

2005

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 29 Issue 17
April 22, 2005
Pages 5609-5807

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) Section Number: 305.240 Proposed Action: New Section
- 4) Statutory Authority: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].
- 5) A Complete Description of the Subjects and Issues Involved: This change is a result of positions being included into the AFSCME bargaining unit and the agreement with AFSCME to include the positions under the Personnel Code.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 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: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/785-1793
- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 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 regulatory agendas because: the changes resulted from AFSME negotiations that were not anticipated for submission.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears on page 5751 of this issue of the *Illinois Register*.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting
- 2) Code Citation: 17 Ill. Adm. Code 550
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
550.20	Amendment
550.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to change the hunting hours for coyote and striped skunk, update the list of sites open to hunting and to update site-specific regulations.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments 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:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 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: January 2005

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 550
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10	General Regulations
550.20	Statewide Regulations
550.30	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective June 19, 2000; amended at 25 Ill. Reg. 9895, effective July 17, 2001; amended at 26 Ill. Reg. 14680, effective September 20, 2002; amended at 28 Ill. Reg. 11873, effective July 27, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 550.20 Statewide Regulations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- a) Raccoon, Opossum
- 1) Zones: The State of Illinois is divided by U.S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.
 - 2) Northern Zone hunting dates: November 5 through the next following February 10, except as noted in Section 550.10(a) of this Section. Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 3) Southern Zone hunting dates: November 10 through the next following February 15, except as noted in Section 550.10(a). Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 4) Hunting hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for hunting at sunrise; during archery deer season, raccoon and opossum bow hunting hours shall coincide with the statewide archery deer hunting hours as specified in Section 2.26 of the Wildlife Code [520 ILCS 5/2.26]; otherwise, hours are unrestricted. Hunting prior to sunrise on opening day is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise on opening day or during the archery deer season, or hunting after ½ hour after sunset during the archery deer season, is a Class A misdemeanor with a minimum \$500 fine, and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
 - 5) Daily limit and possession limit: None.
- b) Red fox and gray fox
- 1) Hunting dates: November 10 through the next following January 31, except as noted in Section 550.10(a). Hunting outside the season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 2) Hunting hours: Opens November 10 for hunting at sunrise; during archery deer season, red fox and gray fox bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted. Hunting prior to sunrise on opening day is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise on opening day or during the archery deer season, or hunting after

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

½ hour after sunset during the archery deer season, is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

3) Daily limit and possession limit: None.

c) Coyote and Striped Skunk

1) Hunting dates: Year around except as noted in Section 550.10(a).

2) Hunting hours: One-half hour before sunrise to one-half hour after sunset, except ~~from the opening date of~~~~during~~ the red fox and gray fox hunting season through February 15, when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours shall coincide with the statewide archery deer hunting hours. Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties, except ~~during fox hunting season when~~ hours are unrestricted (see 520 ILCS 5/2.33(y)).

3) Daily limit and possession limit: None.

d) Woodchuck (groundhog)

1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a). Hunting outside the season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).

2) Hunting hours: Sunrise to sunset. Hunting from ½ hour before sunrise to sunrise or from sunset to ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

3) Daily limit and possession limit: None.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
- c) .22 caliber or smaller rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers Management Lands

DEPARTMENT OF NATURAL RESOURCES

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Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Cypress Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Falling Down Prairie

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Hanover Bluff ~~State Natural Area-Kopper Traet~~

Horseshoe Lake Conservation Area – Alexander County (Public Hunting Area except Controlled Hunting Area)

~~I-24 Wildlife Management Area~~

Johnson Sauk Trail State Recreation Area (archery only; coyote and fox only; site coyote season runs concurrently with the site archery deer season; site fox season begins when the statewide fox season opens, runs concurrently with the site archery deer season, and closes the earlier of either the statewide fox season closing or the site archery deer season closing)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (coyote and fox only; fox ~~statewide season or~~ closes first Thursday after January 10, ~~whichever comes first~~; coyote open to hunting from August 1 until the first Thursday after January 10 and when other hunting seasons are open on the site; not open during spring turkey season;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

hunting hours are 30 minutes before sunrise until sunset)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (~~all hunting closes December 15 in Eagle Roost Area~~)

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Sielbeck Forest Natural Area

Siloam Springs State Park

~~Skinner Farm State Habitat Area~~

~~Snakeden Hollow State Fish and Wildlife Area—Ives Unit~~

~~Spoon River State Forest (all hunters must sign-in/sign-out)~~

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset-sunrise)

Trail of Tears State Forest

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Turkey Bluffs State Fish and Wildlife Area

[Walnut Point State Park \(sign-in/sign-out required; raccoon hunting only\)](#)

Washington County Conservation Area

[WeinbergWeinburg](#)-King State Park (c)(d)

[WeinbergWeinburg](#)-King State Park – Scripps Unit (use of dogs for hunting coyote is not allowed)

[Weinberg-King State Park – Spunky Bottoms Unit](#)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

- g) Violation of a site-specific regulation is a Class B misdemeanor. Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection (b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

[Beaver Dam State Park](#)

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (coyote only, shotgun or bow and arrow)

Crawford County Conservation Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Eagle Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

Fox Ridge State Park

Green River State Wildlife Area (skunk and coyote close the last day of February; .22 rimfire firearms permitted from 30 minutes after sunset until 30 minutes before sunrise)

Hamilton County Conservation Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

[Horseshoe Lake State Park \(Madison County\) \(coyote only, bow and arrow only\)](#)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (shotgun and bow and arrow only)

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Jim Edgar Panther Creek State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

Matthiessen State Park (season closed during the site firearm or muzzleloader

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

deer seasons; site permit may be obtained at the Starved Rock State Park office; hunting hours are from 30 minutes after sunset until 30 minutes before sunrise; raccoon or opossum only; hunting south of the Vermilion River Area only; no dogs allowed)

Meeker Habitat Area (obtain permit at Sam Parr State Park headquarters)

Middle Fork Fish and Wildlife Management Area

Moraine View State Park (season opens the second Monday in December~~after site's controlled pheasant season~~; night hunting only)

Pyramid State Park – Captain Unit (no hunting on waterfowl refuge)

Pyramid State Park – Denmark Unit (no hunting on waterfowl refuge)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Ramsey Lake State Park

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest (coyote and striped skunk seasons – opening of the statewide raccoon season until the day before opening of the statewide spring turkey season)

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and striped skunk hunting only; statewide seasons for fox, coyote and striped skunk except, during central zone duck and Canada goose season, hunters pursuing waterfowl or upland game may take fox, coyote and striped skunk with shotgun only in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed; .22 caliber or smaller rimfire firearms permitted 24 hours a day)

~~Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)~~

Wolf Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

h) Violation of a site regulation is a Class B misdemeanor (see 520 ILCS 5/2.30).

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Debt Collection Bureau
- 2) Code Citation: 74 Ill. Adm. Code 1200
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1200.10	New Section
1200.20	New Section
1200.30	New Section
1200.40	New Section
1200.50	New Section
1200.60	New Section
1200.70	New Section
1200.80	New Section
1200.90	New Section
1200.100	New Section
1200.110	New Section
1200.120	New Section
1200.130	New Section
1200.140	New Section
1200.150	New Section
- 4) Statutory Authority: 30 ILCS 210, P.A. 93-0570
- 5) A Complete Description of the Subjects and Issues Involved: The Department of Revenue is to serve as primary debt collecting entity for the State.
- 6) Will this proposed rule replace any emergency rule currently in effect? No. The emergency rule has expired.
- 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 Proposed Rules pending on this Part: No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:
- Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
- Phone: (217) 782-2844
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: All entities owing delinquent debt to the State should be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: State agencies required to report delinquent debt to IDOR.
- 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 unanticipated at that time.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

TITLE 74: PUBLIC FINANCE
CHAPTER XI: DEPARTMENT OF REVENUEPART 1200
DEBT COLLECTION BUREAU

Section	Title
1200.10	Title
1200.20	Policy
1200.30	Purpose and Implementation
1200.40	Application
1200.50	Definitions
1200.60	Referral of Delinquent Debt
1200.70	Debt Accepted for Collection
1200.80	Debt Not Accepted for Collection
1200.90	Certification of Debt
1200.100	Collection of Certified Debt
1200.110	Uncollectible Debt
1200.120	Deposit of Amounts Collected
1200.130	Appropriations from Debt Collection Fund
1200.140	Obligations Subject to Appropriation
1200.150	Recordkeeping and Reporting

AUTHORITY: Implementing the Illinois State Collection Act of 1986 [30 ILCS 210] and authorized by subsection 10(k) of the Illinois State Collection Act of 1986 [30 ILCS 210/10(k)].

SOURCE: Adopted at 29 Ill. Reg. _____, effective _____.

Section 1200.10 Title

This Part may be cited as the Debt Collection Bureau Rules.

Section 1200.20 Policy

It is the public policy of this State to aggressively pursue the collection of accounts or claims due and payable to the State of Illinois through all reasonable means. [30 ILCS 210/3]

Section 1200.30 Purpose and Implementation

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- a) Pursuant to Public Act 93-0570, the *Department of Revenue's Debt Collection Bureau (Bureau)* shall serve as the primary debt collecting entity for the State and in that role shall collect debts on behalf of agencies of the State. All debts owed the State of Illinois shall be referred to the Bureau, subject to such limitations established in this Part or otherwise imposed by law. [30 ILCS 210/2]
- b) This Part establishes rules necessary and appropriate to implement Public Act 93-0570 and sets forth when and how the Bureau assumes responsibility under the Illinois State Collection Act of 1986 (the Act) [30 ILCS 210] for the collection of the delinquent debt of State agencies.

Section 1200.40 Application

- a) This Part applies to all debt collection by the Bureau pursuant to the authority granted it under the Act.
- b) *To the extent that some other statute prescribes procedures for collection of particular types of accounts or claims owed to State agencies in conflict with the provisions of the Act, such other statute shall continue in full force and effect, and the debt collection provisions of the Act and this Part shall not apply.* [30 ILCS 210/2]
- c) This Part does not apply to the *Illinois Student Assistance Commission in the administration of its student loan programs.* [30 ILCS 210/2]
- d) This Part does not apply to the *Department of Public Aid with regard to child support debts, the collection of which is governed by the requirements of Title IV, Part D of the federal Social Security Act, except as provided in Section 1200.60(c).* [30 ILCS 210/5(h)]
- e) This Part does not apply to the *Department of Employment Security with regard to debts to any federal account, including but not limited to, the Unemployment Trust Fund, and penalties and interest assessed under the Unemployment Insurance Act, except as provided in Section 1200.60(d).* [30 ILCS 210/5(h-1)]

Section 1200.50 Definitions

As used throughout this Part, each term defined in this Section shall have the meaning set forth in this Section, unless its use clearly requires a different meaning.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

"Accounts receivable", "receivables", or "State agency accounts receivable" shall mean amounts due a State agency that are legally enforceable, that have not been lawfully certified as uncollectible, and for which there is no legal barrier to referral to the Bureau.

"Certified collection specialist" or "collection specialist" shall mean an individual who has provided to the Bureau adequate documentation of training, experience, and expertise in the field of collection of public debt and has been certified by the Bureau as a collection specialist. A certified collection specialist may be an individual employed directly by the Bureau or one employed by a private collection firm.

"Certified debt" shall mean delinquent debt that has been certified by the referring agency and accepted for collection by the Bureau, as provided in this Part.

"Delinquent debt" shall mean a debt to the State or any of its agencies that is owed by any person or entity, that is \$10 or more, and that is more than 90 days past due. The following debts shall not be considered delinquent for purposes of this definition:

debts that are the subject of pending administrative or judicial review;

debts that are covered by an informal or formal payment agreement, so long as the debtor is current in payments under the terms of the payment agreement.

"Referring agency" shall mean the State agency that refers delinquent debt to the Bureau for collection.

"State agency" shall have the meaning found in the Illinois State Auditing Act [30 ILCS 5/1-7].

Section 1200.60 Referral of Delinquent Debt

- a) *Beginning July 1, 2004, for the Departments of Public Aid and Employment Security and July 1, 2005, for Universities and other State agencies, State agencies shall refer to the Bureau all debt owed to the State, provided that the debt satisfies the requirements for referral of delinquent debt as established in this Part. [30 ILCS 210/3] This Part shall apply to all such debt referrals.*
- b) *The debt collection provisions of the Act and this Part may be utilized by the General Assembly, the Supreme Court and the several courts of this State, and the constitutionally elected State Officers, at their discretion, provided that the debt*

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satisfies the requirements for referral of delinquent debt as established in this Part. [30 ILCS 210/2]

- c) While this Part does not apply to the *Department of Public Aid with regard to child support debts, the collection of which is governed by the requirements of Title IV, Part D of the federal Social Security Act, the Department of Public Aid may refer child support debts to the Bureau, provided that the debt satisfies the requirements for referral of delinquent debt as provided in this Part. All such referred debt shall remain an obligation under the Department of Public Aid's Child Support Enforcement Program subject to the requirements of Title IV, Part D of the federal Social Security Act, including the continued use of federally mandated enforcement remedies and techniques by the Department of Public Aid.* [30 ILCS 210/5(h), 10(g)]
- d) While this Part does not apply to the *Department of Employment Security with regard to debts to any federal account, including but not limited to, the Unemployment Trust Fund, and penalties and interest assessed under the Unemployment Insurance Act, the Department of Employment Security may refer those debts to the Bureau, provided that the debt satisfies the requirements for referral of delinquent debt as provided in this Part.* [30 ILCS 210/5(h-1), 10(g-1)]
- e) Prior to referring delinquent debt to the Bureau, and anytime thereafter upon the request of the Bureau, the referring agency shall collect and provide to the Bureau the following information:
 - 1) about the debt:
 - A) the amount of the delinquent debt (including fees, penalties, and interest);
 - B) the date the debt was incurred;
 - C) a brief description of the type of the debt;
 - D) a summary of all action taken to collect the debt to date; and
 - E) any other information concerning the debt within its possession needed by the Bureau to perform its responsibilities under the Act and this Part, as requested by the Bureau.

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- 2) about the debtor:
 - A) for individuals, the identity of the debtor, including name, address, and social security number;
 - B) for business debtors, the name and type of business organization, the business address, the federal employers identification number, and the names, addresses, and social security numbers of the owners and officers of the business; and
 - C) any other information concerning the debtor within its possession needed by the Bureau to perform its responsibilities under the Act and this Part, as requested by the Bureau.
- f) Upon the request of the Bureau, the referring agency shall promptly deliver to the Bureau a copy of all records relating to the debt with a status report describing all collection action taken by the referring agency.
- g) *Upon acceptance by the Bureau of delinquent debt from a referring agency, the provisions of Section 7 of the Illinois State Collection Act shall be rendered null and void as to that debt, and the Debt Collection Board (Board) shall promptly deliver to the Bureau a copy of all records in its possession relating to that debt, with a status report describing all collection action taken by the Board and an accounting of all payments received. [30 ILCS 210/8]*
- h) *For each debt referred to the Bureau, the referring agency shall retain all documents and records relating to or supporting the existence of the debt. The debtor shall have no right to a hearing before the Bureau to contest the validity of the debt. In the event a debtor would raise a reasonable doubt as to the validity of the debt, the Bureau may in its discretion refer the debt back to the referring agency for further review and recommendation. [30 ILCS 210/10(f)]*
- i) *All debt referred to the Bureau for collection shall remain the property of the referring agency and an obligation to the account owed. [30 ILCS 210/5(i)]*

Section 1200.70 Debt Accepted for Collection

The Bureau will accept for collection delinquent debt that meets the following criteria, unless the debt is otherwise excluded from collection by the Bureau under the Act or this Part:

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- a) The debt has been certified to the Bureau by the referring agency as provided in Section 1200.90;
- b) The referring agency has notified the debtor of the amount and basis for the debt, the potential for referral of the debt to the Bureau, and the procedure and time limitations for contesting to the referring agency the validity of the debt;
- c) The debtor did not contest the debt in writing within 90 days from the date the referring agency provided notice of the debt to the debtor;
- d) The debt has been transmitted to the Bureau in a format approved by it; and
- e) The debt is not of the type listed in Section 1200.80.

Section 1200.80 Debt Not Accepted for Collection

The Bureau will not accept for collection the following types of debt:

- a) *debt secured by an interest in real property* [30 ILCS 210/5(j)];
- b) receivables currently the subject of an ongoing wage levy, whether that levy is the result of a judgment entered in circuit court or an administrative levy issued without judgment;
- c) receivables currently the subject of litigation being pursued in the State of Illinois through the Office of the Attorney General, State's Attorneys' Offices or, where authorized by the Attorney General, by private counsel retained on behalf of the agency;
- d) debt that has been discharged in bankruptcy or that is currently in bankruptcy proceedings;
- e) receivables not reported on the Illinois Office of the Comptroller (Comptroller) Receivable Report;
- f) federally regulated pension trust funds;
- g) deferred receivables, as defined in the Comptroller's Receivables Report;
- h) loans, contracts, and agreements of any kind with other governmental entities;

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- i) debt that was referred to a private collection firm by the referring agency prior to July 1, 2005, and that has been with that firm for 90 days or less;
- j) *debt that has been deemed uncollectible, absent factual assertions by the referring agency that, due to circumstances not known at the time the delinquent debt was deemed uncollectible*, additional collection efforts are warranted [30 ILCS 210/10(e)];
- k) debt that would not be in the State's best economic interest for the Bureau to assume collection responsibility for, as determined by the Bureau.

Section 1200.90 Certification of Debt

- a) The Bureau shall not accept debt for collection unless that debt has been certified by the referring agency as provided in this Section.
- b) The referring agency shall provide to the Bureau for each delinquent debt that it refers for collection a certification that contains the following:
 - 1) a statement that the debt qualifies for referral to, and collection by, the Bureau, as provided by the Act and this Part;
 - 2) a statement that there are no legal restrictions relating to collection of the debt by the Bureau;
 - 3) a statement that the referring agency has notified the debtor of the amount and basis for the debt, the procedure and time limitations for contesting the validity of the debt to the referring agency, and the potential for referral of the debt to the Bureau; and
 - 4) a statement that the debtor did not dispute the debt in writing to the referring agency within 90 days after the date of notice of the debt by the referring agency.
- c) The certification shall be executed by a person who is authorized to issue, certify, and approve vouchers for the agency under Sections 10 and 11 of the State Finance Act [30 ILCS 105/10 and 11]. Such person may delegate to a responsible person or persons the authority to execute the certification required by this Section.

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Section 1200.100 Collection of Certified Debt

- a) Once the certified debt is accepted for collection, *the Bureau shall make every reasonable effort to collect the debt using all collection tools available, including, but not limited to, the Comptroller's Offset System and the employment of private collection agencies, as well as its own collections personnel.* [30 ILCS 210/10(a)]
As part of its collection efforts, the Bureau may direct the referring agency to place the certified debt with the Comptroller's Offset System or to enter into a repayment plan with the debtor.
- b) *The Bureau shall have the sole authority to let contracts with private collection agencies for the collection of debt referred to and accepted by the Bureau under this Part.* [30 ILCS 210/10(b)]
 - 1) Any contract with a private collection firm for the collection of debt referred to and accepted by the Bureau under this Part shall be let pursuant to the provisions of the Illinois Procurement Code (Code), 30 ILCS 500, and the Standard Procurement Rules, 44 Ill. Adm. Code 1. Selection of private collection firms by the Bureau shall be made through the Code's request for proposal process.
 - 2) *Any such contract shall specify that the private collection agency's fee shall be on a contingency basis and that the private collection agency shall not be entitled to collect a contingency fee for any debt collected through the efforts of any State or federal offset system.* [30 ILCS 210/10(b)]
 - 3) Any such contract let after the effective date of this rulemaking should provide that debt referred to the firm for which there have been no payments or other activity must be returned to the agency after 180 days.
 - 4) The referring agency shall be responsible for working directly with the private collection firm in the placement of its certified debt and for providing to the private collection firm information in its possession concerning the certified debt and the debtor, as provided in Section 1200.60(e) of this Part, or as directed by the Bureau.

