic Health Sciences
- i) Anatomy and physiology
 - ii) Pathology
 - iii) Psychology
 - iv) Kinesiology
- B) Clinical Sciences to include, but not be limited to, the major areas of:
- i) Medicine and surgery
 - ii) Applied physical therapy science, ii) Physical therapist assistant theory and application, including gross evaluation techniques, physical agents, mechanical modalities, therapeutic exercise, electrotherapy, massage, and professional issues
- C) Clinical Education – a minimum of 600 clock hours.
- 3) No course in which the applicant received lower than a C will be accepted for ~~professional~~ coursework.
- c) In determining whether an applicant's curriculum should be approved, the ~~Division~~Department shall take into consideration, but not be bound by, accreditation of the applicant's school by the Commission on Accreditation in Physical Therapy Education (CAPTE).
- d) Recommendation of Approval
- 1) The ~~Division~~Department, upon the recommendation of the Committee, has determined that the curricula of all physical ~~therapist~~therapy and physical therapist assistant programs accredited by ~~the Commission on Accreditation in Physical Therapy Education~~CAPTE as of January 1, 1996, meet the minimum criteria set forth in subsections (a) and (b) ~~above~~ and are, therefore, approved.
 - 2) In the event of a decision by the above accrediting body to suspend,

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withdraw or revoke accreditation of any physical ~~therapist~~therapy or physical therapist assistant program, the Committee shall proceed to evaluate the curriculum and either approve or disapprove it in accordance with subsections (a) and (b) ~~above~~.

e) Graduates from Outside the United States

- 1) A graduate of a physical ~~therapist~~therapy or ~~physical therapist assistant~~ program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the Committee, to determine equivalence of education to a physical therapist degree conferred by a regionally accredited college or university in the United States. The credentialing service must have a physical therapist consultant on its staff. The Committee recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the Committee to be acceptable. A person who graduated from a physical therapist program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE).his/her degree validated, by the Foreign Credentialing Commission on Physical Therapy (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313, at the applicant's expense, as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States.
- 2) A graduate of a physical therapist assistant program outside the United States or its territories shall have his or her degree evaluated by a credentialing service to determine equivalence of education to a physical therapist assistant degree conferred by a regionally accredited college or university in the United States or its territories pursuant to Section 1340.20(b). A person who graduated from a physical therapist assistant program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE).
- 3) ~~f)~~ An individual who is deficient in course work may complete the required coursecourse(s) at a regionally accredited college or university within the United States or its territories. The individual will be required to submit an officiala transcript from the program indicating successful completion

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of the course and a course description. [A passing CLEP \(College Level Examination Program\) test score is also acceptable in satisfying a deficiency requirement.](#)

- g) ~~On or after August 1, 1996, any person applying for licensure shall have his/her curriculum reviewed on an individual basis as set forth in this Section. All programs previously approved by the Department will no longer be considered approved.~~

(Source: Amended at 28 Ill. Reg. 16252, effective December 2, 2004)

Section 1340.30 Application for Licensure on the Basis of Examination

- a) An applicant for a physical therapist license by examination shall file an application on forms supplied by the ~~Division~~Department. The application shall include:
- 1) A complete work history indicating all employment since graduation from a physical ~~therapist~~therapy program;
 - 2) Certification of successful completion of a physical ~~therapist~~therapy program, signed by the Director of the Physical Therapy Program or other authorized university official and bearing the seal of the university, which meets the requirements set forth in Section 1340.20 of this Part;
 - 3) ~~Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 and the Test of Spoken English (TSE) with a score of 50 for applicants who apply after January 1, 1996, who graduated from a physical therapy program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the physical therapy program from which the applicant graduated was taught in English; and~~
 - ~~3)4)~~ The required fee specified in Section 1340.57 of this Part.
- b) An applicant for a physical therapist assistant license by examination shall file an application on forms supplied by the ~~Division~~Department. The application shall include:
- 1) A complete work history indicating all employment since graduation from

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a physical therapist assistant program;

2) ~~Either:~~

~~2)A) Certification of graduation from a 2-year college-level physical therapist assistant program and attainment of a minimum of an associate's degree signed by the director of the Physical ~~Therapist~~Therapy Program or other authorized school official and bearing the seal of ~~at~~the school ~~that~~which meets the requirements set forth in Section 1340.20 of this Part; ~~and~~~~or~~~~

~~B) Certification that the applicant is a full-time student in his/her final term of a 2-year college-level physical therapist assistant program with a curriculum that meets the requirements set forth in Section 1340.20 of this Part (certification of graduation shall be received by the Department prior to the applicant's being issued a license);~~

~~3) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 and the Test of Spoken English (TSE) with a score of 50 for applicants who apply after January 1, 1996, who graduated from a physical therapy program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the physical therapy program from which the applicant graduated was taught in English; and~~

~~3)4) The required fee specified in Section 1340.57.~~

c) If supporting documentation for the application is not in English, a certified translation must be included.

d) Graduates from Outside the United States

1) A graduate of a physical ~~therapist~~therapy or physical therapist assistant program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the Committee, to determine equivalence of education to a physical therapist degree conferred by a regionally accredited college or university in the United States or its territories pursuant to Section 1340.20(b). The credentialing service must have a physical therapist consultant on its staff. The Committee recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia

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~~22313 as a service determined by the Committee to be acceptable. his/her degree validated, by a credentialing agency at the applicant's expense, as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States.~~

2) A graduate of a physical therapist assistant program outside the United States or its territories shall have his or her degree evaluated by a credentialing service to determine equivalence of education to a physical therapist assistant degree conferred by a regionally accredited college or university in the United States or its territories pursuant to Section 1340.20(b). A person who graduated from a physical therapist assistant program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE).

e) An applicant shall have 60 days after approval of the application to take the examination. If the examination is not taken within those 60 days, the examination fee is forfeited and the applicant shall resubmit the required examination fee to Continental Testing Services, Inc. An applicant who fails to take the examination within 60 days shall forfeit his/her right to work as a physical therapist or physical therapist assistant until the examination is passed.

f) If the applicant has ever been licensed/registered in another state or territory of the United States, he/she shall also submit a certification, on forms provided by the Division~~Department~~, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:

- 1) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license;
- 2) A description of the examination in that jurisdiction;
- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

g) An applicant for a license, who has successfully completed the examination recognized by the Division~~Department~~ in another jurisdiction but who has not been licensed in that jurisdiction, shall file an application in accordance with subsection (a) or (b) ~~above~~ and have the examination scores submitted to the

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Division~~Department~~ by the reporting entity.

- h) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Committee because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Committee to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- ~~h) If the Department has questions or doubts with respect to the documentation or accuracy of any of the matters set forth in the application, the applicant will be required to appear before the Committee and/or provide such additional information as necessary.~~
- i) If the applicant has been determined eligible for licensure except for passing of the examination, the applicant shall be issued a letter of authorization which allows him/her to practice under supervision in accordance with Section 2 of the Act. Supervision shall constitute the presence of the licensed physical therapist on site to provide supervision. The applicant shall not begin practice as a physical therapist or physical therapist assistant, license pending, until the letter of authorization is received from the Division~~Department~~.

(Source: Amended at 28 Ill. Reg. 16252, effective December 2, 2004)

Section 1340.50 Endorsement

- a) An applicant who is currently licensed under the laws of another state or territory of the United States and who wishes to be licensed as a physical therapist or physical therapist assistant by endorsement, shall file an application with the Division~~Department~~, on forms provided by the Division~~Department~~, which shall include:
- 1) Certification, on forms provided by the Division~~Department~~, of successful completion of an approved physical ~~therapist~~therapy or physical therapist assistant program in accordance with Section 1340.20;

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- 2) Certification from the state or territory of original licensure and the state in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains record of any disciplinary actions taken or pending, and the applicant's license number;
 - 3) ~~Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 and the Test of Spoken English (TSE) with a score 50 for applicants who apply after January 1, 1996, who graduated from a physical therapy program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the physical therapy program from which the applicant graduated was taught in English.~~ The ~~Division~~Department may waive the TOEFL and TSE examination for individuals who are licensed and have been actively practicing in another jurisdiction for 3 years prior to the date of application for licensure in Illinois;
 - 4) A report of the applicant's examination record forwarded directly from the test reporting service;
 - 5) Complete work history since graduation from the physical ~~therapist~~therapy or physical therapist assistant program; and
 - 6) The required fee specified in Section 1340.57.
- b) Graduates from Outside the United States
- 1) A graduate of a physical ~~therapist~~therapy or physical therapy assistant program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the Committee, to determine equivalence of education to a physical therapist degree conferred by a regionally accredited college or university in the United States or its territories. The credentialing service must have a physical therapist consultant on its staff. The Committee recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the Committee to be acceptable. A person who graduated from a physical therapist program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken

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~~English (TSE). his/her degree validated, by a credentialing agency at the applicant's expense, as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States.~~

2) A graduate of a physical therapist assistant program outside the United States or its territories shall have his or her degree evaluated by a credentialing service to determine equivalence of education to a physical therapist assistant degree conferred by a regionally accredited college or university in the United States or its territories pursuant to Section 1340.20(b). A person who graduated from a physical therapist assistant program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE).

c) The ~~Division~~Department shall examine each endorsement application to determine whether the requirements in the jurisdiction at the date of licensing were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act.

d) Applicants who were licensed in another state between August 1, 1996 and September 1, 1999 will have their curriculum reviewed on an individual basis. All programs previously approved by the Division will no longer be considered approved.

e) The ~~Division~~Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

f)e) When an applicant for licensure by endorsement as a physical therapist or physical therapist assistant is notified in writing by the ~~Division~~Department that the application is complete, the applicant may practice in Illinois for one year or until licensure has been granted or denied, whichever period of time is lesser, as provided in Section 2(4) of the Act.

(Source: Amended at 28 Ill. Reg. 16252, effective December 2, 2004)

Section 1340.57 Fees

The following fees shall be paid to the ~~Division~~Department and are not refundable:

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a) Application Fees

- 1) The fee for application for a license as a physical therapist or physical therapist assistant is \$100. In addition, applicants for an examination shall be required to pay, either to the [DivisionDepartment](#) or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the [DivisionDepartment](#) or the designated testing service, shall result in the forfeiture of the examination fee.
- 2) The fee for application as a continuing education sponsor is \$500. [Illinois](#) State colleges and universities and [Illinois](#) State agencies are exempt from payment of this fee.

b) Renewal Fees

- 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
- 2) The fee for renewal of continuing education sponsor approval is \$250 for the renewal period.

c) General Fees

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$200.
- 2) [The fee for restoration of a license from inactive status is the current renewal fee.](#)
- 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on [DivisionDepartment](#) records when no duplicate license is issued.
- 4)3) The fee for a certification of a licensee's record for any purpose is \$20.

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- 5)4) The fee to have the scoring of an examination authorized by the ~~Division~~Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 6)5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 7)6) The fee for a roster of persons licensed as physical therapists or physical therapist assistants in this State shall be the actual cost of producing the roster.

(Source: Amended at 28 Ill. Reg. 16252, effective December 2, 2004)

Section 1340.61 Continuing Education

- a) Continuing Education Hour Requirements
- 1) Beginning with the September 30, 2004 renewal and every renewal thereafter, every physical therapist shall complete 40 hours of continuing education (CE) relevant to the practice of physical therapy during each prerenewal period as a condition of renewal.
 - 2) Beginning with the September 30, 2005 renewal and every renewal thereafter, every physical therapist assistant shall complete 20 hours of CE relevant to the practice of physical therapy during each prerenewal period as a condition of renewal.
 - 3) A prerenewal period is the 24 months preceding September 30 in the year of the renewal.
 - 4) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 5) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of academic credit awarded.
 - 6) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

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- 7) Physical therapists and physical therapist assistants licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section. CE credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois if the CE requirements in the other state are equivalent to the CE requirements in this Section.
- b) Approved Continuing Education
- 1) All CE activities shall be relevant to the advancement, extension and enhancement of providing patient/client management, including but not limited to physical therapy examination, evaluation, intervention, and prevention and providing physical therapy services or fulfilling the other professional roles of a physical therapist or physical therapist assistant. Courses not acceptable for the purpose of this definition include, but are not limited to, estate planning, financial planning, investments, and personal health.
 - 2) CE hours may be earned by verified attendance at or participation in a program that is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c). Credit shall not be given for courses taken in Illinois from unapproved sponsors.
 - 3) CE may also be earned from the following activities:
 - A) Teaching a course for an approved CE sponsor or a CAPTE accredited PT or PTA program. An applicant will receive 2 hours of credit for each CE hour awarded to course attendees the first time the course is taught and 1 hour of credit for each CE hour the second time the same course is taught; no credit will be given for teaching the same course 3 or more times. A maximum of 50% of the total CE requirements may be earned through CE instruction. The applicant must be able to provide verification of unique content for each CE course taught via course goals, objectives, and outline.
 - B) American Board of Physical Therapy Specialties (ABPTS) Clinical Specialist Certification. An applicant will receive 40 hours of CE credit for the prerenewal period in which the initial certification is awarded.

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- C) APTA-approved post-professional clinical residency or fellowship. An applicant will receive 1 hour of CE credit for every 2 hours spent in clinical residency, up to a maximum of 20 hours. Clinical residency hours may not be used for CE credit if the applicant is also seeking credit for hours earned for post-professional academic coursework in the same prerenewal period.
- D) Professional research/writing. An applicant may receive CE credit for publication of scientific papers, abstracts, or review articles in peer-reviewed and other professional journals; publication of textbook chapters; and poster **or platform** presentations at conferences sponsored by any entity that has pre-approved status, up to a maximum of 50% of the total CE requirements:
- i) 15 hours for each refereed article.
 - ii) 3 hours for each non-refereed article, abstract of published literature or book review.
 - iii) 5 hours for each textbook chapter.
 - iv) 5 hours for each poster or platform presentation or review article.
- E) Self-study. A maximum of 50% of the total CE requirements may be earned through the following self-study activities:
- i) An applicant may obtain up to 20 hours of CE credit by taking correspondence or web-based courses from an approved CE sponsor. These courses shall include a test that must be passed in order to obtain credit.
 - ii) An applicant can receive up to 5 hours of CE credit for utilizing moderated teleconferences or audiocassettes/videos of professional presentations offered by approved sponsors. The applicant will be responsible for verifying purchase/registration for teleconferences or audio presentations.
 - iii) An applicant can receive up to 5 hours of CE credit for

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completion of published tests/quizzes based on APTA publications. The applicant will be responsible for verifying successful completion. (These publication-based tests/quizzes, typically offered for less than 1 hour of CE credit, are the only exception to the requirement that all approved CE activities must be at least 1 hour.)

- F) Journal clubs. Up to 5 hours of CE credit may be obtained for participation in a journal club. Credit will be earned based on actual hours of participation and must be verified with an attendance list and list of articles from peer-reviewed journals discussed at each meeting.
- G) Educational programs at Illinois Physical Therapy Association (IPTA) district meetings. Up to 5 hours of CE credit may be obtained for attendance at these programs. Credit will be earned based on actual hours of participation and must be verified with an attendance list and referenced presentation materials.
- H) Departmental inservices. Up to 5 hours of CE credit may be obtained for attendance at inservices at healthcare facilities or organizations. Credit will be earned based on actual hours of participation and must be verified with an attendance list and referenced presentation materials.
- I) Professional leadership. Up to 5 hours of CE credit may be obtained for being a member of the Physical Therapy Licensing and Disciplinary Committee, an officer of the American Physical Therapy Association, Illinois Physical Therapy Association or the Federation of State Boards of Physical Therapy. Credit will be earned based on months of service with one hour of CE credit earned per 3 months of service.
- J) Clinical instructor. Up to 5 hours of CE credit may be obtained by being a clinical instructor for either PT or PTA students. Credit will be earned based on hours of cumulative student clinical instruction, with 1 hour of CE credit per 120 student hours. CE credit hours for clinical instruction will be awarded by the student's academic institution.
- 4) CE will not be awarded for the following types of activities:

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- A) Entry-level physical ~~therapist therapy~~ or physical therapist assistant academic coursework.
 - B) Employee orientation programs or training completed as a condition of employment.
 - C) Professional meetings or conventions, other than educational programming by approved sponsors.
 - D) Committee meetings.
 - E) Work experience.
 - F) Individual scholarship, mass media programs or self-study activities not identified in subsection (b)(2)(E).
- c) Continuing Education Sponsors and Programs
- 1) Approved sponsor, as used in this Section, shall mean:
 - A) American Physical Therapy Association and its components, including the Illinois Physical Therapy Association;
 - B) Colleges, universities, or community colleges or institutions with ~~accredited~~ physical therapist or physical therapist assistant education programs accredited by the Commission on Accreditation in Physical Therapy Education; for post-professional academic coursework, all regionally accredited colleges and universities would be approved sponsors; and
 - C) Any other person, firm, association, corporation, or group that has been approved and authorized by the Division~~Department~~ pursuant to subsection (c)(2) of this Section upon the recommendation of the Board to coordinate and present continuing education courses or programs.
 - 2) Entities seeking a license as a CE sponsor pursuant to subsection (c)(1)(C) shall file a sponsor application, along with the required fee set forth in Section 1340.57. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify

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to the following:

- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (b) and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(7)(A); and
 - C) That, upon request by the [DivisionDepartment](#), the sponsor will submit evidence as is necessary to establish compliance with this Section. Evidence shall be required when the [DivisionDepartment](#) has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) Each licensed sponsor shall submit by September 30 of each even numbered year a sponsor application along with the renewal fee set forth in Section 1340.57. With the application the sponsor shall be required to submit to the [DivisionDepartment](#) a list of all courses and programs offered within the past 24 months, which includes a description, location, date and time the course was offered.
 - 4) Each CE program by a licensed sponsor shall provide a mechanism for written evaluation of the program and instructor by the participants. Such evaluation forms shall be kept for 5 years and shall be made available to the [DivisionDepartment](#) upon written request.
 - 5) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of physical therapy;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials;

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- C) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
 - D) Provide for a mechanism for the evaluation of the program by the participants.
- 6) All programs shall be open to all licensed physical therapists and physical therapist assistants and not be limited to the members of a single organization or a group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance by a Licensed Sponsor
- A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name and address of the sponsor;
 - ii) The name and address of the participant;
 - iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program;
 - vi) Signature of the sponsor.
 - B) The sponsor shall maintain these records for not less than 5 years.
- 8) The licensed sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.
- 9) Upon the failure of a licensed sponsor to comply with any of the foregoing requirements, the ~~Division~~Department, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110) shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the

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[DivisionDepartment](#) receives reasonably satisfactory assurances of compliance with this Section.

- d) Continuing Education Earned in Other Jurisdictions
 - 1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or 90 days prior to the expiration date of the license. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
- e) Certification of Compliance with CE Requirements
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).
 - 2) The [DivisionDepartment](#) may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance for a minimum of 5 years.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Waiver of CE Requirements
 - 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the [DivisionDepartment](#) a renewal application, the renewal fee set forth in Section 1340.57, a statement setting forth the facts concerning such non-

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compliance, and a request for waiver of the CE requirements on the basis of such facts. If the ~~Division~~Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the ~~Division~~Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician;
 - ii) A physical inability to travel to the sites of approved programs; or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for such waiver is filed with the ~~Division~~Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the ~~Division's~~Department's final decision on the application has been made.

(Source: Amended at 28 Ill. Reg. 16252, effective December 2, 2004)

Section 1340.65 Unprofessional Conduct

- a) Pursuant to Section 17(1)(H) of the Act, unprofessional conduct in the practice of physical therapy shall include but not be limited to:

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- 1) The promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party.
- 2) Directly or indirectly offering, giving, soliciting, or receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient or client.
- 3) Revealing of personally identifiable facts, data or information about a patient or client obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law.
- 4) Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.
- 5) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that the person to whom the responsibilities were delegated is not qualified by training, experience, or licensure to perform them.
- 6) Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed physical therapist.
- 7) Overutilizing services by providing excessive evaluation or treatment procedures not warranted by the condition of the patient or by continuing treatment beyond the point of possible benefit.
- 8) Making gross or deliberate misrepresentations or misleading claims as to professional qualifications or of the efficacy or value of the treatments or remedies given or recommended, or those of another practitioner.
- 9) Gross and willful and continued overcharging for professional services, including filing false ~~statements~~statement for collection of fees for which services are not rendered.
- 10) Failing to maintain a record for each patient ~~that~~which accurately reflects the evaluation and treatment of the patient.

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- 11) Advertising or soliciting for patronage in a manner that is fraudulent or misleading. Examples of advertising or soliciting which is considered fraudulent or misleading shall include, but not be limited to:
- A) Advertising by means of testimonials, anecdotal reports of physical therapy practice successes or claims of superior quality of care to entice the public; or
 - B) Advertising which contains false, fraudulent, deceptive or misleading materials, warranties or guarantees of success, statements which play upon vanities or fears of the public or statements which promote or produce unfair competition.
- b) The ~~Division~~Department hereby incorporates by reference the "Code of Ethics", June ~~2000~~1991, approved by the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria VA 22314, with no later amendments or editions.

(Source: Amended at 28 Ill. Reg. 16252, effective December 2, 2004)

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- 1) Heading of the Part: Professional Counselor and Clinical Professional Counselor Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1375
- 3)

	<u>Section Numbers:</u>	<u>Adopted Action:</u>
1375.50	Amendment	
1375.120	Amendment	
1375.130	Amendment	
1375.140	Amendment	
1375.160	Amendment	
1375.220	Amendment	
- 4) Statutory Authority: Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]
- 5) Effective date of amendments: December 2, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in Illinois Register: August 13, 2004; 28 Ill. Reg. 11484
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The provision defining "course" as 3 semester hours or equivalent is effective January 1, 2008 to allow schools to modify their programs, if necessary. Various nonsubstantive technical changes and clarifications have also been made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and purpose of amendments: Various nonsubstantive technical and clean-up changes have been made and clarifications added that were omitted when this Part was amended in September, 2003. Section 1375.130 (l) was intended to clarify that a licensed professional counselor (LPC) could not work independently but it mistakenly said “licensed clinical professional counselor”; this has been corrected. In Section 1375.220, clarification is made that the 18 hours of continuing education required in supervision for LCPCs is required to be completed only one time, not every renewal. Clarification is also made in Sections 1375.50 and 1375.140 that “course” meant 3 semester hours or its equivalent.
- 16) Information and questions regarding these amendments part shall be directed to:

Department of Financial and Professional Regulation
Division of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813
Fax: 217/782-7645

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

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

PART 1375

PROFESSIONAL COUNSELOR AND CLINICAL PROFESSIONAL
COUNSELOR LICENSING ACT

SUBPART A: LICENSED PROFESSIONAL COUNSELOR

Section

1375.10	Temporary License as a Professional Counselor (Repealed)
1375.20	How to Obtain a Permanent License as a Professional Counselor After Receiving a Temporary License (Repealed)
1375.30	Application for Examination/Permanent Licensure as a Professional Counselor
1375.40	Professional Experience for Licensure as a Professional Counselor after December 31, 1998
1375.50	Approved Professional Counseling Programs
1375.60	Examination – Professional Counselor
1375.70	Endorsement – Professional Counselor
1375.80	Restoration – Professional Counselor

SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

Section

1375.100	Temporary License as a Clinical Professional Counselor (Repealed)
1375.110	How to Obtain a Permanent License as a Clinical Professional Counselor After Receiving a Temporary License (Repealed)
1375.120	Application for Examination/Permanent Licensure as a Clinical Professional Counselor
1375.130	Professional Experience for Licensure as a Clinical Professional Counselor Beginning January 1, 1999
1375.135	Clinical Professional Counselor Licenses for Clinical Psychologists and Clinical Social Workers
1375.140	Approved Clinical Professional Counseling Programs
1375.150	Examination – Clinical Professional Counselor
1375.160	Endorsement – Clinical Professional Counselor
1375.170	Restoration – Clinical Professional Counselor

SUBPART C: GENERAL

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Section

1375.200	Renewals
1375.205	Fees
1375.210	Inactive Status
1375.220	Continuing Education
1375.225	Unprofessional Conduct
1375.230	Granting Variances

1375.APPENDIX A Course Descriptions

1375.APPENDIX B Education, Experience and Examination History

AUTHORITY: Implementing the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 18 Ill. Reg. 18018, effective December 12, 1994; amended at 22 Ill. Reg. 8460, effective May 4, 1998; amended at 24 Ill. Reg. 7335, effective May 1, 2000; emergency amendment at 26 Ill. Reg. 18488, effective December 16, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5848, effective March 24, 2003; amended at 27 Ill. Reg. 15483, effective September 19, 2003; amended at 28 Ill. Reg. 16277, effective December 2, 2004.

