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Editors Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 16, 2006 to January 3, 2007 by noon as January 1, 2007 is a holiday and the office is closed.

Pursuant to Section 5-60 of the IAPA, an agency shall submit for publication in the Illinois Register by January 1 and July 1 of each year a regulatory agenda to elicit public comments concerning any rule which the agency is considering proposing but for which no notice of proposed rulemaking activity has been submitted to the Illinois Register.

The format for a regulatory agenda appears in 100.Appendix E, Illustration F. All regulatory agendas submitted to the Index Department shall meet the requirements for Register publication as outlined in this Part.

If an agency finds that a situation exists that requires the adoption of a rule that was not summarized on either of the 2 most recent agendas, it shall state the reason in writing together with the facts that form their basis upon filing notice of proposed rulemaking with the Secretary of State [5 ILCS 100/5-60] in the format in 100.Appendix A, Illustration A.

Please submit one original and two copies along with a 3.5 inch diskette or CD-ROM containing the agenda information.

Send to: Secretary of State
 Administrative Code Division
 111 E. Monroe Street
 Springfield, IL 62756

Your cooperation is greatly appreciated by the Administrative Code Division. If you have any questions please call (217) 782-7017 for assistance.

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2006

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2005	January 6, 2006
2	January 3, 2006	January 13, 2006
3	January 9, 2006	January 20, 2006
4	January 17, 2006	January 27, 2006
5	January 23, 2006	February 3, 2006
6	January 30, 2006	February 10, 2006
7	February 6, 2006	February 17, 2006
8	February 14, 2006	February 24, 2006
9	February 21, 2006	March 3, 2006
10	February 27, 2006	March 10, 2006
11	March 6, 2006	March 17, 2006
12	March 13, 2006	March 24, 2006
13	March 20, 2006	March 31, 2006
14	March 27, 2006	April 7, 2006
15	April 3, 2006	April 14, 2006
16	April 10, 2006	April 21, 2006
17	April 17, 2006	April 28, 2006
18	April 24, 2006	May 5, 2006
19	May 1, 2006	May 12, 2006
20	May 8, 2006	May 19, 2006
21	May 15, 2006	May 26, 2006
22	May 22, 2006	June 2, 2006
23	May 30, 2006	June 9, 2006
24	June 5, 2006	June 16, 2006
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26	June 19, 2006	June 30, 2006
27	June 26, 2006	July 7, 2006
28	July 3, 2006	July 14, 2006
29	July 10, 2006	July 21, 2006
30	July 17, 2006	July 28, 2006
31	July 24, 2006	August 4, 2006
32	July 31, 2006	August 11, 2006
33	August 7, 2006	August 18, 2006
34	August 14, 2006	August 25, 2006
35	August 21, 2006	September 1, 2006
36	August 28, 2006	September 8, 2006
37	September 5, 2006	September 15, 2006
38	September 11, 2006	September 22, 2006
39	September 18, 2006	September 29, 2006
40	September 25, 2006	October 6, 2006
41	October 2, 2006	October 13, 2006
42	October 10, 2006	October 20, 2006
43	October 16, 2006	October 27, 2006

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
44	October 23, 2006	November 3, 2006
45	October 30, 2006	November 13, 2006
46	November 6, 2006	November 17, 2006
47	November 13, 2006	November 27, 2006
48	November 20, 2006	December 1, 2006
49	November 27, 2006	December 8, 2006
50	December 4, 2006	December 15, 2006
51	December 11, 2006	December 22, 2006
52	December 18, 2006	December 29, 2006

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.290	Amendment
310.APPENDIX C	Amendment
310.APPENDIX D	Amendment
310.APPENDIX G	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) A Complete Description of the Subjects and Issues Involved: The pay relationship between positions is isolated to the comparison of the maximum rate in a specific pay grade or range assigned to the classification. The comparison establishes how personnel movements are defined (transfer, demotion, voluntary reduction, promotion, and the direction of the reallocation or reclassification) and therefore the pay treatment.

In an effort to maintain the established pay relationship between positions when increases to pay grades or ranges are suspended for the employees in positions not assigned to a bargaining unit, the maximum salary in ranges for positions assigned to the merit compensation system (including medical administrator, broad-band, and associated out-of-state rates) or only assigned foreign service rates are increased by 17%. This is the equivalent of most bargaining unit increases from July 1, 2004 through June 30, 2008 minus the 4% increase to ranges assigned to the merit compensation system effective December 2, 2005.

In Section 310.290, effective January 1, 2007 the maximum rates in the out-of-state ranges where the classifications are otherwise assigned to the merit compensation system and the maximum rates in the foreign service ranges where the classifications are not otherwise assigned to another pay system are increased by 17%.

In Section 310.Appendix C, effective January 1, 2007 the maximum rates in the ranges assigned to medical administrator titles are increased by 17%.

In Section 310.Appendix D, effective January 1, 2007 the maximum rates in the merit compensation ranges are increased by 17% and replace the dash in the MC 20 designation with a space for consistency.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.Appendix G, effective January 1, 2007 the maximum rates in the ranges assigned to broad-band titles are increased by 17%.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
310.100	Amendment	30 Ill. Reg. 12060; 7/14/06
310.490	Amendment	30 Ill. Reg. 12060; 7/14/06
310.50	Amendment	30 Ill. Reg. 15240; 9/29/06
310.100	Amendment	30 Ill. Reg. 15240; 9/29/06
310.280	Amendment	30 Ill. Reg. 15240; 9/29/06
310.290	Amendment	30 Ill. Reg. 15240; 9/29/06
310.295	New Section	30 Ill. Reg. 15240; 9/29/06
310.410	Amendment	30 Ill. Reg. 15240; 9/29/06
310.490	Amendment	30 Ill. Reg. 15240; 9/29/06
310.500	Amendment	30 Ill. Reg. 15240; 9/29/06
310.Appendix A Table J	Amendment	30 Ill. Reg. 15240; 9/29/06
310.Appendix A Table Q	Amendment	30 Ill. Reg. 15240; 9/29/06
310.Appendix A Table W	Amendment	30 Ill. Reg. 15240; 9/29/06
310.Appendix A Table X	Amendment	30 Ill. Reg. 15240; 9/29/06
310.Appendix B	Amendment	30 Ill. Reg. 15240; 9/29/06

- 11) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Jason Doggett
Acting Manager

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

217/782-7964

Fax: 217/524-4570

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
310.TABLE B	HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
310.TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)

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310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
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310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill.

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Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill.

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Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill.

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Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29

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Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.290 Out-of-State or Foreign Service Rate

- a) Requirements – The out-of-state or foreign service rate is the rate of pay for employees not subject to Section 310.220 but occupying positions in the classification titles listed in subsection (d) that require payment in accordance with the economic conditions of another state or foreign country. The employee shall reside in the state or foreign country where the position is assigned.
- b) Adjustments – The Director of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances. Effective December 2, 2005, the base salary for each employee who has 12 months of State service, or upon completing 12 months of State service by or on December 1, 2006, receives a 4% adjustment increase without change in the employee's creditable service date. For foreign service rates listed in subsection (d), an adjustment shall be made once a month to the base salary of an employee stationed in a foreign country to compensate for a

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change in the currency exchange rate. Adjustments except those based on the currency exchange rate or those effective December 2, 2005, are suspended for non-union positions and employees.

- c) Out-Of-State Rate Calculation – For out-of-state rates, ranges assigned to states other than California and New Jersey are 15% above the ranges assigned to in-state positions and are listed in subsection (d). Ranges assigned to California and New Jersey are 30% above the ranges assigned to in-state positions and are listed in subsection (d).
- d) Minimum and Maximum Out-of-State or Foreign Service Rates in Ranges by Classification Title –

Title	<u>Ranges</u>		<u>Range</u>	
	December 2, 2005 minimum	December 2, 2005 maximum	<u>January 1, 2007</u> <u>minimum</u>	<u>January 1, 2007</u> <u>maximum</u>
Executive II				
(States Other Than California and New Jersey)	3401	6130	<u>3401</u>	<u>7171</u>
(CA, NJ)	3844	6929	<u>3844</u>	<u>8107</u>
Foreign Service Economic Development Executive I	4002	7365	<u>4002</u>	<u>8617</u>
Foreign Service Economic Development Executive II	5126	9654	<u>5126</u>	<u>11295</u>
Foreign Service Economic Development Representative	3400	6130	<u>3400</u>	<u>7172</u>
Office Administrator IV				
(States Other Than California and New Jersey)	2673	4630	<u>2673</u>	<u>5417</u>
(CA, NJ)	3021	5234	<u>3021</u>	<u>6123</u>
Office Assistant (Foreign Service)	2256	2976	<u>2256</u>	<u>2976</u>