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- 5) The Bureau shall be responsible for managing and monitoring the collection performance of the private collection firms in regard to debt collected on its behalf.
- c) The Bureau may employ individuals who are certified as collection specialists to perform the requirements of this Part, subject to funding by the General Assembly.
- d) Private collection firms and individuals employed by the Bureau must demonstrate that they are qualified by training and experience to undertake these collection efforts. In the case of an employment agency, the individuals who would perform the collection services must be so qualified. Upon determination by the Bureau that the individuals are so qualified, the Bureau shall certify the individuals as collection specialists.
- e) *Upon agreement of the Attorney General, the Bureau may contract for legal assistance in collecting past due accounts. Any contract entered into under this Section before August 20, 2003, shall remain valid but may not be renewed. [30 ILCS 210/7]*
- f) *The Attorney General and the State Comptroller may assist in the debt collection efforts of the Bureau, as requested by the Department of Revenue. [30 ILCS 210/10(i)]*
- g) Collection methods employed by the Bureau may vary with the size and nature of the debt.
- h) If reasonable collection efforts prove unavailing, the Bureau may declare the delinquent debt uncollectible and return it to the referring agency as provided in Section 1200.110.

Section 1200.110 Uncollectible Debt

- a) The Bureau shall deem delinquent debt uncollectible when it has exhausted all reasonable collection efforts.
- b) Prior to deeming any delinquent debt uncollectible, the Bureau shall document efforts to accomplish the following collection objectives:
- 1) confirm the current location of the debtor;

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- 2) locate evidence of the debtor's assets; and
 - 3) use all reasonable and available collections tools to collect the delinquent debt.
- c) *Once a debt is deemed by the Bureau to be uncollectible, the Bureau shall return the debt to the referring agency, which shall then write the debt off as uncollectible or return the debt to the Bureau for additional collection efforts. [30 ILCS 210/10(e)]*
- d) *The Bureau shall refuse to accept debt that has been deemed uncollectible by the Debt Collection Board, the Office of the Comptroller, or the Bureau, absent factual assertions from the referring agency that, due to circumstances not known at the time the debt was deemed uncollectible, the debt is worthy of additional collection efforts. [30 ILCS 210/10(d)]*

Section 1200.120 Deposit of Amounts Collected

- a) Any amounts collected under this Part, including amounts collected by outside collection firms under contract with the Bureau, and including any amount that results in overpayment of the delinquent debt, shall be deposited in, or transferred to the appropriate funds, as specified by statute.
- 1) Allocation of the amounts collected to and deposit in the appropriate funds shall be the responsibility of the referring agency.
 - 2) The referring agency shall bear the responsibility for adjusting overpayments.
- b) *After payment of fees pursuant to the Bureau's contracts with private collection agencies, 20% of all amounts collected by the Bureau, excluding amounts collected on behalf of the Departments of Public Aid and Revenue, shall be deposited into the Debt Collection Fund (Fund). All remaining amounts collected shall be deposited into the General Revenue Fund unless the amounts are owed to any State fund or funds other than the General Revenue Fund. [30 ILCS 210/10(h)]*
- c) *Collections arising from referrals from the Department of Public Aid Bureau*

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under Section 1200.60(c) shall be deposited into such fund or funds as the Department of Public Aid shall direct, in accordance with the requirements of Title IV, Part D of the federal Social Security Act, applicable provisions of State law, and the rules of the Department of Public Aid. [30 ILCS 210/10(h)]

- d) Collections arising from referrals from the Department of Employment Security under Section 1200.60(d) shall be deposited into the fund or funds that the Department of Employment Security shall direct, in accordance with the requirements of Section 3304(a)(3) of the federal Unemployment Tax Act, Section 303(a)(4) of the federal Social Security Act, and the Unemployment Insurance Act. [30 ILCS 210/10(h)]

Section 1200.130 Appropriations from Debt Collection Fund

Moneys in the Debt Collection Fund shall be appropriated only for the administrative costs of the Bureau. On the last day of each fiscal year, unappropriated moneys and moneys otherwise deemed unneeded for the next fiscal year remaining in the Debt Collection Fund may be transferred into the General Revenue Fund at the Governor's reasonable discretion. [30 ILCS 210/10(h)]

Section 1200.140 Obligations Subject to Appropriation

The Bureau's obligations under this Part shall be subject to appropriation by the General Assembly. [30 ILCS 210/10(l)]

Section 1200.150 Recordkeeping and Reporting

- a) The Bureau shall notify the referring agency within 60 days after the collection of a delinquent debt, or any portion thereof, collected by the Bureau's own collection specialists.
- b) The Bureau shall maintain documentation of the efforts undertaken to collect certified debt and the results of those efforts for a period of three years after its collection efforts on that debt ceased.
- c) *The Director of the Department of Revenue shall report annually to the General Assembly and State Comptroller upon the debt collection efforts of the Bureau. Each report shall include an analysis of the overdue debts owed to the State.* [30 ILCS 210/10(j)]

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- d) The reporting requirements of this Part are in addition to any reporting required by the Comptroller, and *the debt reporting requirements established by the Comptroller shall be followed by all State agencies.* [30 ILCS 210/2]

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- 1) Heading of the Part: Rulemaking in Illinois
- 2) Code Citation: 1 Ill. Adm. Code 100
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
100.355	New Section
100.410	Amendment
100.APPENDIX A ILLUSTRATION A	Amendment
- 4) Statutory Authority: Implements changes to and authorized by the Illinois Administrative Procedure Act (5 ILCS 100).
- 5) A Complete Description of the Subjects and Issues Involved: Section 100.355 will define underlying data, and the amendment to Section 100.410 will require that underlying data be cited on the notice page.
- 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 proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to the:

Secretary of State
Nathan Maddox, Assistant General Counsel
298 Howlett Building
Springfield IL 62701

217-785-3094

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

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 1: GENERAL PROVISIONS
CHAPTER I: SECRETARY OF STATEPART 100
RULEMAKING IN ILLINOIS

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Section	
100.100	Rulemaking Compliance
100.110	Definitions
100.120	Agencies Covered
100.130	Illinois Administrative Code Organization
100.140	Codification Outline
100.150	Notice of Codification Changes
100.160	Deletion or Transfer of Rules
100.170	Re-using Part or Section Numbers (Renumbered)
100.180	Style Manual

SUBPART B: ILLINOIS REGISTER

Section	
100.200	Publication Schedule and Deadline
100.210	Contents
100.220	Publication Requirements
100.225	Cover Letter
100.230	Publication of Materials Incorporated by Reference
100.240	Notices of Corrections
100.250	Expedited Corrections
100.260	Indexes
100.270	Illinois Register Availability
100.280	Fees
100.290	Uncodified Rules (Repealed)

SUBPART C: RULE DRAFTING REQUIREMENTS

Section	
100.300	Headings
100.310	Table of Contents
100.315	Re-using Part or Section Numbers

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100.320	Authority Note
100.330	Source Notes
100.335	Automatic Repeal of Rules
100.340	Text of the Part; Subsections
100.345	Renumbering Sections within a Part
100.350	Supplementary Material
100.355	Underlying Data
100.360	Proper Format
100.370	Citation of Codified Rules
100.380	Statutory Language and Statutory Citations
100.385	Incorporation by Reference; Citation of Referenced Material
100.390	Footnotes; Agency Notes; Editor's Notes

SUBPART D: PROPOSED RULES

Section	
100.400	Required Notice Periods
100.410	Notice of Proposed Rules
100.415	Other Statutory Requirements for Rulemaking
100.420	Text of Proposed Rules
100.430	Notice of Corrections
100.440	Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule
100.445	Requirements for Submitting Materials for Register Publication
100.450	Index Department Review of Proposed Rules

SUBPART E: ADOPTED RULES

Section	
100.500	Requirements for Filing
100.510	Other Documents Required for Filing Adopted Rules
100.520	Requirements for Illinois Register Publication
100.530	Notice of Adopted Rules
100.540	Text of Adopted Rules
100.545	Index Department Review of Adopted Rules
100.550	Certificate of Review and Approval

SUBPART F: EMERGENCY RULES

Section	
100.600	Filing; Agency Certification

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100.610	Notice of Emergency Rules
100.620	Text of Emergency Rules
100.630	File Copy of Emergency Rules
100.640	Effectiveness
100.650	Adoption as a Permanent Rule
100.655	Index Department Review of Emergency Rules
100.660	Certificate of Review and Approval
100.670	Modification of an Emergency Rule
100.680	Repeal of an Emergency Rule

SUBPART G: PEREMPTORY RULES

Section	
100.700	Submission; Agency Certification
100.710	Notice of Peremptory Rules
100.720	Text of Peremptory Rules
100.730	File Copy of Peremptory Rules
100.735	Index Department Review of Peremptory Rules
100.740	Certificate of Review and Approval

SUBPART H: INTERNAL RULES

Section	
100.800	Requirements
100.810	Effectiveness; Exemption from Notice
100.815	Index Department Review of Internal Rules
100.820	Certificate of Review and Approval

SUBPART I: PROHIBITED FILING

Section	
100.900	Certified Statements from Joint Committee on Administrative Rules
100.910	Prohibition of the Filing of Rules
100.920	Continuation of Prohibition

SUBPART J: PUBLIC INSPECTION AND COPYING

Section	
100.1000	Certified Rules; Inspection
100.1010	Photocopies and Fees

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- 100.1020 Illinois Administrative Code
- 100.1025 Public Domain
- 100.1030 State Property (Repealed)

SUBPART K: MISCELLANEOUS

Section

- 100.1100 Recodification of Rules
- 100.1110 Notice of Recodification
- 100.1115 Index Department Review of Recodified Rules
- 100.1120 Certificate of Review and Approval
- 100.1130 Format for Register Publication of Notices of the Joint Committee on Administrative Rules
- 100.1140 Index Department Review of Other Notices and Materials Submitted for Register Publication
- 100.1150 Regulatory Agendas
- 100.1160 Regulatory Flexibility Notice

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section

- 100.1200 Availability
- 100.1210 Fees
- 100.APPENDIX A Proposed Rules
 - 100.ILLUSTRATION A Notice of Proposed Rules
 - 100.ILLUSTRATION B Notice of Withdrawal of Proposed Rules
 - 100.ILLUSTRATION C Notice of Modification, Withdrawal or Refusal in Response to an Objection by the Joint Committee on Administrative Rules
 - 100.ILLUSTRATION D Notice of Corrections to Proposed Rules
 - 100.ILLUSTRATION E Notice of Public Hearing on Proposed Rules
 - 100.ILLUSTRATION F Notice of Corrections to Notice Only (Renumbered)
- 100.APPENDIX B Adopted Rules
 - 100.ILLUSTRATION A Notice of Adopted Rules
 - 100.ILLUSTRATION B Text of Adopted Rules (Repealed)
 - 100.ILLUSTRATION C Agency Certification
 - 100.ILLUSTRATION D Format for Filing Adopted Rules
 - 100.ILLUSTRATION E Notice of Automatic Repeal of Adopted Rules
 - 100.ILLUSTRATION F Notice of Corrections to Adopted Rules (Repealed)
 - 100.ILLUSTRATION G Request for Expedited Correction

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100.ILLUSTRATION H	Refusal to Certify Expedited Correction
100.ILLUSTRATION I	Notice of Expedited Correction
100.APPENDIX C	Emergency Rules
100.ILLUSTRATION A	Notice of Emergency Rules
100.ILLUSTRATION B	Text of Emergency Rules (Repealed)
100.ILLUSTRATION C	Agency Certification of Emergency Rules
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100.ILLUSTRATION C	Agency Certification of Peremptory Rules
100.ILLUSTRATION D	Notice of Automatic Repeal of Peremptory Rules
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100.ILLUSTRATION C	Certificate of Review and Approval
100.ILLUSTRATION D	Notice of Codification Changes
100.ILLUSTRATION E	Format for Statements of Objections or Recommendations Issued by the Joint Committee on Administrative Rules
100.ILLUSTRATION F	Regulatory Agenda
100.ILLUSTRATION G	Regulatory Flexibility Notice
100.ILLUSTRATION H	Notice of Publication Error

AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100].

SOURCE: Adopted at 7 Ill. Reg. 10880, effective September 1, 1983; amended at 7 Ill. Reg. 16460, effective January 1, 1984; amended at 8 Ill. Reg. 12488, effective July 1, 1984; amended at 8 Ill. Reg. 19831, effective October 1, 1984; emergency amendments at 9 Ill. Reg. 427, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9180, effective May 31, 1985; emergency amendments at 10 Ill. Reg. 4014, effective February 19, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12080, effective July 1, 1986; amended at 11 Ill. Reg. 724, effective January 1, 1987, and May 1, 1987; amended at 15 Ill. Reg. 13939, effective September 10, 1991; amended at 17 Ill. Reg. 10414, effective July 1, 1993; amended at 18 Ill. Reg. 13067, effective August 11, 1994; emergency amendments at 18 Ill. Reg. 17275, effective November 22, 1994, for a maximum of 150 days; emergency expired April 21, 1995; amended at 19 Ill. Reg. 7626, effective June 1, 1995; amended at 22 Ill. Reg. 11532, effective July 1, 1998; amended at 29 Ill. Reg. _____, effective _____.

SUBPART C: RULE DRAFTING REQUIREMENTS

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Section 100.355 Underlying Data

- a) For the purpose of this Part, underlying data is defined as any data, including written information or material, statistics, measurements, calculations or other information used as the basis for reasoning, recommendation or conclusions, including any information provided to the promulgating agency by a consultant, vendor or other third party under contract with the agency that was used as the basis for a published study or report used in the development of the rule.
- b) Any published study or report used in developing the rule shall be identified on the Notice Page for the rulemaking by a descriptive title or other description, the identity of the person or entity that performed the study or report, the publisher's name and publication date, and a description of where the public may obtain a copy of the study or report.
- c) If the published study or report was performed by an agency or by a person or entity that contracted with the agency for the performance of the study or report, in addition to identifying the study or report, the agency shall also make copies of the underlying data available to members of the public upon request if the data are not protected from disclosure under the Freedom of Information Act [5 ILCS 140]. If the agency must pay a fee to a contracting entity to obtain a copy of the underlying data, the agency may charge the requester a fee equaling the cost of obtaining the data. This fee shall reflect actual costs incurred by the agency

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

SUBPART D: PROPOSED RULES

Section 100.410 Notice of Proposed Rules

- a) Each proposed rule (amendment, repealer) submitted for publication in the Illinois Register (see Section 100.220) must be part of a Notice of Proposed Rules (Amendments, Repealers) at the beginning of which the information listed in subsections (a)(1) through (12) below shall appear (see also Appendix A, Illustration A). The next page shall be the full text of the rules, amendments, or repealer and, if the proposal is an amendment to or repeal of an existing Part, the text shall appear as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring (however, if an entire Part is being repealed, the text is printed without strike-outs and if a new Part is being proposed the text appears without underscoring):

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- 1) The heading of the Part;
- 2) The Code citation (include only the Chapter number, the Code abbreviation, the General Act Number followed by a colon and the Part number);
- 3)

Section Numbers (list in numerical order) (include supplementary material	Proposed Action (new Section, amendment, repeal, renumber, etc.)
---	---
- 4) The specific statutory citation upon which the Part is based and authorized;
- 5) A complete description of the subjects and issues involved;
- 6) [Identification of sources of underlying data that were used when composing this rulemaking in accordance with 1 Ill. Adm. Code 100.355.](#)
- 76) Whether the proposed rule will replace an emergency rule currently in effect;
- 87) Whether the proposed rule contains an automatic repeal date;
- 98) Whether the proposed rule (amendment, repealer) contains incorporations by reference;
- 109) Whether there are any other amendments to this Part, other than those appearing in the same Register issue, pending. If so, specify the Section numbers, the proposed action, and a Register citation to the Notice of proposal;
- 1140) A Statement of Statewide Policy Objectives (See Sections 100.110 and 100.415(b));
- 1244) The time, place and manner in which interested persons may present their views concerning the proposed action, and the name, address and phone

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number of the individual within the agency who may be contacted; and

~~13+2~~) Initial Regulatory Flexibility Analysis (see "Regulatory Flexibility Analysis", Section 100.110):

- A) Types of small businesses (see Section 1-75 of the Act), small municipalities (see Section 1-80 of the Act) and not for profit corporations (see Section 1-85 of the Act) affected
- B) Reporting, bookkeeping or other procedures required for compliance
- C) Types of professional skills necessary for compliance.

- b) Under the Section Numbers and Proposed Action columns at the beginning of the Notice of Proposed Rules as described above in subsection (a)(3) of this Section shall be listed the specific Section Number(s) in numerical order and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register on a quarterly basis. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns.
- c) Only one Part shall be listed per Notice. All new Sections, amendments to existing Sections, and/or repealers of Sections shall be contained on this Notice. Only one Notice per Part for proposed rules will be accepted by the Index Department for publication in a single issue of the Register, unless the agency is repealing a Part in its entirety and proposing a new Part to replace the repealed Part (same subject matter). In this instance only, the Index Department will accept two Notices of proposed rulemaking for one Part number, one for the proposed repealer and one for the proposed new Part, for publication in the same issue of the Register.
- d) If an agency is proposing, amending, or repealing more than one Section, and the agency wishes to have any of the Sections considered as separate rulemakings, the agency shall specify the statutory authority for each separate rulemaking. The agency shall follow the procedure in Section 100.410(a)(1) through 100.410(a)(12) and, if necessary, specify different people to be contacted for each separate rulemaking. This procedure permits an agency to take those portions of

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NOTICE OF PROPOSED AMENDMENTS

the rulemaking into second notice separately or adopt those portions of the Part at different times.

- e) If an agency intends to hold a public hearing on the proposed rules, the information on the hearing may be included in the Time, Place, and Manner item on the Notice (subsection (a)(11) above) or the agency may submit a Notice of Public Hearing on Proposed Rules as shown in Appendix A, Illustration E. Notice for public hearings on proposed rules will be accepted for Register publication unless a notice for another type of public hearing is required by State statute to be published in the Register.

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

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NOTICE OF PROPOSED AMENDMENTS

Section 100.APPENDIX A Proposed Rules

Section 100.ILLUSTRATION A Notice of Proposed Rules

For detailed information on this Notice, please refer to Section 100.410.