SUBPART A: LICENSED PROFESSIONAL COUNSELOR

Section 1375.50 Approved Professional Counseling Programs

- a) The [Department of Financial and Professional Regulation-Division of Professional Regulation](#) shall approve similar degree programs (baccalaureate, master's, doctoral degree), on or before December 31, 1998, utilizing the following criteria:
- 1) The program shall be located in a college, university or school recognized by the education accrediting authority in the jurisdiction in which it is located.
 - 2) The program shall require an individual to complete a minimum of 30 semester hours or equivalent quarter hours in any of the following 13 core areas described in more detail in Appendix A of this Part:
 - A) Human Growth and Development and Maladaptive Behavior

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- B) Counseling Theory
- C) Counseling Techniques
- D) Group Dynamics, Processing and Counseling
- E) Appraisal of Individuals
- F) Research and Evaluation
- G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
- H) Social and Cultural Foundations
- I) Lifestyle and Career Development
- J) Practicum
- K) Counseling Education
- L) Counseling Supervision
- M) Counseling Administration.

- b) Beginning January 1, 1999, the ~~Division~~Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve baccalaureate programs in human services or similar degree programs at the baccalaureate level or counseling, rehabilitation counseling, psychology, or similar degree programs at the master's or doctoral level if they meet the following requirements:
- 1) The institution is a regionally accredited institution of higher education,
 - 2) The program, wherever it may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling, psychology or similar programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors or the institution grants a baccalaureate human services degree,

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- 3) The program is an organizational entity within the institution,
- 4) The program has an integrated, organized sequence of study at least 2 academic years in length and must require an individual to complete a minimum of 48 semester hours or equivalent quarter hours with a course in at least 10 of the 16 core areas listed below:
 - A) Human Growth and Development
 - B) Counseling Theory
 - C) Counseling Techniques
 - D) Group Dynamics, Processing and Counseling
 - E) Appraisal of Individuals
 - F) Research and Evaluation
 - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
 - H) Social and Cultural Foundations
 - I) Lifestyle and Career Development
 - J) Practicum
 - K) Counseling Education
 - L) Counseling Supervision
 - M) Counseling Administration
 - N) Family Dynamics
 - O) Psychopathology and Maladaptive Behavior
 - P) Substance Abuse,

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- 5) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled,
 - 6) The program has an identifiable body of students who are matriculated in that program for a degree,
 - 7) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution accumulated within the time frame and course of study of the program.
- c) Beginning January 1, 2005, the ~~Division~~Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve baccalaureate programs in human services or similar degree programs at the baccalaureate level, or counseling, rehabilitation counseling, psychology, or similar degree programs at the master's or doctoral level, if they meet the following requirements:
- 1) The institution is a regionally accredited institution of higher education;
 - 2) The program, wherever it may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling, psychology or similar programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors or that the institution grants a baccalaureate human services degree;
 - 3) The program is an organizational entity within the institution;
 - 4) The program has an integrated, organized sequence of study at least 2 academic years in length and requires an individual to complete a minimum of 48 semester hours or equivalent quarter hours with a minimum of one course ([beginning January 1, 2008, "course" is defined as 3 semester hours or equivalent](#)) in each of the following areas (described in more detail in Appendix A of this Part):
 - A) Human Growth and Development

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- B) Counseling Theory
 - C) Counseling Techniques
 - D) Group Dynamics, Processing and Counseling
 - E) Appraisal of Individuals
 - F) Research and Evaluation
 - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
 - H) Social and Cultural Foundations
 - I) Lifestyle and Career Development
 - J) Practicum/Internship
 - K) Psychopathology and Maladaptive Behavior
 - L) Substance Abuse
 - M) Family Dynamics;
- 5) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled;
 - 6) The program has an identifiable body of students who are matriculated in that program for a degree;
 - 7) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution, accumulated within the time frame and course of study of the program.
- d) Reevaluation of an Approved Program

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- 1) The DivisionDepartment may reevaluate any approved program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of this Section or that the Division'sDepartment's decision to approve a program was based upon false, deceptive or incomplete information.
 - 2) A program whose approval is being reevaluated by the DivisionDepartment shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.
- e) For the purposes of this Section, course shall be defined as an integrated, organized course of study which encompasses a minimum of one school semester or equivalent hours. No workshops, student designed courses, independent study courses or correspondence courses may be used to satisfy the core courses.
- f) The DivisionDepartment, upon recommendation of the Board, has determined that all master's degree and doctoral programs in professional counseling that are accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) and the Council on Rehabilitation Education (CORE) are approved. All doctoral programs in psychology of the American Psychological Association or the Council for the National Register of Health Service Providers in Psychology are approved.
- g) Individual Program Requirements
- 1) Individuals applying for licensure as a professional counselor who have not graduated from a program approved by the DivisionDepartment shall submit their transcripts and program materials to the DivisionDepartment for evaluation by the Board to determine if they meet the requirements of this Section.
 - 2) Individuals applying for licensure who are deficient in any of the core content areas in subsection (b)(4)~~above~~ may complete any of these courses in a counseling, rehabilitation counseling, psychology or similar degree program from an accredited institution. The applicant will be required to submit proof to the DivisionDepartment that he/she has passed such a ~~course~~course(s). Proof may include, but not be limited to, transcripts, curriculum and course materials.

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- 3) Individuals who are admitted to a degree program prior to January 1, 1999 have until January 1, 2003 to meet the educational requirements set forth in subsection (a) of this Section. After that date the applicant will be required to meet the curriculum requirements set forth in subsection (b) of this Section.
- 4) After January 1, 2008, all applicants will be required to meet the curriculum requirements set forth in subsection (c) of this Section.

(Source: Amended at 28 Ill. Reg. 16277, effective December 2, 2004)

SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

Section 1375.120 Application for Examination/Permanent Licensure as a Clinical Professional Counselor

- a) Each applicant seeking original licensure under Section 35 of the Act shall file an application with the ~~Division~~Department, on forms provided by the ~~Division~~Department, at least 90 days prior to an examination date. The application shall include:
 - 1) For individuals who graduated or who were enrolled in a program prior to January 1, 1999 (these individuals have until January 1, 2003 to complete the educational requirements set forth in Section 1375.140(a); otherwise, the applicant will be required to meet the educational requirements set forth in Section 1375.140(b)):
 - A) Either:
 - i) Certification of education from a master's degree program in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located, or certification of education and an official transcript from a similar master's degree program as defined in Section 1375.140(a) of this Part. Individuals who have completed experience prior to January 1, 1999 may complete the equivalent of 2 units of acceptable experience (2 years full-time satisfactory supervised employment

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working as a counselor in a professional capacity under the direction of a qualified supervisor as defined in subsection (a)(1)(B) or 4 years working as a counselor in a professional capacity independent of the direction of a qualified supervisor subsequent to the degree or a combination of supervised experience and independent experience). All experience obtained beginning January 1, 1999 shall meet the experience requirements set forth in Section 1375.130; or

- ii) Certification of education or an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140(a) of this Part. Individuals who have completed experience prior to January 1, 1999 may complete the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised experience working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor or 4 years working as a ~~clinical professional~~ counselor in a professional capacity independent of the direction of a qualified supervisor, as defined in subsection (a)(1)(B) or a combination of supervised experience and independent experience). All experience obtained beginning January 1, 1999 shall meet the experience requirements set forth in Section 1375.130.

- B) Experience earned prior to January 1, 1999 shall be documented as follows:

- i) Certification of experience signed by the applicant's supervisor. A qualified supervisor for purposes of this subsection (a)(1)(B)(i) is defined as any person who is a master's level or doctoral level counselor (such as, but not limited to, registered art therapist, licensed or registered marriage and family therapist, school counselor, school social worker, school psychologist, certified rehabilitation counselor at the master's level, pastoral counselor), a

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licensed clinical professional counselor, certified social worker or licensed clinical social worker, licensed/registered clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code; or

- ii) Three affidavits from the applicant's colleagues, consultants and supervisors who are familiar with the applicant's work.

One year of experience shall be a maximum of 1680 clock hours obtained in not less than 48 weeks. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.

- 2) For individuals who graduated on or after January 1, 1999:
 - A) Certification of education or an official transcript from a master's degree program in counseling, rehabilitation counseling, or psychology from a regionally accredited college, school or university or similar degree program as defined in Section 1375.140(b) of this Part and completion of the equivalent of 2 years full-time satisfactory supervised employment or experience working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.130 of this Part; or
 - B) Certification of education or an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a regionally accredited college, school or university or similar degree program as defined in Section 1375.140(b) of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised experience working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor, as defined in Section 10 of the Act, at least one year of which is subsequent to the degree.
- 3) A complete work history since receipt of the first qualifying degree (master's or doctoral degree).
- 4) The fee required in Section 1375.205.

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- 5) Certification of licensure, on forms provided by the DivisionDepartment, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) The DivisionDepartment, upon recommendation of the Board, has determined that individuals who hold the certification of a Certified Clinical Mental Health Counselor (CCMHC) based on examination meet the education, experience and examination requirements for licensure as a Clinical Professional Counselor.
- c) The DivisionDepartment, upon recommendation of the Board, has determined that the individuals who hold a certification from the following groups meet the education requirements to be eligible to sit for the examination.
- 1) Clinical Member of the American Association for Marriage and Family Therapy (AAMFT);
 - 2) Fellow or Diplomate of the American Association of Pastoral Counselors (AAPC);
 - 3) Type 73 certificate issued by the Illinois State Board of Education as a School Counselor, if the holder of the certificate has graduated from a CACREP school counseling program or meets the educational standards set forth in Section 1375.50, Clinical Social Worker or School Psychologist.

An applicant shall submit a current certification from one of the above entities. The applicant shall submit certification of education and proof of experience and pass the examination set forth in Section 1375.150.

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- d) The ~~Division~~Department, upon recommendation of the Board, has determined that individuals who received their Certified Rehabilitation Counselor (CRC) certification after January 1992 have been determined to meet the education and examination requirements. Individuals who received a CRC certificate before 1992 will be required to submit a transcript pursuant to Section 1375.150 in order to evaluate educational requirements. All applicants holding a current CRC certificate shall submit proof of experience.
- e) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the ~~Division~~Department by the applicant's educational institution.
- f) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the ~~Division~~Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- g) If an applicant has taken and passed the examinations in accordance with Section 1375.150, the applicant shall file an application in accordance with subsection (a) ~~above~~ and shall have the examination scores submitted to the ~~Division~~Department directly from the testing entity or from the state of original licensure.

(Source: Amended at 28 Ill. Reg. 16277, effective December 2, 2004)

Section 1375.130 Professional Experience for Licensure as a Clinical Professional Counselor Beginning January 1, 1999

Beginning January 1, 1999 professional counseling experience shall be obtained as set forth below:

- a) A person holding a master's degree in counseling, rehabilitation counseling, psychology or similar degree program shall have completed the equivalent of 2

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years of full-time satisfactory supervised experience working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor subsequent to the degree.

- b) A person holding a doctorate in counseling, rehabilitation counseling, psychology or similar degree program shall have completed the equivalent of 2 years of full-time satisfactory supervised experience working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor at least one year of which is subsequent to the degree. Internships may count toward professional experience.
- c) A qualified supervisor means any person who is a licensed clinical professional counselor, licensed clinical social worker, licensed clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code. If supervision took place outside Illinois, the supervisor shall be a master's level or doctoral level counselor engaged in clinical professional counseling. The supervisor shall hold a license if the jurisdiction in which the supervisor practices requires licensure.
- d) One year of experience shall be a maximum of 1680 clock hours obtained in not less than 52 weeks including 960 clock hours of direct face to face service to clients. Part time experience shall be counted toward the experience requirement.
- e) For purposes of this Section, supervised experience shall be experience obtained under a qualified supervisor as defined in Section 10 of the Act and entail the provision of professional counseling and mental health services defined in Section 10 of the Act.
 - 1) The supervisor shall have met with the applicant at least one hour each week. The supervision means the review of counseling and case management.
 - 2) The experience shall have been evaluated by the supervisor as satisfactory or better.
- f) Face to face supervision does not include mail, telefax, phone or other such electronic devices.
- g) Acceptable modes for supervision of direct client contact are as follows:

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- 1) Individual supervision: the supervisory session is conducted by an approved supervisor with one or two counselors present.
- 2) Group supervision: the supervisory session is conducted by an approved supervisor with no more than 5 counselors present.
- h) The counseling activities must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility.
- i) A qualified supervisor may be provided at the applicant's place of work or may be hired by the applicant to provide supervision.
- j) The following activities are not acceptable clinical supervision:
 - 1) Peer supervision.
 - 2) Administrative supervision. For example, clinical practice performed under administrative rather than clinical supervision of an institutional director or executive.
 - 3) A primarily didactic process wherein techniques or procedures are taught in a classroom, workshop or seminar.
 - 4) Consultation, staff development, or orientation to a field or program, or role-playing of family interrelationships as a substitute for current clinical practice in an appropriate clinical situation.
- k) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Division~~Department~~ by the applicant's educational institution.
- l) When providing ~~clinical~~ professional counseling services as set forth in Section 10 of the Act (in the independent practice of clinical professional counseling work), a licensed ~~clinical~~ professional counselor shall always operate and represent himself/herself as an employee of the independent practice and may not work as an independent contractor as defined by Internal Revenue Service regulations.

(Source: Amended at 28 Ill. Reg. 16277, effective December 2, 2004)

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Section 1375.140 Approved Clinical Professional Counseling Programs

- a) On or before December 31, 1998, the ~~Division~~Department, upon recommendation of the Board, shall approve similar degree programs that meet the following requirements:
- 1) Master's degrees shall be from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located. Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education.
 - 2) The program shall be 2 academic years and shall require an individual to complete a minimum of 30 semester hours or equivalent hours in any of the following 10 core areas:
 - A) Human Growth and Development and Maladaptive Behavior
 - B) Counseling Theory
 - C) Counseling Techniques
 - D) Group Dynamics, Processing and Counseling
 - E) Appraisal of Individuals
 - F) Research and Evaluation
 - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
 - H) Social and Cultural Foundations
 - I) Lifestyle and Career Development
 - J) Practicum
- b) Beginning January 1, 1999 the ~~Division~~Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve counseling, rehabilitation counseling, psychology or similar

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degree programs at the master's or doctoral level if the program meets the following requirements:

- 1) The institution is a regionally accredited institution of higher education. Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education.
- 2) The programs, wherever they may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling or psychology programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors.
- 3) The program is an organizational entity within the institution.
- 4) The program has an integrated, organized sequence of study.
- 5) The program must be 2 academic years in length and require an individual to complete a minimum of 48 semester hours or equivalent quarter hours with a minimum of one course ([beginning January 1, 2008, "course" is defined as 3 semester hours or equivalent](#)) in each of the following areas described in more detail in Appendix A of this Part:
 - A) Human Growth and Development
 - B) Counseling Theory
 - C) Counseling Techniques
 - D) Group Dynamics, Processing and Counseling
 - E) Appraisal of Individuals
 - F) Research and Evaluation
 - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
 - H) Social and Cultural Foundations

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- I) Lifestyle and Career Development
 - J) Practicum/Internship
 - K) Psychopathology and Maladaptive Behavior
 - L) Substance Abuse
 - M) Family Dynamics.
- 6) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their areasarea(s) of teaching from professional colleges and institutions.
- 7) The program has an identifiable body of students who are matriculated in that program for a degree.
- 8) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution accumulated within the time frame and course of study of the program.
- c) Reevaluation of an Approved Program
- 1) The DivisionDepartment may reevaluate any approved program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of this Section or that its decision was based upon false, deceptive or incomplete information.
 - 2) A program whose approval is being reevaluated by the Committee shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.
- d) For the purposes of this Section, course shall be defined as an integrated, organized course of study that encompasses a minimum of one school semester or equivalent hours. No student designed courses, independent study courses, workshops or correspondence courses may be used to satisfy the core courses.

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- e) The ~~Division~~Department, upon recommendation of the Board, has determined that all master's degree and doctoral programs in professional counseling that are accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), the Council on Rehabilitation Education (CORE) and doctoral programs in psychology approved by the American Psychological Association and the Council for the National Registry of Health Service Providers are approved programs.
- f) Individual Program Requirements
- 1) Individuals applying for licensure as a clinical professional counselor who have not graduated from a master's or doctoral program approved by the ~~Division~~Department shall submit their transcripts and program materials to the ~~Division~~Department for evaluation by the Board to determine if they meet the requirements of this Section.
 - 2) Individuals applying for licensure above who are deficient in any of the content areas set forth in subsection (b)(5) of this Section may complete any deficiencies in an approved counseling, rehabilitation counseling or psychology program. The applicant will be required to submit proof to the ~~Division~~Department that he or she has passed such a ~~course~~course(s) and/or the experience. Proof shall include, but not be limited to, curriculum, practicum, and program materials, internship handbook and course materials.
 - 3) Individuals who are admitted to a degree program prior to January 1, 1999 have until January 1, 2003 to meet the educational requirements set forth in subsection (a) of this Section. After that date the applicant will be required to meet the curriculum requirements set forth in subsection (b) of this Section.

(Source: Amended at 28 Ill. Reg. 16277, effective December 2, 2004)

Section 1375.160 Endorsement – Clinical Professional Counselor

- a) Each applicant seeking licensure as a clinical professional counselor under Section 70 of the Act shall file an application with the ~~Division~~Department on forms provided by the ~~Division~~Department. The application shall include:

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- 1) For individuals who graduated prior to January 1, 1999:
 - A) Certification of education from a master's degree in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located, or certification of education and an official transcript from a similar master's degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years full-time satisfactory supervised employment working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor or 4 years working as a ~~clinical professional~~ counselor in a professional capacity independent of the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.120(a)(1)(B)(i) of this Part) or a combination of the supervised experience and independent experience. Experience earned on or after January 1, 1999 shall meet the requirements set forth in Section 1375.130; or
 - B) Certification of education and an official transcript from a doctoral degree program in counseling, rehabilitation counseling, psychology or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised experience working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor or 4 years working as a ~~clinical professional~~ counselor in a professional capacity independent of the direction of a qualified supervisor, as defined in Section 1375.120(a)(1)(B)(i) or a combination of the supervised experience and independent experience. Experience earned on or after January 1, 1999 shall meet the requirements set forth in Section 1375.130.
- 2) Applicants who graduated on or after January 1, 1999:
 - A) Certification of education and an official transcript from a master's degree program in counseling, rehabilitation counseling, or psychology from a college, university or school regionally accredited by the educational governing authority in the jurisdiction in which it is located or similar degree program as

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defined in Section 1375.140 of this Part and completion of the equivalent of 2 years full-time satisfactory supervised employment or experience working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.130 of this Part; or

- B) Certification of education and an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a college, university or school regionally accredited by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised experience working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor, as defined in Section 10 of the Act, at least one year of which is subsequent to the degree.
- 3) Beginning January 1, 2005:
- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.140(b) of this Part; or
 - B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the ~~Division~~Department in accordance with Section 1375.140(b) of this Part and documentation of completion of 5 years of supervised professional experience in accordance with Section 1375.130 of this Part.
- 4) A complete work history since receipt of the master's or doctorate degree.
- 5) Successful completion of the examinations in accordance with Section 1375.150 of this Part.
- 6) The required fee set forth in Section 1375.205.

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- 7) Certification of licensure, on forms provided by the ~~Division~~Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) The ~~Division~~Department, upon recommendation of the Professional Counselor Licensing and Disciplinary Board (the Board), shall issue a license if a review of the application indicates that the applicant meets all the requirements of this Part and the Act.

(Source: Amended at 28 Ill. Reg. 16277, effective December 2, 2004)

SUBPART C: GENERAL

Section 1375.220 Continuing Education

- a) Continuing Education Hours Requirements
- 1) Beginning with the March 31, 2001 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 30 hours of continuing education. ~~Beginning with the~~Subsequent to March 31, 2007 ~~renewal~~, all clinical professional counselors are required to complete 18 hours in clinical supervision training of the 30 continuing education hours required. This is a one time (lifetime) requirement. All supervision training successfully completed subsequent to September 1, 2003 can be applied to the 18 hours of continuing education required.
 - 2) A prerenewal period is the 24 months preceding March 31 of each odd-numbered year.
 - 3) CE requirements shall be the same for licensed professional counselors

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and licensed clinical professional counselors.

- 4) One CE hour shall equal one clock hour of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 6) Professional counselors or clinical professional counselors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
 - 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- b) Approved Continuing Education (CE)
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2), (3) and (4).
 - 2) A maximum of 15 CE credits per renewal period may be earned for completion of a correspondence course (e.g., by mail, computer, etc.) that is offered by an approved sponsor who meets the requirements set forth in subsection (c) ~~below~~. Each correspondence course shall include an examination.
 - 3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of professional counseling related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 4) CE credit may be earned for verified teaching in the field of counseling in an accredited college, university or graduate school and/or as an instructor

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of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program). A maximum of 10 hours of CE credit may be obtained in this category per prerenewal period.