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Office Associate

(States Other Than California and New Jersey)	2387	3204	<u>2387</u>	<u>3204</u>
(CA, NJ)	2699	3622	<u>2699</u>	<u>3622</u>

Office Coordinator

(States Other Than California and New Jersey)	2465	3327	<u>2465</u>	<u>3327</u>
(CA, NJ)	2786	3761	<u>2786</u>	<u>3761</u>

Public Service Administrator

(States Other Than California and New Jersey)	3583	7843	<u>3583</u>	<u>9176</u>
(CA, NJ)	4051	8866	<u>4051</u>	<u>10373</u>

Revenue Tax Specialist I

(States Other Than California and New Jersey)	2751	3803	<u>2751</u>	<u>3803</u>
(CA, NJ)	3110	4299	<u>3110</u>	<u>4299</u>

Revenue Tax Specialist II

(States Other Than California and New Jersey)	2976	4209	<u>2976</u>	<u>4209</u>
(CA, NJ)	3364	4758	<u>3364</u>	<u>4758</u>

Revenue Tax Specialist Trainee

(States Other Than California and New Jersey)	2546	3468	<u>2546</u>	<u>3468</u>
(CA, NJ)	2878	3921	<u>2878</u>	<u>3921</u>

Senior Public Service Administrator

(States Other Than California and New Jersey)	4939	11607	<u>4939</u>	<u>13580</u>
(CA, NJ)	5584	13121	<u>5584</u>	<u>15352</u>

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

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Section 310.APPENDIX C Medical Administrator Rates

Effective December 2, 2005, the minimum, the base salary for each employee who has 12 months of State service, or upon completing 12 months of State service by or on December 1, 2006, receives a 4% adjustment increase without change in creditable service date.

~~Effective December 2, 2005~~

<u>Title</u>	<u>December 2, 2005</u>			<u>January 7, 2007</u>		
	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>
Medical Administrator I, Option C	8414	10237	12060	<u>8414</u>	<u>11262</u>	<u>14110</u>
Medical Administrator I, Option D	9396	11271	13145	<u>9396</u>	<u>12388</u>	<u>15380</u>
Medical Administrator II, Option C	9093	10950	12806	<u>9093</u>	<u>12038</u>	<u>14983</u>
Medical Administrator II, Option D	10441	12380	14318	<u>10441</u>	<u>13597</u>	<u>16752</u>
Medical Administrator III	10812	12936	15059	<u>10812</u>	<u>14216</u>	<u>17619</u>
Medical Administrator IV	10987	13111	15234	<u>10987</u>	<u>14406</u>	<u>17824</u>
Medical Administrator V	11163	13289	15415	<u>11163</u>	<u>14600</u>	<u>18036</u>

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

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

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Section 310.APPENDIX D Merit Compensation System Salary Schedule

Effective December 2, 2005, the minimum, the base salary for each employee who has 12 months of State service, or upon completing 12 months of State service by or on December 1, 2006, receives a 4% adjustment increase without change in creditable service date.

Effective December 2, 2005

Salary Range	<u>December 2, 2005</u>			<u>January 1, 2007</u>		
	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>
MC 01	2228	3021	3813	<u>2228</u>	<u>3345</u>	<u>4461</u>
MC 02	2324	3175	4026	<u>2324</u>	<u>3517</u>	<u>4710</u>
MC 03	2437	3360	4282	<u>2437</u>	<u>3724</u>	<u>5010</u>
MC 04	2547	3517	4486	<u>2547</u>	<u>3898</u>	<u>5249</u>
MC 05	2674	3725	4775	<u>2674</u>	<u>4131</u>	<u>5587</u>
MC 06	2810	3910	5009	<u>2810</u>	<u>4336</u>	<u>5861</u>
MC 07	2957	4144	5330	<u>2957</u>	<u>4597</u>	<u>6236</u>
MC 08	3116	4396	5676	<u>3116</u>	<u>4879</u>	<u>6641</u>
MC 09	3294	4642	5989	<u>3294</u>	<u>5151</u>	<u>7007</u>
MC 10	3480	4942	6404	<u>3480</u>	<u>5487</u>	<u>7493</u>
MC 11	3675	5248	6820	<u>3675</u>	<u>5827</u>	<u>7979</u>
MC 12	3903	5600	7296	<u>3903</u>	<u>6220</u>	<u>8536</u>
MC 13	4168	5985	7802	<u>4168</u>	<u>6648</u>	<u>9128</u>
MC 14	4457	6426	8395	<u>4457</u>	<u>7140</u>	<u>9822</u>
MC 15	4784	6889	8994	<u>4784</u>	<u>7654</u>	<u>10523</u>
MC 16	5122	7401	9679	<u>5122</u>	<u>8223</u>	<u>11324</u>
MC 17	5527	7989	10450	<u>5527</u>	<u>8877</u>	<u>12227</u>
MC 18	5957	8336	10714	<u>5957</u>	<u>9246</u>	<u>12535</u>

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MC 19	6434	8699	10963	<u>6434</u>	<u>9631</u>	<u>12827</u>
MC-20	13109	14615	16120	<u>13109</u>	<u>15985</u>	<u>18860</u>

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

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Section 310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule

Effective December 2, 2005, the minimum, the base salary for each employee who has 12 months of State service, or upon completing 12 months of State service by or on December 1, 2006, receives a 4% adjustment increase without change in creditable service date.

Effective December 2, 2005

<u>Title</u>	<u>December 2, 2005</u>		<u>January 1, 2007</u>	
	<u>Minimum Salary</u>	<u>Maximum Salary</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
Health Information Administrator	2674	5330	<u>2674</u>	<u>6236</u>
Human Resources Representative	2324	4486	<u>2324</u>	<u>5249</u>
Human Resources Specialist	2674	5330	<u>2674</u>	<u>6236</u>
Public Service Administrator	3116	6820	<u>3116</u>	<u>7979</u>
Residential Services Supervisor	2324	4486	<u>2324</u>	<u>5249</u>
Senior Public Service Administrator	4295	10093	<u>4295</u>	<u>11809</u>
Site Superintendent	2674	5330	<u>2674</u>	<u>6236</u>

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

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- 1) Heading of the Part: Illinois Elevator Safety Rules
- 2) Code Citation: 41 Ill. Adm. Code 1000
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1000.10	New Section
1000.20	New Section
1000.30	New Section
1000.40	New Section
1000.50	New Section
1000.60	New Section
1000.70	New Section
1000.80	New Section
1000.90	New Section
1000.100	New Section
1000.110	New Section
1000.120	New Section
1000.130	New Section
1000.140	New Section
1000.150	New Section
1000.160	New Section
1000.170	New Section
1000.180	New Section
- 4) Statutory Authority: Authorized by and implementing Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].
- 5) A Complete Description of the Subjects and Issues Involved: The subjects involved in this rulemaking are elevators, power driven stairways, hoisting or lifting mechanisms equipped with a car or platform, automatic guided transit vehicles on guide ways and the contractors and mechanics who install, maintain and repair the equipment and those individuals who inspect the installations and repairs. The rules also apply to the investigation of accidents and complaints against individuals who violate the provisions of the Act.
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: The sources of underlying data used to compose this rulemaking consists of statutes and rules currently in effect in other states that have active elevator safety programs most notably the State of Florida, the State of Washington and the State of Missouri, along with the text of the codes adopted by reference in the rules. The agency

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also used the input from prior public hearings convened as a result of the proposal to adopt rules in 2005 even though those rules had not been adopted.

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repealer date? No
- 9) Does this rulemaking contain incorporation by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The Statewide Policy Objectives met by these rules is the safety of the public who use elevators, escalators and other public conveyances.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment in writing to the following:

John J. Fennell Jr.
General Counsel's Office
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217-558-1320

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business which is in the business of installation, repair or maintenance of any regulated conveyance. Municipalities that inspect regulated conveyances. Not for Profit corporations will be affected only to the extent that they have buildings with regulated conveyances that are installed, repaired or inspected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Individuals and companies which undertake the installation, inspection, repair or maintenance of regulated conveyances are required to maintain records on license, applications and individual regulated conveyance inspection, repair or maintenance. Units of local government that undertake to permit and/or inspect regulated conveyances

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are required to maintain records on such activity. Building owners in which regulated conveyances are located are required to keep records of inspection, repair, maintenance and new installations in those buildings.

- C) Types of Professional skills necessary for compliance: Individuals prove competence to inspect, install, repair and maintain regulated conveyances by either experience, education or testing which demonstrated conformance to national standards published for the particular type of conveyance the individual seeks to be licensed to perform inspections, repairs, maintenance or installation.
- 14) This rulemaking was not included on either of the 2 most recent agendas because: Rule was not anticipated during the 2 most recent agendas.