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Section Numbers: Proposed Action:
- 4) Statutory Authority:
- 5) A Complete Description of the Subjects and Issues Involved:
- | 6) [Sources of underlying data used to compose this rulemaking:](#)
- | 76) Will this proposed rule replace an emergency rule currently in effect?
- | 87) Does this rulemaking contain an automatic repeal date? __Yes __No
If "yes," please specify the date:
- | 98) Does this proposed rule (amendment, repealer) contain incorporations by
reference?
- | 109) Are there any other proposed amendments pending on this Part?
Section Numbers Proposed Action Illinois Register Citation
- | 1140) Statement of Statewide Policy Objectives:
- | 1244) Time, Place, and Manner in which interested persons may comment on this
proposed rulemaking:

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~~13~~¹⁴) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected:
- B) Reporting, bookkeeping or other procedures required for compliance:
- C) Types of professional skills necessary for compliance:

~~14~~¹³) Regulatory Agenda on which this rulemaking was summarized:

Jan. ~~2019~~ __ July ~~2019~~ __ OR

This rule was not included on either of the 2 most recent agendas because:

The full text of the Proposed Rule(s) begins on the next page:

AGENCY NOTE: The solid line shall be exactly one inch from the top of the page. Also, if the proposal is a new Part, use the type of action statement as shown in this illustration; if the proposal is an amendment to a Part (new Sections being added, existing Sections being amended or repealed), the action shall state NOTICE OF PROPOSED AMENDMENT(S); If the proposal is a repealer of an entire Part, the action shall state NOTICE OF PROPOSED REPEALER.

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

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Interim Sex Offender Evaluations and Treatment
- 2) Code Citation: 20 Ill. Admin. Code 1905
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1905.10	Amendment
1905.30	Amendment
1905.50	Amendment
1905.60	Amendment
1905.70	Amendment
1905.80	Amendment
1905.100	Amendment
1905.110	Amendment
1905.120	Amendment
1905.130	Amendment
1905.200	Amendment
- 4) Statutory Authority: Sex Offender Management Board Act [20 ILCS 4026]
- 5) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2004, Public Act 93-616 amended the Sex Offender Management Board Act and several other statutes to require not only that convicted adult felony sex offenders and juvenile sex offenders undergo sex offender evaluations and treatment at various stages of the criminal justice processes (e.g., evaluations before sentencing and before release into the community, and treatment as a condition of probation or conditional release), but also to require that evaluation and treatment be provided by persons approved by the Board and in conformance with standards adopted by the Board. In addition, Public Act 93-616 required that examinations and treatment required by pre-existing statutes relating to sexually violent or sexually dangerous persons be conducted by persons approved by the Board and in conformance with standards adopted by the Board.

Because the Board had limited time to develop rules to implement requirements that were facing the criminal justice system January 1, 2004, the Board proposed a set of rules to be used on an interim basis with the intention to develop a more extensive application and review process for providers seeking SOMB approval. While the Board has made some progress in this direction, due to other pressing business, a revised application process has not been finalized. The Board proposes this amendment to remove the July 1, 2005 expiration date so that the rules may remain in effect indefinitely while the Board continues to develop a revised application process and completes the treatment and evaluation standards for juveniles.

SEX OFFENDER MANAGEMENT BOARD

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The Board is also in discussion with other state agencies regarding the approval of providers. The Board does not anticipate that the indefinite extension of the existing rules will be problematic for the criminal justice system.

- 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 Objective: Neither creates nor enlarges a State mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act. Rather, this rulemaking extends the rules that made it possible to comply with mandates issued by the General Assembly in Public Act 93-616.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: During the first notice period by writing:

Cara Smith, Chair
Sex Offender Management Board
James R. Thompson Center, 12th Floor
100 W. Randolph Street
Chicago, IL 60601

(312) 814-2970
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Not for profit organizations that provide mental health or treatment programs to sex offenders.
 - B) Reporting, bookkeeping or other procedures required for compliance: No new procedures.
 - C) Types of professional skills necessary for compliance: No new skills required.

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER VII: SEX OFFENDER MANAGEMENT BOARD

PART 1905

~~INTERIM~~ SEX OFFENDER EVALUATION AND TREATMENT

SUBPART A: GENERAL

Section

1905.10 Purpose and Scope
1905.20 Definitions

SUBPART B: PROVIDER LIST AND QUALIFICATIONS

1905.30 ~~Interim~~ Provider List
1905.40 General Requirements for Approval of Evaluators and Providers
1905.50 ~~Interim~~ Qualifications for Provision of Evaluations Before Sentencing
1905.60 ~~Interim~~ Qualifications for Provision of Pre-release and SVP Evaluations
1905.70 ~~Interim~~ Qualifications for Treatment Providers
1905.80 Supervision by Approved Providers

SUBPART C: APPROVAL AND REMOVAL PROCEDURES

1905.100 Application
1905.110 Application Review and Approval
1905.120 Appeal of Application Denial
1905.130 Removal from Provider List
1905.140 Complaints Against Providers

SUBPART D: ~~INTERIM~~ STANDARDS OF PRACTICE

1905.200 Scope
1905.210 Ethical Standards
1905.220 Release of Information and Confidentiality
1905.230 General Standards for Conducting Evaluations
1905.240 Elements of Comprehensive Sex Offense Specific Evaluations
1905.250 Evaluator Recommendations
1905.300 General Standards for Treatment
1905.310 Treatment Provider Client Written Treatment Agreement
1905.320 Completion of Treatment

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AUTHORITY: Authorized by Sec. 15 of the Sex Offender Management Board Act [20 ILCS 4026/15] and implementing Sections 15-18 of the Act; Sections 5-701 and 5-715(3.10) of the Juvenile Court Act of 1987 [705 ILCS 405/5-701 and 5-715(3.10)]; Section 8 of the Sexually Dangerous Persons Act [725 ILCS 205/8]; Sections 10(c)(2), 25(e), 30(c), 40(b)(1), 55(b), 60(c), and 65(a)(2) and (b)(2) of the Sexually Violent Persons Commitment Act [725 ILCS 207/10(c)(2), 25(e), 30(c), 40(b)(1), 55(b), 60(c), and 65(a)(2) and (b)(2)]; and Sections 3-3-7(a)(7.5), 3-6-2(j) and (k), 3-9-7(b), 5-3-2(b-5), 5-6-3(a)(8.5) and 5-7-1(f-5) of the Unified Code of Corrections [730 ILCS 5/3-3-7(a)(7.5), 3-6-2(j) and (k), 3-9-7(b), 5-3-2(b-5), 5-6-3(a)(8.5) and 5-7-1(f-5)].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 8300, effective May 27, 2004, for a maximum of 150 days; emergency expired October 23, 2004; adopted at 29 Ill. Reg. 1973, effective January 24, 2005; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1905.10 Purpose and Scope

Effective January 1, 2004, the Sex Offender Management Board Act [20 ILCS 4026] and various other statutes provide for the evaluation and/or treatment of convicted sex offenders in conformance with standards adopted by, and by persons approved by, the Sex Offender Management Board. This Part establishes requirements for evaluators and treatment providers to obtain Board approval to perform those functions ~~through July 1, 2005~~. It also establishes standards for conducting evaluations of, and providing treatment to, sex offenders in all circumstances where conformance with Board standards is required ~~through July 1, 2005~~.

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

Section 1905.30 ~~Interim~~-Provider List

The Board will establish an ~~interim~~-approved provider list upon which will be placed the names of all individuals who are approved by the Board to provide evaluations and treatment of sex offenders ~~through July 1, 2005~~, along with the category of the services the providers are approved to provide (e.g., pre-sentence or pre-release evaluations). Providers will be placed on the list if they complete the application process described in Section 1905.100, meet the general requirements of Section 1905.40, and meet the specific qualifications and requirements that correspond to the designation sought.

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- a) Individuals who meet the qualifications of Section 1905.50 will be approved for conducting pre-sentencing evaluations to meet the requirements for evaluations of:
- 1) felony sex offenders who are to be considered for probation, pursuant to Section 16(b) of the Act (adult or juvenile),
 - 2) any adult who is being considered for probation before sentencing on a felony sex offense or any felony offense that is sexually motivated, pursuant to 730 ILCS 5/5-3-2(b-5) and 5-3-1, and
 - 3) a minor found guilty of a sex offense, pursuant to 705 ILCS 405/5-701.
- b) Individuals who meet the qualifications of Section 1905.60 will be approved for conducting evaluations to meet the requirements for evaluations of:
- 1) every person convicted of a sex offense, prior to release into the community from the Department of Corrections, pursuant to 730 ILCS 5/5-4-1(e)(3.5);
 - 2) any person as required in Section 5 of the Sexually Violent Persons Commitment Act [725 ILCS 207/5].
- c) Individuals who meet the qualifications of Section 1905.70 will be approved to provide sex offender treatment to any person, adult or juvenile, who is required to undergo treatment from a provider approved by the Board.
- d) An individual who is approved to conduct pre-sentencing evaluations under subsection (a) is also approved to conduct the evaluations listed under subsection (b).

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

Section 1905.50 ~~Interim~~ Qualifications for Provision of Evaluations Before Sentencing

In order to be approved to provide pre-sentence evaluations as described in Section 1905.30(a), an applicant must:

- a) hold a bachelor's degree or higher in social work, psychology, marriage and family therapy, counseling, psychiatry, or other coursework within which degree

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the applicant can verify successful completion of coursework in assessment, social problems, abnormal psychology, counseling skills, or similar therapeutic discipline;

- b) have 400 hours of supervised experience in the treatment/evaluation of sex offenders in the last 4 years, at least 200 of which are face-to-face therapy/evaluation with sex offenders;
- c) have completed at least 10 sex offender evaluations under supervision in the past 4 years; and
- d) have at least 40 hours of documented training in the specialty of sex offender evaluation/treatment/management.

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

Section 1905.60 ~~Interim~~ Qualifications for Provision of Pre-release and SVP Evaluations

In order to be approved to provide pre-release and SVP evaluations as described in Section 1905.30(b), an applicant must:

- a) hold a bachelor's degree or higher in social work, psychology, marriage and family therapy, counseling, psychiatry, or other coursework within which degree the applicant can verify successful completion of coursework in assessment, social problems, abnormal psychology, counseling skills, or similar therapeutic discipline;
- b) have 400 hours experience with forensic clients within the past 4 years; and
- c) have at least 20 hours of documented training in the specialty of sex offender evaluation/treatment/management or will work under the supervision of a provider who has undergone 40 hours of documented training and 400 hours experience in sex offender evaluation/treatment/management.

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

Section 1905.70 ~~Interim~~ Qualifications for Treatment Providers

In order to be approved to provide sex offender treatment, an applicant must:

SEX OFFENDER MANAGEMENT BOARD

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- a) hold a bachelor's degree or higher in social work, psychology, marriage and family therapy, counseling, psychiatry, or other coursework within which degree the applicant can verify successful completion of coursework in assessment, social problems, abnormal psychology, counseling skills, or similar therapeutic discipline;
- b) have 400 hours of supervised experience in the treatment of sex offenders in the last 4 years, at least 200 of which are face-to-face therapy with sex offenders; and
- c) have at least 40 hours documented training in the specialty of sex offender assessment/treatment/management.

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

Section 1905.80 Supervision by Approved Providers

Wherever this Subpart conditions eligibility for placement on the ~~interim~~ provider list upon the applicant's having attained a specified level of supervised experience of any type (Sections 1905.50(b) and (c) and 1905.70(b) of this Part), any qualifying experience attained after January 1, 2004 must have been directly supervised (in-room supervision) by a provider on the Board's ~~interim~~ provider list for the activities for which approval is sought by the applicant.

- a) Notwithstanding a requirement for supervised experience, qualifying experience attained prior to January 1, 2004 need not have been supervised.
- b) If the qualifying experience was attained outside of Illinois after January 1, 2004, the experience must have been supervised by a provider who would have been eligible for Board approval for the appropriate purpose if practicing in Illinois.

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

SUBPART C: APPROVAL AND REMOVAL PROCEDURES

Section 1905.100 Application

A provider seeking placement on the ~~interim~~ approved provider list must complete and submit to the Board an application form provided by the Board that contains the elements prescribed in this Section and identifies the services for which the provider seeks approval. The elements of the application include:

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- a) provider identification, including name and business address, telephone number, fax number, and e-mail address;
- b) a listing of the counties in which the applicant provides services;
- c) a listing of any and all currently held licenses or certifications;
- d) identification of any languages other than English in which the applicant is fluent and can provide services (optional);
- e) the applicant's separate attestations that none of the bars to eligibility listed in Section 1905.40 of this Part apply;
- f) separate attestations that the applicant meets each of the qualifications applicable to the types of approval sought;
- g) an agreement that the applicant will conduct sex offender evaluations and provide sex offender treatment in accordance with the requirements of Subpart D of this Part;
- h) ~~attestation that the applicant's placement on the interim provider list will expire no later than July 1, 2005;~~
- i) attestation that the applicant's submission of false information will result in removal from the approved provider list; and
- ij) an agreement to notify the Board immediately if the provider becomes ineligible under Section 1905.40 of this Part.

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

Section 1905.110 Application Review and Approval

Submitted applications will be referred to an application review committee, appointed by the Board, for review and approval.

- a) The committee will consist of no fewer than three members, including at least one sex offense specific treatment provider, one sex offense specific evaluator, and one victim advocate.

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- b) No committee member holding a personal or financial interest in an application before the committee shall participate in the deliberation or voting on approval of the application.
- c) The committee shall review the application and, within 45 days after receipt of the application, shall either:
 - 1) if it appears to the committee that all requirements for the type of approval applied for are met, direct that the applicant's name be added to the [interim](#) approved provider list and notify the applicant; or
 - 2) if deficiencies are found in the application, notify the applicant of the deficiencies in writing. An application may be resubmitted after the deficiencies have been corrected.

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

Section 1905.120 Appeal of Application Denial

An applicant whose application for placement on the [interim](#) approved provider list is denied may appeal the decision of the application review committee by requesting review by the Board.

- a) The request must be made in a writing that is received by the Board within 30 days after the denial was mailed to the business address supplied by the applicant.
- b) The applicant must submit with the appeal all documentation necessary and available to support placement on the list.
- c) Copies of the appeal, including supporting documentation, will be provided to each Board member, and the appeal shall be considered on the next regularly scheduled meeting of the Board held more than two weeks after receipt of the appeal.
- d) The vote of the Board shall be final, and the Board will notify the applicant of the result within two weeks after the Board's action.
- e) Individuals whose applications have been denied may re-apply at such time that the circumstances leading to the original denial of placement on the [interim](#) approved provider list have substantively changed.

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

Section 1905.130 Removal from Provider List

The Board may rescind its approval of a person on the ~~interim~~ approved provider list for any of the reasons listed in this Section.

- a) The provider was not, in fact, qualified for placement on the list at the time of application, but was placed on the list on the basis of false or erroneous information provided with the application.
- b) Circumstances of the provider have changed such that the provider is no longer eligible for placement on the list under Section 1905.40 of this Part.
- c) The provider has substantially failed to follow the agreement to conduct evaluations and provide treatment to sex offenders in accordance with the requirements of Subpart D of this Part. For purposes of this Section, a substantial failure is one that is detrimental to the patient or the community.
- d) If such an action is taken, the Board will inform any regulatory body with jurisdiction over the provider's professional license, if any.

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

SUBPART D: ~~INTERIM~~ STANDARDS OF PRACTICE**Section 1905.200 Scope**

This Subpart prescribes ~~interim~~ standards for the conduct of evaluations of, and the provision of treatment to, sex offenders in whatever circumstances require that the services be provided in accordance with standards adopted by the Board under the Act.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Meat and Poultry Inspection Act

2) Code Citation: 8 Ill. Adm. Code 125

3) Section Numbers: Adopted Action:

125.10	Amend
125.30	Amend
125.40	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
125.144	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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- | | |
|---------|-------|
| 125.380 | Amend |
| 125.390 | Amend |
| 125.400 | Amend |
| 125.410 | Amend |
- 4) Statutory Authority: Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]
 - 5) Effective Date of Amendments: April 13, 2005
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Do these amendments contain incorporations by reference? Yes
 - 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Notice of Proposal Published in Illinois Register: December 17, 2004; 28 Ill. Reg. 15893
 - 10) Has JCAR issued a Statement of Objection to this rulemaking? No
 - 11) Differences between proposal and final version: None
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
 - 13) Will these amendments replace any emergency amendment currently in effect? No
 - 14) Are there any amendments pending on this Part? No
 - 15) Summary and Purpose of Amendments: 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 an hour on holidays or any day or workday at times other than the hours set forth in the approved work schedule. Also, all references to the Code of Federal Regulations (CFR) are being updated.
 - 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

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

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER 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; 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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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; peremptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005.

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,

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and goats.

"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. 5661, effective April 13, 2005)

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

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for license shall be submitted by the licensee in accordance with subsections (a) 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

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rules of this Part.

- 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. 5661, effective April 13, 2005)

Section 125.40 Official Number

| The Department incorporates by reference 9 CFR 305.1 ([20041997](#)).

(Source: Amended at 29 Ill. Reg. 5661, effective April 13, 2005)

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 ([20041997](#)). The sanitary conditions and adequate facilities referred to in the incorporated language shall mean that the conditions will be deemed sanitary if

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they are in compliance with Section 125.180 and facilities will be deemed 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. 5661, effective April 13, 2005)

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~~

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~~inspection service and associated travel. Travel expenses and the minimum 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. 5661, effective April 13, 2005)

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 (~~20041997; 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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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

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owner or person in charge of the detained meat and/or poultry or meat and/or 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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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

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employees or annual sales of less than \$2.5 million, on January 25, 2000.

(Source: Amended at 29 Ill. Reg. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

Section 125.146 Consumer Protection Standards: Raw Products

The Department incorporates by reference 9 CFR 441 (~~20042004~~).

(Source: Amended at 29 Ill. Reg. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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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. 5661, effective April 13, 2005)

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

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at the official establishment. The veterinarian's statement shall be kept on file by 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

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in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.

(Source: Amended at 29 Ill. Reg. 5661, effective April 13, 2005)

Section 125.200 Post-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 310.1(a) and 310.2 through 310.23 (~~2004~~~~1997~~; ~~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 (~~1999~~; ~~64 FR 66553~~, effective ~~November 29, 1999~~~~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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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](#))

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before they leave the official establishment.

- 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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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).~~

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- 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.
- 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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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 ([2004+997](#)).
- b) The Department incorporates by reference 9 CFR 352.7 ([2004+997](#)), 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. 5661, effective April 13, 2005)

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 ([2004+997](#)), 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. 5661, effective April 13, 2005)

Section 125.320 Facilities for Inspection

- a) The Department incorporates by reference 9 CFR 381.36 ([2004+997](#); [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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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 (~~2004-1997; 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 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 ([20041997](#))).
- 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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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. 5661, effective April 13, 2005)

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- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.260 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]
- 5) Effective Date of Amendment: April 11, 2005
- 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) Notice of Proposal Published in Illinois Register: September 3, 2004; 28 Ill. Reg. 12400
- 10) Has JCAR Issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: No substantive changes were made in the text of the proposed amendment.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part: Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
113.253	Amendment	29 Ill. Reg. 1499; January 28, 2005
113.260	Amendment	29 Ill. Reg. 1499; January 28, 2005
- 15) Summary and Purpose of Amendment:

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Pursuant to provisions of P.A. 93-774, this rulemaking increases the sheltered care rates by 10%.

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

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Bldg., 3rd Floor
Springfield, Illinois 62762

(217) 785-9772

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)
- 113.109 Earned Income (Repealed)

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- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
- 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter
- 113.249 Utilities and Heating Fuel
- 113.250 Laundry

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113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care/Personal or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program
113.405	Pending SSI Application (Repealed)
113.410	More Likely Than Not Eligible for SSI (Repealed)
113.415	Non-Financial Factors of Eligibility (Repealed)

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- 113.420 Financial Factors of Eligibility (Repealed)
113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
113.435 Medical Eligibility (Repealed)
113.440 Attorney's Fees for SSI Applicants (Repealed)
113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
113.500 Attorney's Fees for SSI Appellants (Renumbered)

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

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1,

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1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988;

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emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of

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150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005.