- 5) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of counseling. The preparation of each published paper, book chapter or professional presentation dealing with professional counseling or clinical professional counseling may be claimed as 5 hours of credit. A presentation must be before an audience of professional counselors. Five credit hours may be claimed for only the first time the information is published or presented.
 - 6) A maximum of 8 hours of CE credit may be earned per renewal period for supervision received or provided on a regular basis with a set agenda. Supervision shall be documented with a letter from the supervisor indicating the start and end dates in which the supervision occurred, the site where supervision was provided, the number of hours of participation and the name and license number of the supervisor. The letter shall be signed by the supervisor and the supervisee.
 - 7) A maximum of 6 hours of CE credit may be earned per renewal period for leadership activities. Such activities include, but are not limited to, officer of a state or national counseling organization; editor of a professional counseling journal; member of a national counselor certification board; member of a national ethics disciplinary review committee; chair of a major counseling conference or convention; active member of a counseling committee producing a substantial written product. The leadership shall be documented in a letter of confirmation on the organization's letterhead and shall include the start and end dates of leadership, the name of the organization and the position held.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
 - A) National Board for Certified Counselors or its affiliates;

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- B) American Counseling Association or its affiliates;
 - C) Commission on Rehabilitation Counselor or its affiliates;
 - D) American Association for Marriage and Family Therapy or its affiliates;
 - E) Employee Assistance Professional Association (EAPA) and Employee Assistance Society of North America (EASNA) or its affiliates;
 - F) Social Work Continuing Education Sponsors approved by the Division~~Department~~ in accordance with the rules for the administration of Clinical Social Work and Social Work Practice Act [225 ILCS 20], 68 Ill. Adm. Code 1470.95;
 - G) American Psychological Association or its affiliates; and
 - H) Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Division~~Department~~ pursuant to subsection (c)(2) of this Section to coordinate and present continuing education courses and programs.
- 2) An entity seeking approval as a CE sponsor pursuant to subsection (c)(1)(H) shall submit an application, on forms supplied by the Division~~Department~~, along with the fee set forth in Section 1375.205. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:
- A) Certification:
 - i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) ~~below~~ and all other criteria in this Section;
 - ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) ~~below~~;

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- iii) That, upon request by the Division~~Department~~, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Division~~Department~~ has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
- B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of professional counseling or clinical professional counseling;
- B) Foster the enhancement of general or specialized counseling or clinical counseling practice and values;
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
- D) Specify the course objectives, course content and teaching methods to be used; and
- E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations

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to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

- 6) All programs given by approved sponsors shall be open to all licensed professional counselors and licensed clinical professional counselors and not be limited to members of a single organization or group.
- 7) To maintain approval as a sponsor pursuant to subsection (c)(2), each shall submit to the ~~Division~~Department by March 30 of each odd-numbered year a renewal application, the fee set forth in Section 1375.205 and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.
- 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor or person responsible for the CE program.
- 9) The sponsor shall maintain attendance records for not less than 5 years.
- 10) The sponsor shall be responsible for assuring that no renewal applicant

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shall receive CE credit for time not actually spent attending the program.

- 11) Upon the failure of a sponsor to comply with any of the requirements of this Section, the ~~Division~~Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the ~~Division~~Department receives assurances of compliance with this Section.
 - 12) Notwithstanding any other provision of this Section, the ~~Division~~Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) ~~above~~.
 - 2) The ~~Division~~Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the ~~Division's~~Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned or is seeking CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days after expiration of the license. The Board shall review and recommend

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approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

- 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per CE hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the ~~Division~~Department shall restore the license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.
- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the ~~Division~~Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the ~~Division~~Department, upon the written recommendation of the Board, finds, from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the ~~Division~~Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
 - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or

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- D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the ~~Division~~Department.

(Source: Amended at 28 Ill. Reg. 16277, effective December 2, 2004)

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- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
303.125	Amendment
303.130	Amendment
303.135	Amendment
303.145	Amendment
303.148	Amendment
- 4) Statutory Authority: Implementing, and authorized by the Personnel Code [20 ILCS 415]
- 5) Effective Date of Amendments: December 3, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Rulemaking Published in Illinois Register: July 9, 2004; 28 Ill. Reg. 9217
- 10) Has JCAR issued a Statement of Objection to the amendments? No
- 11) Differences between proposed and final version. Some minor editing revisions and citation updates of no substantive impact were made. In addition, in Section 303.145 (g), the words "pursuant to subsection (b)(6) of this Section" were added after the word "evaluation"; and in Section 303.148 (f)(1), "(breastfeeding)" was added after the word "nursing".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect? No. The emergency rulemaking expired on November 27, 2004.
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: As a result of recent changes to the AFSCME contract, use of personal leave time has been changed and maternity/paternity leave benefits have been increased. Language has been added to permit medical appointments related to service-connected injury without loss of benefit time, and language has been added to provide for resolution of conflicting evaluations of fitness for duty. Language has also been added to allow family responsibility leave without exhaustion of accumulated benefit time. Finally, for purposes of family responsibility leave, the definition of family has been expanded.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
- (217) 785-4510
OR
Jeff Shuck
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, IL 62706
- (217) 782-5778
- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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NOTICE OF ADOPTED AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303

CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section	
303.10	Definition of a Grievance
303.20	Procedure
303.30	Grievance Committee
303.45	Representation

SUBPART B: LEAVE OF ABSENCE

Section	
303.90	Sick Leave
303.100	Accumulation of Sick Leave
303.102	Payment in Lieu of Sick Leave
303.105	Reinstatement of Sick Leave
303.110	Advancement of Sick Leave
303.112	Sick Leave Bank
303.115-116	Veterans Hospital Leave
303.125	Leave for Personal Business
303.130	Maternity/Paternity and Adoption Leave
303.135	On-The-Job Injury – Industrial Disease
303.140	Leaves of Absence Without Pay
303.142	Leave to Attend Union Conventions
303.145	Disability Leave
303.148	Family Responsibility Leave
303.149	Organ Donor Leave
303.150	Employee Rights After Leave
303.153	Failure to Return
303.155	Leave to Take Exempt Position
303.160	Military and Peace Corps Leave
303.170	Military Reserve Training and Emergency Call-Up
303.171	Leave for Military Physical Examinations

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- 303.175 Disaster Service Leave With Pay
- 303.176 Disaster Service Leave With Pay – Terrorist Attack
- 303.180 Attendance in Court
- 303.190 Authorized Holidays
- 303.200 Holiday Observance
- 303.215 Payment for Holidays
- 303.220 Holiday During Vacation
- 303.225 Eligibility for Holiday Pay
- 303.250 Vacation Eligibility
- 303.260 Prorated Vacation for Part-Time Employees
- 303.270 Vacation Schedule and Loss of Earned Vacation
- 303.290 Payment in Lieu of Vacation
- 303.295 Vacation Benefits on Death of Employee

SUBPART C: WORK HOURS AND SCHEDULES

- Section
- 303.300 Work Schedules
- 303.310 Emergency Shut-Down
- 303.320 Overtime
- 303.330 Overtime Payable Upon Death
- 303.340 Attendance Records
- 303.350 Notification of Absence
- 303.355 Review of Attendance Records

SUBPART D: UNDATED OR INCOMPLETE FORMS

- Section
- 303.360 Undated Forms
- 303.370 Incomplete Forms

SUBPART E: EMPLOYEE SEPARATIONS

- Section
- 303.380 Reason for Separation
- 303.385 Repayment of Benefit Time

SUBPART F: TUITION REIMBURSEMENT

- Section

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303.390 Tuition Reimbursement

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999; emergency amendment at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 4847, effective March 19, 2001; emergency amendment at 25 Ill. Reg. 12429, effective September 14, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1138, effective January 18, 2002; amended at 27 Ill. Reg. 9008, effective May 23, 2003; emergency amendment at 28 Ill. Reg. 9677, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 28 Ill. Reg. 16308, effective December 3, 2004.

SUBPART B: LEAVE OF ABSENCE

Section 303.125 Leave for Personal Business

- a) All employees, excepting those in emergency, per diem or temporary status shall be permitted 3 personal days off each calendar year with pay. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded ~~one (1)~~ additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half-time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the

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period beginning January 1 and ending December 31 of each year. Such personal days may be used for such occurrences as observance of religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons, but shall not be used to extend a holiday or annual leave except as permitted in advance by the operating agency through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of ½ day for each 2 months service for the calendar year in which hired. Such personal leave may not be used in increments of less than 2 hours at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer. Supervisors may however, grant employee requests to use personal leave in increments of ½ hour, after a minimum use of 1 hour.

- b) Personal leave shall not accumulate from calendar year to calendar year; nor shall any employee be entitled to payment for unused personal leave upon separation from the service except as provided in Section 8c(2) of the Personnel Code. The accrued leave amount paid under this Section of the Personnel Code shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Amended at 28 Ill. Reg. 16308, effective December 3, 2004)

Section 303.130 Maternity/Paternity and Adoption Leave

- a) All female employees who show proof that they have received prenatal care in the first 20 weeks will be eligible for 4 weeks (20 work days) paid maternity leave. Such proof shall be provided to the employer no later than the 24th week of pregnancy. All male employees who show proof that their spouses have received prenatal care in the first 20 weeks, with notification to the employer within 24 weeks, will be eligible for 3 weeks (15 work days) of paid paternity leave. The State shall require proof of the birth and marriage for a non-covered spouse. Maternity and/or paternity leave shall be limited to 1 leave per family for each birth.
- b) All employees are eligible for 3 weeks (15 days) of paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the member, provided that the employee can show that the formal adoption process is underway. The agency personnel office must be notified and the employee must submit proof that the adoption has been initiated. Adoption

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~~leave shall be limited to 1 leave per family per year. Covered female members of the State employees' group insurance program who precertify their pregnancy within the first trimester will be eligible for three weeks (15 days) paid maternity leave. Covered members who precertify their spouse's pregnancy within the first trimester will be eligible for two weeks (10 days) paid paternity leave. Employees must submit evidence of notification to the health plan signed by either their physician or health plan to the agency personnel office no later than the 14th week of the pregnancy. The State will require proof of the birth and marriage for a non-covered spouse. A covered member will be eligible for two weeks (10 days) paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the member, provided the member can show that the formal adoption process is under way. The agency personnel office must be notified, and the member must submit proof that the adoption process has been initiated. Leaves under this Section are limited to one leave per family, per year.~~

(Source: Amended at 28 Ill. Reg. 16308, effective December 3, 2004)

Section 303.135 On-The-Job Injury – Industrial Disease

- a) An employee who suffers an on-the-job injury or who contracts a service-connected disease shall be allowed full pay during the first 3 working days of absence without utilization of any accumulated sick leave or other benefits. Thereafter the employee shall be permitted to utilize accumulated sick leave or other benefits unless the employee has applied for and been granted temporary total disability benefits in lieu of salary or wages pursuant to provisions of the Workers' Compensation Act [\[80 ILCS 305\]](#) (Ill. Rev. Stat. 1981, ch. 48, pars. 138.1 et seq.) or through the State's self-insurance program.
- b) In the event such service-connected injury or illness becomes the subject of payment of benefits provided in the Workers' Compensation Act by the Industrial Commission, the courts, the State self-insurance program or other appropriate authority, the employee shall restore to the State the dollar equivalent which duplicates payment received as sick leave or other accumulated benefit time, and the employee's benefit accounts shall be credited with leave time equivalents.
- c) Employees whose compensable service connected injury or illness requires appointments with a doctor, dentist, or other professional medical practitioner shall, with supervisor approval, be allowed to go to such appointments without loss of pay and without utilization of sick leave.

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(Source: Amended at 28 Ill. Reg. 16308, effective December 3, 2004)

Section 303.145 Disability Leave

- a) An employee who is unable to perform a substantial portion of his/her regularly assigned duties due to temporary physical or mental disability shall upon request be granted a leave for the duration of such disability.
- b) In granting such leave or use of sick leave as provided in Section 303.90, the agency shall apply the following standards:
 - 1) A substantial portion of regularly assigned duties shall be those duties or responsibilities normally performed by the employee which constitute a significant portion of the employee's time or which constitute the differentiating factors which identify that particular position from other positions, provided the balance of duties can be reassigned by the agency;
 - 2) A request for disability leave shall be in writing except when the ~~agency~~Agency is advised by other appropriate means of the employee's disability in which event the employee's signature is not required;
 - 3) Except for service-connected disability as provided in Section 303.135, the employee shall have exhausted available sick leave provided under Section 303.90 prior to being granted a disability leave; an employee may use other accrued paid time for this purpose but is not required to do so;
 - 4) During a disability leave, the disabled employee shall provide written verification by a person licensed under the Medical ~~Practice~~Practices Act of 1987 [225 ILCS 60] or under similar laws of Illinois or of other states or countries or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means; such verification shall show the diagnosis, prognosis and expected duration of the disability; such verification shall be made no less often than every 30 days during a period of disability, unless the nature of the disability precludes the need for such frequency of verification;
 - 5) As soon as an employee becomes aware of an impending period of disability, he/she shall notify the appropriate supervisor of such disability and provide a written statement by the attending physician of the

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approximate date the employee will be unable to perform his/her regularly assigned duties;

- 6) If the ~~agency~~Agency has reason to believe that the employee is able or unable to perform a substantial portion of his/her regularly assigned duties, it may seek and rely upon the decision of an impartial physician chosen by agreement of the parties or in the absence of such agreement upon the decision of an impartial physician who is not a State employee and who is selected by the State Employees' Retirement System.
- c) Failure of an employee to provide verification of continued disability upon reasonable request shall on due notice cause termination of such leave.
- d) An employee's disability leave shall terminate when said employee is no longer temporarily disabled from performing his/her regularly assigned duties.
 - 1) An employee is no longer temporarily disabled when he/she is able to perform his/her regularly assigned duties upon advice of the appropriate authority or, in the absence of such authority, the attending physician.
 - 2) An employee is no longer temporarily disabled when he/she is found to be permanently disabled and unable to perform a substantial or significant portion of his/her regularly assigned duties by the appropriate authority, or in the absence of such authority, by the attending physician.
 - 3) In determining whether to approve a requested discharge of an employee for failure to return from a disability leave or for physical inability to perform the duties of a position, the Director may seek and rely upon the advice of the State Employees Retirement System or other appropriate authority, including an impartial physician selected in accordance with subsection Section ~~303.145~~(b)(6) of this Sectionabove.
- e) Return from Disability Leave.
 - 1) An employee who returns from a disability leave of ~~six~~ months or less shall be returned by the Agency to the same or similar position in the same class in which the employee was incumbent at the time the leave commenced.
 - 2) An employee who returns from a disability leave exceeding ~~six~~ months

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and there is no vacant position available in the same class held by the employee at the commencement of such leave may be laid off in accordance with the Rules on Voluntary Reduction and Layoff, unless such leave resulted from service-connected disability, in which case the employee shall be returned to employment as in subsection (e)(1).

- f) An employee who is on disability leave while in temporary or emergency status, except if such status results from a leave of absence to accept such position, shall be eligible for such leave for the balance of such appointment and shall earn or accrue no other benefit arising from this Subpart.
- g) When the employer has requested a fitness for duty evaluation, pursuant to subsection (b)(6) of this Section, that determines the employee is unfit for duty and the employee's physician certifies the employee is fit for duty, the employer may rely upon the decision of the impartial physician as to the employee's fitness for duty. The examination shall be paid for by the employer.

(Source: Amended at 28 Ill. Reg. 16308, effective December 3, 2004)

Section 303.148 Family Responsibility Leave

- a) An employee who wishes to be absent from work in order to meet or fulfill responsibilities, as defined in subsection (f)-~~below~~, arising from the employee's role in his or her family or as head of the household will normally, upon request and in the absence of another more appropriate form of leave, be granted a Family Responsibility Leave for a period not to exceed one year. Employees shall not be required to use any accumulated benefit time prior to taking Family Responsibility Leave. Such request shall not be unreasonably denied. The ~~agency head~~Agency Head will consider whether the need for the family responsibility leave is substantial, whether the action is consistent with the treatment of other similar situations and whether the action is equitable in view of the particular circumstances prompting the request.
- b) Any request for such leave shall be in writing by the employee not less than 15 calendar days in advance of the leave unless such notice is precluded by emergency conditions, stating the purpose of the leave, and the expected duration of absence.
- c) Such leave shall be granted only to a permanent full-time employee, except that an intermittent employee shall be non-scheduled for the duration of the required

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leave. An employee in temporary, emergency, provisional, or trainee status shall not be granted such leave.

- d) "Family Responsibility" for purposes of this Section is defined as the duty or obligation perceived by the employee to provide care, full-time supervision, custody or non-professional treatment for a member of the employee's immediate family or household *under circumstances temporarily inconsistent with uninterrupted employment in State service.* [20 ILCS 415/8c(5)]
- e) "Family" has the customary and usual definition for this term for purposes of this Section, that is:
- 1) group of ~~two~~ or more individuals living under one roof, having one head of the household and usually, but not always, having a common ancestry, and including the employee's spouse;
 - 2) such natural relation of the employee, even though not living in the same household, as parent, sibling or child; or
 - 3) adoptive, custodial and 'in-law' individuals when residing in the employee's household or any relative or person living in the employee's household for whom the employee has custodial responsibility or where such person is financially and emotionally dependant on the employee and where the presence of the employee is needed. but excluding persons not otherwise related of the same or opposite sex sharing the same living quarters but not meeting any other criteria for 'family'.
- f) Standards for granting a Family Responsibility Leave are:
- 1) to provide nursing (breastfeeding) and/or custodial care for the employee's newborn infant, whether natural born or adopted;
 - 2) to care for a temporarily disabled, incapacitated or bedridden resident of the employee's household or member of the employee's family;
 - 3) to furnish special guidance, care or supervision of a resident of the employee's household or a member of the employee's family in extraordinary need thereof;
 - 4) to respond to the temporary dislocation of the family due to a natural

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disaster, crime, insurrection, war or other disruptive event;

- 5) to settle the estate of a deceased member of the employee's family or to act as conservator if so appointed and providing the exercise of such functions precludes the employee from working; or
 - 6) to perform family responsibilities consistent with the intention of this Section but not otherwise specified.
- g) The agency shall require substantiation or verification of the need by the employee for such leave, the substantiation or verification shall be consistent with and appropriate to the reason cited in requesting the leave, such as:
- 1) a written statement by a physician or medical practitioner licensed under the Medical Practice Act of 1987 [225 ILCS 60] or under similar laws of Illinois or of another state or country or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means, such verification to show the diagnosis, prognosis and expected duration of the disability requiring the employee's presence;
 - 2) written report by a social worker, psychologist, or other appropriate practitioner concerning the need for close supervision or care of a child or other family member;
 - 3) written direction by an appropriate officer of the courts, a probation officer or similar official directing close supervision of a member of the employee's household or family; or
 - 4) an independent verification substantiating that the need for such leave exists.
- h) Such leave shall not be renewed, however a new leave shall be granted at any time for any reason consistent with subsection ~~Section 303.148~~(f) other than that for which the original leave was granted.
- i) If an agency has reason to believe that the condition giving rise to the given need for such leave no longer exists during the course of the leave, it should require further substantiation or verification and, if appropriate, direct the employee to return to work on a date certain.

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- j) Failure of an employee upon request by the employing agency to provide such verification or substantiation is cause on due notice for termination of the leave.
- k) Such leave shall not be used for purpose of securing alternative employment. An employee during such leave may not be gainfully employed full time, otherwise the leave shall terminate.
- l) Upon expiration of a Family Responsibility Leave, or prior to such expiration by mutual agreement between the employee and the employing agency, the agency shall return the employee to the same or similar position classification that the employee held immediately prior to the commencement of the leave. If there is not such position available, the employee will be subject to layoff in accordance with ~~the 80 Ill. Adm. Code 302.Subpart J (Voluntary Reduction and Layoff)~~Section on Voluntary Reduction and Layoff (80 Ill. Adm. Code 302: Subpart J).
- m) Nothing in this Section shall preclude the reallocation or abolition of the position classification of the employee during such leave nor shall the employee be exempt from ~~the 80 Ill. Adm. Code 302.Subpart J Section on~~(Voluntary Reduction and Layoff) by virtue of such leave.
- n) The State shall continue payment of its portion of employee and dependent health and dental insurance premiums for up to ~~six (6)~~ months while an employee is on a Family Responsibility Leave consistent with the Federal Family and Medical Leave Act of 1993 and ~~subsections Section 303.148(f)(1), (2) and (3)~~ of this Section. For leaves defined by ~~subsections Section 303.148(f)(4), (5) and (6)~~ of this Section, the State shall not continue payment of its portion of employee and dependent health and dental insurance premiums.

(Source: Amended at 28 Ill. Reg. 16308, effective December 3, 2004)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Voluntary Mediation Practice
- 2) Code Citation: 83 Ill. Adm. Code 201
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
201.10	New Section
201.20	New Section
201.30	New Section
201.40	New Section
201.50	New Section
201.100	New Section
201.110	New Section
201.120	New Section
201.130	New Section
201.200	New Section
201.210	New Section
201.220	New Section
201.230	New Section
201.240	New Section
201.250	New Section
201.251	New Section
201.252	New Section
201.260	New Section
201.270	New Section
201.280	New Section
201.300	New Section
201.310	New Section
201.400	New Section
- 4) Statutory Authority: Implementing and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/10-101.1]
- 5) Effective Date of Rules: December 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 17479; December 1, 2003
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version:
- Section 201.20: In definition of "mediation communications", replace "electric" with "electronic".
- Section 201.110(b)(2) and (b)(2)(A): delete "Illinois Commerce".
- Section 201.110(b)(2)(A): delete "formal".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these adopted rules replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: Section 10-101.1 of the Public Utilities Act was added by P.A. 92-22. Section 10-101.1 covers the subjects of mediation, arbitration, and case management. Part 201 deals with voluntary mediation of disputes before the disputes become contested cases before the Commission. The Commission has patterned these rules after 83 Ill. Adm. Code 734, "Mediation Practice", which deals with mediation in matters involving telecommunications. The rules cover requests for mediation, participation in the process, the mediation procedures, post-mediation procedures, and the effect of a mediated agreement. The rules also include certain provisions of the Uniform Mediation Act [710 ILCS 35].
- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN
ONE KIND OF UTILITY

PART 201
VOLUNTARY MEDIATION PRACTICE

SUBPART A: GENERAL PROVISIONS

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201.10	Procedure Governed
201.20	Definitions
201.30	Appointment of Mediator
201.40	Participation of Commission Staff
201.50	Participation of Intervenor

SUBPART B: REQUEST FOR MEDIATION

Section	
201.100	Request for Mediation
201.110	Submitting a Request for Mediation
201.120	Notice of Mediation
201.130	Scheduling of Mediation

SUBPART C: MEDIATION PROCEDURE

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201.200	Authority of a Mediation Participant's Representative
201.210	Role of Counsel
201.220	Role of Mediator
201.230	Adjournment
201.240	Supervision of Exchange of Information
201.250	Privilege Against Disclosure; Admissibility; Discovery
201.251	Waiver and Preclusion of Privilege
201.252	Exceptions to Privilege
201.260	Duration of Mediation
201.270	Settlement Shall be Reduced to Writing
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SUBPART D: POST-MEDIATION PROCEDURE

Section	
201.300	Failure to Agree
201.310	Enforcement of Settlement Agreement

SUBPART E: EFFECT OF A MEDIATED AGREEMENT

Section	
201.400	Continuing Authority of the Commission

AUTHORITY: Implementing and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/10-101.1].

SOURCE: Adopted at 28 Ill. Reg. 16321, effective December 1, 2004.

SUBPART A: GENERAL PROVISIONS

Section 201.10 Procedure Governed

This Part governs practice and procedure before the Illinois Commerce Commission (Commission) in the mediation proceedings under Section 10-101.1 of the Public Utilities (Act) [220 ILCS 5/10-101.1]. This Part does not apply in the mediation proceedings under Section 13-713 of the Act [220 ILCS 5/13-713].

Section 201.20 Definitions

The following terms as used in this Part shall have the following meanings:

"Act" means the Public Utilities Act [220 ILCS 5].