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

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED RULES

TITLE 41: FIRE PROTECTION
CHAPTER II: ELEVATOR SAFETY REVIEW BOARDPART 1000
ILLINOIS ELEVATOR SAFETY RULES

Section	
1000.10	Purpose of this Part
1000.20	Applicability
1000.30	Definitions
1000.40	Local Regulation
1000.50	Elevator Safety Review Board
1000.60	Adoption of Nationally Recognized Safety Codes
1000.70	Variance and Reconsideration
1000.80	Licensure and Registration Requirements
1000.90	Application for License or Registration
1000.100	License and Registration Fees
1000.110	Renewal of License
1000.120	Registration of Conveyances
1000.130	Permits
1000.140	Conveyance Inspection
1000.150	Certificate of Operation
1000.160	Administrative Hearing
1000.170	Administrative Penalties
1000.180	Implementation Schedule

AUTHORITY: Implementing and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].

SOURCE: Adopted by emergency rule at 30 Ill. Reg. 13181, effective July 21, 2006, for a maximum of 150 days; adopted at 31 Ill. Reg. _____, effective _____.

Section 1000.10 Purpose of this Part

The purpose of this Part is to assure that conveyances are correctly and safely installed and operated within the State by regulating the design, installation, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts, and automated people movers, and by licensing personnel and businesses that work on these conveyances.

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Section 1000.20 Applicability

- a) *This Part applies to the design, construction, operation, inspection, testing, maintenance, alteration and repair of the following equipment, its associated parts, and its hoistways (except as exempted in subsection (c) of this Section):*
- 1) *Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings and include, but is not limited to, elevators, platform lifts and stairway chairlifts;*
 - 2) *Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walkways;*
 - 3) *Hoisting and lowering mechanisms equipped with a car, which serve 2 or more landings and are restricted to the carrying of material by their limited size or limited access to the car and include, but are not limited to, dumbwaiters or material lifts and dumbwaiters with automatic transfer devices;*
 - 4) *Automatic guided transit vehicles on guide ways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers. [225 ILCS 312/10(a) and (b)]*
- b) *This Part does not apply to a municipality with a population over 500,000 [225 ILCS 312/10(d)].*
- c) *This Part does not apply to the following equipment: material hoists; belt manlifts; mobile scaffolds, towers, and platforms, except those covered by ANSI A10.4; powered platforms and equipment for exterior and interior maintenance; conveyors and related equipment; cranes, derricks, hoists, hooks, jacks, and slings; industrial trucks; portable equipment, except for portable escalators; tiering or piling machines used to move materials to and from storage located and operating entirely within one story; equipment for feeding or positioning materials at machine tools, printing presses, etc.; skip or furnace hoists; wharf ramps; railroad car lifts or dumpers; line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State; railway and transit systems; conveyances located in a private residence not accessible to the public; special purpose personnel elevators. [225 ILCS 312/10(c)]*

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Section 1000.30 Definitions

For the purposes of this Part, the definitions of terms in Section 15 of the Act and in this Section shall apply.

"Acceptance Inspection" means an inspection performed at the completion of the initial installation or alteration of equipment in accordance with applicable standards.

"Act" means the Elevator Safety and Regulation Act [225 ILCS 312].

"Board" means the Elevator Safety Review Board created by Section 25 of the Act [225 ILCS 312/15].

"Certificate of Operation" means a certificate issued by the OSFM that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid. [225 ILCS 312/15]

"Code" or "State Code" means the standards and recommendations incorporated by reference in Section 1000.60.

"Contractor License Designee" means an individual designated by a licensed elevator contractor or licensed limited elevator contractor who is the holder of the elevator contractor license or limited elevator contractor license and has the responsibility to ensure that work performed by the contractor is done so in conformance with the Act.

"Elevator Contractor" means any person, firm, or corporation who possesses an elevator contractor license in accordance with the provisions of Sections 40 and 55 of the Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by the Act. [225 ILCS 312/15]

"Elevator Helper" means an individual registered with OSFM as an elevator helper. Elevator helpers must work under the direct supervision of a licensed elevator mechanic or licensed limited elevator mechanic. [225 ILCS 312/15]

"Elevator Industry Apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training

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of the U.S. Department of Labor and who is registered by OSFM to perform work within the elevator industry under the direct supervision of a licensed elevator mechanic or licensed limited elevator mechanic. [225 ILCS 312/15]

"Elevator Inspector" means any person who possesses an elevator inspector license in accordance with the provisions of the Act. [225 ILCS 312/15]

"Elevator Mechanic" means any person who possesses an elevator mechanic license in accordance with the provisions of Section 45 of the Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by the Act. [225 ILCS 312/15]

"Emergency Elevator Mechanic License" means a license issued by OSFM, under Section 45(d) of the Act and Section 1000.80(d) of this Part and based upon the certification of a licensed elevator contractor or licensed limited elevator contractor, *whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding mechanic licenses is insufficient to cope with the emergency. [225 ILCS 312/45(d)]*

"Hearing Officer" means the presiding officer or officers at the initial hearing before the Board and each continuation of that hearing. A hearing officer must be an attorney-at-law licensed to practice in Illinois.

"Limited Elevator Contractor License" means a license issued by OSFM, under Section 1000.80(g), that limits the licensee's business to platform lifts and stairway chairlifts. (See definition of Elevator Contractor's License at 225 ILCS 312/15.)

"Limited Elevator Mechanic License" means a license issued by OSFM, under Section 1000.80(a), that *authorizes the licensee to carry on a business of erecting, constructing, installing, altering, servicing, repairing or maintaining platform lifts and stairway chairlifts within any building or structure. [225 ILCS 312/15]*

"Material Alteration" means any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement.

"OSFM" means the Office of the State Fire Marshal, which is designated by the Act to be the administrator of the Illinois Elevator Safety and Regulation Program.

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"Owner" means any person or authorized agent of that person who owns a device or equipment subject to regulation under the Act, or, in the event the device or equipment is leased, the lessee.

"Private Residence" means a separate dwelling or a separate apartment or condominium unit in a multiple-family dwelling that is occupied by members of a single-family unit. [225 ILCS 312/15]

"Repair" means reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with applicable code requirements. Repair includes only such work as is necessary to maintain present equipment in a safe and serviceable condition and to adjust or replace defective, broken, or worn parts with parts made of equivalent material, strength, and design, and where the replacing part performs the same function as the replaced part. Section 15 of the Act exempts repairs from the Act's permit requirements.

"Temporary Certificate of Operation" means a certificate issued by the OSFM that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed, or use of elevators temporarily used for construction or demolition to provide transportation for construction personnel, tools, and materials only. [225 ILCS 312/15]

"Temporary Elevator Mechanic License" means a license issued by OSFM, under Section 45(e) of the Act and Section 1000.80(c) of this Part, *upon the request and certification of a licensed elevator contractor or licensed limited elevator contractor, when there are no licensed personnel available to perform elevator work [225 ILCS 312/45(e)].*

Section 1000.40 Local Regulation

- a) Authorization of Local Programs
A municipality or county may issue permits and may enter into a contract with the OSFM under which the municipality or county will operate a local program, provided that the local program safety standards, codes and regulations are at least as stringent as those adopted in this Part, to:
 - 1) *Issue construction permits and certificates of operation;*

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- 2) *Provide for inspection of elevators, including temporary operation inspections; and*
 - 3) *Enforce the applicable provisions of the Act. [225 ILCS 312/140]*
- b) Approval by the Board
- 1) Application
Any municipality or county that chooses to inspect, license or otherwise regulate conveyances must apply to the Board for approval of the local program. The application shall include the name of the local program administrator, the standards and regulations adopted, the number and types of conveyances covered by the program, the name and license number of inspectors, and other reasonable information the Board may request. The form shall be provided by the OSFM.
 - 2) Approval and Program Agreement
If the OSFM determines that the local program will be at least as stringent as the requirements of the Act and this Part, the OSFM will so notify the local program. Each municipality or county approved by the Board to implement a local program shall enter into a written agreement with OSFM under which the local program will apply within the described territory.
 - 3) Existing Local Programs
Initial applications for approval of local programs existing when this Part is adopted must be submitted to the Board. Municipalities or counties having conveyance safety inspection programs existing on the effective date of this Part that are in substantial conformance with this Part may continue to operate those programs pending approval by the Board. The OSFM shall be responsible for oversight and concurrent enforcement during the period between application and approval of local programs.
 - 4) Annual Review
Board approval of local programs is renewable annually.
- c) Local Ordinances, Resolutions and Regulations
The municipality or county must enact enabling ordinances or resolutions creating the local program and adopt standards and regulations at least as stringent as those

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provided in this Part. Variances to standards and regulations adopted by a local program shall not become final until ratified by the Board.