SUBPART D: PAYMENT AMOUNTS

Section 113.260 Sheltered Care: Personal or Nursing Care Rates

Group A Counties	Needs Assessment	Group B Counties
\$961.00873.55	0-7	\$974.00885.55
966.00878.55	8	981.00891.55
972.00883.55	9	987.00897.55
977.00888.55	10	994.00903.55
983.00893.55	11	1001.00909.55
988.00898.55	12	1007.00915.55
994.00903.55	13	1014.00921.55
999.00908.55	14	1020.00927.55

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<u>1005.00913.55</u>	15	<u>1027.00933.55</u>
<u>1010.00918.55</u>	16	<u>1034.00939.55</u>
<u>1016.00923.55</u>	17	<u>1040.00945.55</u>
<u>1021.00928.55</u>	18	<u>1047.00951.55</u>
<u>1027.00933.55</u>	19	<u>1053.00957.55</u>
<u>1032.00938.55</u>	20	<u>1060.00963.55</u>
<u>1038.00943.55</u>	21	<u>1067.00969.55</u>
<u>1043.00948.55</u>	22	<u>1073.00975.55</u>
<u>1049.00953.55</u>	23	<u>1080.00981.55</u>
<u>1054.00958.55</u>	24	<u>1086.00987.55</u>

- a) Group A Counties are counties other than Cook, DuPage, Kane, Lake and Will.
- b) Group B Counties are Cook, DuPage, Kane, Lake and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

(Source: Amended at 29 Ill. Reg. 5703, effective April 11, 2005)

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- 1) Heading of the Part: Illinois Plumbing Code
- 2) Code Citation: 77 Ill. Adm. Code 890
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
890.APPENDIX E	
890.ILLUSTRATION E	Repeal
890.ILLUSTRATION F	Repeal
- 4) Statutory Authority: Authorized by and implementing Section 35 of the Illinois Plumbing License Law [225 ILCS 320/35]
- 5) Effective Date of Amendments: April 8, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in the Illinois Register: April 9, 2004; 28 Ill. Reg. 5844
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: There are no differences between the proposal and the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? JCAR has not requested any changes to this rulemaking.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Illinois Plumbing Code includes approximately 120 illustrations intended for use in conjunction with the substantive rules of the Illinois Plumbing Code. This rulemaking repeals two illustrations, Appendix E, Illustrations E and F to correspond with changes to Section 890.540 and Section 890.550. The substantive changes resulting in the repeal of the two illustrations were made in a

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previous rulemaking amending the Illinois Plumbing Code. These revisions were approved by the Plumbing Code Advisory Council, as required by Section 35 of the Illinois Plumbing License Law.

It should be noted that all of the hand-drawn illustrations currently used in the Illinois Plumbing Code are being replaced with computer-generated illustrations that more clearly represent the code requirements being illustrated. Although these new drawings will not be shown in this rulemaking, copies of the illustrations may be obtained from the Illinois Department of Public Health by contacting Susan Meister, Division of Legal Services, Illinois Department of Public Health at 217-782-2043 or via e-mail rules@idph.state.il.us.

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

Susan Meister
IDPH Rules Coordinator
535 W. Jefferson Street
Springfield IL 62761-0001

217-782-2043

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 890
ILLINOIS PLUMBING CODE

SUBPART A: DEFINITIONS AND GENERAL REGULATIONS

Section	
890.110	General Regulations
890.120	Definitions
890.130	Incorporation by Reference
890.140	Repairs and Alterations
890.150	Workmanship
890.160	Used Plumbing Material, Equipment, Fixtures
890.170	Sewer and/or Water Required
890.180	Sewer and Water Pipe Installation
890.190	Piping Measurements
890.200	Operation of Plumbing Equipment

SUBPART B: PLUMBING MATERIALS

Section	
890.210	Materials
890.220	Identification (Repealed)
890.230	Safe Pan Material and Construction

SUBPART C: JOINTS AND CONNECTIONS

Section	
890.310	Tightness
890.320	Types of Joints
890.330	Special Joints
890.340	Use of Joints
890.350	Unions
890.360	Water Closet and Pedestal Urinal
890.370	Prohibited Joints and Connections in Drainage Systems
890.380	Increases and Reducers

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SUBPART D: TRAPS AND CLEANOUTS

Section

890.410	Traps
890.420	Pipe Cleanouts
890.430	Cleanout Equivalent
890.440	Acid-Proof Traps

SUBPART E: INTERCEPTORS-SEPARATORS AND BACKWATER VALVES

Section

890.510	Grease Interceptor Requirements
890.520	Gasoline, Oil and Flammable Liquids
890.530	Special Waste Interceptors
890.540	Laundries (Repealed)
890.550	Backwater Valves – Sanitary System and Storm System (Repealed)

SUBPART F: PLUMBING FIXTURES

Section

890.610	General Requirements – Material and Design
890.620	Overflows
890.630	Installation
890.640	Prohibited Fixtures
890.650	Water Closets
890.660	Urinals
890.670	Strainers and Fixture Outlets
890.680	Lavatories
890.690	Shower Receptors and Compartments
890.700	Sinks
890.710	Food Waste Disposal Units
890.720	Drinking Fountains
890.730	Floor Drains/Trench Drains
890.740	Kidney Dialysis Machines
890.745	Dental Units
890.750	Whirlpool Bathtubs
890.760	Pressure Type Water Treatment Units
890.770	Dishwashing Machines
890.780	Garbage Can Washers
890.790	Laundry Trays/Sinks and Drains

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- 890.800 Special Fixtures and/or Items Designed for a Particular Purpose
- 890.810 Minimum Number of Plumbing Fixtures
- 890.820 Outside Kiosks Serving Food

SUBPART G: HANGERS, ANCHORS AND SUPPORTS

Section

- 890.910 Hangers, Anchors and Supports
- 890.920 Vertical Piping
- 890.930 Horizontal Piping

SUBPART H: INDIRECT WASTE PIPING, SPECIAL WASTE

Section

- 890.1010 Indirect Waste Piping
- 890.1020 Material and Size
- 890.1030 Length and Grade
- 890.1040 Air Gaps
- 890.1050 Receptors
- 890.1060 Special Wastes and Chemical Wastes

SUBPART I: WATER SUPPLY AND DISTRIBUTION

Section

- 890.1110 Quality of Water Supply
- 890.1120 Color Code
- 890.1130 Protection of Potable Water
- 890.1140 Special Applications and Installations
- 890.1150 Water Service Pipe Installation
- 890.1160 Potable Water Pumping and Storage Equipment
- 890.1170 Potable Water Supply Tanks and Auxiliary Pressure Tanks
- 890.1180 Flushing/Disinfection of Potable Water System
- 890.1190 Water Supply Control Valves and Meter
- 890.1200 Water Service Sizing
- 890.1210 Design of a Building Water Distribution System
- 890.1220 Hot Water Supply and Distribution
- 890.1230 Safety Devices
- 890.1240 Miscellaneous

SUBPART J: DRAINAGE SYSTEM

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Section

890.1310	Materials
890.1320	Drainage System Installation
890.1330	Drainage Fixture Units (D.F.U.)
890.1340	Determination of Sizes for Drainage System
890.1350	Offsets in Drainage Piping
890.1360	Sanitary Wastes Below Sewer
890.1370	Floor Drains
890.1380	Storm Water Drainage Within a Building

SUBPART K: VENTS AND VENTING

Section

890.1410	Materials
890.1420	Stack Vents, Vent Stacks, Main Vents
890.1430	Vent Terminals
890.1440	Vent Terminal Size
890.1450	Vent Grades and Connections
890.1460	Fixtures Back-to-Back
890.1470	Fixture Trap Vents
890.1480	Types of Fixture Trap Vents
890.1490	Installation of Vents for Fixture Traps
890.1500	Installation of Wet Venting
890.1510	Stack Venting
890.1520	Circuit and Loop Venting
890.1530	Pneumatic Ejectors
890.1540	Relief Vents
890.1550	Offsets at an Angle Less than 45 Degrees ^o from the Horizontal in Buildings of Five ^s or More Stories
890.1560	Main Vents to Connect at Base
890.1570	Vent Headers
890.1580	Size and Length of Vents
890.1590	Combination Waste and Vent (Floor and Hub Drains Only)
890.1600	Special Venting for Island Fixtures

SUBPART L: PLUMBING SYSTEMS/CORRECTIONAL FACILITIES

Section

890.1710	General Requirements
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890.1720	Water Closets
890.1730	Urinals
890.1740	Combination Lavatory/Toilet
890.1750	Service Sinks/Lavatory
890.1760	Sinks
890.1770	Cabinet Showers
890.1780	Flush Valves
890.1790	Soap Dishes
890.1800	Floor Drains

SUBPART M: INSPECTIONS, TESTS, MAINTENANCE, AND ADMINISTRATION

Section

890.1910	Inspections
890.1920	Testing of Plumbing Systems
890.1930	Test Methods
890.1940	General Administration
890.1950	Violations

890.APPENDIX A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards

890.TABLE A	Approved Materials and Standards
890.TABLE B	Minimum Number of Plumbing Fixtures
890.TABLE C	Minimum Air Gaps for Plumbing Fixtures
890.TABLE D	Minimum Water Distribution Pipe Size
890.TABLE E	Drainage Fixture Units (D.F.U.) Per Fixture Group
890.TABLE F	Fixtures Not Listed in Table E
890.TABLE G	Building Drains
890.TABLE H	Horizontal Fixture Branches and Stacks
890.TABLE I	Allowed Distance from Fixture Trap to Vent
890.TABLE J	Size of Vent Stacks
890.TABLE K	Size and Length of Vents
890.TABLE L	Horizontal Circuit and Loop Vent Sizing Table
890.TABLE M	Load Values Assigned to Fixtures
890.TABLE N	Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flush Tanks
890.TABLE O	Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flushometer
890.TABLE P	Demand at Individual Water Outlets
890.TABLE Q	Allowance in Equivalent Length of Pipe for Friction Loss in

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Valves and Fittings

- 890.APPENDIX B Illustrations for Subpart A
- 890.ILLUSTRATION A Air Gap Drawing #1
 - 890.ILLUSTRATION B Air Gap Drawing #2
 - 890.ILLUSTRATION C Battery of Fixtures
 - 890.ILLUSTRATION D Branch
 - 890.ILLUSTRATION E Branch Vent
 - 890.ILLUSTRATION F Building Drain
 - 890.ILLUSTRATION G Building Sub-drain
 - 890.ILLUSTRATION H Circuit Vent
 - 890.ILLUSTRATION I Common Vent
 - 890.ILLUSTRATION J Continuous Vent
 - 890.ILLUSTRATION K Dead End
 - 890.ILLUSTRATION L Drain
 - 890.ILLUSTRATION M Fixture Drain
 - 890.ILLUSTRATION N Flush Valve (Repealed)
 - 890.ILLUSTRATION O Grade
 - 890.ILLUSTRATION P Horizontal Branch
 - 890.ILLUSTRATION Q Main Vent
 - 890.ILLUSTRATION R Quarter Bend (Repealed)
 - 890.ILLUSTRATION S Relief Vent
 - 890.ILLUSTRATION T Return Offset (Repealed)
 - 890.ILLUSTRATION U Revent Pipe
 - 890.ILLUSTRATION V Stack Vent
 - 890.ILLUSTRATION W Trap
 - 890.ILLUSTRATION X Vent Stack
 - 890.ILLUSTRATION Y Wet Vent
 - 890.ILLUSTRATION Z Yoke Vent
 - 890.ILLUSTRATION AA Sleeves
- 890.APPENDIX C Illustrations for Subpart C
- 890.ILLUSTRATION A Caulked Joints
 - 890.ILLUSTRATION B Flared Joints
 - 890.ILLUSTRATION C Positions of Application for Compression Type Joints
- 890.APPENDIX D Illustrations for Subpart D
- 890.ILLUSTRATION A Fixture Traps
 - 890.ILLUSTRATION B Distance of Trap to Fixture
 - 890.ILLUSTRATION C Types of Traps
 - 890.ILLUSTRATION D Trap Cleanouts
 - 890.ILLUSTRATION E Prohibited Traps
 - 890.ILLUSTRATION F Underground Drainage

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890.ILLUSTRATION G	Concealed Piping
890.ILLUSTRATION H	Cleanout Clearance
890.APPENDIX E	Illustrations for Subpart E
890.ILLUSTRATION A	Grease Interceptor
890.ILLUSTRATION B	Typical Grease Interceptor/Catch Basin
890.ILLUSTRATION C	Interceptor/Separator Vents
890.ILLUSTRATION D	Interceptors for Bottling Plants (Repealed)
890.ILLUSTRATION E	Laundry Interceptors (Repealed)
890.ILLUSTRATION F	Backwater Valve Location (Repealed)
890.APPENDIX F	Illustrations for Subpart F
890.ILLUSTRATION A	Prohibited Fixtures
890.ILLUSTRATION B	Circular Wash Sinks
890.ILLUSTRATION C	Commercial Type Grinder #1 (Repealed)
890.ILLUSTRATION D	Commercial Type Grinder #2
890.ILLUSTRATION E	Protective Guard
890.ILLUSTRATION F	Trap and Strainer
890.APPENDIX G	Illustrations for Subpart G
890.ILLUSTRATION A	Cast Iron Soil Pipe Support #1
890.ILLUSTRATION B	Cast Iron Soil Pipe Support #2
890.ILLUSTRATION C	Horizontal Piping Support (Repealed)
890.ILLUSTRATION D	Cast Iron Soil Stack Support (Repealed)
890.APPENDIX H	Illustrations for Subpart H
890.ILLUSTRATION A	Indirect Waste Piping #1
890.ILLUSTRATION B	Indirect Waste Piping #2
890.ILLUSTRATION C	Indirect Waste Piping #3
890.ILLUSTRATION D	Indirect Waste Piping #4
890.ILLUSTRATION E	Indirect Waste Connection
890.ILLUSTRATION F	Air Gaps
890.APPENDIX I	Illustrations for Subpart I
890.ILLUSTRATION A	Cross Connection #1
890.ILLUSTRATION B	Cross Connection #2
890.ILLUSTRATION C	Cross Connection #3
890.ILLUSTRATION D	Flushometer Valve
890.ILLUSTRATION E	Underground Water Piping #1
890.ILLUSTRATION F	Underground Water Piping #2
890.ILLUSTRATION G	Underground Water Piping #3
890.ILLUSTRATION H	Water Supply Control
890.ILLUSTRATION I	Shut-Off Valve at Meter
890.ILLUSTRATION J	Separate Controls for Each Family Unit
890.ILLUSTRATION K	Shut-Off Valves in Buildings Other Than Dwellings

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890.ILLUSTRATION L	Typical Gas Water Heater
890.ILLUSTRATION M	Typical Electric Water Heater
890.ILLUSTRATION N	P & T Valve Installed in Hot Outlet Line
890.ILLUSTRATION O	P & T Relief Valve
890.APPENDIX J	Illustrations for Subpart J
890.ILLUSTRATION A	Dead Ends
890.ILLUSTRATION B	Horizontal to Vertical Change of Direction
890.ILLUSTRATION C	Horizontal to Horizontal Change of Direction
890.ILLUSTRATION D	Vertical to Horizontal Change of Direction
890.ILLUSTRATION E	Fixture Connections
890.ILLUSTRATION F	Waste Stacks
890.ILLUSTRATION G	Offsets on Drainage Piping
890.ILLUSTRATION H	Relief Vent
890.ILLUSTRATION I	Above Highest Branch
890.ILLUSTRATION J	Below Lowest Branch
890.ILLUSTRATION K	Drainage Below Sewer Level
890.ILLUSTRATION L	Sanitary Wastes Below Sewer
890.APPENDIX K	Illustrations for Subpart K
890.ILLUSTRATION A	Installation of Vent Stack or Main Vent
890.ILLUSTRATION B	Terminal
890.ILLUSTRATION C	Main Stack
890.ILLUSTRATION D	Roof Garden
890.ILLUSTRATION E	Location of Vent Terminal
890.ILLUSTRATION F	Grade
890.ILLUSTRATION G	Vertical Rise
890.ILLUSTRATION H	Height Above Fixtures
890.ILLUSTRATION I	Quarter Bends
890.ILLUSTRATION J	Heel or Side-Inlet
890.ILLUSTRATION K	Fixtures Back-to-Back and Side-by-Side
890.ILLUSTRATION L	Distance from Trap to Vent
890.ILLUSTRATION M	Trap Weir
890.ILLUSTRATION N	Trap Vent
890.ILLUSTRATION O	Common Vent
890.ILLUSTRATION P	Wet Vent
890.ILLUSTRATION Q	Vertical Wet Vent
890.ILLUSTRATION R	Hydraulic Gradient
890.ILLUSTRATION S	Single Bathroom Groups
890.ILLUSTRATION T	Double Bath
890.ILLUSTRATION U	Multistory Bathroom Groups – Plan
890.ILLUSTRATION V	Multistory Bathroom Groups – Elevation

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890.ILLUSTRATION W	One Bathroom Group – Plan
890.ILLUSTRATION X	One Bathroom Group – Elevation
890.ILLUSTRATION Y	Battery Venting
890.ILLUSTRATION Z	Dual Branches
890.ILLUSTRATION AA	Right and Wrong Vent Connections
890.ILLUSTRATION BB	Fixtures Back-to-Back in Battery
890.ILLUSTRATION CC	Fixture Connections – Offset Vents
890.ILLUSTRATION DD	Circuit Vented Fixtures
890.ILLUSTRATION EE	Main Vents
890.ILLUSTRATION FF	Combination Waste and Vent
890.ILLUSTRATION GG	Special Venting for Island Fixtures

AUTHORITY: Implementing and authorized by Section 35 of the Illinois Plumbing License Law [225 ILCS 320/35].

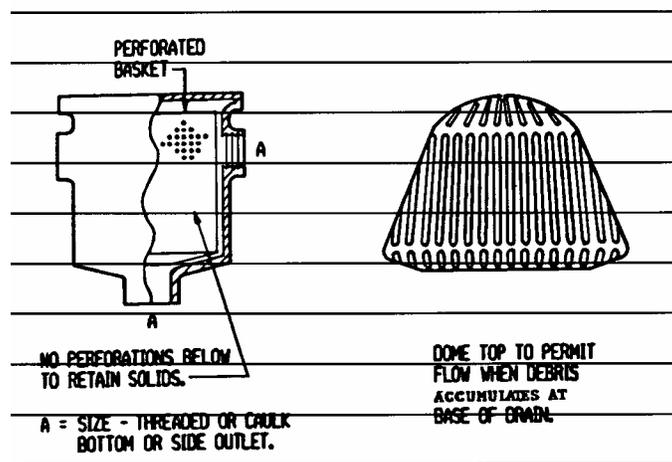
SOURCE: Filed August 20, 1969; amended at 7 Ill. Reg. 4245, effective March 24, 1983; emergency amendment at 7 Ill. Reg. 7328, effective May 31, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 13930, effective October 12, 1983; codified at 8 Ill. Reg. 19993; amended at 8 Ill. Reg. 24621, effective December 12, 1984; amended at 9 Ill. Reg. 13340, effective August 21, 1985; amended at 10 Ill. Reg. 7862, effective May 16, 1986; amended at 11 Ill. Reg. 9278, effective April 30, 1987; amended at 14 Ill. Reg. 1385, effective January 10, 1990; Part repealed, new Part adopted at 17 Ill. Reg. 21516, effective December 1, 1993; emergency amendment at 18 Ill. Reg. 14444, effective September 1, 1994, for a maximum of 150 days; emergency expired January 28, 1995; amended at 22 Ill. Reg. 21540, effective December 1, 1998; amended at 28 Ill. Reg. 4215, effective February 18, 2004; amended at 29 Ill. Reg. 5713, effective April 8, 2005.