"Mediation" means a process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute. (Section 2(1) of the Uniform Mediation Act [710 ILCS 35/2(1)])

"Mediation communications" means any documents of every kind and nature, including work papers, photographs, films, recordings, memoranda, books, records, accounts, all recoverable information in computer storage, including the original and non-identical copies and drafts of all recorded or graphic matter

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whatsoever, whether in written, electronic or other format, and any oral communications of every kind and nature, where such mediation communications have been exchanged, shared or divulged in the context of "mediation" as that term is defined in this Section.

"Mediation participant" means an interested person whose rights or interests would be affected by a dispute and who participates in a mediation pursuant to this Part.

"Mediator" means an independent neutral third party or trained member of Commission staff who acts in a non-judicial capacity to facilitate communication, promote understanding, focus the mediation participants on their interests, and seek creative problem solving to enable the mediation participants to reach their own resolution of the dispute.

"Party" shall have the same meaning as it does in 83 Ill. Adm. Code 200.40.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity. [710 ILCS 35/2(6)]

"Proceeding" means any judicial, administrative, arbitral, or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery; and also any legislative hearing or similar process.

Section 201.30 Appointment of Mediator

- a) The Executive Director of the Commission or his/her designee shall appoint a mediator who shall not have any financial or personal interest in the result of the mediation. If an Administrative Law Judge is appointed as a mediator, the same Administrative Law Judge shall not preside over a docketed matter concerning the same dispute for which he/she acts or acted as the mediator. If a member of Commission staff is appointed as a mediator, the same member of Commission staff shall not participate in a docketed matter concerning the same dispute for which he/she acts or acted as the mediator, unless all parties to the docketed matter waive, in writing, any objection to the Commission staff member's involvement in the docketed matter.

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- b) Each mediation participant initiating a mediation shall have a one-time right to request that the appointed mediator be replaced by another mediator selected by the Executive Director of the Commission or his/her designee. Mediation participants choosing to exercise this right shall notify the Executive Director or, if known, his/her designee of their request in writing within seven days after being informed of the identity of the mediator, as provided in Section 201.120. Upon receipt of the request, the Executive Director or his/her designee shall appoint a replacement mediator within two business days. The period between the date that a mediation participant submits a request that the appointed mediator be replaced and the date that the Chief Clerk issues a notice identifying the replacement mediator, as described in Section 201.120, shall not be included in the calculation of the duration of the mediation process as provided for in Section 201.260.

Section 201.40 Participation of Commission Staff

For the purposes of this Part, Commission staff shall have the same rights to participate in a mediation as any other person.

Section 201.50 Participation of Intervenor

- a) For the purposes of this Part, a person who intervenes in a pending docket in which the existing parties have already requested mediation shall be able to participate in the mediation. If such intervening party chooses not to participate in the mediation, the mediation may proceed without the intervening party. If the mediation concludes successfully, any resulting agreement brought into the pending docket shall be treated as a settlement proposal offered by the mediation participants and, if rejected by any party, shall be treated as a contested matter in the pending docket as provided in Commission rules (see 83 Ill. Adm. Code 200).
- b) An intervening party that chooses to participate in the mediation may raise new issues for mediation with the consent of all other then-existing mediation participants.
- c) An intervening party shall not have the right to request that the appointed mediator be replaced by another mediator, where the intervening party has not initiated the mediation.

SUBPART B: REQUEST FOR MEDIATION

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Section 201.100 Request for Mediation

- a) Persons with disputes subject to the Commission's jurisdiction may request *voluntary mediation prior to the filing of, or at any point during, the pendency of a contested matter*. [220 ILCS 10-101.1(c)] Persons with disputes are encouraged to request mediation prior to initiating a docket to resolve a contested matter.
- b) End-user customers with non-docketed contested matters whose disputes are subject to the Commission's jurisdiction may request voluntary mediation under this Part after filing an informal complaint with the Commission's Consumer Services Division and upon completion of the informal complaint process.

Section 201.110 Submitting a Request for Mediation

- a) A request for mediation shall be in writing and shall be jointly submitted to the Chief Clerk of the Commission by agreement of all persons party to the dispute.
- b) A request for mediation shall include:
 - 1) A brief statement of the issues to be addressed in the mediation;
 - 2) Disclosure of whether any of the issues for which mediation is sought is the subject of any pending docketed proceeding before the Commission and, if so;
 - A) the docket number of the docketed proceeding before the Commission, or
 - B) the case name, docket number, and forum if a civil court matter;
 - 3) Disclosure of whether any of the issues for which mediation is sought has been the subject of an informal complaint with the Commission's Consumer Services Division, and, if so, the informal complaint number assigned by the Consumer Services Division;
 - 4) The name, address, telephone number, and, if available, the facsimile number and e-mail address of each mediation participant or an alternate contact person for each mediation participant submitting the request for mediation;

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- 5) The location where the mediation participants prefer the mediation to occur (i.e., Springfield or Chicago);
 - 6) The specific relief requested by each mediation participant; and
 - 7) An express statement that the mediation is being requested under 83 Ill. Adm. Code 201.
- c) A request for mediation may include any additional documents that the mediation participants believe are pertinent to the matter.

Section 201.120 Notice of Mediation

- a) Within seven calendar days after receipt of a request for mediation, the Chief Clerk of the Commission shall issue a notice to the mediation participants identifying the mediator and explaining the mediation process.
- b) If, pursuant to Section 201.30(b), a mediation participant that is among those that initiated the mediation exercises its right to request that the appointed mediator be replaced, the Chief Clerk of the Commission shall issue a notice to the mediation participants identifying the replacement mediator.

Section 201.130 Scheduling of Mediation

The mediation shall be scheduled taking into consideration the availability of the mediation participants. With the consent of all mediation participants and the mediator, the mediation may be conducted telephonically.

SUBPART C: MEDIATION PROCEDURE

Section 201.200 Authority of a Mediation Participant's Representative

A person who has authority to mediate and bind the mediation participant to any agreement that is reached in mediation shall represent the mediation participant. All representatives shall be required to affirm in writing that they have authority to bind the mediation participants that they represent prior to the commencement of mediation.

Section 201.210 Role of Counsel

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An attorney or other individual designated by a mediation participant may accompany the mediation participant to and participate in a mediation and shall also be permitted to communicate privately with the mediation participant. Nothing herein precludes the attorney or other individual designated by a mediation participant as serving as the mediation participant's representative as otherwise allowed pursuant to Section 201.200.

Section 201.220 Role of Mediator

The mediator shall at all times be in control of the mediation and the procedures to be followed in the mediation. The mediator may meet and consult privately with any mediation participant and his/her representative during the mediation session.

Section 201.230 Adjournment

The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned conference. No further notification is required for mediation participants present at the adjourned conference.

Section 201.240 Supervision of Exchange of Information

The mediator shall supervise the exchange of information between the mediation participants during the mediation sessions. Any exchange of information between mediation participants shall be voluntary.

Section 201.250 Privilege Against Disclosure; Admissibility; Discovery

- a) *Except as otherwise provided in Section 201.252, mediation communications, including notes and writings, are privileged as provided in subsection (b) and are not subject to discovery or admissible in evidence in a proceeding unless waived or precluded as provided by Section 201.251.*
- b) *In a proceeding, the following privileges apply:*
 - 1) *A mediation participant may refuse to disclose, and may prevent any other person from disclosing, a mediation communication.*
 - 2) *A mediator may refuse to disclose a mediation communication, and may prevent any other person from disclosing a mediation communication of the mediator.*

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- c) *Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its disclosure or use in a mediation. [710 ILCS 35/4]*

Section 201.251 Waiver and Preclusion of Privilege

- a) *A privilege under Section 201.250 may be waived in a record or orally during a proceeding if it is expressly waived by all participants to the mediation, and in the case of the privilege of a mediator, if it is expressly waived by the mediator.*
- b) *A person that discloses or makes a representation about a mediation communication which prejudices another person in a proceeding is precluded from asserting a privilege under Section 201.250, but only to the extent necessary for the person prejudiced to respond to the representation or disclosure.*
- c) *A person that intentionally uses a mediation to plan, attempt to commit or commit a crime, or to conceal an ongoing crime or ongoing criminal activity is precluded from asserting a privilege under Section 201.250. [710 ILCS 35/5]*

Section 201.252 Exceptions to Privilege

- a) *There is no privilege under Section 201.250 for a mediation communication that is:*
- 1) *in a written agreement resulting from the mediation;*
 - 2) *available to the public under the Freedom of Information Act [5 ILCS 140] or made during a session or a mediation which is open, or is required by law to be open, to the public;*
 - 3) *a threat or statement of a plan to inflict bodily injury or commit a crime of violence;*
 - 4) *intentionally used to plan a crime, attempt to commit a crime, or to conceal an ongoing crime or ongoing criminal activity;*
 - 5) *sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against a mediator; or*

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- 6) *except as otherwise provided in subsection (c), sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against a mediation participant or representative of a participant based on conduct occurring during a mediation.*
- b) *There is no privilege under Section 201.250 if a court, administrative agency, or arbitrator finds, after a hearing in camera, that the person seeking discovery or the proponent of the evidence has shown that the evidence is not otherwise available, that there is a need for the evidence that substantially outweighs the interest in protecting confidentiality, and that the mediation communication is sought or offered in:*
- 1) *a court proceeding involving a felony; or*
- 2) *except as otherwise provided in subsection (c), a proceeding:*
- A) *to prove a claim arising out of a mediated agreement;*
- B) *to rescind or reform a mediated agreement; or*
- C) *in which a defense is prepared against a claim arising out of a mediated agreement.*
- c) *A mediator may not be compelled to provide evidence of a mediation communication referred to in subsection (a)(6) or (b)(2).*
- d) *If a mediation communication is not privileged under subsection (a) or (b), only the portion of the communication necessary for the application of the exception from nondisclosure may be admitted. Admission of evidence under subsection (a) or (b) does not render the evidence, or any other mediation communication, discoverable or admissible for any other purpose. [710 ILCS 35/6]*

Section 201.260 Duration of Mediation

Unless otherwise agreed to by all of the mediation participants, the mediation process shall be completed no later than 45 days after the Chief Clerk's receipt of a joint request for mediation. In no event shall the mediation process be extended beyond the statutory deadline of an underlying pending docket, unless the statute permits a waiver of the deadline and all of the mediation participants and any non-mediating parties waive the deadline.

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Section 201.270 Settlement Shall be Reduced to Writing

- a) If agreement is reached, the agreement shall be reduced to writing by the mediation participants or the mediator at the conclusion of the mediation.
- b) The writing shall contain mutual conditions, payment arrangements, or other terms that resolve the dispute in part or in its entirety.
- c) Each mediation participant shall execute the agreement.

Section 201.280 Document Retention

- a) At the conclusion of the mediation, if a settlement agreement of any or all of the issues mediated is agreed to by the mediation participants, the mediator shall submit to the Chief Clerk's Office a Memorandum of Agreement.
- b) The Memorandum of Agreement, at a minimum, shall list:
 - 1) The issues resolved in the mediation;
 - 2) The mediation participants; and
 - 3) The mediation participants that signed the confidential written settlement agreement.
- c) The Memorandum of Agreement shall refer, by name and date, to the separate, confidential, written settlement agreement produced in accordance with this Part.
- d) The terms of the confidential written settlement agreement shall not be included in the Memorandum of Agreement.

SUBPART D: POST-MEDIATION PROCEDURE

Section 201.300 Failure to Agree

If the mediation participants are unable to reach agreement at the end of 45 days, or other deadline as agreed to by the mediation participants and any non-mediating parties in a docketed matter pursuant to Section 201.260, the mediation is terminated. The mediator shall report the lack of an agreement and termination of the mediation to the Chief Clerk's Office and, if the

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mediation arises from a docketed proceeding, to the Administrative Law Judge presiding over that docketed proceeding.

Section 201.310 Enforcement of Settlement Agreement

If any mediation participant fails to abide by the terms of the settlement agreement, a mediation participant may exercise any rights it may have with respect to the agreement either as provided in Commission rules (see 83 Ill. Adm. Code 200) or in law or equity.

SUBPART E: EFFECT OF A MEDIATED AGREEMENT

Section 201.400 Continuing Authority of the Commission

Nothing contained in the mediation agreement shall be construed as a limitation on the authority of the Commission to exercise its statutory authority under the Act.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Gas Revenue Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 470
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
470.171	Amendment
470.172	New Section
- 4) Statutory Authority: P.A. 93-31[35 ILCS 173]
- 5) Effective Date of Amendments: November 30, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 4143, 03/05/04
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements the provision of Public Act 93-31 that repeals, effective October 1, 2003, the exemption for persons who had purchased gas out-of-State prior to March 1, 1995. This rulemaking provides that transactions with persons or entities that incur a Gas Use Tax liability on those transactions are not subject to Gas Revenue Tax liability. The rulemaking also clarifies that transactions with persons or entities that make purchases of out-of-State gas and are

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exempt from Gas Use Tax remain subject to Gas Revenue Tax on the delivery charges to such purchasers.

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

Terry D. Charlton

Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 470
GAS REVENUE TAX ACT

Section	
470.101	Definitions
470.105	Disposition of Tax Monies
470.110	Imposition of Tax
470.115	Effective Period of Act
470.120	Returns
470.125	Gross Amount of Transactions or Billings Basis of Tax
470.130	Certificate of Registration
470.131	Enterprise Zone Exemption
470.135	Books and Records
470.140	Claims to Recover Erroneously Paid Tax
470.145	Furnishing of Gas
470.150	Gas Sold to and by Building Operators
470.155	Transactions in Interstate Commerce
470.160	Sales of Gas to the United States Government
470.165	Services Furnished The State of Illinois, its Departments, Agencies, Counties, Municipalities or Other Political Subdivisions
470.170	Services Furnished to Religious, Scientific, Educational and Charitable Institutions
470.171	Exclusion for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995
470.172	Exclusion from Tax for Transactions Involving Customers Who Incur Gas Use Tax
470.175	Meter Readings
470.180	Services Furnished to Officers or Employees
470.185	Interdepartmental Transfers
470.190	Discounts, Penalties and Finance or Interest Charges
470.195	Sales of Appliances, Equipment or Services Subject to Other Tax Acts

AUTHORITY: Implementing the Gas Revenue Tax Act [35 ILCS 615] and authorized by Section 39b19 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b19].

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NOTICE OF ADOPTED AMENDMENTS

SOURCE: Gas Revenue Tax Regulations, adopted July 24, 1945; codified at 8 Ill. Reg. 8608; amended at 11 Ill. Reg. 18751, effective October 30, 1987; amended at 21 Ill. Reg. 12243, effective August 26, 1997; amended at 28 Ill. Reg. 16334, effective November 30, 2004.

Section 470.171 Exclusion for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995

- a) ~~Charges Beginning with charges~~ billed on ~~and after~~ January 1, 1996 ~~through September 30, 2003,~~ any charge for gas or gas services to a customer who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility, ~~are~~ not subject to the tax imposed by the Gas Revenue Tax Act [\[35 ILCS 615\]](#). ~~The exemption provided in this Section shall no longer be available beginning on and after October 1, 2003.~~

- b) For the purposes of this exclusion, the following terms have the following meanings:

"Charges solely related to the local distribution of gas by a public utility" means all charges subject to the Gas Revenue Tax Act, other than charges for gas and those charges that are reflected in the purchased gas adjustment clauses described in Section 9-220 of the Public Utilities Act [220 ILCS 5/9-220].

"Customer" means a person or legal entity identified on a taxpayer's books and records as being responsible for the payment of charges for gas or gas services provided by that taxpayer.

"Direct purchase of gas or gas services originating from an out-of-State source" means the direct purchase by a customer located in Illinois of gas or gas services from a source, such as a well head, located outside of this State.

"Direct purchase of gas or gas services originating from an out-of-State supplier" means the direct purchase by a customer located in Illinois of gas or gas services from a supplier with an out-of-State physical presence.

"Public utility" means every corporation, company, limited liability company, association, joint stock company or association, firm,

DEPARTMENT OF REVENUE

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partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever that owns, controls, operates or manages, within this State, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in the conveyance of gas by pipeline.

"Supplier" means a person or entity that sells gas and has taken title to, or will take title to, the gas that is sold.

"Transportation account" means an account maintained by a public utility for the transportation of gas for a customer who has purchased the gas from a source other than the public utility.

- c) It is incumbent upon a taxpayer to establish that the exclusion described in this Section is available. Except as provided in subsection (d), if a taxpayer maintains in its books and records the certification described in subsection (e), that certification will be prima facie proof that the exclusion is available to the taxpayer in reference to the customer listed on the certification. The obtaining of such a certification does not preclude the Department from going behind it and disregarding it if, in examining such customer's records, the Department finds that the certification was not true as to some fact or facts which show that the exclusion was not available or the customer refuses or is unable to provide proper documentation evidencing that the exclusion was available.
- d) If an Illinois public utility (as defined in Section 3-105 of the Public Utilities Act) establishes through its books and records that a customer maintained a transportation account with that public utility on or before March 1, 1995, that documentation will be sufficient evidence that the exclusion described in this Section is available to that public utility in reference to that customer.
- e) The certification described in subsection (c) must be a written certification signed by the customer stating:
- 1) the customer's name and address;
 - 2) that the customer is purchasing the gas or gas services for its own use and that the gas or gas services will not be transferred to another entity;
 - 3) that the customer had acquired contractual rights for the direct purchase of

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gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995;

- 4) the name and address of the out-of-State supplier or source; and
 - 5) the name and address of the public utility in Illinois with whom the customer had a transportation account for the transportation of such gas or gas services.
- f) The exclusion is available only with respect to the customer that acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995. A qualifying customer must be the same legal entity which acquired the qualifying contractual rights. Related entities, such as subsidiaries, affiliates, or holding companies, may not claim the exclusion based upon the qualifying contract of a separate legal entity. However, legal entities that have merely changed form, such as a partnership electing to become a corporation, that retain the exact same ownership are still considered the same legal entity for purposes of this exclusion. A legal entity that had acquired a qualifying contract and has merged with another legal entity or entities will still be considered the same legal entity if the surviving entity is the entity that had acquired the qualifying contractual rights.
- g) If a customer that acquired qualifying contractual rights on or before March 1, 1995 has multiple gas or gas service accounts, then the exclusion is available to all of that customer's gas and gas service accounts.
- h) If the exclusion is claimed by a taxpayer, then that taxpayer will be liable for tax, penalty, and interest if it is later determined that the exclusion was not available. For example, if a taxpayer claims the exclusion based on an invalid certification from a customer, then the Department will recover the tax and any applicable penalty and interest from the taxpayer. The Department is unable to assess a customer who has given an invalid certification because customers do not incur Gas Revenue Tax liability ~~and there is no Gas Revenue Use Tax~~. Consequently, when the exclusion has been improperly claimed and is disallowed, the Department will assess the taxpayer and the taxpayer is authorized to make an additional charge to the customer under Section 9-222 of the Public Utilities Act [220 ILCS 5/9-222].

(Source: Amended at 28 Ill. Reg. 16334, effective November 30, 2004)

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Section 470.172 Exclusion from Tax for Transactions Involving Customers Who Incur Gas Use Tax

- a) Transactions subject to Gas Use Tax. Beginning with charges billed on and after October 1, 2003, no tax is imposed under this Part on transactions with customers who incur a tax liability under the Gas Use Tax Law [35 ILCS 173] on those transactions.

EXAMPLE: A transaction with a customer for the transportation of out-of-State gas is not subject to tax under this Act, including but not limited to any transportation charges and any related service charges.

- b) Transactions exempt from Gas Use Tax. Transactions with customers that are exempt from tax under the Gas Use Tax Law or otherwise incur no tax liability under that Law remain subject to tax under this Part.

EXAMPLE: A customer is exempt from Gas Use Tax under one of the exemptions provided under Section 5-50 of the Gas Use Tax Law and makes an out-of-State purchase of gas. The customer provides its delivering supplier in Illinois a copy of an exemption certificate as required under 86 Ill. Adm. Code 471.125. The sale of the gas is not subject to Gas Revenue Tax liability; however, the transaction for the transportation of the gas and any related service charges remain subject to tax under this Part at the rate of 2.4 cents per therm or 5% of the gross receipts (whichever is less) for the customer's billing period.

(Source: Added at 28 Ill. Reg. 16334, effective November 30, 2004)

DEPARTMENT OF REVENUE

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- 1) Heading of the Part: Gas Use Tax Law
- 2) Code Citation: 86 Ill. Adm. Code 471
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
471.101	New Section
471.105	New Section
471.110	New Section
471.115	New Section
471.120	New Section
471.125	New Section
- 4) Statutory Authority: P.A. 93-31 [35 ILCS 173]
- 5) Effective Date of Rulemaking: November 30, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 4150; 3/05/04
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking creates administrative rules to implement the Gas Use Tax Law created by Public Act 93-31. These rules set out

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definitions of terms, the imposition of the tax, the tax rates for both self-assessing purchasers and those taxpayers choosing the alternate tax rate, the procedure for registering as a self-assessing purchaser, the collection obligations of delivering suppliers, the uses of gas that are exempt from tax, and the method for claiming such exemptions.

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

Terry D. Charlton
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

(217) 782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 471

GAS USE TAX LAW

Section

471.101	Definitions
471.105	Imposition of Tax
471.110	Tax Rates
471.115	Self-Assessing Purchaser Registration
471.120	Delivering Suppliers, Collection of Tax, Returns
471.125	Exemptions

AUTHORITY: Implementing the Gas Use Tax Law [35 ILCS 173].

SOURCE: Adopted at 28 Ill. Reg. 16341, effective November 30, 2004.

Section 471.101 Definitions

"Delivering supplier maintaining a place of business in this State", or any like term, means any delivering supplier having or maintaining within this State, directly or by a subsidiary, an office, distribution facility, sales office or other place of business, or any employee, agent or other representative operating within this State under the authority of such delivering supplier or such delivering supplier's subsidiary, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such delivering supplier or such delivering supplier's subsidiary is licensed to do business in this State.

"Delivering supplier" means any person engaged in the business of delivering gas to persons for use or consumption and not for resale, and who, in any case where more than one person participates in the delivery of gas to a specific purchaser, is the last of the suppliers engaged in delivering the gas prior to its receipt by the purchaser. A person, such as a gas utility, that provides for the delivery of customer owned gas through gas lines that are connected to the customer's residence or place of business is considered a delivering supplier. A person who transports gas through an interstate pipeline directly to a customer in this State who uses that gas for its own use or consumption and not for resale is considered

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a delivering supplier. A person who sells gas to an end user, but does not provide for delivery of the gas to such end user, is not considered a delivering supplier.

EXAMPLE: A customer purchases gas for use in its business from a gas marketer and has the customer's local utility company deliver the gas to that customer's place of business. In that instance, the customer's local utility company is the delivering supplier.

"Department" means the Department of Revenue of the State of Illinois.

"Gas" means any gaseous fuel distributed through a pipeline system.

"Law" means the Gas Use Tax Law [35 ILCS 173].

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county, or other political subdivision of this State.

"Purchase of out-of-State gas" means a transaction for the purchase of gas from any supplier in a manner that does not subject the seller of that gas to liability under the Gas Revenue Tax Act [35 ILCS 615].