- d) **Local Enforcement**

Within the jurisdiction of an approved local program, except as otherwise provided in this subsection (d), the procedural requirements of the local program shall be followed, rather than the procedural requirements of this Part, including the specified fees. However, all conveyances located within the jurisdiction of a local program shall be registered with the OSFM in accordance with Section 80 of the Act and Section 1000.120 of this Part.
- e) **Reporting and Recordkeeping**
 - 1) **Annual Report**

The municipality or county shall submit an annual report to the OSFM documenting the standards and regulations enforced by the municipality or county and the number of inspections performed and permits issued.
 - 2) **Other Reporting**

The OSFM may require additional reports and information to be provided on a periodic basis to assure that local programs are operating in conformance with the Act.
 - 3) **Recordkeeping**

A municipality or county that operates a local program shall maintain for inspection by the OSFM copies of all inspection reports, permit applications and permits issued, and shall maintain a record of the number of certificates of operation issued by that jurisdiction. These records must be maintained for at least one year. A copy of permits issued shall also be forwarded to the OSFM.
- f) **Discontinuance of a Local Program**
 - 1) **Discontinuance by the Local Jurisdiction**

Should a local program determine to discontinue inspecting, licensing, or otherwise regulating conveyances, the local program administrator shall notify the OSFM 90 days prior to termination of the program. The municipality or county shall make available to the OSFM program records and documents necessary for the OSFM to maintain regulatory continuity.

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- 2) Discontinuance by the Board
The OSFM shall monitor the local programs and report to the Board whenever a program is found to not meet the requirements of the Act and this Part. The Board shall review the report and notify the municipality or county of corrective actions needed to be taken to bring its program into compliance. The Board may, after allowing time for corrective action and after a hearing under 41 Ill. Adm. Code 210 and Section 1000.160 of this Part, withdraw approval of a non-compliant local program.

Section 1000.50 Elevator Safety Review Board

- a) Appointment
The Elevator Safety Review Board consists of 13 members, 10 of whom are appointed by the Governor and 3 of whom are appointed by the State Fire Marshal under Section 25 of the Act.
- b) Powers and Duties
Section 35 of the Act authorizes the Board to adopt rules for administration and enforcement of the Act. The rules shall establish standards and criteria consistent with the Act for licensing of elevator mechanics, limited elevator mechanics, inspectors and contractors. The Board may grant variances from the applicable standards, establish fees and recommend changes to the Act.
- c) Contact
The Board's office is located at the Office of the Illinois State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.

Section 1000.60 Adoption of Nationally Recognized Safety Codes

- a) All conveyances shall be designed, constructed, installed, operated, inspected, tested, maintained, altered, and repaired in accordance with the following standards and recommended practices:
 - 1) American Society of Mechanical Engineers (ASME)
Three Park Avenue
New York NY 10016-5990
 - A) Safety Code for Elevators and Escalators (ASME A17.1-2004);

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- B) Guide for Inspection of Elevators, Escalators, and Moving Walks (ASME A17.2-2004);
 - C) Safety Code for Existing Elevators and Escalators (ASME A17.3-2005);
 - D) Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005);
 - E) Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2004).
- 2) American National Standards Institute (ANSI)
25 West 43rd Street, 4th Floor
New York NY 10036
- Safety Requirements for Personnel Hoists and Employee Elevators (ANSI A10.4-2004).
- 3) American Society of Civil Engineers (ASCE)
1801 Alexander Bell Drive
Reston VA 20191-4400
- Automated People Mover Standards (ASCE 21-2000).
- b) All the materials incorporated by reference in this Section are incorporated as of the date specified and include no later editions or amendments.

Section 1000.70 Variance and Reconsideration

- a) The Board may grant variances to applicable State codes, standards or this Part that are consistent with the intent of the Act.
- b) In order for a variance request to be reviewed, the request shall be submitted in writing by the owner or his/her designated representative and shall include:
 - 1) Evidence that the proposed or existing conveyance is not in compliance with the code or regulation.

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- 2) Evidence that strict compliance with the code or regulation would entail practical difficulty or unnecessary hardship or is otherwise found unwarranted.
 - 3) Evidence that any requested variance does not jeopardize the safety and health of those who would use the conveyance or work on the conveyance and that the methods, means, or practices proposed provide equal protection of the public's safety and health.
 - 4) A processing fee of \$200.
- c) The Board's determination on the variance request shall be made in writing to the party making the request and shall advise the party of the reconsideration process contained in subsection (d). This determination shall be made no later than 30 days after the Board meeting at which the variance request is heard.
 - d) The Board may reconsider a determination made pursuant to this Section. To request reconsideration, the owner or his/her designee shall submit a written request to the Board including:
 - 1) Information in addition to that provided under subsection (b) that may assist the Board in its reconsideration.
 - 2) Evidence that this Part or a code or regulation has been incorrectly interpreted, the provisions of the code or regulation do not fully apply, or the decision is unreasonable or arbitrary as it applies to alternatives or new materials.
 - e) The request for reconsideration shall be submitted no later than 30 days after receiving the variance determination. A request for variance or reconsideration shall not relieve a person from complying with the Act or this Part during the pending review.

Section 1000.80 Licensure and Registration Requirements

- a) Qualifications for Elevator Mechanic or Limited Elevator Mechanic License
 - 1) Elevator Mechanic License
Section 20(a) of the Act states that *no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained*

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within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic license.

- A) *No license shall be granted to any person who has not paid the application fee required by Section 1000.100(a).*
- B) **Grandfathering**
A person applying for an elevator mechanic license by January 1, 2007 and submitting to the OSFM acceptable proof that he or she has worked as an elevator constructor or maintenance or repair person for equipment the licensee is authorized to install shall be issued an elevator mechanic license. Acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately prior to July 21, 2006.
- C) *No license shall be granted to any person who has not proven his or her qualifications and abilities. Applicants for an elevator mechanic license must demonstrate one of the following qualifications:*
- i) *an acceptable combination of documented experience and education credits consisting of:*
- *not less than 3 years work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers licensed to do business in this State; and*
 - *satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on this Part and the State codes incorporated in Section 1000.60; or*
- ii) *a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent based on*

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the codes applicable to the type of license for which the individual is applying; or

- iii) *a certificate of completion of an elevator mechanic apprenticeship program, with standards substantially equal to those of the Act, registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor; or*
- iv) *a valid license from a state having standards substantially equal to those of this State. [225 ILCS 312/45]*

2) Qualifications for a Limited Elevator Mechanic License

- A) No license shall be granted to any person or firm that has not paid the application fee required by Section 1000.100(g).
- B) Qualifications for a limited elevator mechanic license shall be the same of for an elevator mechanic license with the exception that work experience shall consist of work performed on ASME A18.1 conveyances (platform lifts and stairway chairlifts). Examinations will cover ASME A18.1 standards, the Act, and this Part.

b) Elevator Industry Apprentice or Helper Registration

- 1) *A person who is not licensed as an elevator mechanic or limited elevator mechanic may not work as an elevator industry apprentice or helper unless her or she is registered as such by OSFM and works under the direct supervision of a licensed elevator mechanic or licensed limited elevator mechanic. [225 ILCS 312/20(c)]*
- 2) No person shall be registered as an elevator industry apprentice or helper who has not paid the registration fee required by Section 1000.100(j).
- 3) All elevator mechanic apprentices shall be registered with an apprenticeship or training program approved by the Bureau of Apprenticeship and Training, U.S. Department of Labor.
- 4) Elevator industry apprentices and helpers shall register by submitting, on a form provided by the OSFM, the following information:

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- A) Name, address and telephone number of the applicant.
 - B) Whether the applicant is registering as an apprentice or as a helper.
 - C) If an apprentice, the name and contact information for the apprenticeship or training program with which the apprentice is registered.
- 5) Upon determination that the applicant for registration meets all the requirements of the Act and this Part, OSFM will provide the applicant with an elevator industry apprentice or helper registration card.
- c) Qualifications for a Temporary Elevator Mechanic License
- 1) No license shall be granted to any person who has not paid the application fee required by Section 1000.100(e).
 - 2) *A licensed elevator contractor or licensed limited elevator contractor shall notify OSFM when there are no licensed personnel available to perform elevator work and may request that the OSFM issue temporary elevator mechanic licenses to persons certified by the contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision.*
 - 3) A person for whom a contractor requests a temporary elevator mechanic license shall show proof of competency by documenting 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.
 - 4) *A temporary elevator mechanic license shall recite that it is valid for a period of 30 days from the date of issuance and while the elevator mechanic is employed by the licensed elevator contractor or licensed limited elevator contractor that certified the individual as qualified. It shall apply to such particular elevators or geographical areas as OSFM designates and shall be renewable as long as the shortage of licenseholders continues. [225 ILCS 312/45(e)]*
- d) Qualifications for Emergency Elevator Mechanic License