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Section 890.APPENDIX E Illustrations for Subpart E

Section 890.ILLUSTRATION E Laundry Interceptors (Repealed)

(Referenced in Section 890.540)



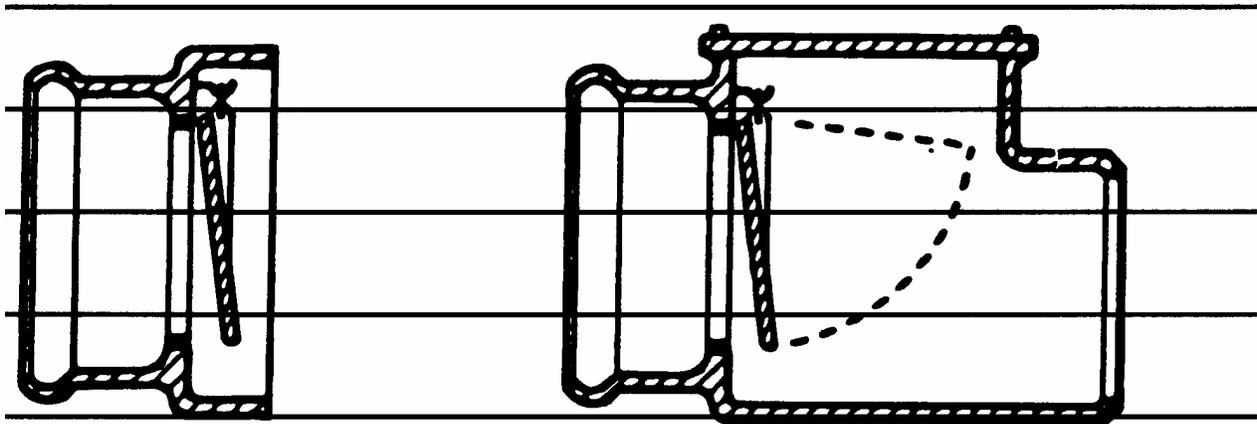
(Source: Repealed at 29 Ill. Reg. 5713, effective April 8, 2005)

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Section 890.APPENDIX E Illustrations for Subpart E

Section 890.ILLUSTRATION F Backwater Valve Location (Repealed)

~~(Referenced in Section 890.550(c))~~



(Source: Repealed at 29 Ill. Reg. 5713, effective April 8, 2005)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: Adopted Action:
603.70 Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: April 8, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 16196; 12/17/04.
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? Yes
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: The adopted rulemaking increases the maximum allowable furosemide dosage from 250 millograms to 500 millograms, which is consistent with the model rules approved by the Association of Racing Commissioners International. The post-race serum quantitative levels, as well as the penalties for excessive use, have been adjusted to reflect the dosage change. In addition, the 9-day waiting period for standardbred horses was reduced to 7 days.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

(312) 814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED 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 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1,

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2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005.

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. 5726, effective April 8, 2005)

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Illinois Energy Conservation Code
- 2) Code Citation: 71 Ill. Adm. Code 600
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
600.100	New Section
600.110	New Section
600.120	New Section
600.130	New Section
600.200	New Section
600.210	New Section
600.220	New Section
600.300	New Section
600.310	New Section
600.320	New Section
600.330	New Section
600.340	New Section
- 4) Statutory Authority: Capital Development Board Act [20 ILCS 3205] and the Energy Efficient Commercial Building Act [20 ILCS 3125]
- 5) Effective Date of Emergency Rules: April 8, 2005
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: April 1, 2005
- 8) A copy of the emergency rules, 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: At the request of JCAR, CDB is proposing these Emergency Rules to remain consistent and clarify the effective date in relation to the use of the term "adopted" in the Emergency Efficient Commercial Building Act [20 ILCS 3125]. The statute indicates in Section 20 of the Act that "the Code (International Energy Conservation Code) shall take effect one year after it is adopted by the Board [20 ILCS 3125/20]. JCAR is interpreting the term "adopted" as the date that the rule is filed for adoption with the Secretary of State concluding the rule review process. CDB formally adopted the referenced Code by Board action on March 8, 2005. In order to provide adequate time for public comment these Emergency Rules shall serve as notice of the one

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY RULES

year time period recommended by JCAR to comply with the Illinois Administrative Procedure Act [5 ILCS 100]. The regular proposed rule (29 Ill. Reg. 4417) will take effect on April 8, 2006. This is reflected in Section 600.110(c) of the rulemaking.

An April 8, 2006 effective date of the proposed rulemaking is necessary to implement the board's intent of the Code being effective as close to March 8, 2006 as possible. Additionally, CDB has established training and other informative materials with the Department of Commerce and Economic Opportunity that require an established effective date for training purposes. Utilizing the Emergency Rule process will achieve this.

- 10) A Complete Description of the Subjects and Issues Involved: CDB is repealing the Capital Development Board Energy Code and adopting a new Part 600, the Illinois Energy Conservation Code. This rulemaking clarifies the application of the Code to both State and Commercial Facilities. This rulemaking is prompted by the recent enactment of the Illinois Energy Efficient Commercial Building Act [20 ILCS 3125], which extends CDB's application of the Code.

- 11) Are there any proposed rules to this Part Pending? Yes

<u>Section:</u>	<u>Action:</u>	<u>Ill. Reg. Cite:</u>
600.100	New Section	29 Ill. Reg. 4417; 4/8/05
600.110	New Section	29 Ill. Reg. 4417; 4/8/05
600.120	New Section	29 Ill. Reg. 4417; 4/8/05
600.130	New Section	29 Ill. Reg. 4417; 4/8/05
600.200	New Section	29 Ill. Reg. 4417; 4/8/05
600.210	New Section	29 Ill. Reg. 4417; 4/8/05
600.220	New Section	29 Ill. Reg. 4417; 4/8/05
600.300	New Section	29 Ill. Reg. 4417; 4/8/05
600.310	New Section	29 Ill. Reg. 4417; 4/8/05
600.320	New Section	29 Ill. Reg. 4417; 4/8/05
600.330	New Section	29 Ill. Reg. 4417; 4/8/05
600.340	New Section	29 Ill. Reg. 4417; 4/8/05

- 12) Statement of Statewide Policy Objective: This rulemaking and the Act prevent a local governmental unit from adopting an energy efficient code or standards that are less stringent than the Code under this Act.

- 13) Information and questions regarding this emergency rulemaking shall be directed to:

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY RULES

Jerry B. Crabtree
Rules Coordinator
Rm. 300 Stratton Office Building
Springfield, Illinois 62706

217/557-7500
Fax: 217/557-7913
E-Mail: jcrabtre@cdb.state.il.us

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY

CHAPTER I: CAPITAL DEVELOPMENT BOARD

SUBCHAPTER d: ENERGY CODES

PART 600

ILLINOIS ENERGY CONSERVATION CODE

SUBPART A: GENERAL

Section

600.100 Definitions

EMERGENCY

600.110 Adoption and Modification of the Code

EMERGENCY

600.120 Illinois Energy Conservation Advisory Council

EMERGENCY

600.130 Revisions to the Code

EMERGENCY

SUBPART B: STATE FUNDED FACILITIES

Section

600.200 Standards for State Funded Facilities

EMERGENCY

600.210 Request for Variance

EMERGENCY

600.220 Compliance

EMERGENCY

SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

Section

600.300 Standards for Privately Funded Commercial Facilities

EMERGENCY

600.310 Exemptions

EMERGENCY

600.320 Local Jurisdiction

EMERGENCY

600.330 Compliance

EMERGENCY

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY RULES

600.340 Application to Home Rule Units
EMERGENCY

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Commercial Building Act [20 ILCS 3125].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 11355, effective July 26, 2004, for a maximum of 150 days; emergency expired December 22, 2004; adopted at 29 Ill. Reg. 777, effective January 1, 2005; emergency rules adopted at 29 Ill. Reg. 5736, effective April 8, 2005, for a maximum of 150 days.

SUBPART A: GENERAL

Section 600.100 Definitions
EMERGENCY

Definitions of terms in the International Energy Conservation Code, incorporated by reference in Subpart C of this Part, apply, as do the following definitions:

"Act" means the Capital Development Board Act [20 ILCS 3105].

"Authority Having Jurisdiction" or "AHJ" means the organization, office or individual responsible for approving equipment, materials, an installation or procedure.

"CDB" means the Illinois Capital Development Board.

"Commercial Facility" means any building except a building that is classified as a residential building. [20 ILCS 3125/10]

"Council" means the Illinois Energy Conservation Advisory Council appointed under Subpart B of this Part.

"EECB Act" means the Energy Efficient Commercial Building Act [20 ILCS 3125].

"Professional Services Agreement" means the contract for services entered into by CDB and design professionals.

CAPITAL DEVELOPMENT BOARD

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"Using Agency" means the State agency using facilities described in Section 4.01 of the Act.

"Illinois Energy Conservation Code" or "Code" means:

With respect to the State facilities covered by Subpart B:

This Part, all additional requirements incorporated within Subpart B (including ASHRAE 90.1 Standards), and any statutorily authorized adaptations to the incorporated standards adopted by CDB; and

With respect to the privately funded commercial facilities covered by Subpart C:

This Part, all additional requirements incorporated within Subpart C (including the 2000 International Energy Conservation Code, which encompasses ASHRAE 90.1), the 2001 supplement and any statutorily authorized adaptations to the incorporated standards adopted by CDB.

"IECC" means the International Energy Conservation Code.

"Municipality" means any city, village or incorporated town. [20 ILCS 3125/10]

"Residential Building" means a detached one-family or 2-family dwelling or any building three stories or less above grade level that contains multiple dwelling units, in which the occupants reside on a primarily permanent basis (i.e., townhouse, row house, apartment house, convent, monastery, rectory, fraternity or sorority house, dormitory or rooming house). [20 ILCS 3125/10]

"State Funded Building" means and includes buildings under the jurisdiction of each officer, department, board, commission, institution and body politic and corporate of the State, including the Illinois Building Authority, school districts, and any other person expending or encumbering State or federal funds by virtue of an appropriation or other authorization by the General Assembly or federal authorization or grant. This includes State funded *housing, hospitals, penitentiaries, laboratories, educational facilities, administrative facilities, recreational facilities, environmental equipment and parking facilities* [20 ILCS 3105/4.01].

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY RULES

**Section 600.110 Adoption and Modification of the Code
EMERGENCY**

- a) The purpose of the Illinois Energy Conservation Code is to implement Section 10.09-5 of the Capital Development Board Act [20 ILCS 3105/10.09-5], which requires CDB to adopt rules implementing a statewide Energy Code. Additionally, Section 15 of the Energy Efficient Commercial Building Act [20 ILCS 3125/15] requires CDB to officially adopt, as a minimum requirement, the 2000 International Energy Conservation Code, and the 2001 supplement, to apply that Code to all commercial structures in Illinois, and to assist local code officials with enforcing the requirements of the Code.
- b) This Code as described in Subpart B (State facilities) is effective July 26, 2004. This Code as described in Subpart C (privately-funded commercial facilities) is effective one year after adoption of this emergency rulemaking by CDB.
- c) Application of the Code
 - 1) State Facilities. The Code as described in Subpart B of this Part applies to all State facilities for which money has been appropriated or authorized by the General Assembly.
 - 2) Privately Funded Commercial Facilities. The Code as described in Subpart C of this Part applies *to any commercial building or structure in this State for which a building permit application is received by a municipality or county. In the case of any addition, alteration, renovation or repair to any existing commercial structure, the Code applies only to the portions of that structure that are being added, altered, renovated or repaired.* [20 ILCS 3125/20]
- d) This Code, together with the standards incorporated by reference in this Part, has the force of a building code and is administrative law applicable in the State of Illinois.

**Section 600.120 Illinois Energy Conservation Advisory Council
EMERGENCY**

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY RULES

- a) The Executive Director of the Capital Development Board shall appoint an Advisory Council. The Council shall be composed of the Executive Director or his or her authorized representative, who shall serve as Chairman ex-officio, and 8 additional members appointed by the Executive Director. The appointed members shall consist of 2 licensed architects; 1 licensed mechanical engineer; 1 licensed electrical engineer; 2 persons representing local code officials; and 2 persons representing the construction contracting industry. Members of the Council shall be appointed for 4 year terms. The members appointed by the Executive Director shall serve for the term of their appointments and may be reappointed upon expiration of the term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of the term.
- b) The Council shall meet as frequently as the Chairman deems necessary, but at least once each year. Additional meetings may be called by the Chairman or by 3 members of the Council upon delivery of 10 days' written notice to the mailing address of each member of the Council. Five members of the Council shall constitute a quorum.
- c) The purpose of the Council shall be to recommend modifications to the Illinois Energy Conservation Code.

**Section 600.130 Revisions to the Code
EMERGENCY**

This Code may be revised by the Capital Development Board on its own volition or pursuant to recommendations of the Illinois Energy Conservation Advisory Council and in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].

SUBPART B: STATE FUNDED FACILITIES

**Section 600.200 Standards for State Funded Facilities
EMERGENCY**

- a) ANSI/ASHRAE/IESNA Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (2001), available from ASHRAE at 1791 Tullie Circle, N.E., Atlanta GA 30329, is hereby incorporated into the Illinois Energy Conservation Code, as described in this Subpart as applicable to State funded facilities, with the modifications outlined in subsection (d).

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY RULES

- b) This incorporation includes the following addenda to ASHRAE 90.1:

ADDENDUM	DATE
90.1a	4/3/03
90.1b	7/30/02
90.1c	7/30/02
90.1d	7/30/02
90.1e	3/31/04
90.1h	2/25/04
90.1i	8/6/03
90.1j	8/6/03
90.1k	12/17/02
90.1m	4/3/03
90.1n	9/25/03
90.1o	2/25/04
90.1p	2/25/04
90.1r	2/25/04
90.1s	2/25/04

- c) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.

- d) Modifications to ASHRAE 90.1
ASHRAE 90.1 is incorporated by this Section, but with the following modifications:

- 1) ASHRAE 90.1 Section 3

Paragraph 3.2: the terms "adopting authority" and "authority having jurisdiction" shall both be read to mean the Capital Development Board.

- 2) ASHRAE 90.1 Section 6

- A) Add the following sentence to the end of paragraph 6.2.5.3.3:

Final trimming of the pump impellers shall be the responsibility of the using agency.

- B) Table 6.3.3.1:

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY RULES

Increase all horsepower shown in the table by .5.

- 3) ASHRAE 90.1 Section 9
 - A) Replace Exception to 9.2.1.1 with the following:
Exceptions to 9.2.1.1:
 - i) Lighting intended for 24-hour operation.
 - ii) Lighting in patient care areas.
 - iii) Lighting required for safety or security reasons.
 - B) Replace Exception to 9.2.1.2 with the following:
Exceptions to 9.2.1.2:
 - i) Remote location shall be permitted for reasons of safety or security when the remote control device has an indicator pilot light as part of or next to the control device and it shall be clearly labeled to identify the controlled lighting.
 - ii) Spaces not subject to partial occupancy, such as gymnasiums, cafeterias, lecture halls, etc., shall not be required to have more than one control device.

**Section 600.210 Request for Variance
EMERGENCY**

- a) Who May File a Request for Variance
 - 1) Any architect or engineer under contract with CDB to provide professional services for the proposed project.
 - 2) The using agency's chief executive officer or his or her designated representative.
 - 3) The Chairman of the CDB Energy Code Advisory Council.

CAPITAL DEVELOPMENT BOARD

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- b) Consideration of Request for Variance
A variance from any requirement of the Code as described in this Subpart will be granted by CDB for one or more of the following reasons only:
- 1) Compliance would not be technically feasible.
 - 2) Compliance would compromise the health, welfare or safety of building occupants.
 - 3) Compliance would prevent the building from serving its intended purpose.
 - 4) Compliance would violate another State or federal law or code.
 - 5) Compliance would increase the energy consumption of the building.
 - 6) Compliance would require the use of inferior products or materials.
- c) Submitting the Request for Variance
- 1) The request shall be submitted to the CDB Project Manager.
 - 2) Requests should be submitted as early in the project as there is cause, but no later than 75 days prior to the anticipated bid date. Approval or denial of a variance shall be no cause for delay in the project unless the request for variance was filed by CDB or the using agency for which the project is being constructed.
 - 3) The following shall be submitted when requesting a variance:
 - A) A letter from the petitioner stating the specific provisions of the Code from which the variance is requested and a detailed explanation of how compliance with the Code would result in one or more of the conditions described in subsection (b).
 - B) The request shall include supporting data, calculations, analysis, etc.
- d) CDB Action

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- 1) Upon receipt of the Request for Variance, the CDB Project Manager will review the request and make a recommendation to CDB's Professional Services Unit within 7 calendar days.
- 2) Professional Services Unit will evaluate the Request for Variance within 30 days after CDB's receipt of the Request and make a determination.
- 3) If it is determined that the Request for Variance would cause one of the conditions stated in subsection (b), the variance shall be approved by CDB.
- 4) If it is determined that the Request for Variance would not cause one of the conditions stated in subsection (b), the Agency may:
 - A) Deny the Request for Variance.
 - B) Approve the Request for Variance subject to specific conditions determined by CDB.
- e) Modifications and Revisions
The petitioner may, in writing, request that the original Request for Variance be modified and resubmit the Request for Variance.
- f) Revocation
CDB may revoke any variance if:
 - 1) it is determined that the variance was obtained through fraud or deceit;
 - 2) the petitioner has violated the specific conditions on which the variance was approved; or
 - 3) the variance was issued in error.
- g) Appeals
 - 1) Any person whose Request for Variance is denied or approved with conditions may appeal CDB's initial determination. The appeal shall be submitted in writing and must be received within 10 days after the initial CDB action is received by the requestor. The request shall be submitted to the Chairman of the Advisory Council.

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- 2) The Chairman of the Advisory Council will review the request with the Advisory Council, as deemed necessary by the Chairman, within 14 days after receipt and take one of the following actions:
 - A) Uphold CDB's initial determination.
 - B) Reverse CDB's initial determination and issue the variance.
 - C) Change the conditions applied to the variance granted by CDB.

**Section 600.220 Compliance
EMERGENCY**

Compliance with the Illinois Energy Conservation Code for State facilities as described in this Subpart B shall meet the requirements of ASHRAE 90.1. Compliance shall be demonstrated by submission of the compliance forms published in the ASHRAE 90.1 User Manual or Compliance Certificates generated by the U.S. Department of Energy's COMCheck computer simulation program. Final compliance forms shall be submitted to CDB with the 100% design review package required by the Professional Services Agreement. An in-progress set of compliance forms shall be submitted at the 50% submittal required by the Professional Services Agreement.

SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

**Section 600.300 Standards for Privately Funded Commercial Facilities
EMERGENCY**

- a) The International Energy Conservation Code (IECC) 2000, the 2001 supplement, available from the International Code Council at 5203 Leesburg Pike, Suite 600, Falls Church VA 22041, is hereby incorporated into the Illinois Energy Conservation Code, as described in this Subpart as applicable to privately funded commercial facilities, with the modifications outlined in subsection (c).
- b) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.
- c) Modifications to IECC
Under Section 15 of the EECB Act, when applying the Code to privately funded commercial facilities, CDB may modify the incorporated standards to respond to

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NOTICE OF EMERGENCY RULES

the unique economy, population distribution, geography and climate of Illinois, as long as the objectives of the Act are maintained pursuant to that statutory authority.