"Purchase price" means the consideration paid for the distribution, supply, furnishing, sale, transportation, or delivery of gas to a person for use or consumption and not for resale, and for all services directly related to the production, transportation, or distribution of gas distributed, supplied, furnished, sold, transmitted, or delivered for use or consumption, including cash, services, and property of every kind and nature. However, "purchase price" shall not include consideration paid for:

Any charge for a dishonored check.

Any finance or credit charge, penalty, charge for delayed payment, or discount for prompt payment.

Any charge for reconnection of service or for replacement or relocation of facilities.

Any advance or contribution in aid of construction.

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Repair, inspection, or servicing of equipment located on customer premises.

Leasing or rental of equipment, the leasing or rental of which is not necessary to furnishing, supplying, or selling gas.

Any purchase by a purchaser if the supplier is prohibited by federal or State constitution, treaty, convention, statute, or court decision from recovering the related tax liability from such purchaser.

Any amounts added to purchasers' bills because of changes made pursuant to the tax imposed by the Law.

In case credit is extended, the amount thereof shall be included only as and when payments are received.

"Self-assessing purchaser" means a purchaser of gas for use or consumption that is required to be registered with the Department and is responsible for filing returns and paying the tax imposed under the Law directly to the Department. [35 ILCS 173/5-5]

Section 471.105 Imposition of Tax

Beginning October 1, 2003, a tax is imposed upon the privilege of using in this State gas obtained in a purchase of out-of-State gas at the rate or rates set forth in Section 471.110 of this Part. [35 ILCS 173/5-10]

EXAMPLE: A purchase of out-of-State gas occurs when a purchaser enters into a contract outside of this State with a supplier to purchase gas at a wellhead located in Oklahoma. The purchaser then contracts with an Illinois utility for the delivery of that gas to the purchaser's place of business in Illinois. The sale of that gas occurs outside of this State and the seller is not liable for Gas Revenue Tax on the sale of that gas. Unless otherwise exempt under this Part, the purchaser incurs Gas Use Tax liability at the rate or rates set forth in Section 471.110 of this Part on the purchase of the out-of-State gas.

Section 471.110 Tax Rates

- a) Self-assessing purchaser rate. *The tax imposed under Section 471.105 of this Part is at the rate of 2.4 cents per therm or 5% of the purchase price for the billing*

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period, whichever is the lower rate. [35 ILCS 173/5-10] This rate is referred to as the "self assessing purchaser tax rate" and such purchasers are referred to as "self-assessing purchasers". Such self-assessing purchasers are required to file returns and pay the tax directly to the Department. Purchasers of out-of-State gas who provide exemption certificates when they do not qualify for such exemptions will be deemed to be self-assessing purchasers and incur the tax imposed by this Part at the self-assessing purchaser rate. (See Section 471.125(c).)

- b) *Alternate tax rate. Purchasers of out-of-State gas may elect an alternative tax rate of 2.4 cents per therm. This rate is referred to as the "alternate tax rate". Those purchasers of out-of-State gas who elect the alternative tax rate do not file returns or pay the tax directly to the Department.* [35 ILCS 173/5-10] Such purchasers pay tax to their delivering suppliers who are registered to collect the tax under Section 471.120.
- c) Purchasers choosing not to register. Purchasers of out-of-State gas who choose not to register with the Department as self-assessing purchasers will be deemed to have elected the alternate tax rate and must pay the tax to their delivering suppliers who are registered to collect the tax under Section 471.120.

Section 471.115 Self-Assessing Purchaser Registration

- a) Registration as a self-assessing purchaser. Any purchaser that does not pay tax to his or her delivering supplier, when that delivering supplier is registered to collect that tax under the provisions of Section 471.120, must register with the Department as a self-assessing purchaser and pay tax directly to the Department at the self-assessing purchaser rate. A purchaser registering as a self-assessing purchaser cannot revoke that registration for at least one year.
- b) Application for registration. A signed application for a certificate of registration as a self-assessing purchaser shall be made to the Department upon forms furnished by the Department and shall list:
 - 1) the applicant's name, including corporate name if applicable, address, and telephone number;
 - 2) the applicant's Social Security number if the applicant is an individual or Illinois Business Tax number and Federal Employer Identification number if the applicant is a business; and

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- 3) the name or names of the delivering supplier or suppliers who are delivering the gas upon which the self-assessing purchaser will be paying tax.
- c) Issuance of certificate of registration. Upon receipt of the application for a certificate of registration in proper form, the Department shall issue to the applicant a certificate of registration as a self-assessing purchaser. The applicant shall provide a copy of such certificate of registration as a self-assessing purchaser to the applicant's delivering supplier or suppliers. Upon receipt of such a certificate of registration, the delivering supplier or suppliers will no longer collect the tax imposed under this Part from the self-assessing purchaser beginning with bills issued to the self-assessing purchaser 30 or more days after receipt of the copy of the certificate of registration. The self-assessing purchaser shall begin self-assessing tax with the first bill issued by that person's delivering supplier on or after October 1, 2003 that does not contain a charge for the collection of Gas Use Tax.
- d) Purchaser's revocation of self-assessing purchaser registrations. Purchasers who have been filing returns and paying tax directly to the Department as self-assessing purchasers for at least one year may revoke their self-assessing purchaser registrations and pay tax to their delivering suppliers. Self-assessing purchasers who wish to revoke their registrations with the Department must provide the Department with at least 30 days written notice prior to the date upon which such purchasers wish to revoke their registrations. The notice provided to the Department must be on a form provided by the Department and include the name and address of the purchaser's delivering supplier or suppliers. Upon receipt of such form, the Department shall provide written notification to the purchaser's delivering supplier or suppliers that they are to begin collecting tax from such purchaser beginning with bills issued to the purchaser after that purchaser's self-assessing purchaser registration has been revoked.

Section 471.120 Delivering Suppliers, Collection of Tax, Returns

- a) Collection of tax. *Beginning with bills issued on and after October 1, 2003, a delivering supplier maintaining a place of business in this State shall collect, from the purchasers who have elected the alternate tax rate, the tax that is imposed by this Part at the alternate 2.4 cents per therm rate. The tax imposed at the alternate tax rate by this Part shall, when collected, be stated as a distinct and separate item apart from the selling price of the gas or related services. Upon receipt by a delivering supplier of a copy of a certificate of registration issued to*

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a self-assessing purchaser under Section 20 of the Law, that delivering supplier is relieved of the duty to collect the alternate tax from that self-assessing purchaser beginning with bills issued to that self-assessing purchaser 30 or more days after receipt of the copy of that certificate of registration. Upon receipt by a delivering supplier of a signed exemption certificate provided by a customer as required under Section 471.125(b), that delivering supplier is relieved of the duty of collecting the tax from that customer. [35 ILCS 173/5-15] However, the providing of such an exemption certificate by a customer for the tax imposed under this Part does not relieve the delivering supplier from any Gas Revenue Tax liability that may be incurred on transactions with that customer for the transportation or delivery of the gas. (See 86 Ill. Adm. Code 470.) The delivering supplier's duty to collect the alternate tax from a self-assessing purchaser will be reinstated upon the delivering supplier's receipt of a notice of revocation of that purchaser's self-assessing purchaser registration. (See Section 471.115.)

- b) *Registration as a delivering supplier. A delivering supplier maintaining a place of business in this State who engages in the delivery of gas in this State shall register with the Department. [35 ILCS 173/5-15] A delivering supplier, if required to register under the Gas Revenue Tax Act [35 ILCS 615], need not obtain an additional certificate of registration under the Law, but shall be deemed to be sufficiently registered by virtue of his being registered under the Gas Revenue Tax Act [35 ILCS 615]. Application for a certificate of registration shall be made to the Department on a form prescribed by the Department.*
- c) *Delivering supplier returns. Except as otherwise provided in this subsection (c), each delivering supplier who is required to collect the tax imposed under this Part shall, on or before the 15th day of each month for the preceding calendar month, file a return with the Department upon a form prescribed by the Department. In completing such return, the delivering supplier may use any reasonable method to derive reportable "therms" from his or her billing and payment records. If the average monthly liability to the Department of the delivering supplier does not exceed \$100, the Department may authorize the delivering supplier's returns to be filed on a quarter-annual basis, with the return for January, February, and March of a given year being due by April 30 of such year; with the return for April, May, and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October, November, and December of a given year being due by January 31 of the following year. If the average monthly liability to the Department of the delivering supplier does not exceed \$20, the Department may authorize the*

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delivering supplier's returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year. [35 ILCS 173/5-25]

- d) Reporting tax. Delivering suppliers who have not previously registered and remitted tax to the Department under the Gas Revenue Tax Act may choose to report tax under this Part by using either the gross billings or transactions method or gross receipts method. Delivering suppliers who have previously filed returns and paid Gas Revenue Tax to the Department upon the basis of the gross amount of their billings or transactions with their customers shall file returns and pay the tax collected under this Part in the same manner. Delivering suppliers who have previously filed returns and paid Gas Revenue Tax to the Department upon the basis of their gross receipts from their customers shall file returns and pay the tax collected under this Part in the same manner. (See Section 470.125.)

Section 471.125 Exemptions

- a) The tax imposed under this Part does not apply to the following:
- 1) *Gas used by business enterprises located in an enterprise zone certified by the Department of Commerce and Economic Opportunity pursuant to the Illinois Enterprise Zone Act [20 ILCS 655]. The use of gas by business enterprises under this exemption does not include gas that is used for any residential purpose;*
 - 2) *Gas used by governmental bodies, or a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes. Such use shall not be exempt unless the government body, or corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes has first been issued a tax exemption identification number by the Department of Revenue pursuant to Section 1g of the Retailers' Occupation Tax Act. A limited liability company may qualify for this exemption only if the limited liability company is organized and operated exclusively for educational purposes. The term "educational purposes" shall have the same meaning as that set forth in Section 2h of the Retailers' Occupation Tax Act [35 ILCS 120];*
 - 3) *Gas used in the production of electric energy. This exemption does not include gas used in the general maintenance or heating of an electric energy production facility or other structure;*

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- 4) *Gas used in a petroleum refinery operation;*
 - 5) *Gas purchased by persons for use in liquefaction and fractionation processes that produce value added natural gas byproducts for resale; and*
 - 6) *Gas used in the production of anhydrous ammonia and downstream nitrogen fertilizer products for resale. [35 ILCS 173/5-50]*
- b) Purchasers of gas that is to be used for an exempt purpose or purposes as provided in subsection (a) must provide their delivering supplier or suppliers with a signed certificate of exemption to claim an exemption from the tax imposed under this Part. Only one type of exemption described in subsection (a) may be claimed on each exemption certificate. The certificate of exemption must contain the following:
- 1) Name and address of the purchaser;
 - 2) Account number or numbers for which the exemption is being claimed;
 - 3) Type of exemption claimed (organizations described in subsection (a)(2) must provide their tax exemption identification number and persons or organizations claiming the exemption described in subsection (a)(1) must provide the name of the enterprise zone in which they are located);
 - 4) A statement that all of the gas being purchased by the purchaser under the account number or numbers listed on the certificate is exempt from tax;
 - 5) The date the certificate was given to the delivering supplier; and
 - 6) The signature of the purchaser.
- c) Purchasers providing invalid exemption certificates. Purchasers of out-of-State gas who provide exemption certificates when they do not qualify for such exemptions will be deemed to be self-assessing purchasers and incur the tax imposed by this Part at the self-assessing purchaser rate. Such purchasers must file returns and pay the tax directly to the Department.
- d) Separate accounts for exempt uses. Purchasers who have both exempt uses and non-exempt uses of gas must have separate accounts with their delivering supplier

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or suppliers for their exempt gas usage. An exemption certificate provided under this Section may only be provided for an account where all the gas being delivered to that customer under that account is exempt from tax under this Part.

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of Part: Motor Fuel Standards Act
- 2) Code Citation: 8 Ill. Adm. Code 850
- 3) Section Number: 850.60 Emergency Action: Add
- 4) Statutory Authority: Motor Fuel Standards Act [815 ILCS 370]
- 5) Effective Date of Amendment: December 1, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date Filed with the Index Department: December 1, 2004
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: In June 2004, ASTM adopted a lubricity requirement for the diesel fuel specification. The effective date for the requirement is January 1, 2005. The oil industry initially planned to comply with the requirement through the injection of the lubricity additive at the refineries. However, tests conducted by pipeline companies after the June meeting indicated that there is the potential for the lubricity additive to trail back into jet fuel. The additive is not approved for jet fuel. Several major pipeline companies rescinded earlier policies allowing the lubricity additive and now prohibit the use of a lubricity additive in diesel fuel transported in their pipelines. Injector equipment for the lubricity additive will now have to be installed at fuel terminals. The postponement of the effective date is necessary for the additional time needed for the installation of equipment at terminals.
- 10) A Complete Description of the Subjects and Issues Involved: The oil industry requested the delay in the enforcement of the lubricity requirement for diesel fuel. Many pipeline companies will not allow the use of the lubricity additive in the pipeline systems. The American Petroleum Institute has asked all states that automatically adopt the most current version of ASTM specifications to delay the enforcement of the lubricity requirement. North Carolina has granted the temporary suspension of enforcement for the lubricity requirement until October 1, 2005. Several other states are currently researching the request and have not yet announced their position on the issue.
- 11) Are there any proposed amendments to this Part pending? Yes

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NOTICE OF EMERGENCY AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
850.10	Amend	28 Ill. Reg. 8817; June 25, 2004
850.40	Amend	28 Ill. Reg. 8817; June 25, 2004

- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P.O.Box 19281
Springfield, Illinois 62794-9281
217/785-5713
217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER s: MOTOR FUELSPART 850
MOTOR FUEL STANDARDS ACT

Section

850.10	Written Complaint Required
850.20	Access to Motor Fuels and Records
850.30	Responsibility for Standards of Quality
850.40	Administrative, Laboratory and Sampling Fees
850.50	Label on Motor Fuel Dispensing Device
850.60	ASTM Standards

[EMERGENCY](#)

AUTHORITY: Implementing and authorized by the Motor Fuel and Petroleum Standards Act [815 ILCS 370].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 1455, effective January 12, 1984; adopted at 8 Ill. Reg. 5993, effective April 23, 1984; amended at 9 Ill. Reg. 12711, effective August 6, 1985; amended at 14 Ill. Reg. 5072, effective March 26, 1990; emergency amendment at 28 Ill. Reg. 16352, effective December 1, 2004, for a maximum of 150 days.

[Section 850.60 ASTM Standards](#)
[EMERGENCY](#)

- a) [*The standards set forth in the Annual Book of \(ASTM\) American Society for Testing and Materials Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless modified or rejected by a regulation adopted by the Department. \[815 ILCS 370/4\]*](#)
- b) [*The effective date for the lubricity requirement contained in Table 1 \(Detailed Requirements for Diesel Fuel Oils\) of D 975-04b is extended until October 1, 2005.*](#)

(Source: Added by emergency rulemaking at 29 Ill. Reg. 16352, effective December 1, 2004)

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- 1) Heading of the Part: Illinois Military Family Relief Fund Act
- 2) Code Citation: 95 Ill. Adm. Code 200
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
200.5	Amend
200.10	Amend
200.20	Amend
200.30	Amend
200.40	Amend
200.50	Amend
200.60	Amend
200.70	Amend
200.80	Amend
200.90	Amend
- 4) Statutory Authority: Implementing and authorized by the Illinois Military Code [20 ILCS 1805/22-9].
- 5) Effective Date of amendments: December 7, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency amendments will not expire before the Department adopts the proposed amendments.
- 7) Date Filed with the Index Department: December 3, 2004
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: In the administration of the Illinois Military Family Relief Fund Act program, the Department of Military Affairs discovered individuals were applying for and receiving grants for injuries/illnesses not associated with hostile actions. Emergency rulemaking is necessary to stop applications for grants that are not consistent with the purpose of the Act and the program.
- 10) A Complete Description of the Subjects and Issues Involved: As a result of changes made by P.A. 93-976, responsibility for the death grants will be transferred from Military Affairs to Veterans' Affairs. Adds more stringent requirements for casualty based grants,

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opens status and casualty based grants to single members, and eliminates waivers from the requirements of need based grants.

- 11) Are there any proposed amendments to this Part Pending? No
- 12) Statement of Statewide Policy Objectives: These emergency amendments will not create or enlarge a State mandate under the State Mandates Act [30 ILCS 805].
- 13) Information and questions regarding these emergency amendments shall be directed to: Interested parties should submit written comments or views concerning the emergency rulemaking to the attention of:

Kevin C. Pennell, Military Programs Supervisor
Department of Military Affairs
1301 North MacArthur Boulevard
Springfield, Illinois 62702
Telephone: 217-761-3432
Fax: 217-761-2603

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

DEPARTMENT OF MILITARY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER II: DEPARTMENT OF MILITARY AFFAIRS

PART 200
ILLINOIS MILITARY FAMILY RELIEF FUND ACT

SUBPART A: DEFINITIONS

Section

200.5 General Purpose

| [EMERGENCY](#)

200.10 Definition of Terms Used

| [EMERGENCY](#)

SUBPART B: ELIGIBILITY

Section

| 200.20 Determination of Eligibility for [Family](#) Need Based Grants

| [EMERGENCY](#)

200.30 Determination of Eligibility for Status Based Grants

| [EMERGENCY](#)

200.40 Determination of Eligibility for Casualty Based Grants

| [EMERGENCY](#)

SUBPART C: GRANTS

Section

| 200.50 [Family](#) Need Based Grant Levels and Limits

| [EMERGENCY](#)

200.60 Status Based Grant Levels and Limits

| [EMERGENCY](#)

200.70 Casualty Based Grant Levels and Limits

| [EMERGENCY](#)

200.80 Documentation, Application, Payment and Denial

| [EMERGENCY](#)

SUBPART D: REPORTING

Section

200.90 Reporting Requirements

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EMERGENCY

AUTHORITY: Implementing and authorized by Section 22-9 of the Illinois Military Code [20 ILCS 1805/22-9].

SOURCE: Emergency rule adopted at 27 Ill. Reg. 8468, effective May 6, 2003, for a maximum of 150 days; emergency expired October 2, 2003; adopted at 27 Ill. Reg. 16436, effective October 15, 2003; emergency amendment at 28 Ill. Reg. 16355, effective December 7, 2004, for a maximum of 150 days.

SUBPART A: DEFINITIONS

Section 200.5 General PurposeEMERGENCY

The intent of Section 22-9 of the Illinois Military Code and this Part is to provide an opportunity on standard individual income tax forms to allow taxpayers to contribute to the Illinois Military Family Relief Fund, and to provide the Illinois Department of Military Affairs the power to make grants from the fund to families of Illinois National Guard members or other Reserve component members (including National Guard members of other states) who are Illinois residents and were called to active military service as a result of the September 11, 2001 terrorist attacks.

The grants shall be in the form of three types of payments:

- a) payments based on the need of the member or the member's family as determined eligible under Section 200.20;
- b) payments based on the member's status as a member of the Illinois National Guard or other Reserve component, ~~made to the member or the member's family~~ as determined eligible under Section 200.30; and
- c) payments based on the member's casualty status as determined under Section 200.40. ~~payments to the member's next of kin as determined eligible under Section 200.40.~~

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 16355, effective December 7, 2004, for a maximum of 150 days)

Section 200.10 Definition of Terms UsedEMERGENCY

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"Active duty" means: Military service performed as State Active Duty under the Illinois Military Code [20 ILCS 1805], or corresponding provision of the applicable State statute for Illinois residents who are National Guard members of other states; military service performed under the provisions of Title 32, United States Code; or military service performed under the provisions of Title 10, United States Code.

"Duty as a result of September 11, 2001 terrorist attacks" means: active duty service of a minimum of 30 consecutive days, directly related to the President's Partial Mobilization Authority in response to the attacks (currently referred to as Operation Noble Eagle and Operation Enduring Freedom); any future operations as determined by the President; or any future operations as determined by the Governor of Illinois.

"~~Family~~Families of members" means: A husband, wife, child, mother, father, brother, sister, or other person who has been approved as a dependent and is enrolled in the Defense Enrollment Eligibility Reporting System (DEERS) in accordance with applicable military regulations. A custodial parent or guardian of a member's dependent may apply for a grant on behalf of that dependent.

~~"Next of kin" means: The person listed as next of kin for the member in DEERS. In the case of multiple entries for next of kin, the first person listed shall be considered next of kin for the purposes of this Part.~~

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 16355, effective December 7, 2004, for a maximum of 150 days)

SUBPART B: ELIGIBILITY

**Section 200.20 Determination of Eligibility for Family Need Based Grants
EMERGENCY**

- a) The grant applicant must show proof of the following:
 - 1) He or she is a member of the Illinois National Guard or an Illinois resident who is a member of another U.S. Armed Forces Reserve component, applying on behalf of his or her family, or is a family member of that member. Proof of residency for military members will consist of information obtained from DEERS. Proof of a familial relationship will also consist of information obtained from DEERS.

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- 2) The Illinois National Guard or Reserve component member was on active military duty for at least 30 consecutive days as a result of the September 11, 2001 terrorist attacks. Proof of active duty will consist of a copy of the orders issued by an authorized headquarters ordering the member to such duty, and documentation showing that such duty was actually performed. Eligible active duty includes any active duty since September 11, 2001.
- 3) A copy of a payroll record from the member's civilian employer that indicates member's monthly salary plus a copy of a military payroll record that indicates the member's monthly salary.
- 4) Proof that the military salary (including Basic Allowance for Housing) of the member has decreased by 30% or greater from his or her civilian salary.
- 5) Proof that the member or family member has incurred or is about to incur a specific monetary expense relating to clothing, food, housing, utilities, medical services, medical prescriptions, insurance or vehicle payments. Such proof shall include, but is not limited to, a copy of a bill, invoice, estimate, cancellation notice, or any other similar record.
- 6) A signed statement that the grant request is for the purpose identified in the application and that the grant funds will be used for the purposes requested.
- 7) The Illinois National Guard or Reserve component member holds a pay grade no higher than O-3, if ~~ana-commissioned~~ officer, or ~~W-3W-2~~, if a warrant officer. Individuals or families will be eligible for the grant based upon rank at the time of the mobilization. Proof of pay grades will consist of information obtained from DEERS.
- 8) If a custodial parent or guardian is applying for a grant on behalf of a member's ~~dependent~~~~dependant~~, then the custodial parent or guardian must provide proof of guardianship of a member's ~~dependent~~~~dependant~~ currently enrolled in DEERS.
- 9) ~~The Adjutant General is authorized to waive the requirements in subsection (a)(4) upon a written request indicating the circumstances~~

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~~justifying such a waiver, and upon proof that there has in fact been some decrease from the member's civilian salary. Such circumstances include, but are not limited to, death, injury or incapacity of the member, long-term deployment of the member and unexpected expenses incurred by the member's family. The Adjutant General may use discretion in granting or denying such requests.~~

- b) The following members are ineligible to receive grants:
- 1) All ~~officers~~~~commissioned~~ and warrant officers with pay grades of O-4 and ~~W-4~~~~W-3~~, or higher;
 - 2) Personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service;
 - 3) Members who are unmarried and have no family members enrolled in DEERS;
 - 4) Members who, at any time prior to the disbursement of funds pursuant to a grant application under this Section, receive a punitive discharge, or an administrative discharge with service characterized as Under Other Than Honorable Conditions.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 16355, effective December 7, 2004, for a maximum of 150 days)

Section 200.30 Determination of Eligibility for Status Based Grants**EMERGENCY**

- a) The grant applicant must show proof of the following:
- 1) He or she is a member of the Illinois National Guard or an Illinois resident who is a member of another U.S. Armed Forces Reserve component, applying on behalf of his or her family, or is a family member of that member. Proof of residency for military members will consist of information obtained from the Defense Enrollment Eligibility Reporting System (DEERS). Proof of a familial relationship will also consist of information obtained from DEERS.