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- 1) No application fee is required for an individual applying for an emergency elevator mechanic license or for the renewal of that license.
 - 2) *Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding elevator mechanic licenses is insufficient to cope with the emergency, any person certified by a licensed elevator contractor or licensed limited elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the OSFM within 5 business days after commencing work requiring a license.*
 - 3) *The applicant shall furnish proof of competency by submitting to the OSFM documentation of 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.*
 - 4) *An emergency mechanic license is valid for 30 days from the date issued and for such particular elevators or geographical areas as the OSFM may designate. The emergency license entitles the licensee to the rights and privileges of an elevator mechanic license issued under subsection (a).*
 - 5) *OSFM shall renew an emergency elevator mechanic license during the existence of an emergency. [225 ILCS 312/45(d)]*
- e) Qualifications for Elevator Inspector License
- 1) *No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless he or she has an inspector license [225 ILCS 312/20(b)].*
 - 2) *No elevator inspector license shall be granted to any person who has not paid the application fee required by Section 1000.100(b).*
 - 3) *No inspector's license shall be granted to any person, unless he or she proves to the satisfaction of the OSFM that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors. [225 ILCS 312/50]*

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- 4) To be licensed as an elevator inspector, the applicant must have attained QEI certification (see Section 1000.60(a)(1)(E)). An elevator inspector shall notify the OSFM within 24 hours after suspension, termination or expiration of his/her QEI certification. No inspector shall perform any inspection covered by the Act without a current QEI certification and valid elevator inspector license.
- f) **Qualifications for Elevator Contractor License**
Section 40(a) of the Act requires that any person *wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State* must be licensed.
- 1) *No license shall be granted to any person or firm unless the application fee required by Section 1000.100(c) is paid.*
 - 2) *No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must demonstrate one of the following qualifications:*
 - A) *five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by documentation as required by the Board;*
 - B) *satisfactory completion of a written examination administered by the Elevator Safety Review Board directly or through its designated provider on this Part and the State codes incorporated in Section 1000.60; or*
 - C) *proof that the individual or firm holds a valid license from a state having standards substantially equal to those of this State. [225 ILCS 312/55]*
- g) **Qualifications for a Limited Contractor License**
- 1) No license shall be granted to any person or firm unless the application fee required by Section 1000.100(d) is paid.
 - 2) Qualifications for a limited contractor license shall be the same as for an elevator contractor license with the exception that work experience shall

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consist of work performed on ASME A18.1 conveyances (platform lifts and stairway chairlifts). Examinations will cover ASME A18.1 standards, the Act, and this Part.

- h) Miscellaneous Requirements
 - 1) No licensee shall work on non-registered or non-permitted conveyances covered by the Act, except for those conveyances exempted from registration by the Act or Section 1000.120(e)(3) of this Part.
 - 2) All license holders are required to report violations of the Act, this Part and the standards listed in Section 1000.60 to the OSFM.
 - 3) All license holders are required to submit proof of insurance as required by Section 100 of the Act and must provide notice at least 10 days in advance to the OSFM of any substantial alteration or cancellation of a policy. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.
 - 4) Each licensee shall have his/her valid license, and each elevator industry apprentice or helper shall have his/her valid registration card, in his/her possession when working on conveyances covered by the Act.

Section 1000.90 Application for License or Registration

- a) Application Forms

All applications for an elevator mechanic, limited elevator mechanic, temporary elevator mechanic, emergency elevator mechanic, elevator inspector, elevator contractor, or limited elevator contractor license, or for registration as an elevator industry apprentice or helper, shall be submitted to the OSFM on forms provided by the OSFM.
- b) OSFM Approval or Denial

Upon receipt, review and approval of the application, the OSFM shall issue the appropriate license or registration. If OSFM determines the applicant does not qualify for licensure or registration based on the criteria established in Section 1000.80, OSFM shall deny the application and notify the applicant of the reason for denial.
- c) Application for an Elevator Contractor or Limited Elevator Contractor License

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- 1) *All applications for an elevator contractor or limited elevator contractor license shall include:*
 - A) *if the applicant is a person, the name, residence address, and business address of the applicant;*
 - B) *if the applicant is a partnership, the name, residence address, and business address of each partner;*
 - C) *if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;*
 - D) *if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;*
 - E) *the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;*
 - F) *if applying for an elevator contractor or limited elevator contractor license, the approximate number of persons, if any, to be employed by the applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;*
 - G) *satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance; and*
 - H) *any criminal record of convictions. [225 ILCS 312/40]*
- 2) Contractor License Designee
Each applicant for an elevator contractor license or a limited elevator contractor license must designate an individual as the Contractor License Designee. The Designee shall hold an elevator contractor license, a limited elevator contractor license, an elevator mechanic license or a limited elevator mechanic license. When an exam is required, the exam will be

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administered to the Designee. If the Designee separates employment or his/her designation is terminated, the contractor must notify the OSFM within 24 hours. The contractor must designate a new Designee and inform the OSFM in writing within 10 working days or the contractor's license will be automatically suspended. No work on conveyances covered by the Act may be performed by a contractor unless a Contractor License Designee has been appointed and the OSFM has been notified of the appointment.

Section 1000.100 License and Registration Fees

License fees shall be as follows:

a)	Elevator Mechanic License (initial and renewal)	\$200
b)	Elevator Inspector License (initial and renewal)	\$400
c)	Elevator Contractor License (initial and renewal)	\$1,000
d)	Limited Elevator Contractor License (initial and renewal)	\$500
e)	Temporary Elevator Mechanic License (initial and renewal)	\$50
f)	Emergency Elevator Mechanic License (initial and renewal)	\$0
g)	Limited Elevator Mechanic License (initial and renewal)	\$100
h)	License Restoration	Renewal Fee+\$50
i)	Replacement License	\$25
j)	Elevator Industry Apprentice or Helper Registration	\$50

Section 1000.110 Renewal of License

- a) All licenses shall be renewed every 2 years. A licensee may renew a license by submitting a written application for renewal, accompanied by the required fee, 30 days prior to expiration of the license.
- b) The individual applicant or the elevator contractor or limited elevator contractor shall provide evidence satisfactory to the OSFM of completion by the individual applicant or the Contractor License Designee of at least 8 hours of continuing education approved by the Board, designed to ensure the continued qualifications of the applicant.

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- c) *A licensee who is unable to complete the continuing education course required by subsection (b) prior to the expiration of his/her license due to a temporary disability may apply for a waiver from the Board as provided for in Section 60(f) of the Act. [225 ILCS 312/60(f)]*
- d) If a license is allowed to lapse, it may be restored within one year after its expiration date by meeting the requirement of subsection (b) and the payment of \$50 in addition to the renewal fee. If a license is not restored within one year after its expiration date, the licenseholder must apply for a new license and shall follow the appropriate licensing procedure.

Section 1000.120 Registration of Conveyances

- a) **Registration of Newly Installed Conveyances**
The licensed elevator contractor or limited elevator contractor installing a new conveyance shall register the conveyance with the OSFM as required by Section 95 of the Act and pay a registration fee of \$30.
- b) **Registration of Existing Conveyances**
By January 1, 2007, owners of existing conveyances shall register the conveyance with the OSFM as required by Section 80 of the Act and pay a registration fee of \$30.
- c) The registration shall be on a form provided by the OSFM and shall include, but is not limited to, the type, rated load and speed, manufacturer, location, purpose, and date of installation.
- d) The OSFM shall issue for each conveyance a registration identification plate with the registration number inscribed that shall be used to identify the conveyance thereafter. The registration plate shall be permanently affixed/attached to one of the following:
 - 1) Machine, pump unit or drive unit;
 - 2) Car operating station.
- e) **Penalties**
 - 1) Conveyance Owners

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The OSFM may assess a penalty in accordance with Section 110(b) of the Act not to exceed \$1,500 per violation, per day to an owner of a building other than his/her own private residence who fails to register a conveyance with the OSFM.

- 2) **Contractors**
The OSFM may assess a penalty not to exceed \$500 for each day a contractor fails to register a new conveyance as required by Section 95(a) of the Act.
- 3) **Private Residence Owners**
No fee will be charged for registration of existing private residence conveyances and no penalties will be incurred by the owner of a private residence.

Section 1000.130 Permits

- a) A licensed elevator contractor or limited licensed elevator contractor shall obtain a permit from the OSFM, municipality, or county that regulates such activities prior to erecting, constructing, installing, or materially altering any conveyances covered by the Act. Permits will be required under this Section only for projects that commence after the effective date of this Part.
- b) If the permit is issued by a local government, the governmental entity issuing the permit shall send a copy to the OSFM. The governmental entity shall be required to maintain the permit on file for a period of not less than one year from the date of issuance.
- c) Each application for a permit from the OSFM shall be on a form provided by the OSFM and shall be accompanied by the permit fee established in subsection (g) and *accurately scaled and fully dimensioned plans and shall show the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members, including foundations. The specifications shall include all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design.* [225 ILCS 312/90(c)] All permit applications shall be signed by the Contractor License Designee.