Section 600.310 Exemptions**EMERGENCY**

- a) The following buildings are exempt from the Code:
 - 1) *Buildings otherwise exempt from the provisions of a locally adopted building code and buildings that do not contain a conditioned space;*
 - 2) *Buildings that do not use either electricity or fossil fuel for comfort conditioning;*
 - 3) *Historic buildings listed on the National Register of Historic Places or the Illinois Register of Historic Places, and those buildings that are designated by authorized personnel as historically significant;*
 - 4) *Residential buildings; and*
 - 5) *Other buildings specified as exempt by the IECC. [20 ILCS 3125/20]*
- b) *For the purposes of determining whether an exemption authorized under subsection (a)(2) applies, a building will be presumed to be heated by electricity, even in the absence of equipment used for electric comfort heating, whenever the building is provided with electrical service in excess of 100 amps, unless the code enforcement official determines that this electrical services is necessary for purposes other than providing electric comfort heating. [20 ILCS 3125/20(b)(2)]*

Section 600.320 Local Jurisdiction**EMERGENCY**

- a) Construction projects involving privately funded commercial facilities and for which a municipality or county requires a building permit must comply with the Illinois Energy Conservation Code if the project involves new construction, addition, alteration, renovation or repair. *In the case of any addition, alteration, renovation or repair to an existing commercial structure, the Code as described by this Subpart C applies only to the portions of that structure that are being added, altered, renovated or repaired. [20 ILCS 3125/20(a)]*

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- b) The local authority having jurisdiction (AHJ) shall establish its own procedures for enforcement of the Illinois Energy Conservation Code. The AHJ is authorized to enforce a building code that differs with the Code as described in this Subpart C, but any standards applied by an AHJ must be at least as stringent as the Code as described in this Subpart C.

**Section 600.330 Compliance
EMERGENCY**

Compliance with the Illinois Energy Conservation Code as described by this Subpart C (applicable to commercial facilities) shall be determined by the local authority having jurisdiction (AHJ). Minimum compliance shall be demonstrated by submission of the compliance forms published in the ASHRAE 90.1 User Manual or Compliance Certificates generated by the U.S. Department of Energy's COMCheck computer simulation program or other comparable standards that meet or exceed ASHRAE 90.1 or the Department of Energy's COMCheck computer simulation program.

**Section 600.340 Application to Home Rule Units
EMERGENCY**

No unit of local government, including any home rule unit, may apply energy efficient building standards to privately funded commercial facilities in a manner that is less stringent than the Code as described in this Subpart C. However, nothing in the EECB Act or this Subpart prevents a unit of local government from adopting an energy efficiency code or standards that are more stringent than this Code. [20 ILCS 3125/45]

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) Section Number: 305.240 Emergency Action: New Section
- 4) Statutory Authority: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].
- 5) Effective Date of Amendment: April 7, 2005
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: April 7, 2005
- 8) A copy of the emergency rulemaking, 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: This change is a result of positions being included into the AFSCME bargaining unit and the agreement with AFSCME to include the positions under the Personnel Code. In addition, Capitol Development Board is preparing a layoff plan that would encompass two of the titles included in this amendment, therefore an emergency rulemaking is necessary to facilitate the timely and proper implementation of the layoff.
- 10) A complete Description of the Subjects and Issues Involved: A new Section is being added that provides for certain positions that have recently been certified into the AFSCME bargaining unit, in accordance with union negotiations, to be included under these Rules.
- 11) Are there any proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create a State mandate for units of local government, school districts or community college districts.
- 13) Information and questions regarding this rulemaking shall be directed to:

Gina Wilson

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/785-1793

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 305

EXTENSIONS OF JURISDICTION

Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)
305.240	Extends Jurisdiction A, B and C (April 7, 2005)

EMERGENCY

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150,

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effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days.

Section 305.240 Extends Jurisdiction A, B and C (April 7, 2005)
EMERGENCY

Effective April 7, 2005, Jurisdictions A, B and C of the Personnel Code will be extended to all non-Code, non-supervisory positions in the Capital Development Board Office of Legal Counsel, which includes the para-professional positions responsible for paralegal services in the Capital Development Board, Office of Legal Counsel; Office of Information Management, which includes the technical positions responsible for recording, filing and retrieval of documents for design and construction projects at the Capital Development Board; Office of Fiscal Management, which includes the para-professional positions responsible for processing obligations, vouchers, and other administrative fiscal activities at the Capital Development Board; Office of Fair Employment Practices, which includes the professional positions responsible for monitoring Minority and Female workforce compliance activities at the Capital Development Board; Office of Contract Administration, which includes the para-professional positions responsible for the review and certification, but not the negotiation, of contracts within the Illinois Procurement Code rules and Capital Development Board rules; Construction Administration, Division of Professional Services, which includes the para-professional positions responsible for the administrative support services to the technical unit of the Capital Development Board; Construction Administration, which includes para-professional positions responsible for monitoring the flow of project documents and tracking of projects throughout construction stage for the Capital Development Board; Office of Public Affairs, which includes the technical position responsible for the duplication and reproduction of printed material at the Capital Development Board; Office of Art-in-Architecture, which includes the technical position responsible for the design of Art-in-Architecture publications and administrative support to the Art-in-Architecture Program of the Capital Development Board; Office of Quality Based Selection, which includes para-professional positions responsible for reviewing prequalification applications, establishing and processing prequalifications and retaining same for the project procurement process of the Capital Development Board. Employees of these offices serving prior to April 7, 2005, will be required to qualify within 6 months in the same kind of examination as the entrance examination for a comparable position. All appointments in these divisions made subsequent to April 7, 2005, will be made pursuant to provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of any employee in the Capital Development Board already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services will apply to the employees of the above named office effective April 7, 2005.

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(Source: Added by emergency rulemaking at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.295 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: April 8, 2005
- 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: None
- 7) Date Filed with the Index Department: April 8, 2005
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment is being filed pursuant to the State's budget implementation plan for fiscal year 2005. Additional funding under Critical Hospital Adjustment Payments must be provided to hospitals that qualify as high volume Medicaid providers to ensure continued access to necessary medical services for the Department's medical assistance clients. Section 5-45 of Public Act 93-0841 specifically authorizes emergency rulemaking for the implementation of these changes for fiscal year 2005.
- 10) Complete Description of the Subjects and Issues Involved: This emergency rulemaking provides additional funding under Critical Hospital Adjustment Payments (CHAP) for hospitals that qualify as high volume Medicaid providers. This funding is necessary to ensure continued access to quality health care for the Department's medical assistance clients. CHAP spending is expected to increase by approximately \$16.1 million as a result of these changes.
- 11) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.85	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.90	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.95	Amendment	February 4, 2005 (29 Ill. Reg. 1782)

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148.100	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.103	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.110	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.112	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.295	Amendment	February 18, 2005 (29 Ill. Reg. 2654)

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.

13) Information and questions regarding this emergency amendment shall be directed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

(217) 524-0081

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

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NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section	
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a

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- 148.170 Population of Over Three Million
Payment Methodology for Hospitals Organized Under the University of Illinois
Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals
Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can
Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or
Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment
Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other
Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals
Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- EMERGENCY
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services
(Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
(Repealed)

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- 148.390 Hearings
148.400 Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

- Section
148.500 Definitions
148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

- Section
148.600 Definitions
148.610 Scope of the Program
148.620 Assistance Level and Reimbursement
148.630 Criteria and Information Required to Establish Eligibility
148.640 Covered Services

- 148.TABLE A Renal Participation Fee Worksheet
148.TABLE B Bureau of Labor Statistics Equivalence
148.TABLE C List of Metropolitan Counties by SMSA Definition

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of

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150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a

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maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21,

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2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.295 Critical Hospital Adjustment Payments (CHAP)**EMERGENCY**

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), unless otherwise noted in this Section, and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after July 1, 1998, in accordance with this Section.

- a) Trauma Center Adjustments (TCA)
The Department shall make a TCA to Illinois hospitals recognized, as of the first day of July in the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health (IDPH) in accordance with the provisions of subsections (a)(1) through (a)(3) of this Section.
 - 1) Level I Trauma Center Adjustment.
 - A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.
 - B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:
 - i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of \$21,365.00 per Medicaid trauma admission in the CHAP base period.
 - ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall

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receive an adjustment of \$14,165.00 per Medicaid trauma admission in the CHAP base period.

- 2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period.
 - 3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:
 - A) The hospital is located in a county with no Level I trauma center; and
 - B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.
- b) Rehabilitation Hospital Adjustment (RHA)
- Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:
- 1) Treatment Component. All hospitals defined in subsection (b) of this Section shall receive \$4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.

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- 2) Facility Component. All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:
 - A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of ~~\$229,360.00~~ \$343,881.00 in the CHAP rate period.
 - B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of ~~\$527,528.00~~ \$813,830.00 in the CHAP rate period.
 - 3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) of this Section that are located in an HPSA on July 1, 1999, shall receive \$276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.
- c) Direct Hospital Adjustment (DHA) Criteria
- 1) Qualifying Criteria
Hospitals may qualify for the DHA under this subsection (c) under the following categories:
 - A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:
 - i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999, and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;
 - ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999, and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or

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- iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.
- B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999, and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.
- C) Children's hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.
- D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsection (c)(1)(A), (B), or (C) of this Section.
- E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A), (B), (C) or (D) of this Section, all other hospitals located in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999, and provided more than 15,000 Total days.
- F) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999, and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.
- G) Illinois teaching hospitals with 25 or more graduate medical education programs on July 1, 1999, that are affiliated with a Regional Alzheimer's Disease Assistance Center as designated by the Alzheimer's Disease Assistance Act [410 ILCS 405/4], that had an MIUR less than 25 percent on July 1, 1999, and provided 75 or more Alzheimer days for patients diagnosed as having the disease.

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- H) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(G) of this Section, all other hospitals that had an MIUR greater than 50 percent on July 1, 1999.
- I) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(H) of this Section, all other hospitals that had an MIUR greater than 45 percent on July 1, 1999 and a CMIUR greater than 55 percent on July 1, 1999.
- 2) DHA Rates
- A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:
- i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive \$69.00 per day for hospitals that do not provide obstetrical care and \$105.00 per day for hospitals that do provide obstetrical care.
 - ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive \$105.00 per day for hospitals that do not provide obstetrical care and \$142.00 per day for hospitals that do provide obstetrical care.
 - iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive \$124.00 per day for hospitals that do

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not provide obstetrical care and \$160.00 per day for hospitals that do provide obstetrical care.

- iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive \$142.00 per day for hospitals that do not provide obstetrical care and \$179.00 per day for hospitals that do provide obstetrical care.
- B) Hospitals qualifying under subsection (c)(1)(A) of this Section will also receive the following rates:
- i) County owned hospitals as defined in Section 148.25 with more than 30,000 Total days will have their rate increased by \$455.00 per day.
 - ii) Hospitals that are not county owned with more than 30,000 Total days will have their rate increased by \$330.00 per day.
 - iii) Hospitals with more than 80,000 Total days will have their rate increased by an additional \$423.00 per day.
 - iv) Hospitals with more than 4,500 Obstetrical days will have their rate increased by \$101.00 per day.
 - v) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional \$194.00 per day.
 - vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by \$147.00 per day.
 - vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by \$41.00 per day.
 - viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate medical education programs as of July 1, 1999, will have their rate increased by \$227.00 per day.

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- ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by ~~\$670.75~~\$182.25 per day.
 - x) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by ~~\$281.00~~\$202.00 per day.
 - xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by \$98.00 per day.
 - xii) Hospitals with an MIUR greater than 55 percent, a CMIUR greater than 75 percent, one or more graduate medical education programs, and an average length of stay under 4.2 days, will have their rate increased by \$21.50 per day.
- C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:
- i) Qualifying hospitals will receive a rate of \$421.00 per day.
 - ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by \$369.00 per day.
 - iii) Qualifying hospitals with an MIUR greater than 66 percent will have their rate increased by \$177.00 per day.
- D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$28.00 per day.
 - ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by \$55.00 per day.

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- iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by \$573.00 per day.
 - iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by \$32.00 per day for hospitals that have fewer than 4,000 Total days; or ~~\$514.00~~~~\$246.00~~ per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or ~~\$312.00~~~~\$178.00~~ per day for hospitals that have more than 8,000 Total days.
 - v) Hospitals with more than 3,200 Total admissions will have their rate increased by ~~\$333.50~~~~\$248.00~~ per day.
- E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$41.00 per day.
 - ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional \$14.00 per day.
 - iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional \$87.00 per day.
 - iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional \$41.00 per day.
- F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive ~~\$233.25~~~~\$188.00~~ per day.
- G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of \$55.00 per day.
- H) Hospitals that qualify under subsection (c)(1)(G) of this Section will receive the following rates:

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- i) Hospitals with an MIUR greater than 19.75 percent will receive a rate of \$69.00 per day.
 - ii) Hospitals with an MIUR equal to or less than 19.75 percent will receive a rate of \$11.00 per day.
- D) Hospitals qualifying under subsection (c)(1)(H) of this Section will receive a rate of \$268.00 per day.
- J) Hospitals qualifying under subsection (c)(1)(I) of this Section will receive a rate of \$157.75 per day.
- K) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two. The payments calculated under this Section to hospitals that qualify under subsection (c)(1)(A)(iii) of this Section may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations. A portion of the payments calculated under this Section may be classified as disproportionate share adjustments for hospitals qualifying under subsection (c)(1)(A)(iii) of this Section.
- 3) DHA Payments
- A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.
 - B) Payment rates will be multiplied by the Total days.
 - C) Total Payment Adjustments
 - i) For the CHAP rate period occurring in State fiscal year 20052004, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period April 1, 20052004, to June 30, 20052004, payment will equal the State fiscal year 2004 amount less the amount the hospital received under DHA for the quarters ending September 30, 20042003, December 31, 20042003, and March 31, 20052004.

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- ii) For CHAP rate periods occurring after State fiscal year ~~20052004~~, total payments will equal the methodologies described in subsection (c)(2) of this Section.
- d) **Rural Critical Hospital Adjustment Payments (RCHAP)**
RCHAP shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions. The hospital qualifying under this subsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive \$367,179.00 per year. The Department shall also make an RCHAP to hospitals qualifying under this subsection at a rate that is the greater of:
- 1) the product of \$1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
 - 2) the product of \$138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.
- e) **Total CHAP Adjustments**
Each eligible hospital's critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.
- f) **Critical Hospital Adjustment Limitations**
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.
- g) **Critical Hospital Adjustment Payment Definitions**
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:
- 1) "Alzheimer days" means total paid days contained in the Department's paid claims database with a ICD-9-CM diagnosis code of 331.0 for dates

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of service occurring in State fiscal year 2001 and adjudicated through June 30, 2002.

- 2) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996, CHAP rate period; etc.
- 3) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
- 4) "Combined MIUR" means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.
- 5) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.
- 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.
- 7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.

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- 8) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.
- 9) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through ~~839.31~~~~839.3~~, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925; ~~through 925.2~~, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.
- 10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.
- 11) "RCHAP general care admissions" means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.
- 12) "RCHAP obstetrical care admissions" means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.

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- 13) "Total admissions" means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 14) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 15) "Total obstetrical days" means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Consumer Installment Loan Act
- 2) Code Citation: 38 Ill. Adm. Code 110
- 3) Section Numbers: 110.390 and Subpart B Heading
- 4) Date Proposal published in Illinois Register: August 11, 2000; 24 Ill. Reg. 11717
- 5) Date Adoption published in Illinois Register: June 15, 2001; 25 Ill. Reg. 7456
- 6) Date Request for Expedited Correction published in Illinois Register: January 31, 2003; 27 Ill. Reg. 1689
- 7) Adoption Effective Date: August 1, 2001
- 8) Correction Effective Date: August 1, 2001
- 9) Reason for Approval of Expedited Correction: Clerical and inadvertent errors in the Table of Contents and Section 110.390 are corrected. Also, the Subpart Heading before Section 110.500 is re-lettered from "Subpart B: Mortgage Lending" to "Subpart C: Mortgage Lending" to match the Table of Contents.

The full text of the Corrected Rulemaking begins on the following page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EXPEDITED CORRECTION

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 110

CONSUMER INSTALLMENT LOAN ACT

SUBPART A: GENERAL PROVISIONS

Section

110.1	Definitions
110.10	Minimum Requirements for Office Records
110.15	Application for License; Controlling Person
110.20	Loan Register
110.30	Individual Account Records
110.40	File of Original Papers
110.50	Cash Book
110.60	Alphabetical Record of Co-Makers, Obligors
110.65	Permanent File
110.70	Payments
110.80	Simple Interest Loans
110.90	Cancellation and Return of Documents
110.100	Finance Charges – Rebates and Delinquency Charges
110.110	Hypothecation at the Time of the Sale of Obligor's Notes
110.120	Legal Forms
110.130	Judgments
110.140	Sale of Security
110.150	Trouble File
110.160	Lien Charges
110.170	Insurance
110.180	Office and Office Hours
110.190	Advertising
110.200	Other Business
110.210	Examination Remittances
110.215	Document Preparation Fee
110.220	Credit Practices
110.225	Verification of Amount Owing
110.230	General
110.235	Relocation
110.236	Name Change
110.240	Hearing Procedures
110.250	Limited Purpose Branch

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EXPEDITED CORRECTION

- 110.260 Off-Site Records
- 110.265 Servicing of Accounts by Contract
- 110.270 Revocation or Suspension of License

SUBPART B: SHORT TERM LENDING

- Section
- 110.300 Definitions
- 110.310 Applicability of Rule
- 110.320 Application for License
- 110.330 Renewal of License
- 110.340 Simple Interest
- 110.350 Release of Lien
- 110.360 Availability of Debt Management Services
- 110.370 Lending Limits and Refinancing
- 110.380 Second Notice
- 110.390 Possession of Vehicle
- 110.400 Loan Proceeds
- 110.410 Security Interest

SUBPART CB: MORTGAGE LENDING

- 110.500 Definitions
- 110.505 Applicability of Rule
- 110.510 Good Faith Requirements
- 110.515 Fraudulent or Deceptive Practices
- 110.520 Prohibited Refinances
- 110.525 Negative Amortization
- 110.530 Negative Equity
- 110.535 Balloon Payments
- 110.540 Financing of Certain Points and Fees
- 110.545 Financing of Single Premium Insurance Products
- 110.550 Lending Without Due Regard to Ability to Repay
- 110.555 Verification of Ability to Repay
- 110.560 Payments to Contractors
- 110.565 Counseling Prior to Perfecting Foreclosure
- 110.570 Mortgage Awareness Program
- 110.575 Offer of Mortgage Awareness Program
- 110.580 Third Party Review

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110.APPENDIX BMortgage Ratio Worksheet

- 110.TABLE A Illinois Rule of 78 Fraction for Rebating Charges According to Number of Months Originally Contracted For and Number of Months Prepaid in Full for Contracts of 2 to 120 Months (Repealed)
- 110.TABLE B Rule of 78 Percentage Rebate Table (Repealed)

AUTHORITY: Implementing and authorized by Section 22 of the Consumer Installment Loan Act [205 ILCS 670/22].