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- 2) The Illinois National Guard or Reserve component member was on active military duty for at least 30 consecutive days as a result of the September 11, 2001 terrorist attacks. Proof of active duty will consist of a copy of the orders issued by an authorized headquarters ordering the member to such duty, and documentation showing that such duty was actually performed. Eligible active duty includes any active duty since September 11, 2001.
 - 3) The Illinois National Guard or Reserve component member holds a pay grade no higher than O-3, if ~~ana-commissioned~~ officer, or ~~W-3~~W-2, if a warrant officer. Individuals or families will be eligible for the grant based upon rank at the time of mobilization. Proof of pay grades will consist of information obtained from DEERS.
- b) The following members are ineligible to receive grants:
- 1) All ~~officers~~~~commissioned~~ and warrant officers with pay grades of O-4 and ~~W-4~~W-3, or higher;
 - 2) Personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service;
 - 3) ~~Members who are unmarried and who have no family members enrolled in DEERS;~~
 - 3)4) Members who, at any time prior to disbursement of funds pursuant to a grant application under this Section, receive a punitive discharge, or an administrative discharge with service characterized as Under Other Than Honorable Conditions.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 16355, effective December 7, 2004, for a maximum of 150 days)

Section 200.40 Determination of Eligibility for Casualty Based Grants**EMERGENCY**

- a) The grant applicant must show proof of the following:
 - 1) He or she is a member of the Illinois National Guard or an Illinois resident who is a member of another U.S. Armed Forces Reserve component,

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applying on behalf of himself or herself or his or her family, or who is a family member of that member~~or is next of kin of that member~~. Proof of residency for military members will consist of information obtained from DEERS. Proof of a familial relationship will also consist of information obtained from DEERS.

- 2) The Illinois National Guard or Reserve component member was on active military duty for at least 30 consecutive days as a result of the September 11, 2001 terrorist attacks. Proof of active duty will consist of a copy of the orders issued by an authorized headquarters ordering the member to such duty, and documentation showing that such duty was actually performed. Eligible active duty includes any active duty since September 11, 2001.
- 3) ~~A statement, signed by the member or next of kin of the member, stating that the member sustained a service-connected injury, illness or death, or is killed, missing in action, or a prisoner of war.~~
- 4) ~~Proof of next of kin status may include, but is not limited to, an affidavit signed by the applicant or information obtained from DEERS.~~
- 3)5) The Adjutant General is authorized to waive the 30-day requirement in subsection (a)(2) upon a written request indicating the circumstances justifying such a waiver. The Adjutant General may use discretion in granting or denying such requests.
- 4)6) The Department of Military Affairs must verify the member's casualty status with the U.S. Department of Defense ~~that the member has been wounded or killed, is missing in action, is a prisoner of war, or was otherwise incapacitated while on active duty.~~ Proof that the service member sustained an injury as a result of terrorist activity; sustained an injury in combat, or related to combat, as a direct result of hostile action; or sustained an injury going to or returning from a combat mission, provided that the incident leading to the injury was directly related to hostile action. This includes injuries to service members who are wounded mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force. This rule is retroactive, but does not apply to applications for casualty based grants that were dispersed prior to December 7, 2004. No payments shall be made without such verification.

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- b) Applications submitted under this Section shall take precedence over all other applications.
- c) The following members are ineligible to receive grants under this Section:
 - 1) Members who, at any time prior to the disbursement of funds pursuant to a grant application under this Section, receive a punitive discharge, or an administrative discharge with service characterized as Under Other Than Honorable Conditions;
 - 2) [Members whose casualty status is the result of a self-inflicted wound or other misconduct or willful negligence by the member, or if the casualty occurs when the member is in an AWOL, deserter, or dropped-from-rolls status;](#)
 - 3) [Personnel serving in Active Guard/Reserve \(AGR\) or similar full-time unit support programs unless called to Title 10 service;](#)
 - 4) [Deceased members, as other compensations are paid by the State of Illinois.](#)

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 16355, effective December 7, 2004, for a maximum of 150 days)

SUBPART C: GRANTS

**Section 200.50 [Family](#) Need Based Grant Levels and Limits
[EMERGENCY](#)**

- a) Payments to an Illinois National Guard or Reserve component member's family shall not exceed \$2,000, to include any amounts paid under the provision of Section 200.60, during any State of Illinois fiscal year.
- b) If a grant payment is to be used for the purpose of payments for food, housing, utilities, medical services or medical prescriptions, it shall be noted on the application and this information shall be sent to the Illinois Comptroller's office when a payment request is granted. These payments shall be identified as responsive to health and welfare issues.

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- c) No additional applications from a member or a member's family shall be accepted within a 180-day time frame from receipt of any prior applications.
- d) ~~All grants will be paid directly to the applicant. Payments will not be made directly to creditors.~~
- d)e) The Adjutant General is authorized to waive the requirements in subsections (a) and (c) of this Section upon a written request indicating the circumstances justifying such a waiver. The Adjutant General may use discretion in granting or denying such requests; however, in no event will payments authorized by this Section exceed \$3,000 during any State of Illinois fiscal year.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 16355, effective December 7, 2004, for a maximum of 150 days)

Section 200.60 Status Based Grant Levels and Limits**EMERGENCY**

- a) All grants will be a flat rate of \$500, unless the number of requests and fund balance necessitate a lesser amount as determined by the State Comptroller.
- b) Illinois National Guard or Reserve component members' families may receive a grant only one time per State of Illinois fiscal year, and only one time per active duty order.
- e) ~~All grants will be paid directly to the applicant. Payments will not be made directly to creditors.~~

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 16355, effective December 7, 2004, for a maximum of 150 days)

Section 200.70 Casualty Based Grant Levels and Limits

- a) All grants will be a flat rate of ~~\$2,000~~\$1,000, unless the number of requests and fund balance necessitate a lesser amount, as determined by the State Comptroller.
- b) Illinois National Guard or Reserve component members, or their family members, or next of kin may receive only one casualty status grant for injuries received during, or arising out of, the same engagement or incident ~~a grant only one time per active duty order.~~

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- e) ~~All grants will be paid directly to the applicant = payments will not be made directly to creditors.~~

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 16355, effective December 7, 2004, for a maximum of 150 days)

Section 200.80 Documentation, Application, Payment and Denial**EMERGENCY**

- a) Application and Documentation. The rules governing the acceptance of applications are as follows:
- 1) To receive consideration for a grant, applicants must request and submit an application provided by the Illinois Department of Military Affairs.
 - 2) All necessary documentation, as stated in Section 200.20, 200.30 or 200.40, must be included with the application, unless otherwise provided under DEERS, and the applicant shall authorize access to DEERS for purposes of verification.
 - 3) Applications can be submitted via facsimile, but the original documentation must be submitted before any grant payments can be authorized.
 - 4) Incomplete applications will be returned to the applicant.
 - 5) The Department of Military Affairs, upon receipt of a complete original application, will verify required information under DEERS and will then process the information for payment. The application shall be processed in an expeditious manner.
- b) Payments.
- 1) ~~Payment will be made to the applicant who has met all eligibility requirements under Section 200.20, 200.30 or 200.40. Payments will not be made to creditors and payments will be subject to applicable deductions. Payment will be made to the applicant who has met all eligibility requirements under Section 200.20, 200.30 or 200.40.~~

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- 2) The timeliness of payment will be determined by the amount of funds available at the time of application.
 - 3) If adequate funds are not available, the application will be held in a queue until funds are available.
 - 4) Applications for casualty based grants shall take precedence over all others.
- c) Denials.
- 1) Grant applications from those not meeting eligibility requirements will be denied.
 - 2) A letter explaining the denial, as well as providing additional sources of available relief, will be sent to the applicant within 30 days after receipt.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 16355, effective December 7, 2004, for a maximum of 150 days)

Section 200.90 Reporting Requirements**EMERGENCY**

- a) The Adjutant General shall provide the Governor, Lieutenant Governor and Comptroller a monthly report detailing the funds requested and amount disbursed. ~~The Comptroller is responsible for reporting grant amounts to the Illinois Department of Revenue.~~
- b) If an application is denied for any reason, the Adjutant General shall include this information in the report called for in subsection (a).
- c) The Adjutant General shall provide the Governor, Lieutenant Governor and Comptroller a monthly report containing a monthly accounting of the amount of funds donated to the fund.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 16355, effective December 7, 2004 for a maximum of 150 days)

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- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
125.260	Amend
125.380	Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 69 FR 58799
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: December 6, 2004
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

The Food Safety and Inspection Service (FSIS) is amending its nutrition labeling regulations to change the definition of "meal-type-products" to allow for nutrient content claims on multiple-serve food containers, to adopt the definition of "main dish" used by the Food and Drug Administration (FDA), and to define how meal-type products and main dishes should be nutrition labeled. The change in the definition of meal-type products will allow nutrient content claims on qualifying products to be based on 100 grams of product rather than on the serving size, which is based on the Reference Amounts Customarily Consumed (RACCs) for the food components. These actions are in response to a petition filed by ConAgra, Inc. The changes will help to ensure that FSIS' nutrition labeling regulations are parallel, to the maximum extent possible, to the nutrition labeling regulations of FDA, which were promulgated under the nutrition Labeling and Education Act (NLEA) of 1990.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: December 2, 2004

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- 10) A copy of the preemptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This preemptory amendment is in compliance with Section 5-150 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: These preemptory amendments do not affect units of local government.
- 14) Information and questions regarding these preemptory amendments shall be directed to:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

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

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART 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

SUBPART B: MEAT INSPECTION

Section	
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

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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
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].

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

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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 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;

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peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; peremptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; peremptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; peremptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; peremptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; peremptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; peremptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; peremptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; peremptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; peremptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; peremptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; peremptory amendment at 27 Ill. Reg.

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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; peremptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; peremptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; peremptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; peremptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; peremptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; peremptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; peremptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004.

SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 40843, effective September 5, 2001; 66 FR 52484, effective November 15, 2001; 66 FR 54912, effective December 31, 2001; 68 FR 44859, effective October 22, 2003; 69 FR 34913, effective July 31, 2004; ~~69 FR 58799~~ ~~FR 48799~~, effective November 30, 2004).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.

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- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).
- f) Any Type I establishment is authorized to use generically approved labeling for meat and poultry products as defined in subsection (h) of this Section without the labeling being submitted for approval to the Department, provided the labeling is in accordance with this Section and shows all mandatory features in a prominent manner as required in 9 CFR 317.2 and 381 and is not otherwise false or misleading.
- g) The Department shall select samples of generically approved labeling from the records maintained by official establishments to determine compliance with labeling requirements. Any finding of false or misleading labeling shall institute the proceedings prescribed in 225 ILCS 650/13.
- h) Generically approved labeling is labeling that complies with the following:
 - 1) Labeling for a product that has a product standard as specified in 9 CFR 319 and 381 or the Standards and Labeling Policy Book and does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees, or is not a domestic product labeled in a foreign language;
 - 2) Labeling for single-ingredient products, such as beef steak or lamb chops, that does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees or is not a domestic product labeled with a foreign language;
 - 3) Labeling for containers of products sold under contract specifications to federal government agencies that the product is not offered for sale to the general public, provided that the contract specifications include specific requirements with respect to labeling and are made available to the inspector-in-charge;
 - 4) Labeling for shipping containers that contain fully labeled immediate containers, provided that the labeling complies with 9 CFR 316.13 and 381.127;

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- 5) Labeling for products not intended for human food, provided it complies with 9 CFR 325, 381.152(c) and 381.193;
- 6) Meat inspection legends;
- 7) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use or to be placed within containers and coverings of products, provided the devices contain no reference to product and bear no misleading feature;
- 8) Labeling for consumer test products not intended for sale;
- 9) Labeling that was previously approved by the Department as sketch labeling, and the final labeling was prepared without modification or with the following modifications:
 - A) All features of the labeling are proportionately enlarged or reduced provided that all minimum size requirements specified in applicable regulations are met and the labeling is legible;
 - B) The substitution of any unit of measurement with its abbreviation or the substitution of any abbreviation with its unit of measurement, e.g., "lb." for "pound" or "oz." for "ounce" or of the word "pound" for "lb." or "ounce" for "oz.";
 - C) A master or stock label has been approved where the name and address of the distributor are omitted and the name and address are applied before being used (in that case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when the labels are offered for approval);
 - D) Wrappers or other covers bearing pictorial designs, emblematic designs or illustrations, e.g., floral arrangements, illustrations of animals, fireworks, etc., are used with approved labeling (The use of the designs will not make necessary the application of labeling not otherwise required.);

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- E) A change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;
- F) The addition, deletion or amendment of a dated or undated coupon, a cents-off statement, cooking instructions, packer product code information or the UPC product code information;
- G) Any change in the name or address of the packer, manufacturer or distributor that appears in the signature line;
- H) Any change in the net weight, provided the size of the net weight statement complies with CFR 317.2 and 318.121;
- I) The addition, deletion or amendment of recipe suggestions for the product;
- J) Any change in punctuation;
- K) Newly assigned or revised establishment numbers for a particular establishment that has been approved by the Department;
- L) The addition or deletion of open dating information;
- M) A change in the type of packaging material on which label is printed;
- N) Brand name changes, provided that there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;
- O) The deletion of the word "new" on new product labeling;
- P) The addition, deletion or amendment of special handling statements, provided that the change is consistent with CFR 317.2(k) and 318.125(a);

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- Q) The addition of safe handling instructions as required by CFR 317.2(1) and 381.125(b);
 - R) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label, provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of the ingredients prescribed in CFR 318, 319 and 381.147;
 - S) Changes in the color of the labeling, provided that sufficient contrast and legibility remain;
 - T) A change in the product vignette, provided that the change does not affect mandatory labeling information or misrepresent the content of the package;
 - U) A change in the establishment number by a corporation or parent company for an establishment under its ownership;
 - V) Changes in nutrition labeling that only involve quantitative adjustments to the nutrition labeling information, except for serving sizes, provided the nutrition labeling information maintains its accuracy and consistency;
 - W) Deletion of any claim, and the deletion of non-mandatory features or non-mandatory information; and
 - X) The addition or deletion of a direct translation of the English language into a foreign language for products marked "for export only".
- i) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
 - j) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
 - k) Labels to be used for the relabeling of inspected and passed product shall be

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permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

- l) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- m) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- n) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended by peremptory rulemaking at 28 Ill. Reg. 16368, effective December 6, 2004)

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.134, 381.136 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443; 381.444; 381.445; 381.454; 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998; 63 FR 11359, effective May 8, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 40843, effective September 5, 2001; 66 FR 52484, effective November 15, 2001; 66 FR 54912, effective December 31, 2001; 68 FR 44859, effective October 22, 2003; 69 FR 28042, effective July 31, 2004; ~~69 FR 58799~~~~69 FR 57899~~, effective November 30, 2004).
- b) Each shipping container and each immediate container containing inspected and

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passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

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- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended by peremptory rulemaking at 28 Ill. Reg. 16368, effective December 6, 2004)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 30, 2004 through December 6, 2004 and have been scheduled for review by the Committee at its January 11, 2005 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/13/05	<u>Illinois Emergency Management Agency, Licensing of Radon Detection and Mitigation Services (32 Ill. Adm. Code 422)</u>	5/28/04 28 Ill. Reg. 7422	1/11/05

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF MODIFICATION TO EMERGENCY
RULES IN RESPONSE TO AN OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULESTITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

510.10 General Site Regulations

EMERGENCY

510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. 8923, effective June 19, 2000; emergency amendment at 28 Ill. Reg. 13809, effective October 1, 2004, for a maximum of 150 days; emergency amendment modified in response to an objection of the Joint Committee on Administrative Rules at 28 Ill. Reg. 16383, not to exceed the 150-day limit of the original rulemaking.

Section 510.10 General Site RegulationsEMERGENCY

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF MODIFICATION TO EMERGENCY
RULES IN RESPONSE TO AN OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- a) Regulations
All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.
- b) Definitions:
- 1) Unauthorized person – any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
 - 2) Designated area – a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
 - 3) Hunting/Trapping area – any portion of a site where actual hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.
 - 4) Restricted area – a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
 - 5) Refuge area – a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
 - 6) Adult – a person 18 years of age or older.
 - 7) Waterfowl rest area – a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.
 - 8) Hunter or trapper quota – The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within

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a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.

- 9) Publicly announced – The information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.
- c) It shall be unlawful:
- 1) For any person to possess any alcoholic beverage while in any hunting/trapping area for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
 - 4) To hunt or trap in a restricted area.
 - 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
 - 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
 - 7) To hunt or trap on any Department-owned or -managed land that is not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).
 - 8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural

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Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.

- 9) To hunt or trap without a valid permit where permits are required.
- 10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.
- 11) To track deer with dogs on any Department owned or managed site during hours when deer hunting is being conducted on the site. Dogs must be certified as a deer tracking dog by a national tracking dog organization.

d) Specific Management Procedures

- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
- 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).
- 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.
- 4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.
- 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.

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- 6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.
- 7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 13809, effective October 1, 2004, for a maximum of 150 days; emergency amendment modified in response to an objection of the Joint Committee on Administrative Rules at 28 Ill. Reg. _____, not to exceed the 150-day limit of the original rulemaking)

DEPARTMENT OF STATE POLICE

JANUARY 2005 REGULATORY AGENDA

a) Part (Heading and Code Citation): Americans with Disabilities Act Grievance Procedure; 20 Ill. Adm. Code 825

1) Rulemaking:

A) Description: The rule will be proposed in order to establish grievance procedures to resolve grievances asserted by qualified individuals with disabilities.

B) Statutory Authority: 42 USC 12131-12134, 28 CFR 35.107, and 20 ILCS 2605/2605-15

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220

1) Rulemaking:

DEPARTMENT OF STATE POLICE

JANUARY 2005 REGULATORY AGENDA

- A) Description: The rule will be amended in order to revise and update the auditing procedures associated with the Department's Metropolitan Enforcement Groups.
- B) Statutory Authority: 20 ILCS 2605/2605-135
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Evidence Disposal Procedures; 20 Ill. Adm. Code 1226

1) Rulemaking:

- A) Description: The rule will be proposed in order to provide direction for the disposal of articles which have come into possession of the Illinois State Police in the course of carrying out its statutory duties.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 765 ILCS 1030

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- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures associated with granting, denying, and revoking the Firearm Owner's Identification Card and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/11
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.

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- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/3.1
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Mr. Keith Jensen

DEPARTMENT OF STATE POLICE

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Illinois State Police
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217/782-7658

- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 150/4
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
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G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Sex Offender and Child Murderer Community Notification Law; 20 Ill. Adm. Code 1282

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Child Sex Offender and Murderer Community Notification Law.

B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 152

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. Keith Jensen
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Illinois State Police
124 East Adams Street, Room 102
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217/782-7658

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285

1) Rulemaking:

DEPARTMENT OF STATE POLICE

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- A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 5/5-4-3
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Mr. Keith Jensen
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124 East Adams Street, Room 102
Post Office Box 19461
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217/782-7658

- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds; 20 Ill. Adm. Code 1286
- 1) Rulemaking:
 - A) Description: The rule will be amended to revise and update procedures and policies relating to the testing of breath, blood and urine for alcohol, drugs, and intoxicating compounds.
 - B) Statutory Authority: 20 ILCS 2605/2605-15, 625 ILCS 5/6-106.1A, 625 ILCS 5/11-501.2, 625 ILCS 5/11-501.5, 625 ILCS 5/11-501.6, 625 ILCS 5/11-501.8, 625 ILCS 40/5-7.5, 625 ILCS 45/5-16b, and 625 ILCS 45/6-1

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- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658
- G) Related rulemakings and other pertinent information: None

EXECUTIVE ORDER

2004-13

EXECUTIVE ORDER REFORMING THE EXECUTIVE PROTECTION UNIT

WHEREAS, the Executive Protection Unit, as operated by the Illinois State Police, should receive the most sophisticated training available and exhibit the highest levels of professionalism; and

WHEREAS, the Executive Protection Unit should operate under a Code of Conduct governing professionalism, training, and on-the-job behavior.

THEREFORE, I hereby order:

I. SECRET SERVICE TRAINING

- A. All current and future members of the Executive Protection Unit must undergo training as provided by the United States Secret Service.
- B. Such training should be accomplished within a reasonable time after the effective date of this Executive Order but should not compromise the security functions and duties of the Executive Protection Unit.

II. NEW CODE OF CONDUCT

- A. The Director of the Illinois State Police shall issue a new Code of Conduct for the Executive Protection Unit. The Code shall address training requirements, on-the-job behavior, and other relevant elements of security detail professionalism.
- B. The Code should be specific in nature and give clear guidance to Unit members regarding prohibited activities. Members of the Executive Protection Unit shall strictly adhere to the Code.
- C. The Code shall provide a mechanism for reporting instances of Unit members' misconduct to the Illinois State Police, Office of Internal Affairs.
- D. The Code should be drafted and issued within 90 days of the effective date of this Executive Order.

III. OTHER RIGHTS

The rights of the employees and the State under the Personnel Code and applicable collective bargaining agreements or under any pension retirement or annuity plan shall not be affected by the Executive Order.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any

EXECUTIVE ORDER

other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order shall become effective immediately.

Issued by Governor: December 2, 2004

Filed with Secretary of State: December 2, 2004

PROCLAMATIONS

2004-277 (Revised)**40th Anniversary of the Department of Children and Family Services Days**

WHEREAS, the Illinois Department of Children and Family Services (DCFS) was established in 1964 as the nation's first cabinet-level state child welfare agency, serving to unify child, general assistance rehabilitation and youth services that previously operated independently among a variety of State and local organizations; and

WHEREAS, throughout the years, DCFS has maintained a steadfast commitment to always consider the best interests of every child, with the intent of contributing to positive and productive outcomes concerning emotional and physical well-being for Illinois families; and

WHEREAS, DCFS has proudly emerged as the nation's leader in developing and implementing child protection, adoption and foster care initiatives replicated by other states. This year, Illinois became the nation's first state to earn re-accreditation from the Council on Accreditation for Children and Family Services; and

WHEREAS, since the beginning of my administration in 2003, DCFS has facilitated nearly 5,600 adoptions in Illinois. In addition, the agency continually offers progressive options to keep families in tact through initiatives such as intensive relative search programs; and

WHEREAS, DCFS also sponsors innovative, best practice adoption programs such as One Church,

WHEREAS, DCFS is committed to keeping in touch with populations of children whose adoption potential remains elusive, such as children ages 13 to 17. Through wrap-around services, they work diligently to address the needs of this age group, and more effectively prepare them for independent living, post-secondary education and job readiness; and

WHEREAS, professional development remains a top priority of DCFS, demonstrated through the accomplishment of nearly 600 DCFS personnel having obtained their masters degrees in social work through the mid point of 2003, resulting in increased staff capacity; and

WHEREAS, DCFS is currently working to reduce public/private agency caseload ratios to 15 to 1, thereby allowing enhanced quality of case assessment and service delivery through this \$8 million investment:

THEREFORE, I Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 9-10, 2004 as the 40th ANNIVERSARY OF THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES DAYS in Illinois, and encourage citizens statewide to join in celebrating the agency's national reputation and unwavering commitment to serving and empowering children and families.