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NOTICE OF PROPOSED RULES

- d) At the conclusion of the permitted activity, the licensed elevator contractor or limited elevator contractor shall arrange for a licensed elevator inspector to perform an acceptance inspection.
- e) The licensed elevator contractor or limited elevator contractor shall notify the OSFM no less than 7 days prior to the acceptance inspection being performed.
- f) The licensed elevator contractor or limited elevator contractor shall specify whether the permit is for a conveyance used for mobility-impaired or nonmobility-impaired purposes.
- g) OSFM permit fees shall be as follows:
 - 1) New installation \$200
 - 2) Material alteration \$100

Section 1000.140 Conveyance Inspection

- a) **Acceptance Inspections**

All new conveyance installations shall be inspected and, based on that inspection, shall, prior to initial use, receive a Certificate of Operation from the OSFM. *All new conveyance installations shall be performed by a licensed elevator contractor who shall, subsequent to inspection, certify compliance with the applicable Sections of the Act and this Part. [225 ILCS 312/95(a)]*
- b) **Periodic Inspections and Tests**
 - 1) *It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected at intervals stated in the standards incorporated by Section 1000.60. It shall be the responsibility of the owner to insure that the inspections and tests are performed at the prescribed intervals.*
 - 2) All inspections and tests shall be conducted in accordance with the State code listed in Section 1000.60 that applies to the conveyance being inspected.
 - 3) *Subsequent to inspection, the licensed elevator inspector must supply the property owner and the OSFM with a written inspection report describing any and all violations.*

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- 4) *Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting any violations. The licensed inspector will review the actions taken by the property owner and, if the corrections are adequate, will issue a follow-up inspection report indicating adequate remediation of the violations.*
 - 5) *All tests shall be performed by a licensed elevator mechanic or licensed limited elevator mechanic who is licensed to perform work on that particular type of conveyance. [225 ILCS 312/120(c)]*
- c) **Random Inspections**
As authorized by Section 105(a) of the Act, the OSFM may conduct random on-site inspections and tests on existing installations.
- d) **Conflict of Interest**
No individual licensed as both an elevator mechanic (regular or limited) and elevator inspector may inspect his/her own work, the work of his/her company, or the work of a company affiliated with his/her company. The Board may grant exceptions for governmental, academic, and other institutions that maintain their own personnel licensed as elevator inspectors and as elevator mechanics to allow those personnel to inspect conveyances owned or leased by the institutions as long as they are not inspecting their own work.

Section 1000.150 Certificate of Operation

- a) Each application for a Certificate of Operation shall be submitted to the OSFM and shall include the following:
 - 1) An acceptance report or the report from the most recent periodic inspection from a licensed elevator inspector indicating the date of the inspection and that the conveyance is safe for normal use;
 - 2) A certification from a licensed elevator mechanic or licensed limited elevator mechanic that the conveyance was tested in accordance with the appropriate State code;
 - 3) Any other information the OSFM may require; and
 - 4) The fee required by subsection (b).

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- b) The fees for Certificate of Operation shall be as follows:
- | | |
|--|-------|
| 1) Initial Certificate of Operation | \$100 |
| 2) Annual Renewal of Certificate of Operation | \$75 |
| 3) Renewal of Expired Certificate of Operation | \$100 |
| 4) Temporary Certificate of Operation | \$200 |
- c) Upon receipt and review of the application and supporting documentation, the OSFM shall issue the appropriate Certificate of Operation or shall notify the applicant of the reason for the denial of the certificate.
- d) The OSFM may issue a Temporary Certificate of Operation that permits the temporary use of a non-compliant conveyance by the public for up to 30 days while minor repairs are being completed if the OSFM determines that use of the conveyance pending repair will not jeopardize the safety and health of those using or working on the conveyance. The OSFM also may issue Temporary Certificates of Operation for elevators used for construction or demolition.
- e) *Certificates of Operation shall be clearly displayed on or in each conveyance or in the machine room for the benefit of the State code enforcement staff. [225 ILCS 312/95(c)]*
- f) Upon expiration of the Certificate of Operation, the OSFM may direct the building owner to suspend operation of the conveyance.
- g) The OSFM may cancel the Certificate of Operation and place the conveyance out of service when any of the following conditions exist:
- 1) The conveyance is deemed unsafe for operation or is being operated in an unsafe manner.
 - 2) The owner fails to pay fees or penalties.
 - 3) The owner fails to have the conveyance inspected at required intervals.
 - 4) The owner fails to take corrective action as directed by the OSFM.

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- h) When a Certificate of Operation has been suspended or cancelled or the conveyance has been placed out of service by the OSFM, no person shall operate the conveyance. The owner of the conveyance shall remediate the cause of the suspension or cancellation; shall have the conveyance reinspected; and shall apply to have a suspended Certificate of Operation reinstated or shall apply for a new Certificate of Operation to replace a cancelled certificate.

Section 1000.160 Administrative Hearing

- a) An Administrative Order issued by the Board or OSFM may be appealed in accordance with 41 Ill. Adm. Code 210.20.
- b) All appeals shall be submitted in writing to the Board no later than 10 working days following the date of the Administrative Order to correct the conveyance endangering public safety and welfare; all other appeals shall be made within 30 days following the date of the Administrative Order.
- c) All hearings conducted by the Board will be conducted pursuant to 41 Ill. Adm. Code 210.
- d) The Board may appoint a hearing officer to assist the Board with the hearing procedures.
- e) In accordance with 41 Ill. Adm. Code 210.150, failure of a party to appear on the date of the hearing shall constitute default. The Board will hold the hearing and enter a final order.
- f) All final administrative decisions of OSFM or the Board are subject to judicial review under the Administrative Review Law [735 ILCS 5/Art. III].

Section 1000.170 Administrative Penalties

- a) The OSFM may assess an administrative penalty against any person who violates the Act or this Part or any of the standards listed in Section 1000.60.
- b) Issuance of Administrative Citation
 - 1) The OSFM may issue an administrative citation in writing and shall specifically describe the nature of the violation and its location and shall include a reference to the particular Section of the Act or this Part or the

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specific standard alleged to have been violated. The citation shall also state the amount of the fine levied in accordance with subsection (d) and the process for appeal.

- 2) The person alleged to have committed the violation shall have 30 days from the date of service of the notice to notify the Board in writing of any intent to appeal the citation and fine. If no notice of appeal is filed, the citation and penalty shall be deemed a final order of the OSFM.
- 3) Administrative citations and penalties issued under this Section shall not limit the authority of the OSFM to issue orders, revoke permits, stop work on construction and/or order the electrical power to be disconnected, or take any other appropriate enforcement action.

c) Appeal of a Citation

- 1) A person who appeals a citation issued by the OSFM shall be entitled to a hearing before the Board or the Board's designee within 90 days after filing the notice of appeal. The 90 day time frame may be extended, with OSFM approval, if the appellant requests in writing additional time to prepare for the hearing.
- 2) The hearing notice to the appellant shall include the following information:
 - A) A statement of the time, place, and nature of the hearing;
 - B) A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - C) A reference to the Sections of the Act and this Part involved and/or the specific State code involved;
 - D) A short and plain statement of the matters at issue.
- 3) The Board may appoint a hearing officer to hear evidence on any appeal, prepare findings, and recommend a decision.
- 4) The appellant may appear at the hearing with counsel, present evidence, and cross-examine witnesses.

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- 5) An opportunity shall be given all parties to respond and present evidence and arguments on all issues involved.
 - 6) At the close of the evidence, the Board shall issue a written decision with findings of fact and conclusions of law determining whether a violation has occurred and the amount of any penalty to be assessed.
 - 7) Nothing in this Section shall prohibit the informal disposition of a citation by stipulation, agreed settlement, consent order, or default. Informal disposition may proceed with clear and simple documentation without complete adherence to this Section.
- d) Administrative Penalty/Fine
- 1) Violation of the Act or this Part or Any of the Standards Listed in Section 1000.60
 - A) In assessing the penalty for violations, the OSFM shall consider the seriousness of the violation, whether the violation was corrected after notification of its existence, and whether the person has been fined for the same or similar violations in the past.
 - B) When a penalty is assessed, the fine shall be as follows:
 - i) The fine shall not exceed \$1,500 for each violation that poses a serious threat to life safety.
 - ii) The fine shall not exceed \$500 for each violation that does not pose a serious threat to life safety.
 - iii) Each day that a violation continues constitutes a separate violation, up to the limitations specified in subsection (d)(3).
 - iv) All fines must be paid within 30 days after receipt or the fine doubles, up to the limitations specified in subsection (d)(3). After 60 days, the OSFM may remove the conveyance from service until all fines are paid.