SOURCE: Filed and effective June 19, 1970; amended at 3 Ill. Reg. 24, p. 16, effective June 15, 1979; emergency amendment at 4 Ill. Reg. 5, p. 372, effective January 16, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 36, p. 138, effective September 22, 1980; amended at 5 Ill. Reg. 1352, effective February 3, 1981; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1343, effective January 17, 1985; amended at 11 Ill. Reg. 2749, effective January 28, 1987; emergency amendment at 11 Ill. Reg. 14141, effective August 7, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10456, effective June 7, 1988; amended at 19 Ill. Reg. 44, effective December 22, 1994; amended at 20 Ill. Reg. 5799, effective April 8, 1996; emergency amendment at 22 Ill. Reg. 1485, effective January 2, 1998, for a maximum of 150 days; emergency expired May 31, 1998; amended at 22 Ill. Reg. 13657, effective July 14, 1998; amended at 25 Ill. Reg. 6227, effective May 17, 2001; amended at 25 Ill. Reg. 7456, effective August 1, 2001; expedited correction at 29 Ill. Reg. 5776, effective August 1, 2001; amended at 26 Ill. Reg. 14232, effective October 1, 2002.

SUBPART B: SHORT TERM LENDING

Section 110.390 Possession of Vehicle

- a) Unless otherwise provided for in the loan agreement, lender shall not take or retain possession of the keys (or a copy thereof) to a motor vehicle used to secure a title-secured loan.
- b) No short-term lender may take possession of a vehicle without first giving notice to the obligor; affording the obligor the opportunity to make the vehicle available to the lender at a place, date and time reasonably convenient to the lender and obligor; and permitting the obligor to remove any personal belongings from the vehicle without charge or additional cost to the obligor.
- c) Possession measures shall be in accordance with Section 19.1 of the Act.
- d) No short-term lender may take possession of a motor vehicle for a loan default

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and lease the vehicle back to the obligor.

(Source: Expedited Correction at 29 Ill. Reg. 5776, effective August 1, 2001)

SUBPART CB: MORTGAGE LENDING**Section 110.500 Definitions**

"Approved Credit Counselor" means a credit counselor as approved by the Director of the Department of Financial Institutions.

"Good faith" means honesty in fact in the conduct of the transaction.

"Home equity loan" means any loan secured by the borrower's primary residence where the proceeds are not used as purchase money for the residence.

"Points and fees" means:

all items required to be disclosed as points and fees under 12 CFR 226.32 (2000, no subsequent amendments or editions included);

the premium of any single premium credit life, credit disability, credit unemployment, or any other life or health insurance that is financed directly or indirectly into the loan;

all compensation paid directly or indirectly to a mortgage broker, including a broker that originates a loan in its own name in a tablefunded transaction, not otherwise included in 12 CFR 226.4.

"Subject loan" is the term used to describe any loan to which this Subpart applies pursuant to Section 110.505 of this Part.

"Total loan amount" is the same as the term used in 12 CFR 226.32, and shall be calculated in accordance with the Federal Reserve Board's Official Staff Commentary to that regulation.

(Source: Added at 25 Ill. Reg. 6227, effective May 17, 2001)

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 April 5, 2005 through April 11, 2005 and have been scheduled for review by the Committee at its May 17, 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>
5/19/05	<u>Illinois Racing Board</u> , Licensing (11 Ill. Adm. Code 502)	1/3/05 29 Ill. Reg. 638	5/17/05
5/21/05	<u>Department of Central Management Services</u> , Senior Citizens and Disabled Persons Prescription Drug Discount Program (80 Ill. Adm. Code 2151)	2/4/05 29 Ill. Reg. 1689	5/17/05
5/22/05	<u>Department of Public Aid</u> , Hospital Services (89 Ill. Adm. Code 148)	2/4/05 29 Ill. Reg. 1782	5/17/05
5/22/05	<u>Secretary of State</u> , Statements of Economic Interests (2 Ill. Adm. Code 565)	6/11/04 28 Ill. Reg. 7894	5/17/05

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
302.202	Amend
302.307	Add
302.525	Amend
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: Aug. 6, 2004; 28 Ill. Reg. 10887 (Board Docket R04-21)
- 5) Reason for the Withdrawal: In summary, the Board is withdrawing the August 6, 2004 first notice in order to avoid any confusion. The Board intends to cause publication of a different numerical standard, based on public comments.

The first notice proposal published August 6, 2004 is identical to the proposal filed with the Board by the Illinois Environmental Protection Agency (Agency), and docketed by the Board as R04-21. The Agency proposed to have the Board change the general use and Lake Michigan water quality standards for radium from 1 picocurie per liter (pCi/L) radium 226 to 5 pCi/L combined radium 226 and 228 and apply the proposed standards specifically to surface waters used for public and food processing water supplies.

After considering testimony from 5 days of public hearings and the 38 comments received after the August 6, 2004 first-notice publication, the Board found that the record demonstrated a need to maintain a general use water quality standard, protective both of human health and riparian mammals in the environment. However, compliance must also be reasonable for Northern Illinois publicly-owned treatment works located in areas where naturally occurring radium is prevalent in source water.

So, on April 7, 2005, the Board proposed its own revised general use water quality standard for radium. Because of the extent of the changes to the first-notice proposal, the Board finds it appropriate to publish its own April 7, 2005 proposal for a second first-notice in this docket. To avoid any confusion, the Board withdraws the August 6, 2004 proposal.

The Board expects that first notice of the Board proposal will be published in the *Illinois Register* soon. In summary, the Board will propose a general use water quality standard of 3.75 pCi/L combined radium 226 and 228 to replace the existing radium 226 standard of 1 pCi/L. If adopted, this new standard would apply to all general use waters of the

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

State as well as the Lake Michigan Basin. The Board proposal would apply a combined radium standard of 30 pCi/L to stream segments that receive discharge from POTWs receiving wastewater discharge from public drinking water supplies using groundwater with a high radium concentration. The 30 pCi/L combined radium 226 and 228 standard would apply from the point of discharge to one mile downstream of the discharge outfall.

Questions regarding this matter may be referred to Amy Antonioli at 312/814-3665.

ILLINOIS RACING BOARD

NOTICE OF AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE
RULES OBJECTION TO EMERGENCY RULEMAKING

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.70 Response:
Agreement with Objection
- 4) Date Notice of Emergency Amendment Published in the Register: February 4, 2005; 29 Ill. Reg. 2779
- 5) Date JCAR Statement of Objection Published in the Register: April 1, 2005; 29 Ill. Reg. 4749
- 6) Summary of Action Taken by the Agency: The Board agrees with the Joint Committee on Administrative Rules' objection that the effective date established in the rule contravened the Illinois Administrative Procedure Act. The Board will attempt, in the future, to meet IAPA requirements.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2005. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agricultural Producers and Products
Coins & Precious Metals
Construction Contractors
Food
Graphic Arts
Hotel Operators' Tax
Interstate Commerce
Leasing
Local Taxes

Manufacturing Machinery &
Equipment
Medical Appliances
Motor Vehicles
Nexus
Prepaid Sales Tax
Telecommunications Excise Tax
Use Tax

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

AGRICULTURAL PRODUCERS AND PRODUCTS

ST 05-0003-GIL 01/07/2005 Farm chemicals include chemical products used in production agriculture, the products of which are to be sold, or in the production or care of animals that are to be sold or the products of which are to be sold. Farm chemicals are statutorily exempt from Sales and Use Taxes in Illinois. See 86 Ill. Adm. Code 130.1955.

COINS & PRECIOUS METALS

ST 05-0009-GIL 01/13/2005 Legal tender, currency, medallions, or gold and silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion are exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1910(c).

CONSTRUCTION CONTRACTORS

ST 05-0011-GIL 01/14/2005 Construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, contractors incur Use Tax liability for such purchases based upon their cost price of the tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

FOOD

ST 05-0005-GIL 01/11/2005 Persons that are engaged in the business of selling meals to purchasers for use or consumption incur Retailers' Occupation Tax liability on their gross receipts from such sales. Such persons specifically include caterers. See 86 Ill. Adm. Code 130.2145.

GRAPHIC ARTS

ST 05-0018-GIL 03/14/2005 This letter rescinds part of General Information Letter ST 04-0216-GIL and clarifies that the date of delivery of qualifying graphic arts

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

machinery and equipment will determine if a purchase qualifies under the reinstated graphics arts machinery and equipment exemption.

HOTEL OPERATORS' TAX

ST 05-0014-GIL 01/14/2005 The Hotel Operators' Occupation Tax Act does not include any provision for the exemption of exclusively charitable, religious, or educational organizations, or for governments or their agencies. See 86 Ill. Adm. Code 480.101.

ST 05-0016-GIL 01/28/2005 A private club which restricts its renting of rooms to its members and their guests does not incur Hotel Operators' Occupation Tax on its rental receipts from such rooms. See 86 Ill. Adm. Code 480.101(b)(2).

INTERSTATE COMMERCE

ST 05-0007-GIL 01/11/2005 It is critical that the seller is shown as the consignor or shipper on the bill of lading for the interstate commerce exemption to apply. If the purchaser is shown as either the consignor or the shipper, the exemption will not apply. See 86 Ill. Adm. Code 130.605(c).

LEASING

ST 05-0017-GIL 02/28/2005 Lessors of tangible personal property, including motor vehicles, under true leases in Illinois are deemed end users of the property to be leased. As end users of tangible personal property located in Illinois, lessors owe Use Tax on their cost price of such property. See 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2013.

LOCAL TAXES

ST 05-0012-GIL 01/14/2005 The majority of utility taxes imposed by a municipality are administered at the local level by the municipality itself and not by the Illinois Department of Revenue. The Department does administer the Simplified Municipal Telecommunications Tax on behalf of municipalities, which tax may be imposed at a rate of up to 6% by a municipality by ordinance and is in addition to the 7% State-imposed

DEPARTMENT OF REVENUE

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telecommunications tax imposed under the Telecommunications Excise Tax Act. See 35 ILCS 636/5-1 et seq.

ST 05-0015-GIL 01/14/2005 In general, the imposition of the various local sales taxes in Illinois takes effect when “selling” occurs in a jurisdiction imposing a tax. See 86 Ill. Adm. Code 270.115(b).

MANUFACTURING MACHINERY & EQUIPMENT

ST 05-0010-GIL 01/14/2005 This letter discusses the Manufacturing Machinery & Equipment exemption and meat slicers. See 86 Ill. Adm. 130.300.

MEDICAL APPLIANCES

ST 05-0002-GIL 01/07/2005 Corrective medical appliances such as hearing aids, glasses, and contact lenses are eligible for the lower sales tax rate. See Section 130.310(c)(2).

ST 05-0004-GIL 01/10/2005 A medical appliance is defined as an item that is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310(c).

MOTOR VEHICLES

ST 05-0019-GIL 03/29/2005 The exemption from the Use Tax and the Retailers’ Occupation Tax for nonresident purchasers of motor vehicles who take delivery in Illinois but register the motor vehicle in their home state is allowed for purchases of motor vehicles in Illinois by lessors who then lease the motor vehicle to a nonresident whose home state does not allow a “reciprocal exemption” for a sale to an Illinois purchaser if that lessee’s home state would exempt the sale of a motor vehicle to a lessor who then enters into a lease with and delivers in that state the motor vehicle to an Illinois resident who then registers it in Illinois. See 35 ILCS 120/2-5(25-5)).

NEXUS

ST 05-0006-GIL 01/11/2005 Any type of physical presence in the State of Illinois, including the vendor’s delivery and installation of his product on a

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

repetitive basis will trigger Use Tax collection responsibilities. See *Brown's Furniture, Inc. v. Wagner*, 171 Ill.2d 410 (1996).

PREPAID SALES TAX

ST 05-0013-GIL 01/14/2005 A taxpayer must be registered as a reseller of motor fuel in order to collect and remit prepaid sales tax on motor fuel to the Illinois Department of Revenue. See 86 Ill. Adm. Code 130.551.

TELECOMMUNICATIONS EXCISE TAX

ST 05-0008-GIL 01/12/2005 In general, Voice Over Internet Protocol ("VOIP") is telecommunications subject to tax within the meaning of "Telecommunications" and "Gross Charges" pursuant to The Telecommunications Excise Tax, 35 ILCS 630/2; the Telecommunications Infrastructure Maintenance Fee, 35 ILCS 635/10; and the Simplified Municipal Telecommunications Tax Act, 35 ILCS 636/5-7.

USE TAX

ST 05-0001-GIL 01/07/2005 This letter discusses the basis of the Use Tax collected by a "retailer maintaining a place of business in Illinois" who is required to collect Use Tax from his customer. See 86 Ill. Adm. 150.105.

EXECUTIVE ORDER

2005-4**EXECUTIVE ORDER ON LAND-USE PLANNING AND MILITARY INSTALLATION
COMPATIBILITY**

WHEREAS, Illinois is proud to be the host of five outstanding military installations: Scott Air Force Base, Great Lakes Naval Training Center, the Rock Island Arsenal, and the Springfield and Peoria Air National Guard Bases; and

WHEREAS, since their inception, Illinois military installations have played a significant role in our nation's security; and

WHEREAS, Illinois military installations contribute significantly to the economic well-being of our State as a whole, all of its respective regions, and all the cities, counties, and other local governments within the State; and

WHEREAS, Illinois has invested vast amounts of land, labor, and capital in the infrastructure to support its military installations; and

WHEREAS, Illinois military installations have also made a significant contribution to the scientific and technical resources of our State; and

WHEREAS, the Department of Defense has announced a Base Realignment and Closure round in 2005; and

WHEREAS, "Military Value" will be the main criteria by which our military installations are evaluated, and

WHEREAS, Military Value includes "the availability and condition of land, facilities and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas);" and

WHEREAS, land-use planning by State agencies and all relevant local governments in coordination with our military installations can assist in preserving available land for military readiness, and otherwise enhance the overall Military Value of Illinois' military installations;

NOW THEREFORE, I Rod Blagojevich, Governor of the State of Illinois, by virtue of the authority vested in me by the Constitution and the laws of the State of Illinois do hereby order:

- (1) All appropriate and relevant State agencies involved with land use planning to ensure development that is compatible with or enhances the Military Value of Illinois' military installations;
- (2) Further, I encourage all local governments that adopt land-use plans and enforce zoning regulations to ensure that planned development is compatible with or enhances the Military Value of military installations, and that they consider the impact of new growth on Military Value when preparing zoning ordinances or designating land uses for land adjacent to military facilities or other parcels of land which are in proximity to military installations.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as the Governor rescinds it.

EXECUTIVE ORDER

Issued by Governor: April 5, 2005

Filed with Secretary of State: April 5, 2005

PROCLAMATION

**2005-95
TELECOMMUNICATIONS WEEK**

WHEREAS, public safety telecommunicators, specialists in operating state-of-the-art radio and computer systems, are a cornerstone of the public safety community; and

WHEREAS, using state-of-the-art radio and computer systems, telecommunications professionals help to save countless lives by responding to emergency 9-1-1 calls, dispatching emergency professionals and equipment, and providing moral support to citizens in distress; and

WHEREAS, telecommunications professionals display poise under pressure, use critical decision making skills and offer aid and compassion in times of crisis; and

WHEREAS, these dedicated men and women effectively and efficiently perform their duties to help ensure the safety and protection of life, property, and individual rights of all people in Illinois; and

WHEREAS, one of the most important duties of telecommunications professionals is operation of the Illinois Amber Alert System, which allows storm warnings, abduction cases, and any other emergency messages to be immediately distributed to broadcasters, and in turn, to all citizens of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 10-16, 2005 as TELECOMMUNICATIONS WEEK in Illinois, in recognition of the vital contributions telecommunication professionals make to the safety and well-being of our citizens.

Issued by the Governor April 4, 2005.

Filed by the Secretary of State April 5, 2005.

**2005-96
WORK ZONE SAFETY WEEK**

WHEREAS, the first week of April is considered by many to be the traditional beginning of the highway construction season in Illinois; and

WHEREAS, it is vitally important that we protect the health and safety of Illinois' construction workers and contractors as they work diligently to improve both the safety and quality of the state's roadways; and

PROCLAMATION

WHEREAS, according to provisional data from 2004, 39 people were killed in work zones last year, two of them being workers. In 2003, 44 people were killed in work zones, with 5 being workers.

WHEREAS, last year, I signed new legislation into law designed to target drivers who endanger the well-being of workers and fellow motorists by ignoring posted work zone speed limits; and

WHEREAS, these tough new laws will hit first-time work zone speeders, including those caught on camera, with a fine of \$375, with \$125 of that sum going to pay off-duty State Troopers to provide added enforcement in construction or maintenance zones. Two-time offenders are subject to a \$1,000 fine, including a \$250 surcharge to hire Troopers, and the loss of their license for 90 days. In addition, drivers who hit a worker are subject to a fine of up to \$10,000 and 14 years in prison; and

WHEREAS, starting in July, State Troopers will deploy specially equipped vans to take photographs of drivers speeding in Illinois Department of Transportation and Illinois Tollway construction and maintenance zones. Drivers who violate the posted work zone speed limit and are caught on film will be issued tickets through the mail; and

WHEREAS, work zone deaths and injuries can be greatly reduced if motorists simply obey posted work zone speed limits and proceed through construction areas with increased caution regardless of whether or not workers are present:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 3 – 9, 2005 as WORK ZONE SAFETY WEEK in Illinois, and encourage all citizens to be cognizant of highway construction and obey posted work zone speed limits.

Issued by the Governor April 4, 2005.

Filed by the Secretary of State April 5, 2005.

2005-97**PUBLIC HEALTH WEEK IN ILLINOIS**

WHEREAS, public health advancements and new treatment options are enabling Americans to live longer and healthier lives; and

WHEREAS, the average life expectancy in the United States is now 74 years for men and 78 years for women. With that in mind, this year's theme for Public Health Week is, Empowering Americans to Live Stronger, Longer!; and

PROCLAMATION

WHEREAS, this observation is a cooperative effort of the state and local health departments, academic institutions, allied organizations, community groups, and professional and trade associations which have joined together to promote a common interest in public health and a population-focused, community prevention approach to better health care; and

WHEREAS, the State of Illinois has created and expanded public health initiatives to improve the life expectancy and quality of life for citizens of all ages; and

WHEREAS, the Illinois Public Health Association is a voluntary professional society whose members strive to improve the health of Illinois residents through leadership in and advancement of the practice of public health:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 4 – 10, 2005 as PUBLIC HEALTH WEEK in Illinois, and encourage all citizens to recognize the men and women that dedicate themselves to improving our country's public health care system.

Issued by the Governor April 4, 2005.

Filed by the Secretary of State April 5, 2005.

2005-98**TARTAN DAY**

WHEREAS, the links between Scotland and America, both historic and contemporary, run deep and remain strong; and

WHEREAS, the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320 and over 450 years later, the American Declaration of Independence was modeled in part on that inspirational document; and

WHEREAS, nearly half of the signers of the Declaration of Independence as well as the governors of nine of the original 13 states were of Scottish ancestry, and those dedicated Scottish Americans have played a critical role in the founding and success of our nation; and

WHEREAS, according to the 2000 census, there are approximately 5 million Americans of Scottish descent and these men and women, as well as their ancestors have made significant contributions in the fields of science, technology, medicine, government, politics, economics, architecture, literature, and visual and performing arts; and

PROCLAMATION

WHEREAS, Woodrow Wilson once stated, “Every line of strength in American history is a line coloured with Scottish blood.” For this reason, the State of Illinois would like to express its appreciation for the extraordinary and rich contributions that Scottish Americans have made throughout history:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 6, 2005 as TARTAN DAY in Illinois, and encourage all citizens to become cognizant of the significant influence of Scottish heritage, traditions, and culture on our nation.