Issued by the Governor November 29, 2004.

Filed by the Secretary of State November 30, 2004.

2004-335**Carbon Monoxide Awareness Month**

WHEREAS, carbon monoxide poisoning is known as the silent killer. This colorless, odorless gas can flow through homes undetected. If a large amount is inhaled, carbon monoxide

PROCLAMATIONS

can lead to sickness or death because of its ability to interfere with the transportation of oxygen throughout the body; and

WHEREAS, carbon monoxide is found in several heat generating appliances such as cars, trucks, stoves, small gas engines, and heating systems. Even the smallest crack in a system can allow poisonous carbon monoxide fumes into an enclosed setting, which can be fatal; and

WHEREAS, symptoms of carbon monoxide poisoning include headaches, dizziness, weakness, nausea, and vomiting. These symptoms are common among many illnesses and therefore may be hard to pinpoint to carbon monoxide poisoning; and

WHEREAS, being the leading cause of poisoning deaths in the country, more than 500 Americans die from unintentional carbon monoxide each year; and

WHEREAS, it is important for citizens to take precautions against the unseen dangers of carbon monoxide. Installing detectors in homes and businesses, as well as regularly checking and maintaining furnaces and other appliances are ways to help eliminate the threat of carbon monoxide. Also, citizens should always have proper ventilation when using any product that produces carbon monoxide; and

WHEREAS, the Illinois Department of Public Health (IDPH) provides helpful tips on their website on how to avoid the dangers of carbon monoxide poisoning, and informs citizens of any new information about this deadly toxin. The IDPH website can be accessed at www.idph.state.il.us:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2004 as CARBON MONOXIDE AWARENESS MONTH in Illinois, and encourage citizens to take the proper safety measures against this silent killer.

Issued by the Governor November 29, 2004.

Filed by the Secretary of State November 30, 2004.

2004-336**NATIONAL DAY OF ROMANIA**

WHEREAS, significant efforts have been made in Romania throughout the last century to develop a free and democratic society; and

WHEREAS, during World War I, Romania joined the Allied Powers and ensured their unification and independence with newly acquired territories after the conflict because of the sacrifices made by many men and women; and

WHEREAS, Romania is currently serving honorably alongside the United States in the fight against terrorism by offering their diplomatic, political, and military support; and

WHEREAS, achievements in their reformation of military, political, and economic sectors have enabled Romania to join NATO during March of 2004; and

WHEREAS, Romania became an independent and unified state on December 1, 1918; and

WHEREAS, within the State of Illinois, there is strong support from the Romanian-American community for the noble and determined endeavors to overcome the decades-long rule of a dictator to develop a free and independent society:

PROCLAMATIONS

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2004 as NATIONAL DAY OF ROMANIA in Illinois and encourage all citizens to recognize the honorable efforts of the nation of Romania.

Issued by the Governor November 30, 2004.

Filed by the Secretary of State November 30, 2004.

2004-337**CRITICAL CARE NURSES WEEK**

WHEREAS, critically ill patients have specific needs that are met by a particular group of registered professional nurses, distinctively known as critical care nurses, who have advanced knowledge in psychosocial, physiological and therapeutic components; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered critical care nurses will be an ever more important element of the U.S. health care services; and

WHEREAS, the American Association of Critical Care Nurses (AACN) was established in 1969 to assist members of the profession in continual development and training with the technical advancements of the critical care environment; and

WHEREAS, AACN currently has nearly 65,000 members nationwide, and over 1,180 critical care nurses in Illinois; and

WHEREAS, the demand for registered critical care nursing services will be greater than ever because of the aging of the American population and the continuing expansion of life-sustaining technology; and

WHEREAS, professional critical care nursing has been demonstrated to be an indispensable component in the safety and quality care of critically ill patients:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 13-19, 2005 as CRITICAL CARE NURSES WEEK in Illinois, and encourage all citizens to recognize critical care nurses in their communities for their accomplishments and dedication, to the health and well-being of all people.

Issued by the Governor December 2, 2004.

Filed by the Secretary of State December 2, 2004.

2004-338**PEARL HARBOR REMEMBRANCE DAY**

WHEREAS, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii; and

WHEREAS, more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded during the attack at Pearl Harbor; and

WHEREAS, the attack on Pearl Harbor marked the entry of the United States into World War II; and

PROCLAMATIONS

WHEREAS, the State of Illinois lost more than 50 of our citizens in this attack; and
WHEREAS, commemoration of the attack on Pearl Harbor instills a greater understanding and appreciation of the selfless sacrifices made by the individuals who served in the United States Armed Forces during World War II:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2004 as PEARL HARBOR REMEMBRANCE DAY in Illinois, and call upon all citizens to remember and honor those who served their country on this solemn day.

Issued by the Governor December 2, 2004.

Filed by the Secretary of State December 2, 2004.

2004 ELECTION RESULTS**2004-339**

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of the following officers, to-wit:

Five (5) Trustees of the Prairie Dupont Levee and Sanitary District.

WHEREAS, in pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:

TRUSTEES OF THE PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT

Steve R. Foutch

Jule G. Levin

Michael H. Lindhorst

Michael E. Sullivan

David E. Walster

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.

2004-340

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of the following judges, to-wit:

Supreme Court Judge to fill the vacancy of the Honorable Moses W. Harrison II, Fifth Judicial District.

Appellate Court Judges to fill the vacancy of the Honorable Thomas J. Homer, Third Judicial District; to fill the vacancy of the Honorable Philip J. Rarick, Fifth Judicial District.

PROCLAMATIONS

Circuit Court Judges to fill the vacancy of the Honorable Lester D. Foreman, to fill the vacancy of the Honorable Denise M. O'Malley, to fill the vacancy of the Honorable Frank Orlando, to fill the vacancy of the Honorable Nancy Sidote Salyers, to fill the vacancy of the Honorable Frank M. Siracusa, Cook County Judicial Circuit.

Circuit Court Judges to fill the vacancy of the Honorable Janice R. McGaughey, to fill additional judgeship A, First Subcircuit; to fill additional judgeship A, Fourth Subcircuit; to fill the vacancy of the Honorable Jacqueline P. Cox, Fifth Subcircuit; to fill the vacancy of the Honorable Sheldon Gardner, to fill additional judgeship A, Eighth Subcircuit; to fill the vacancy of the Honorable Ronald A. Himel, Ninth Subcircuit; to fill the vacancy of the Honorable Susan G. Fleming, to fill additional judgeship A, Tenth Subcircuit; to fill the vacancy of the Honorable George J. W. Smith, Eleventh Subcircuit; to fill the vacancy of the Honorable James G. Fitzgerald Smith, Twelfth Subcircuit, to fill additional judgeship A, Thirteenth Subcircuit; to fill the vacancy of the Honorable Joanne L. Lanigan, Fifteenth Subcircuit, Cook County Judicial Circuit.

Circuit Court Judges to fill the vacancy of the Honorable David W. Watt, Jr., Jackson County, First Judicial Circuit; to fill the vacancy of the Honorable Larry O. Baker, Hardin County, Second Judicial Circuit; to fill the vacancy of the Honorable Paul J. O'Neill, Third Judicial Circuit; to fill the vacancy of the Honorable Patrick L. Duke, Clay County, to fill the vacancy of the Honorable Dennis M. Huber, Montgomery County, Fourth Judicial Circuit; to fill the vacancy of the Honorable Ashton C. Waller, Coles County, to fill the vacancy of the Honorable Robert B. Cochonour, Cumberland County, Fifth Judicial Circuit; to fill the vacancy of the Honorable John R. De La Mar, Champaign County, Sixth Judicial Circuit; to fill the vacancy of the Honorable Thomas P. Carmody, to fill the vacancy of the Honorable J. David Bone, Morgan County, Seventh Judicial Circuit; to fill the vacancy of the Honorable Robert L. Welch, Eighth Judicial Circuit; to fill the vacancy of the Honorable John P. Freese, Eleventh Judicial Circuit; to fill the vacancy of the Honorable Martin E. Conway, Jr., Mercer County, to fill the vacancy of the Honorable Danny A. Dunagan, Whiteside County, Fourteenth Judicial Circuit; to fill the vacancy of the Honorable Tomas M. Magdich, to fill the vacancy of the Honorable Barry Anderson, Stephenson County, Fifteenth Judicial Circuit; to fill the vacancy of the Honorable Pamela K. Jensen, to fill the vacancy of the Honorable Douglas R. Engel, DeKalb County, Sixteenth Judicial Circuit; to fill the vacancy of the Honorable Ronald B. Mehling, Eighteenth Judicial Circuit; to fill the vacancy of the Honorable Barbara Gilleran Johnson, to fill the vacancy of the Honorable John Goshgarian, Lake County, Nineteenth Judicial Circuit; to fill the vacancy of the Honorable Clyde L. Kuehn, to fill the vacancy of the Honorable Lloyd A. Karmeier, Washington County, Twentieth Judicial Circuit.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

SUPREME COURT JUDGE

PROCLAMATIONS

FIFTH JUDICIAL DISTRICT

(To fill the vacancy of the Honorable Moses W. Harrison II)

Lloyd A. Karmeier

APPELLATE COURT JUDGES

THIRD JUDICIAL DISTRICT

(To fill the vacancy of the Honorable Thomas J. Homer)

Mary K. O'Brien

FIFTH JUDICIAL DISTRICT

(To fill the vacancy of the Honorable Philip J. Rarick)

James K. Donovan

JUDGES OF THE CIRCUIT COURT

COOK COUNTY JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Lester D. Foreman)

Patrick T. Murphy

(To fill the vacancy of the Honorable Denise M. O'Malley)

Kathleen Marie Burke

(To fill the vacancy of the Honorable Frank Orlando)

Laurence J. Dunford

(To fill the vacancy of the Honorable Nancy Sidote Salyers)

Michelle Jordan

(To fill the vacancy of the Honorable Frank M. Siracusa)

PROCLAMATIONS

Timothy Patrick Murphy

FIRST SUBCIRCUIT

(To fill the vacancy of the Honorable Janice R. McGaughey)

Leroy K. Martin, Jr.

(To fill additional judgeship A)

Robert Balanoff

FOURTH SUBCIRCUIT

(To fill additional judgeship A)

Bill Kunkle

FIFTH SUBCIRCUIT

(To fill the vacancy of the Honorable Jacqueline P. Cox)

Edward (“Ed”) Washington II

EIGHTH SUBCIRCUIT

(To fill the vacancy of the Honorable Sheldon Gardner)

Sheryl Ann Pethers

(To fill additional judgeship A)

Mary Lane Mikva

NINTH SUBCIRCUIT

(To fill the vacancy of the Honorable Ronald A. Himel)

Jeanne R. Cleveland Bernstein

TENTH SUBCIRCUIT

PROCLAMATIONS

(To fill the vacancy of the Honorable Susan G. Fleming)

Aurelia Marie Pucinski

(To fill additional judgeship A)

Clare Elizabeth McWilliams

ELEVENTH SUBCIRCUIT

(To fill the vacancy of the Honorable George J. W. Smith)

Paula Marie Daleo

TWELFTH SUBCIRCUIT

(To fill the vacancy of the Honorable James G. Fitzgerald Smith)

Kay Marie Hanlon

THIRTEENTH SUBCIRCUIT

(To fill additional judgeship A)

Thomas J. Kelley

FIFTEENTH SUBCIRCUIT

(To fill the vacancy of the Honorable Joanne L. Lanigan)

Jim Ryan

FIRST JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable David W. Watt, Jr.)

JACKSON COUNTY

W. Charles Grace

SECOND JUDICIAL CIRCUIT

PROCLAMATIONS

(To fill the vacancy of the Honorable Larry O. Baker)

HARDIN COUNTY

Paul W. Lamar

THIRD JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Paul J. O'Neill)

Daniel J. Stack

FOURTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Patrick L. Duke)

CLAY COUNTY

Wm. Robin Todd

(To fill the vacancy of the Honorable Dennis M. Huber)

MONTGOMERY COUNTY

Kelly D. Long

FIFTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Ashton C. Waller)

COLES COUNTY

Teresa K. Righter

(To fill the vacancy of the Honorable Robert B. Cochonour)

CUMBERLAND COUNTY

Millard S. Everhart

SIXTH JUDICIAL CIRCUIT

PROCLAMATIONS

(To fill the vacancy of the Honorable John R. De La Mar)

CHAMPAIGN COUNTY

Heidi Ladd

SEVENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Thomas P. Carmody)

Patrick J. Londrigan

(To fill the vacancy of the Honorable J. David Bone)

MORGAN COUNTY

Richard T. Mitchell

EIGHTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Robert L. Welch)

Mark A. Drummond

ELEVENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable John P. Freese)

Scott D. Drazewski

FOURTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Martin E. Conway, Jr.)

MERCER COUNTY

James G. Conway, Jr.

(To fill the vacancy of the Honorable Danny A. Dunagan)

WHITESIDE COUNTY

PROCLAMATIONS

John L. Hauptman

FIFTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Tomas M. Magdich)

John E. Payne

(To fill the vacancy of the Honorable Barry Anderson)

STEPHENSON COUNTY

Theresa L. Ursin

SIXTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Pamela K. Jensen)

Robert B. Spence

(To fill the vacancy of the Honorable Douglas R. Engel)

DeKALB COUNTY

Robbin J. Stuckert

EIGHTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Ronald B. Mehling)

Kenneth Popejoy

NINETEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Barbara Gilleran Johnson)

Victoria A. Rossetti

(To fill the vacancy of the Honorable John Goshgarian)

LAKE COUNTY

PROCLAMATIONS

Fred Foreman

TWENTIETH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Clyde L. Kuehn)

John Baricevic

(To fill the vacancy of the Honorable Lloyd A. Karmeier)

WASHINGTON COUNTY

Dennis G. Hatch

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

2004-341

04, an election was held in the State of Illinois for the retention of the following judges, to-wit:

Appellate Court Judges from the First, Second, Third, Fourth and Fifth Judicial Districts; Circuit Court Judges from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, and Cook County Judicial Circuits.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare retained the following named persons to the following named offices:

RETENTION

JUDGE OF THE APPELLATE COURT

FIRST JUDICIAL DISTRICT

Thomas E. Hoffman

PROCLAMATIONS

Sheila O'Brien

Mary Jane Wendt Theis

SECOND JUDICIAL DISTRICT

Susan Fayette Hutchinson

THIRD JUDICIAL DISTRICT

William E. Holdridge

FOURTH JUDICIAL DISTRICT

John T. McCullough

Robert W. Cook

Robert J. Steigmann

FIFTH JUDICIAL DISTRICT

Terrence J. Hopkins

JUDGES OF THE CIRCUIT COURT

FIRST JUDICIAL CIRCUIT

Donald Lowery

William G. Schwartz

SECOND JUDICIAL CIRCUIT

David M. Correll

Terry Gamber

Robert M. Hopkins

Larry D. Dunn

PROCLAMATIONS

David K. Frankland

THIRD JUDICIAL CIRCUIT

A. Andreas “Andy” Matoesian

FOURTH JUDICIAL CIRCUIT

Patrick J. Hitpas

Michael P. Kiley

FIFTH JUDICIAL CIRCUIT

Gary Jacobs

Claudia Anderson

Michael D. Clary

James R. Glenn

SIXTH JUDICIAL CIRCUIT

John P. Shonkwiler

SEVENTH JUDICIAL CIRCUIT

Thomas R. Appleton

Leo J. Zappa, Jr.

EIGHTH JUDICIAL CIRCUIT

Thomas L. Brownfield

Carol Pope

Alesia A. McMillen

NINTH JUDICIAL CIRCUIT

PROCLAMATIONS

Stephen C. Mathers

William D. Henderson

David R. Hultgren

David F. Stoverink

TENTH JUDICIAL CIRCUIT

Joe R. Vespa

Michael E. Brandt

ELEVENTH JUDICIAL CIRCUIT

Ronald C. Dozier

Steve Pacey

John B. Huschen

Harold J. Frobish

David L. Coogan

TWELFTH JUDICIAL CIRCUIT

Rodney B. Lechwar

THIRTEENTH JUDICIAL CIRCUIT

James A. Lanuti

Howard Chris Ryan, Jr.

Marc P. Bernabei

FOURTEENTH JUDICIAL CIRCUIT

Timothy J. Slavin

PROCLAMATIONS

Lori Lefstein

FIFTEENTH JUDICIAL CIRCUIT

Charles R. Hartman

SIXTEENTH JUDICIAL CIRCUIT

James T. Doyle

Donald J. Fabian

SEVENTEENTH JUDICIAL CIRCUIT

Kathryn E. Zenoff

Janet R. Holmgren

EIGHTEENTH JUDICIAL CIRCUIT

Bonnie M. Wheaton

Robert Emmett Byrne

Robert K. Kilander

Rodney Equi

NINETEENTH JUDICIAL CIRCUIT

Raymond J. McKoski

Henry C. Tonigan

Margaret J. Mullen

TWENTIETH JUDICIAL CIRCUIT

Robert P. LeChien

TWENTY-FIRST JUDICIAL CIRCUIT

PROCLAMATIONS

Kathy Bradshaw Elliott

COOK COUNTY JUDICIAL CIRCUIT

Sophia H. Hall
Richard B. Berland
Paddy McNamara
Thomas P. Quinn
Irwin J. Solganick
Dan Weber
Alexander Patrick White
Donald J. O'Brien, Jr.
Vincent Michael Gaughan
Dorothy Kirie Kinnaird
William D. Maddux
John J. Moran
William Patrick O'Malley
James W. Kennedy
Robert W. Bertucci
Richard J. Billik, Jr.
Jennifer Duncan Brice
Bernetta D. Bush
Thomas F. Carmody
Thomas Michael Davy
David Delgado
Deborah Mary Dooling
Timothy C. Evans
Allen S. Goldberg
Susan Ruscitti Grussel
Cheyrl D. Ingram
Raymond L. Jagielski
Dorothy F. Jones
Daniel E. Jordan
Carol A. Kelly
Bertina E. Lampkin
Jeffrey Lawrence
Daniel Michael Locallo
William Maki
Patrick E. McGann
Michael James Murphy
Julia Margaret Nowicki

PROCLAMATIONS

William D. O'Neal
William Michael Phelan
Robert J. Quinn
Maureen Durkin Roy
Leida J. Gonzalez Santiago
Daniel J. Sullivan
Sharon Marie Sullivan
Edna M. Turkington
John A. Ward
Anthony L. Young
Susan Frances Zwick
Susan Jeanine McDunn
James Patrick McCarthy
Paul Philip Biebel
Nancy J. Arnold
Arnette R. Hubbard
Thomas L. Hogan
Melvin J. Cole
Nicholas R. Ford
Charles Patrick Burns
Thomas P. Fecarotta, Jr.
Denise Kathleen Filan
LaQuietta J. Hardy-Campbell
Nathaniel R. Howse, Jr.
Michael R. Keehan
John Patrick Kirby
Diane Joan Larsen
Daniel Joseph Lynch
Dennis James Morrissey
Kathleen Mary Pantle
Kevin Michael Sheehan
Richard A. Siebel
Paul Stralka
John D. Turner, Jr.

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly retained to the offices as set out above.

2004-342

PROCLAMATIONS

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of the following officer, to-wit:

One (1) United States Senator for the full term of six years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:

UNITED STATES SENATOR

Barack Obama

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing person duly elected to the office as set out above.

2004-343

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of the following officers, to-wit:

Five (5) Regional Superintendents of Schools, to-wit: One (1) Regional Superintendent of Schools from the Bond, Effingham and Fayette Region; Brown, Cass, Morgan and Scott Region; Clay, Crawford, Jasper, Lawrence and Richland Region; Jackson and Perry Region; Lee and Ogle Region for an unexpired two year term.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

REGIONAL SUPERINTENDENT OF SCHOOLS

BOND, EFFINGHAM AND FAYETTE
(For an unexpired two year term)

Mark A. Drone

BROWN, CASS, MORGAN AND SCOTT
(For an unexpired two year term)

Stephen Breese

PROCLAMATIONS

CLAY, CRAWFORD, JASPER, LAWRENCE AND RICHLAND
(For an unexpired two year term)

Carol S. Steinman

JACKSON AND PERRY
(For an unexpired two year term)

Robert L. (Bob) Koehn
LEE AND OGLE
(For an unexpired two year term)

Amy Jo Clemens

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

2004-344

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of the following officers, to-wit:

Nineteen (19) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the nineteen (19) Congressional Districts of the State for the full term of two years.

Twenty (20) State Senators, to-wit: One (1) State Senator from the 2nd, 5th, 8th, 11th, 14th, 17th, 20th, 23rd, 26th, 29th, 32nd, 35th, 38th, 41st, 44th, 47th, 50th, 53rd, 56th and 59th Legislative District for the full term of four years; Three (3) State Senators, One (1) State Senator from the 3rd, 28th and 49th Legislative District of the State to fill an unexpired term of two years.

One Hundred Eighteen (118) Representatives in the General Assembly, to-wit: One (1) Representative from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices.

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
IN THE 109th CONGRESS OF THE UNITED STATES

FIRST CONGRESSIONAL DISTRICT

PROCLAMATIONS

Bobby L. Rush

SECOND CONGRESSIONAL DISTRICT

Jesse L. Jackson Jr.

THIRD CONGRESSIONAL DISTRICT

Daniel William Lipinski

FOURTH CONGRESSIONAL DISTRICT

Luis V. Gutierrez

FIFTH CONGRESSIONAL DISTRICT

Rahm Emanuel

SIXTH CONGRESSIONAL DISTRICT

Henry J. Hyde

SEVENTH CONGRESSIONAL DISTRICT

Danny K. Davis

EIGHTH CONGRESSIONAL DISTRICT

Melissa Bean

NINTH CONGRESSIONAL DISTRICT

Janice D. Schakowsky

TENTH CONGRESSIONAL DISTRICT

Mark Steven Kirk

ELEVENTH CONGRESSIONAL DISTRICT

Gerald C. "Jerry" Weller

TWELFTH CONGRESSIONAL DISTRICT

Jerry F. Costello

THIRTEENTH CONGRESSIONAL DISTRICT

Judy Biggert

FOURTEENTH CONGRESSIONAL DISTRICT

J. Dennis Hastert

FIFTEENTH CONGRESSIONAL DISTRICT

Tim Johnson

SIXTEENTH CONGRESSIONAL DISTRICT

Donald A. Manzullo

SEVENTEENTH CONGRESSIONAL DISTRICT

Lane A. Evans

EIGHTEENTH CONGRESSIONAL DISTRICT

Ray LaHood

NINETEENTH CONGRESSIONAL DISTRICT

John M. Shimkus

STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
IN THE 94th GENERAL ASSEMBLY OF THE STATE

PROCLAMATIONS

SECOND LEGISLATIVE DISTRICT

Miguel Del Valle

THIRD LEGISLATIVE DISTRICT

(For an unexpired two year term)

Mattie Hunter

FIFTH LEGISLATIVE DISTRICT

Rickey R. Hendon

EIGHTH LEGISLATIVE DISTRICT

Ira I. Silverstein

ELEVENTH LEGISLATIVE DISTRICT

Louis S. Viverito

FOURTEENTH LEGISLATIVE DISTRICT

Emil Jones, Jr.