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- 2) Licensure or Registration Violation
 - A) The fine shall not exceed \$2,000 for each instance for any person or business that performs elevator work without being properly licensed or registered as required by this Part.
 - B) The fine shall not exceed \$2,000 for each instance for any contractor that allows an individual to perform work on a conveyance covered by the Act who does not possess a valid license required by this Part.
 - C) The OSFM may suspend or revoke any license or registration when the licensee or registrant fails to pay assessed penalties or willfully or repeatedly violates the Act or this Part.
- 3) The fine shall not exceed \$1,500 per violation, per day for any owner that fails to comply with the Act.
- 4) The fine shall not exceed \$1,500 for each instance of a licensee failing to notify the OSFM of violations of the Act.

Section 1000.180 Implementation Schedule

- a) The OSFM may issue an elevator mechanic or limited elevator mechanic license, in accordance with Section 45(c)(2) of the Act (grandfathering), to a person applying by January 1, 2007.
- b) Permits shall be required by January 1, 2007.
- c) All conveyances shall be registered by January 1, 2007.
- d) All new conveyances shall be required to have a certificate of operation after January 1, 2007.
- e) Those municipalities and counties that intend to regulate conveyances must notify the Board of their intent by January 1, 2007.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
710.10	Amendment
710.20	Amendment
710.22	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: update season dates, add information indicating lifetime licenses issued after August 15, 2006, shall not qualify a non-resident of Illinois for a resident turkey permit, update methods of application, add application information for landowner/tenant permits, update sites open for hunting, update site specific regulations, and update the list of sites open to Spring Youth Turkey Hunting.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel

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Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 710
THE TAKING OF WILD TURKEYS – SPRING SEASON

Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192,

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effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. _____, effective _____.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

1st Season: Monday, April 16-Friday, April 20, 2007~~Monday, April 10-Friday, April 14, 2006~~

2nd Season: Saturday, April 21-Thursday, April 26, 2007~~Saturday, April 15-Thursday, April 20, 2006~~

3rd Season: Friday, April 27-Wednesday, May 2, 2007~~Friday, April 21-Wednesday, April 26, 2006~~

4th Season: Thursday, May 3-Wednesday, May 9, 2007~~Thursday, April 27-Wednesday May 3, 2006~~

5th Season: Thursday, May 10-Thursday, May 17, 2007~~Thursday, May 4-Thursday, May 11, 2006~~

b) Southern Zone Season Dates:

1st Season: Monday, April 9-Friday, April 13, 2007~~Monday, April 3-Friday, April 7, 2006~~

2nd Season: Saturday, April 14-Thursday, April 19, 2007~~Saturday, April 8-Thursday, April 13, 2006~~

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3rd Season: Friday, April 20-Wednesday, April 25, 2007~~Friday, April 14-Wednesday, April 19, 2006~~

4th Season: Thursday, April 26-Wednesday, May 2, 2007~~Thursday, April 20-Wednesday, April 26, 2006~~

5th Season: Thursday, May 3-Thursday, May 10, 2007~~Thursday, April 27-Thursday, May 4, 2006~~

c) Open Counties:

NORTHERN ZONE

- Adams
- Boone
- Brown
- Bureau
- Calhoun
- Carroll
- Cass
- Champaign
- Christian
- Clark
- Coles
- Cumberland
- DeKalb
- DeWitt
- Edgar
- Fulton
- Greene
- Grundy
- Hancock
- Henderson
- Henry
- Iroquois
- Jersey

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Jo Daviess
Kankakee
Kendall
Knox
La Salle
Lee
Livingston
Logan
Macon
Macoupin
Marshall-Putnam
Mason
McDonough
McHenry
McLean
Menard
Mercer
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Rock Island
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Whiteside
Will
Winnebago
Woodford

SOUTHERN ZONE

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Alexander
Bond
Clay
Clinton
Crawford
Edwards
Effingham
Fayette
Franklin
Hamilton
Gallatin-Hardin
Jackson
Jasper
Jefferson
Johnson
Lawrence
Madison
Marion
Massac
Monroe
Perry
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

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

Section 710.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a

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fee of \$15. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident turkey permit. Non-resident turkey hunters shall be charged the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each wild turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits shall be completed and submitted by visiting one of the Illinois Department of Natural Resources' DNR-Direct License vendors, by applying on-line at www.dnr.state.il.us, by calling DNR-Direct License sales at 1-888-6PERMIT (1-888-673-7648) or by mailing ~~must be mailed~~ to:

Department of Natural Resources – Spring Turkey
One Natural Resources Way
P.O. Box 19446
Springfield, Illinois 62794-9446~~62702-1271~~

- b) Applicants must supply all information necessary to complete ~~all portions of the permit-application-form.~~ Incomplete applications will be rejected and fees returned. Each applicant must submit payment a personal check or money order for his/her individual application at the time of application. Not more than 4 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.
- c) Applications from Illinois residents will be accepted through December 1. Applications received in the permit office after December 1 will be included in the next computerized drawing. All requests must be on an official application form. Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield. Applicants rejected in this drawing will receive preference in the next year's drawing for spring season permits subject to guidelines outlined in subsection (g).
- d) Permits not issued during the first computerized drawing will be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the first working day after January 10. Applications received after this date will be included in the next drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. All resident permit applications will receive preference

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over non-resident applications.

- e) Any hunter who has not received a permit, and hunters that have received only one permit, may apply for a first or a second permit in a third computerized lottery drawing for the remaining permits. All resident permit applications will receive preference over non-resident applications. Applications for this third drawing will be accepted through the first working day after February 8. Applications received after this date will be included in the next drawing.
- f) Permits remaining after the three lotteries will be available in a random daily drawing that begins the first working day after March 8. All applications received on or before the first working day after March 8 will be processed in the first daily drawing. This drawing period is open to hunters applying for their first, second, or third permits.
- g) The following criteria must be met to obtain preference in the first computerized drawing:
 - 1) The applicant must apply using the official agency application.
 - 2) The applicant must be a resident of the State, be eligible to receive a spring turkey permit, and not had turkey hunting privileges revoked.
 - 3) The applicant must apply for the same county and season choices which he/she listed on the previous year's application. Preference will not be granted for special hunt areas as listed in Section 710.25 or for permit areas listed in Section 710.50(c).
- h) A \$3 service fee will be charged for replacement permits issued by the Department.
- i) The periods for accepting applications for the first three lotteries may be extended if applications are not available to the public by November 1. A news release will announce the extension of the application periods.
- j) It shall be unlawful to:
 - 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person, ~~and thereafter, submittal of applications for receiving more than three permits for the same person.~~

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- 2) Submit applications before the third computerized lottery drawing for more than two permits for the same person.
- 3) Apply for or receive more than three permits for the spring turkey season.
- 4) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

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

Section 710.22 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.
- d) [Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must be submitted to:](#)

[Illinois Department of Natural Resources](#)
[POH Spring Wild Turkey Permit](#)
[One Natural Resources Way](#)

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[P.O. Box 19227](#)
[Springfield IL 62794-9227](#)

- [e\)d\)](#) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 32 days encompassed by the 5 seasons, but allow the taking of only one wild turkey. This turkey hunting permit shall be valid on all lands the permit holder owns, leases, or rents in counties open for spring turkey hunting.
- [f\)e\)](#) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (the first working day after February 8), and a third permit in the Random Daily Drawing period that begins the first working day after March 8. Fees for these additional permits shall be \$15 for residents and the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for nonresidents.
- [g\)f\)](#) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
- 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- [h\)g\)](#) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or

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2) Submittal of a copy of a Farm Service Agency 156EZ form.

~~i)h)~~ If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate families may receive turkey permits.

~~j)h)~~ Shareholder Landowner Permits

1) Bona fide equity shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder as defined in this subsection (~~j~~), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. This shareholder turkey permit shall be free to eligible residents and the cost to eligible nonresidents shall be \$37.50.

2) Bona fide equity shareholder means an individual who:

A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

B) intends to retain the ownership of the shares of stock for at least 5

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years.