Issued by the Governor April 4, 2005.

Filed by the Secretary of State April 5, 2005.

2005-99**ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY**

WHEREAS, for the past 46 years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour of Washington, D.C., for approximately 60 outstanding Illinois high school students; and

WHEREAS, the selection criteria for students to participate includes essay and youth leadership contests that are sponsored by member cooperatives; and

WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the “Youth to Washington” tour taking place on June 17 – 24, 2005; and

WHEREAS, in an effort to provide a broader educational experience for students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capitol April 13, 2005 for 300 contest finalists; and

WHEREAS, these hard-working young men and women are the future of our state and country, and deserve to be commended for their achievements and their desire to learn more about their nation’s governing bodies:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 13, 2005 as ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois, and encourage all citizens to support youth programs that assist those interested in learning about the United States government.

Issued by the Governor April 4, 2005.

Filed by the Secretary of State April 5, 2005.

2005-100

PROCLAMATION

NATIONAL PUBLIC HEALTH WEEK

WHEREAS, the week of April 4-10, 2005, has been identified as National Public Health Week; and

WHEREAS, public health efforts save lives and improve the quality of air, water and food. They also help to build and maintain healthy neighborhoods and communities; and

WHEREAS, the University of Illinois at Chicago (UIC) School of Public Health; National Black Leadership Initiative on Cancer at UIC; Chicago Project for Violence Prevention at UIC; Nutrition & Wellness Center at UIC; TCA Inc; Gift of Hope, National Sarcoidosis Network Foundation, Chicago Chapter of the Black Nurses Association, Chicago Network of Black Professional Organizations, African American Health Care Council; Ambulatory and Community Health Network of Cook County; Chicago Department of Public Health, U.S. Department of Health and Human Services, Office of Public Health and Science, Office of Minority Health Region V; Rush-Presbyterian St. Luke's Medical Center, Department of Preventive Medicine; U.S. Environmental Protection Agency, Midwest Latino Health Research Training and Policy Center; Illinois Department of Public Health, Cook County Department of Public Health, Health Consortium of Illinois and Chicago Public Schools have all worked together as partners in addressing disease prevention and health care issues in Illinois populations; and

WHEREAS, public health agencies working hand in hand have affected every major community in the city, thereby ensuring effective public health policy, effective health promotion, and disease and injury prevention using innovative methods; and

WHEREAS, public health partners continually capitalize on emerging opportunities for community outreach and public service, integrating public health practice and community service throughout the city; and

WHEREAS, thousands of lives have been positively affected within the state of Illinois as a result of public health efforts.

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 4-10, 2005 as PUBLIC HEALTH WEEK in Illinois and encourage all citizens to recognize the men and women that dedicate themselves to improving our country's health care system.

Issued by the Governor April 4, 2005.

Filed by the Secretary of State April 5, 2005.

PROCLAMATION

2005-101**A DAY OF MOURNING FOR POPE JOHN PAUL II**

WHEREAS, the Holy Father, Pope John Paul II, left this world on Saturday, April 2, 2005. As the Pope lived out his final hours, millions of people in Vatican City, and billions across the globe gathered to mourn this tremendous loss to humanity, and to celebrate the life of this amazing man; and

WHEREAS, in the days leading up to his passing, Pope John Paul II displayed the same level of dignity, perseverance, and strong convictions of faith and morals that characterized his long and accomplished Papacy; and

WHEREAS, here in Illinois, citizens are mourning this sad occasion. However, we can all find comfort in knowing that Pope John Paul II has now returned home to his maker, and will live in peace for the rest of eternity; and

WHEREAS, on Friday, April 8, 2005, official services will be held in Vatican City to mourn the death of Pope John Paul II. In accordance with this day of mourning, bells will be tolled in Chicago at 12:00 pm, and a special mass will be held at 5:15 pm, where a representative from every Chicago parish will attend; and

WHEREAS, the State of Illinois proudly and faithfully joins the Catholic Church and the Archdiocese of Chicago in this very sad and poignant memorial:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim Friday, April 8, 2005 as A DAY OF MOURNING FOR POPE JOHN PAUL II, and encourage all citizens, both Catholics and non-Catholics, to join in commemorating the life of one of the most beloved human beings, and one of the most accomplished popes that this world has ever seen.

Issued by the Governor April 5, 2005.

Filed by the Secretary of State April 5, 2005.

2005-102**FIGHTING ILLINI DAY**

WHEREAS, the 2004/2005 season for the University of Illinois Men's Basketball team is one to remember. Earning the country's number one ranking after upsetting Wake Forest in the season's fifth game, the Fighting Illini played their entire campaign at a level that most teams can only dream of; and

PROCLAMATION

- WHEREAS, after defeating all but one team they faced during the regular season, the Fighting Illini entered the Big Ten Tournament, and on March 13, 2005, they beat Wisconsin 54-43 to become Big Ten Champions; and
- WHEREAS, now officially the premier team in their conference, the Illini set their sights on the NCAA Tournament, where they would continue their winning ways. After defeating Farleigh Dickinson in the Tournament's first round, Nevada in the second round, Wisconsin-Milwaukee in the Sweet 16, and Arizona in the Elite Eight, the Fighting Illini made it to the coveted Final Four; and
- WHEREAS, on April 2, 2005, Illinois defeated Louisville in their Final Four match-up by a score of 72-57. This victory marked a significant milestone for the Illini, as never before in school history had they made it to the Championship Game; and
- WHEREAS, the Fighting Illini finished their 2004/2005 campaign just one win short of a national title. Their overall record of 37 wins, paired with just two losses, ties an all-time NCAA record for most wins in a season; and
- WHEREAS, because of his hard work and tremendous leadership, Bruce Weber, Head Coach of the Fighting Illini, was named by the Associated Press as Coach of the Year; and
- WHEREAS, this State is extremely proud of Coach Weber and the University of Illinois Fighting Illini Men's Basketball Team for their exquisite season, their tremendous post-season and for their all-around efforts to become one of the elite college basketball teams in the United States. This celebration today is a gesture of congratulations and gratitude to the Fighting Illini and everyone who was involved in the great success they achieved this year:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim Tuesday, April 5, 2005 as FIGHTING ILLINI DAY in Illinois, and encourage all citizens to join in "Painting the State Orange" in recognition of the University of Illinois Men's Basketball team, and their stellar and truly memorable 2004/2005 season.

Issued by the Governor April 5, 2005.

Filed by the Secretary of State April 5, 2005.

2005-103**HAROLD WASHINGTON DAY**

- WHEREAS, Harold Washington was born on April 15, 1922 in Chicago, Illinois. Upon his graduation from DuSable High School, he took a position with the Civilian

PROCLAMATION

Conservation Corps, and then after honorably serving his country in United States Army, he went on to earn a Bachelor's degree from Roosevelt University (then called Roosevelt College) in 1949, and a law degree from Northwestern University School of Law in 1952; and

WHEREAS, after law school, Washington began practicing law and took a job as an Assistant City Prosecutor in 1958, and then became an arbitrator for the Illinois Industrial Commission in 1960. It was during these years that Washington became politically active, getting his first taste of government life when he followed in his father's footsteps by becoming a Precinct Captain of Chicago's 3rd Ward; and

WHEREAS, Washington's political career reached a new level when, in 1964, he took office in the Illinois General Assembly, where he would serve in the House until 1976, and then in the Senate until 1980. He later was elected to the United States Congress, where he represented Illinois' 1st District from 1981 – 1983; and

WHEREAS, on April 12, 1983, the face of Chicago government was forever changed when Harold Washington was elected as the city's 42nd mayor, and the first African American to hold the position. He was elected to serve a second mayoral term in 1987; and

WHEREAS, during his tenure as Mayor of Chicago, Washington had a long list of accomplishments, including: creating the Chicago Ethics Commission; increasing minority business contracts; leading the fight for Ward redistricting, which created more African American and Hispanic representation; enhancing the vibrancy of city life by encouraging neighborhood festivals and projects; and fighting for equal provision of public services; and

WHEREAS, on November 25, 1987, just seven months after being elected to his second mayoral term, Harold Washington passed away in Chicago. He is remembered by everyone as a kindhearted man, a strong advocate for the advancement of African Americans and other minorities, and an exceptional leader who always advocated for the best interests of Chicago residents. He left a legacy behind in Chicago that will clearly resonate for centuries to come, and his contributions to the well-being of this City are felt every day and in every community; and

WHEREAS, it is important that we, the citizens of Illinois, take time to pay tribute to the late Harold Washington on the anniversary of his 82nd year of birth:

PROCLAMATION

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15, 2005 as HAROLD WASHINGTON DAY in Illinois, and encourage all citizens to join in celebrating the life and achievements of this great man and dedicated public servant.

Issued by the Governor April 7, 2005.

Filed by the Secretary of State April 8, 2005.

2005-104
DRINKING WATER WEEK

WHEREAS, safe drinking water is essential to life; and

WHEREAS, Illinois residents have traditionally relied on the state's abundant surface, and groundwater resources for drinking water; and

WHEREAS, protection of drinking water sources was among the first community projects undertaken by settlers moving into the Illinois territory two centuries ago; and

WHEREAS, dedicated water treatment operators in ensuing generations have worked to protect existing drinking water. Their efforts help to improve the quantity and quality of drinking water sources not only for Illinois residents, but also its millions of visitors; and

WHEREAS, there are 3,968 dedicated men and women currently certified as drinking water operators in Illinois, with another 530 professional men and women certified by the Illinois Department of Public Health to serve in water supply operations classified as non-community public water supplies; and

WHEREAS, Illinois citizens can confidently look forward to safe, clean drinking water delivered in amounts satisfactory to meet everyday human needs as well as the demands of thriving industries:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 - 8, 2005 as DRINKING WATER WEEK in Illinois and encourage all citizens to recognize that they live in a state that provides safe and clean drinking water, helping to keep their lives healthy and refreshed.

Issued by the Governor April 7, 2005.

Filed by the Secretary of State April 8, 2005.

2005-105
PARALYZED VETERANS OF AMERICA AWARENESS WEEK

PROCLAMATION

WHEREAS, as citizens of the United States of America, we are deeply indebted to our veterans, who have courageously defended this country throughout its history, in times of war and peace; and

WHEREAS, thousands of Illinois citizens have served as members of the Armed Forces, and in doing so honored our nation with exemplary dedication; and

WHEREAS, courageous service to our nation does not come without a cost, as illustrated by the approximately 35,000 disabled veterans in Illinois. It is important that the dedication and sacrifices made by Illinois' veterans who are paralyzed is recognized and appreciated; and

WHEREAS, Illinois' paralyzed veterans embody the highest ideals: service to country, sacrifice of self, and perseverance in overcoming adversity; and

WHEREAS, the stories of Illinois' paralyzed veterans are ones of hardship and triumph, and the strong will and spirit which they exhibit provide life-affirming lessons for us all:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 10 – 16, 2005 as PARALYZED VETERANS OF AMERICA AWARENESS WEEK in Illinois, and urge all citizens to reflect upon the sacrifices endured by our many brave veterans who have, in numerous cases, endured permanent injury in service to their country.

Issued by the Governor April 7, 2005.

Filed by the Secretary of State April 8, 2005.

2005-106**PROM AND GRADUATION SAFETY MONTHS**

WHEREAS, protecting the health and well-being of our nation's youth should be a paramount concern to all citizens of the United States; and

WHEREAS, alcohol-related traffic fatalities among the youth of our nation are heartbreaking, and unfortunately there are still citizens that ignore the potentially horrible consequences of drunk driving; and

WHEREAS, recent statistics provided by the National Highway Traffic Safety Administration show that in the year 2003, there were 2,834 alcohol-related traffic fatalities in the United States amongst youth under the age of 21; and

PROCLAMATION

WHEREAS, among those 2,902 fatalities, 749 of them occurred in April, May and June of 2003. This number is indicative of the many social and school events occurring during these months, including proms and graduations; and

WHEREAS, The Century Council, a not-for-profit organization funded by America's leading initiatives aimed at educating students, parents, teachers, and lawmakers; and

WHEREAS, Illinois is working to enlist support to reduce the potential for alcohol-related fatalities by increasing public awareness on the dangers of drinking and driving;

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May and June 2005 as PROM AND GRADUATION SAFETY MONTHS in Illinois, and encourage all citizens to support the work of organizations trying to put an end to drunk driving, especially among our youth.

Issued by the Governor April 7, 2005.

Filed by the Secretary of State April 8, 2005.

2005-107**NATIONAL TINNITUS AWARENESS WEEK**

WHEREAS, tinnitus is the medical term used to describe the perception of sound, including ringing, hissing, and roaring in the ears and head, when no external sound is present; and

WHEREAS, it is estimated that over 50 million Americans are afflicted with tinnitus in varying degrees of severity; and

WHEREAS, approximately 12 million Americans suffer from such debilitating symptoms from their tinnitus that they are forced to seek medical attention. Of these 12 million patients, around 2 million are so seriously debilitated by their condition that they cannot function on a "normal" day to day basis; and

WHEREAS, at this time, there is no cure for tinnitus and many of the men and women suffering from the condition feel that the only solution to their condition is to learn to live with it; and

WHEREAS, although there is no cure for tinnitus, in many cases, simple hearing protection and awareness of risk would help protect people from hearing loss or further damage to their hearing; and

PROCLAMATION

WHEREAS, three basic rules can be taught to help protect good hearing: turn down the volume when it's too loud, use earplugs or earmuffs in noisy environments, and walk away from noises that are too loud; and

WHEREAS, the American Tinnitus Association is a nonprofit organization dedicated to silencing tinnitus through education, advocacy, research, and support. Although the organization is a yearlong advocate on behalf of people suffering from tinnitus, there is something special about having one week when the energy and urgency of a cause is amplified:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 21 – 28, 2005 as NATIONAL TINNITUS AWARENESS WEEK in Illinois, and urge all citizens to support the American Tinnitus Association's efforts to silence this condition that effects the lives of men and women throughout our nation.

Issued by the Governor April 7, 2005.

Filed by the Secretary of State April 8, 2005.

2005-108**PARKINSON'S DISEASE AWARENESS MONTH**

WHEREAS, Parkinson's disease is a progressive disorder of the central nervous system, affecting more than one million people in the United States; and

WHEREAS, approximately 1.5 million Americans are currently afflicted with Parkinson's disease and it is estimated that 60,000 new cases are diagnosed each year; and

WHEREAS, Parkinson's disease affects both men and women in almost equal numbers. It shows no social, ethnic, economic or geographic boundaries; and

WHEREAS, in 1961, The American Parkinson Disease Association, Inc. was founded to provide patient and family support for those afflicted by this devastating disorder. The association also supports and funds ongoing research in the hope of finding a cure; and

WHEREAS, the State of Illinois recognizes the efforts of the Midwest Chapter of the American Parkinson Disease Association to increase funds and promote awareness to fight Parkinson's disease, thereby improving the quality of life for those living with the disease:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as PARKINSON'S DISEASE AWARENESS MONTH in Illinois, and encourage all

PROCLAMATION

citizens to recognize the indispensable services of the American Parkinson Disease Association, Inc. to the residents of our state.

Issued by the Governor April 7, 2005.

Filed by the Secretary of State April 8, 2005.

2005-109**NATIONAL ENVIRONMENTAL EDUCATION WEEK**

WHEREAS, environmental education bolsters core environmental literacy in our k-12 students by featuring actual grade-appropriate “e-literacy” goals and content standards. It also encourages schools to partner with local museums, nature centers, zoos, science centers, aquariums, and local parks; and

WHEREAS, National Environmental Education Week, created as a full week of educational preparation for Earth day, involves many k-12 classrooms, university campuses, and informal settings such as nature centers, zoos, aquariums, and museums; and

WHEREAS, collaborative efforts will increase the amount of environmental education taking place in America’s classrooms prior to Earth Day, while drawing educator attention to the larger opportunities and value of environmental education for both education and environmental stewardship; and

WHEREAS, also during this week, the professional environmental education community will have an opportunity to annually feature its accomplishments with the nation’s educational leaders; and

WHEREAS, National Environmental Education Week, coordinated by the National Environmental Education & Training Foundation in cooperation with hundreds of outstanding environmental education organizations, education associations, and agencies, with support from Cannon U.S.A., Inc., will become an annually anticipated event for local participation in schools and various education centers in this state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 10 - 16, 2005 as NATIONAL ENVIRONMENTAL EDUCATION WEEK in Illinois and encourage all citizens to recognize the importance of our environment by participating in the week’s festivities in preparation for Earth Day 2005.

Issued by the Governor April 7, 2005.

Filed by the Secretary of State April 8, 2005.

2005-110

PROCLAMATION

INFANT IMMUNIZATION AWARENESS WEEK

WHEREAS, vaccines were named among the 20th Century's most successful and cost-effective public health tools available for preventing disease and death; and

WHEREAS, immunizations are one of the most important ways parents can protect their children against serious diseases; and

WHEREAS, children need a series of vaccinations, starting at birth, to be fully protected against 12 potentially serious diseases; and

WHEREAS, national immunization levels are at or near record highs for most vaccines and most vaccine-preventable diseases have been reduced by 99 percent or more since the introduction of vaccines; and

WHEREAS, National Infant Immunization Week (NIIW) focuses local and national attention on the importance of timely and proper immunization for infants and toddlers 24 months and under; and

WHEREAS, in the eleven years since its inception, NIIW has served as a call to parents, caregivers, and healthcare providers to participate in activities and events to increase the awareness of immunizing children before their 2nd birthday; and

WHEREAS, the Illinois Department of Public Health has partnered with local health departments, the Illinois Chapter of American Academy of Pediatrics, local child health coalitions, the Chicago Area Immunization Campaign and the Illinois Health Education Consortium to promote and support immunization activities throughout the state; and

WHEREAS, the week of April 24 – 30, 2005 has been declared National Infant Immunization Week to help ensure that children receive all recommended vaccinations by the age of 2:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 24 – 30, 2005 as INFANT IMMUNIZATION AWARENESS WEEK in Illinois, and encourage all citizens to spread the immunization message throughout their communities, and urge public and private health care providers, parents, and children's caregivers in Illinois to advance the health of children by ensuring early and on-time immunization against preventable childhood diseases.

Issued by the Governor April 7, 2005.

Filed by the Secretary of State April 8, 2005.

PROCLAMATION

2005-111**NATIONAL CREDIT EDUCATION WEEK**

WHEREAS, the use of credit has become increasingly important to the American consumer and to the nation's economy, evidenced by the fact that consumer installment purchases have more than doubled in the past decade; and

WHEREAS, along with this new trend also comes the need for the American consumer to be more financially responsible. While most consumers are aware of mistakes that should be avoided when dealing with personal finances, they are less likely to actually follow these rules; and

WHEREAS, the Association of Credit and Collection Professionals International, in conjunction with the Illinois Student Assistance Commission, will sponsor National Credit Education Week; and

WHEREAS, National Credit Education Week is a public service campaign intended to help consumers develop good money management habits, including using credit with caution and paying bills promptly:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 23, 2005 as NATIONAL CREDIT EDUCATION WEEK in Illinois and urge all Illinoisans to educate themselves on ways to become better informed consumers.

Issued by the Governor April 11, 2005.

Filed by the Secretary of State April 11, 2005.

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

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