SEVENTEENTH LEGISLATIVE DISTRICT

Donne E. Trotter

TWENTIETH LEGISLATIVE DISTRICT

Iris Y. Martinez

TWENTY-THIRD LEGISLATIVE DISTRICT

Carole Pankau

TWENTY-SIXTH LEGISLATIVE DISTRICT

William E. Peterson

TWENTY-EIGHTH LEGISLATIVE DISTRICT

(For an unexpired two year term)

Kathleen L. "Kay" Wojcik

TWENTY-NINTH LEGISLATIVE DISTRICT

Susan Garrett

THIRTY-SECOND LEGISLATIVE DISTRICT

Pamela J. Althoff

THIRTY-FIFTH LEGISLATIVE DISTRICT

J. Bradley Burzynski

THIRTY-EIGHTH LEGISLATIVE DISTRICT

Gary G. Dahl

FORTY-FIRST LEGISLATIVE DISTRICT

Christine Radogno

FORTY-FOURTH LEGISLATIVE DISTRICT

William E. Brady

FORTY-SEVENTH LEGISLATIVE DISTRICT

John M. Sullivan

FORTY-NINTH LEGISLATIVE DISTRICT

(For an unexpired two year term)

Deanna Demuzio

FIFTIETH LEGISLATIVE DISTRICT

PROCLAMATIONS

Larry K. Bomke
FIFTY-THIRD LEGISLATIVE DISTRICT
Dan Rutherford
FIFTY-SIXTH LEGISLATIVE DISTRICT
William R. "Bill" Haine
FIFTY-NINTH LEGISLATIVE DISTRICT
Gary Forby

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
IN THE 94th GENERAL ASSEMBLY OF THE STATE

FIRST REPRESENTATIVE DISTRICT

Susana Mendoza

SECOND REPRESENTATIVE DISTRICT

Edward J. Acevedo

THIRD REPRESENTATIVE DISTRICT
William "Willie" Delgado
FOURTH REPRESENTATIVE DISTRICT

Cynthia Soto

FIFTH REPRESENTATIVE DISTRICT

Kenneth "Ken" Dunkin

SIXTH REPRESENTATIVE DISTRICT

Patricia A. Bailey

SEVENTH REPRESENTATIVE DISTRICT

Karen A. Yarbrough

EIGHTH REPRESENTATIVE DISTRICT
Calvin Giles
NINTH REPRESENTATIVE DISTRICT

Arthur L. Turner

TENTH REPRESENTATIVE DISTRICT

Annazette R. Collins

ELEVENTH REPRESENTATIVE DISTRICT

John A. Fritchey

PROCLAMATIONS

TWELFTH REPRESENTATIVE DISTRICT

Sara Feigenholtz

THIRTEENTH REPRESENTATIVE DISTRICT

Larry McKeon

FOURTEENTH REPRESENTATIVE DISTRICT

Harry Osterman

FIFTEENTH REPRESENTATIVE DISTRICT

John C. D'Amico

SIXTEENTH REPRESENTATIVE DISTRICT

Lou Lang

SEVENTEENTH REPRESENTATIVE DISTRICT

Elizabeth Coulson

EIGHTEENTH REPRESENTATIVE DISTRICT

Julie Hamos

NINETEENTH REPRESENTATIVE DISTRICT

Joseph M. Lyons

TWENTIETH REPRESENTATIVE DISTRICT

Michael P. McAuliffe

TWENTY-FIRST REPRESENTATIVE DISTRICT

Robert S. Molaro

TWENTY-SECOND REPRESENTATIVE DISTRICT

Michael J. Madigan

TWENTY-THIRD REPRESENTATIVE DISTRICT

Daniel J. Burke

TWENTY-FOURTH REPRESENTATIVE DISTRICT

Michelle Chavez

TWENTY-FIFTH REPRESENTATIVE DISTRICT

Barbara Flynn Currie

TWENTY-SIXTH REPRESENTATIVE DISTRICT

Lovana S. "Lou" Jones

TWENTY-SEVENTH REPRESENTATIVE DISTRICT

Monique D. Davis

TWENTY-EIGHTH REPRESENTATIVE DISTRICT

Robert "Bob" Rita

TWENTY-NINTH REPRESENTATIVE DISTRICT

David E. Miller

THIRTIETH REPRESENTATIVE DISTRICT

William "Will" Davis

PROCLAMATIONS

- THIRTY-FIRST REPRESENTATIVE DISTRICT
Mary E. Flowers
- THIRTY-SECOND REPRESENTATIVE DISTRICT
Milton "Milt" Patterson
- THIRTY-THIRD REPRESENTATIVE DISTRICT
Marlow H. Colvin
- THIRTY-FOURTH REPRESENTATIVE DISTRICT
Constance A. "Connie" Howard
- THIRTY-FIFTH REPRESENTATIVE DISTRICT
Kevin Carey Joyce
- THIRTY-SIXTH REPRESENTATIVE DISTRICT
James D. Brosnahan
- THIRTY-SEVENTH REPRESENTATIVE DISTRICT
Kevin A. McCarthy
- THIRTY-EIGHTH REPRESENTATIVE DISTRICT
Robin Kelly
- THIRTY-NINTH REPRESENTATIVE DISTRICT
Maria Antonia "Toni" Berrios
- FORTIETH REPRESENTATIVE DISTRICT
Richard T. Bradley
- FORTY-FIRST REPRESENTATIVE DISTRICT
Robert A. "Bob" Biggins
- FORTY-SECOND REPRESENTATIVE DISTRICT
Sandra M. Pihos
- FORTY-THIRD REPRESENTATIVE DISTRICT
Ruth Munson
- FORTY-FOURTH REPRESENTATIVE DISTRICT
Terry R. Parke
- FORTY-FIFTH REPRESENTATIVE DISTRICT
Roger A. Jenisch
- FORTY-SIXTH REPRESENTATIVE DISTRICT
Lee A. Daniels
- FORTY-SEVENTH REPRESENTATIVE DISTRICT
Patricia R. "Patti" Bellock
- FORTY-EIGHTH REPRESENTATIVE DISTRICT
James H. "Jim" Meyer
- FORTY-NINTH REPRESENTATIVE DISTRICT
Timothy L. Schmitz
- FIFTIETH REPRESENTATIVE DISTRICT
Patricia Reid Lindner
- FIFTY-FIRST REPRESENTATIVE DISTRICT
Ed Sullivan, Jr.

PROCLAMATIONS

FIFTY-SECOND REPRESENTATIVE DISTRICT
Mark H. Beaubien, Jr.

FIFTY-THIRD REPRESENTATIVE DISTRICT
Sidney H. Mathias

FIFTY-FOURTH REPRESENTATIVE DISTRICT
Suzanne “Suzie” Bassi

FIFTY-FIFTH REPRESENTATIVE DISTRICT
John J. Millner

FIFTY-SIXTH REPRESENTATIVE DISTRICT
Paul Froehlich

FIFTY-SEVENTH REPRESENTATIVE DISTRICT
Elaine Nekritz

FIFTY-EIGHTH REPRESENTATIVE DISTRICT
Karen May

FIFTY-NINTH REPRESENTATIVE DISTRICT
Kathleen A. Ryg

SIXTIETH REPRESENTATIVE DISTRICT
Eddie Washington

SIXTY-FIRST REPRESENTATIVE DISTRICT
JoAnn D. Osmond

SIXTY-SECOND REPRESENTATIVE DISTRICT
Robert W. Churchill

SIXTY-THIRD REPRESENTATIVE DISTRICT
Jack D. Franks

SIXTY-FOURTH REPRESENTATIVE DISTRICT
Michael W. Tryon

SIXTY-FIFTH REPRESENTATIVE DISTRICT
Rosemary Mulligan

SIXTY-SIXTH REPRESENTATIVE DISTRICT
Carolyn H. Krause

SIXTY-SEVENTH REPRESENTATIVE DISTRICT
Charles E. “Chuck” Jefferson

SIXTY-EIGHTH REPRESENTATIVE DISTRICT
Dave Winters

SIXTY-NINTH REPRESENTATIVE DISTRICT
Ronald A. Wait

SEVENTIETH REPRESENTATIVE DISTRICT
Robert W. Pritchard

SEVENTY-FIRST REPRESENTATIVE DISTRICT
Mike Boland

SEVENTY-SECOND REPRESENTATIVE DISTRICT
Patrick Verschoore

PROCLAMATIONS

- SEVENTY-THIRD REPRESENTATIVE DISTRICT
David R. Leitch
- SEVENTY-FOURTH REPRESENTATIVE DISTRICT
Donald L. Moffitt
- SEVENTY-FIFTH REPRESENTATIVE DISTRICT
Careen M. Gordon
- SEVENTY-SIXTH REPRESENTATIVE DISTRICT
Frank J. Mautino
- SEVENTY-SEVENTH REPRESENTATIVE DISTRICT
Angelo "Skip" Saviano
- SEVENTY-EIGHTH REPRESENTATIVE DISTRICT
Deborah L. Graham
- SEVENTY-NINTH REPRESENTATIVE DISTRICT
Lisa M. Dugan
- EIGHTIETH REPRESENTATIVE DISTRICT
George Scully
- EIGHTY-FIRST REPRESENTATIVE DISTRICT
Renée Kosel
- EIGHTY-SECOND REPRESENTATIVE DISTRICT
Eileen Lyons
- EIGHTY-THIRD REPRESENTATIVE DISTRICT
Linda Chapa LaVia
- EIGHTY-FOURTH REPRESENTATIVE DISTRICT
Tom Cross
- EIGHTY-FIFTH REPRESENTATIVE DISTRICT
Brent Hassert
- EIGHTY-SIXTH REPRESENTATIVE DISTRICT
Jack McGuire
- EIGHTY-SEVENTH REPRESENTATIVE DISTRICT
Bill Mitchell
- EIGHTY-EIGHTH REPRESENTATIVE DISTRICT
Dan Brady
- EIGHTY-NINTH REPRESENTATIVE DISTRICT
Jim Sacia
- NINETIETH REPRESENTATIVE DISTRICT
Jerry L. Mitchell
- NINETY-FIRST REPRESENTATIVE DISTRICT
Michael K. Smith
- NINETY-SECOND REPRESENTATIVE DISTRICT
Aaron Schock
- NINETY-THIRD REPRESENTATIVE DISTRICT
Art Tenhouse

PROCLAMATIONS

- NINETY-FOURTH REPRESENTATIVE DISTRICT
Richard P. "Rich" Myers
- NINETY-FIFTH REPRESENTATIVE DISTRICT
Randall M. "Randy" Hultgren
- NINETY-SIXTH REPRESENTATIVE DISTRICT
Joe Dunn
- NINETY-SEVENTH REPRESENTATIVE DISTRICT
Jim Watson
- NINETY-EIGHTH REPRESENTATIVE DISTRICT
Gary Hannig
- NINETY-NINTH REPRESENTATIVE DISTRICT
Raymond Poe
- ONE HUNDREDTH REPRESENTATIVE DISTRICT
Rich Brauer
- ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT
Robert "Bob" Flider
- ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT
Ron Stephens
- ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT
Naomi D. Jakobsson
- ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT
William B. "Bill" Black
- ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT
Shane Cultra
- ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT
Keith P. Sommer
- ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT
Kurt M. Granberg
- ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT
David B. Reis
- ONE HUNDRED AND NINTH REPRESENTATIVE DISTRICT
Roger L. Eddy
- ONE HUNDRED AND TENTH REPRESENTATIVE DISTRICT
Chapin Rose
- ONE HUNDRED AND ELEVENTH REPRESENTATIVE DISTRICT
Steve Davis
- ONE HUNDRED AND TWELFTH REPRESENTATIVE DISTRICT
Jay C. Hoffman
- ONE HUNDRED AND THIRTEENTH REPRESENTATIVE DISTRICT
Thomas "Tom" Holbrook
- ONE HUNDRED AND FOURTEENTH REPRESENTATIVE DISTRICT
Wyvetter H. Younge

PROCLAMATIONS

ONE HUNDRED AND FIFTEENTH REPRESENTATIVE DISTRICT

Mike Bost

ONE HUNDRED AND SIXTEENTH REPRESENTATIVE DISTRICT

Dan Reitz

ONE HUNDRED AND SEVENTEENTH REPRESENTATIVE DISTRICT

John Bradley

ONE HUNDRED AND EIGHTEENTH REPRESENTATIVE DISTRICT

Brandon W. Phelps

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

2004-345

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of twenty-one (21) Electors of President and Vice President of the United States.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:

ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES:

Constance A. Howard
Carrie Austin
Shirley R. Madigan
Tony Munoz
James DeLeo
Joan Brennan
Vera Davis
Linda Pasternak
William Marovitz
Dan Pierce

Debbie Halvorson
Molly McKenzie
Beth Ann May
Mary Lou Kearns
Lynn Foster
John Nelson
Mary Boland
Shirley McCombs
Jerry Sinclair
Barbara Flynn Currie
John R. Daley

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.

PROCLAMATIONS

2004-346

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING;

KNOW YE, That on the 2nd day of November, 2004, as ascertained by an official canvass made in accordance with the laws of the State of Illinois, a copy of the ascertainment of which canvass is hereto attached and made a part hereof Electors of President and Vice President of the United States were elected and appointed as follows, to-wit:

- | | |
|---------------------|----------------------|
| Constance A. Howard | Debbie Halvorson |
| Carrie Austin | Molly McKenzie |
| Shirley R. Madigan | Beth Ann May |
| Tony Munoz | Mary Lou Kearns |
| James DeLeo | Lynn Foster |
| Joan Brennan | John Nelson |
| Vera Davis | Mary Boland |
| Linda Pasternak | Shirley McCombs |
| William Marovitz | Jerry Sinclair |
| Dan Pierce | Barbara Flynn Currie |
| | John R. Daley |

STATE OF ILLINOIS)
) SS
 EXECUTIVE DEPARTMENT)

WHEREAS, On the 2nd day of November, 2004, pursuant to the Statute in such case made and provided, an election was held in the State of Illinois for the purpose of electing on a general ballot, twenty-one (21) Electors of President and Vice President of the United States; and

WHEREAS, In accordance with the Statute aforesaid for the final ascertainment of the result of said election, held as aforesaid, we, the following members of the State Board of Elections, the officers appointed by law to canvass the returns made by the County Clerks of the several counties in the State, of the votes given at said election, on the 3rd day of December, 2004, at the office of the State Board of Elections, in the City of Chicago, State of Illinois, proceeded to canvass the returns of the election as aforesaid, being the official abstracts transmitted to the State Board of Elections of this State, of all voters given in each and every county in the State of Illinois, at the election held November 2, 2004, for Electors for President and Vice President of the United States, and it appears as the results of such canvass that the following named persons were voted for, for the office of Electors of President and Vice

PROCLAMATIONS

President of the United States in this State, and the number of votes given for each person is set opposite to his respective name, this is to say:

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

DEMOCRATIC PARTY

Constance A. Howard received 2,891,989 votes
Carrie Austin received 2,891,989 votes
Shirley R. Madigan received 2,891,989 votes
Tony Munoz received 2,891,989 votes
James DeLeo received 2,891,989 votes
Joan Brennan received 2,891,989 votes
Vera Davis received 2,891,989 votes
Linda Pasternak received 2,891,989 votes
William Marovitz received 2,891,989 votes
Dan Pierce received 2,891,989 votes
Debbie Halvorson received 2,891,989 votes
Molly McKenzie received 2,891,989 votes
Beth Ann May received 2,891,989 votes
Mary Lou Kearns received 2,891,989 votes
Lynn Foster received 2,891,989 votes
John Nelson received 2,891,989 votes
Mary Boland received 2,891,989 votes
Shirley McCombs received 2,891,989 votes
Jerry Sinclair received 2,891,989 votes
Barbara Flynn Currie received 2,891,989 votes
John R. Daley received 2,891,989 votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

REPUBLICAN PARTY

Maureen Murphy received 2,346,608 votes
Judy Diekelman received 2,346,608 votes
Mike DeRoss received 2,346,608 votes
Francisco Perez received 2,346,608 votes
Angelo "Skip" Saviano received 2,346,608 votes
Ron Smith received 2,346,608 votes
Steve Meyer received 2,346,608 votes

PROCLAMATIONS

Paul Froehlich received 2,346,608 votes
Dave Sullivan received 2,346,608 votes
William Peterson received 2,346,608 votes
Barbara Peterson received 2,346,608 votes
Stephen McGlynn received 2,346,608 votes
Joan Stade received 2,346,608 votes
Patricia Reid Lindner received 2,346,608 votes
Jerry Clarke received 2,346,608 votes
David Dale Johnson received 2,346,608 votes
LeRoy Ufkes received 2,346,608 votes
Carla Bender received 2,346,608 votes
Mildred Jones received 2,346,608 votes
Ronald Gidwitz received 2,346,608 votes
Mike Stokke received 2,346,608 votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

LIBERTARIAN PARTY

Debra Aaron received 32,452 votes
Christopher Bennett received 32,452 votes
Evonne Bennett received 32,452 votes
Aaron Cunningham received 32,452 votes
Steve Dubovic received 32,452 votes
W. Guy Finley received 32,452 votes
Derek Hanson received 32,452 votes
June Harrison received 32,452 votes
Austin Hough received 32,452 votes
David Hughes received 32,452 votes
Crystal Jurczynski received 32,452 votes
Max McCann received 32,452 votes
Donald Parrish, Jr. received 32,452 votes
Richard Reeves received 32,452 votes
William J. Stephens received 32,452 votes
Jim Syler received 32,452 votes
Jeff Trigg received 32,452 votes
Valiant Vetter received 32,452 votes
James Waldron received 32,452 votes
Jake Witmer received 32,452 votes
Jim Young received 32,452 votes

PROCLAMATIONS

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

WRITE-IN (Ralph Nader/Peter M. Camejo)*

Daniel J. Kairis received 3,674 votes
Joshua L. Kairis received 3,674 votes
Bradley A. Kairis received 3,674 votes
Stedd Revesz received 3,674 votes
Andrew Chrucky received 3,674 votes
Kathy Chrucky received 3,674 votes
Ron J. Keller received 3,674 votes
Charles Hamilton received 3,674 votes
John Arco received 3,674 votes
Betty J. Schueneman received 3,674 votes
Lance del Goebel received 3,674 votes
Jim Senyszyn received 3,674 votes
Monica Spegar received 3,674 votes
Lucille Hilger received 3,674 votes
Charles M. Piper received 3,674 votes
Mary E. Janzen received 3,674 votes
Ron Felten Jr. received 3,674 votes
Leslie Plewa received 3,674 votes
William R. Sprowl received 3,674 votes
Edward F. Katorowitz received 3,674 votes

*Candidates filed 20 electors

PROCLAMATIONS

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

WRITE-IN (John Joseph Kennedy/Daniel R. Rezac)

Cheryl Aaron received 4 votes
Colleen Grams received 4 votes
Sue Bergherger received 4 votes
Jack Jones received 4 votes
Larry Pech received 4 votes
Jason Burley received 4 votes
D'Anne Burley received 4 votes
Melvin Taylor received 4 votes
Steven Krejcik received 4 votes
Richard W. Scott received 4 votes
Gail Garcia received 4 votes
Paul Patterson received 4 votes
Sheila Maillet received 4 votes
Robert Martini received 4 votes
Bryron Martini received 4 votes
John Martini received 4 votes
Anita Parker received 4 votes
Linda Hare received 4 votes
Kathy Warpinski received 4 votes
Dawn M. Pinney received 4 votes
Kimberly Lemon received 4 votes

2004-347**National Homeless Persons Memorial Day**

WHEREAS, sufficient housing is vital for healthy families and communities, but due to rising property costs, housing has become difficult for many to attain; and

WHEREAS, according to a 2000 study by the Urban Institute, each year there are 3.5 million people in the United States who are homeless. Of those people, 1.4 million of them are children. In Illinois alone, there are approximately 120,000 individuals currently experiencing homelessness; and

WHEREAS, there are several contributing factors that can bring a person into homelessness, including rising housing costs, declining work opportunities, lack of affordable health care, domestic violence, and addiction disorders; and

WHEREAS, wages today can continue to leave workers impoverished. In 2000, a study by the U.S. Conference of Mayors showed that one in four people in homeless situations were employed full-time; and

PROCLAMATIONS

WHEREAS, it is important to keep this issue at the forefront of society's consciousness. Eliminating poverty and homelessness is an attainable goal if we all work hard to make it a reality. In 2004, my administration allocated over \$200,000 to organizations that address the issues of homelessness and affordable housing in the Chicagoland area; and

WHEREAS, the fact remains that those who are homeless have a greater chance of becoming ill, and fewer resources to receive proper medical attention. With that in mind, far too many homeless persons die each year in the United States; and

WHEREAS, through performances, prayer vigils, and candle light marches, National Homeless Persons Memorial Day pays respect to those who have died as a direct effect of homelessness, and to those who are still struggling to overcome this tragic situation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 21, 2004 as NATIONAL HOMELESS PERSONS MEMORIAL DAY in Illinois, and encourage citizens to join in the efforts to eradicate homelessness from our society.

Issued by the Governor December 3, 2004.

Filed by the Secretary of State December 3, 2004.

2004-348**Crossing Guard Appreciation Day**

WHEREAS, approximately 20,000 children under the age of fourteen suffer from motor vehicle-related pedestrian injuries, and more than half of those injuries require hospitalization; and

WHEREAS, many of these injuries could be avoided if children had proper road-safety education and did not choose to cross streets or use intersections unsupervised; and

WHEREAS, crossing guards are a dependable means of helping children to avoid unnecessary accidents and injuries; and

WHEREAS, motorists should be aware of children walking to and from school and be especially cautious in and around school zones. They also should follow the directions of all crossing guards and recognize that by doing so, road safety can be improved; and

WHEREAS, crossing guards play an integral role in our communities, working hard to ensure the security of children as they walk to and from school and cross streets. In addition, they teach children to look both ways before crossing streets, as well as other essential safety rules:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois do hereby declare May 3, 2005 as CROSSING GUARD APPRECIATION DAY in Illinois, and encourage citizens to be appreciative of the service that these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor December 6, 2004.

Filed by the Secretary of State. December 6, 2004

2004-349**Flags Flown at Half Mast for Fallen Illinois Soldiers**

PROCLAMATIONS

WHEREAS, due to our current military conflicts, the brave men and women of the Illinois National Guard are working diligently overseas to ensure our national security and make our world a safer place to live; and

WHEREAS, it is a great tragedy when a member of the Illinois National Guard is killed in the line of duty, and it is important that we, as a State, pay tribute to their ultimate sacrifice; and

WHEREAS, under Paragraph (a) of Section 2 of Article XII of the Illinois Constitution, the Governor is commander-in-chief of Illinois' organized militia; and

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the Governor may proclaim that the flag of the United States of America be flown at half-staff:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby order from this day forward that all State facilities fly the flag of the United States of America at half-staff on the day of the funeral of every fallen Illinois National Guard member, and that the flags be raised back to full-staff on the following day.

Issued by the Governor December 6, 2004.

Filed by the Secretary of State. December 6, 2004

ILLINOIS ADMINISTRATIVE CODE

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