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

Section 710.50 Regulations at Various Department-Owned or -Managed Sites

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) which are followed by a (1).
- c) Statewide regulations shall apply for the following sites:
 - Anderson Lake Conservation Area (1)
 - Argyle Lake State Park (1)
 - Cache River State Natural Area (1)
 - Campbell Pond Wildlife Management Area
 - Carlyle Lake Wildlife Management Area
 - Cypress Pond State Natural Area (1)
 - Deer Pond State Natural Area (1)
 - Devil's Island State Fish and Wildlife Area
 - Dog Island Wildlife Management Area (1)
 - Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

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Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

~~Franklin Creek State Park (1)~~

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; ~~except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road;~~ a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the ~~The~~ hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Pere Marquette State Park (designated area only) (1)

Ray Norbut Fish and Wildlife Area (1)

DEPARTMENT OF NATURAL RESOURCES

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Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Wildcat Hollow State Forest (1)

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park – Thompson and Salem Units (1)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

[Burning Star 5](#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Castle Rock State Park (1)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

Dixon Springs State Park (youth ages 10-15 only) (1)

Falling Down Prairie State Natural Area (1)

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (1)

[French Bluff State Natural Area \(1\)](#)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

Hidden Springs State Forest (first 2 seasons only) (1)

Horseshoe Lake State Park (Madison County)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein,
Chouteau Island Units

Hurricane Creek Habitat Area (must have Fox Ridge State Park permit)
(1)

Iroquois County State Wildlife Area

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Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park (1)

Kankakee River State Park (hunting hours are from one-half hour before sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area [\(1\)](#)

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from one-half hour before sunrise until 8:30 a.m.; if space is available after site permit holders have checked in or if there have been no site specific permits issued, La Salle County permit holders who have an unfilled permit for the current season may be allowed on the site to hunt; if more La Salle County permit holders want to hunt than there are vacancies, a daily drawing at the site hunter check station will be held to determine who may enter the site to hunt; [unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots](#)) (1)

Marshall Fish and Wildlife Area (1)

Matthiessen State Park (South of Vermilion River Area) (1)

Meeker State Habitat Area

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

Momence Wetlands (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Moraine View State Park (no hunting on weekends during 4th and 5th season) (1)

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Pyramid State Park – East Conant Unit

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; these ~~These~~ hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sandy Ford State Natural Area

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (1)

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Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Washington County Conservation Area (hunting hours are from ½ hour before sunrise until 12:00 noon) (1)

Weinberg-King State Park (Scripps Unit) (1)

Weldon Springs State Park – Piatt County Unit

Witkowsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

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

Section 710.70 Spring Youth Turkey Hunt

- a) Hunting Dates
 - 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.
 - 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.

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- c) Eligibility: The Spring Youth Turkey Hunt is open only to Illinois residents under the age of 16 on the beginning date of the designated youth hunting days. All participating youths must have completed a Department-approved Hunter Education course.
- d) Permit Requirements – Spring Youth Turkey Hunt
- 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). For permit application and other information write to:

Illinois Department of Natural Resources
Youth Turkey Hunt
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227
 - 2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.
 - 3) Each applicant must complete the official Department Youth Wild Turkey Permit application.
 - 4) Applications will be accepted through the second Monday in February.
 - 5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
 - 6) If more than one application for an Illinois Youth Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.
 - 7) A \$3 service fee will be charged for replacement permits issued by the Department.
 - 8) The Youth Turkey Hunt Permit shall be valid only for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license and Habitat Stamp prior to hunting, unless exempt. Hunting without a permit is a Class B misdemeanor [520 ILCS 5/2.9].

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NOTICE OF PROPOSED AMENDMENTS

- 9) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season .
- e) Youth Turkey Hunting Regulations
- 1) Each Illinois Youth Turkey Hunt Permit holder is required to be accompanied afield by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.
- 2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions.

Anderson Lake Fish and Wildlife Area

Apple River Canyon State Park – Thompson and Salem Units (1)

Argyle Lake State Park

Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

Castle Rock State Park

[Clinton Lake State Recreation Area](#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Crab Orchard National Wildlife Refuge [Public Hunting Area](#)~~(Closed and Open Units)~~

Crawford County Conservation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Falling Down Prairie State Natural Area (1)

Ferne Clyffe State Park

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area – Alexander County

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

Mackinaw River State Fish and Wildlife Area (1)

Mermet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

Mississippi River Area Pools 21, 22, 24, 25 and 26

Momence Wetlands

Nauvoo State Park (Max Rowe Unit Only)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Newton Lake State Fish and Wildlife Area

Pere Marquette State Park (open area south of Graham Hollow Road only)
(1)

Pyramid State Park

Pyramid State Park – East Conant Unit

Ray Norbut Fish and Wildlife Area

Rend Lake Corps of Engineers-managed land in Jefferson and
Franklin Counties

Rend Lake State Fish and Wildlife Area

Sam Parr State Park

Sielbeck Forest State Natural Area

Siloam Springs State Park

Siloam Springs State Park (Buckhorn Unit)

Skinner Farm State Habitat Area

Spoon River State Forest

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park

Weinberg-King State Park (Cecil White Unit)

DEPARTMENT OF NATURAL RESOURCES

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~~Weinberg-King State Park (Markert Unit)~~

Weinberg-King State Park (Spunky Bottoms Unit)

Weldon Springs – Piatt County Unit

Witkowsky State Wildlife Area (1)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

Burning Star 5Crab Orchard National Wildlife Refuge (Closed Portion)

Jim Edgar Panther Creek State Fish and Wildlife Area

Sangchris Lake State Park

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
40.60	Amendment
40.80	Amendment
40.100	Amendment
40.120	Amendment
- 4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 205-410 of the Civil Administrative Code of Illinois [20 ILCS 205/205-410]
- 5) Effective Date of Amendments: October 9, 2006
- 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: January 20, 2006; 30 Ill. Reg. 713
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes
 - A) Statement of Objection: July 28, 2006; 30 Ill. Reg. 13026
 - B) Agency Response: October 13, 2006; 30 Ill. Reg. 16489
 - C) Date Agency Response Submitted for Approval to JCAR: October 2, 2006
- 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 changes were indicated.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: Update references to the *Code of Federal Regulations* and *Brucellosis Eradication Uniform Methods and Rules*; amend Section 40.60 to provide that cattle classified as reactors to the official test of brucellosis may also be returned to the farm of origin under quarantine until the status of the animal is determined through additional testing; add another subsection in Section 40.80 to provide that cattle consigned by the seller to the slaughter-only pen cannot be removed from that pen, tested or moved for any reason other than immediate slaughter.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

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

PART 40
LIVESTOCK AUCTION MARKETS

Section

40.5	Definitions
40.10	Fee to Accompany Application Not To Be Refunded
40.20	Release of Livestock for Interstate Shipment
40.30	Veterinary Inspection
40.40	Veterinary Office
40.50	Detection of Diseased Animals
40.60	Bovine Brucellosis
40.70	Quarantine Pen
40.80	The Sale of Livestock for Immediate Slaughter
40.90	Test Chute
40.100	Brucellosis Test
40.110	Sale of Official Brucellosis CalfhooD Vaccinates
40.120	Feeder Cattle Subject to Quarantine
40.130	Backtagging
40.140	Yarding and Housing
40.150	Display License (Repealed)
40.160	Sale Day
40.170	Swine
40.180	Swine Which React to Test for Brucellosis
40.190	Sheep and Goats
40.200	Surety Bonds and Other Pledged Security
40.210	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.220	Swine Movement Limitations (Repealed)
40.230	Disposition of Rejected Feeding or Breeding Swine
40.240	Director To Be Named Trustee (Repealed)
40.250	Animals Designated for Slaughter Only

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law [225 ILCS 640] and Section 205-410 of the Civil Administrative Code of Illinois [20 ILCS 205/205-410].

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SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992; amended at 18 Ill. Reg. 1869, effective January 24, 1994; amended at 20 Ill. Reg. 1546, effective January 12, 1996; amended at 20 Ill. Reg. 16192, effective January 1, 1997; amended at 21 Ill. Reg. 17085, effective January 1, 1998; amended at 23 Ill. Reg. 441, effective January 1, 1999; amended at 23 Ill. Reg. 9780, effective August 9, 1999; amended at 26 Ill. Reg. 127, effective January 1, 2002; amended at 26 Ill. Reg. 14624, effective September 23, 2002; amended at 28 Ill. Reg. 13396, effective October 1, 2004; amended at 30 Ill. Reg. 16576, effective October 9, 2006.

Section 40.60 Bovine Brucellosis

- a) Cattle ~~that~~which, upon being tested for brucellosis at a livestock auction market, are classified as reactors to the official test shall be placed in the quarantine pen and sold for immediate slaughter or returned to the farm of origin under quarantine until the status of the animal is determined through additional testing.
- b) The reactors, when sold for slaughter, shall be delivered to a public stockyard or recognized slaughtering establishment and be positively identified and branded, as provided by Section 5 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/5]. The purchaser of the reactors shall sign a VS Form 1-27, "Permit For Movement of Animals." Illinois brucellosis reactors disclosed at other than a livestock auction market may be consigned to a marketing center if accompanied by official VS Form 1-27, "Permit For Movement of Animals". A new VS Form 1-27 shall be prepared by the livestock auction market veterinarian and shall accompany the reactor to slaughter and shall not be diverted en route and shall go only to the destination listed on the VS Form 1-27. No change of ownership of any reactor or suspect animal after the animal has been bought shall be allowed without the approval of the Department.
- c) When one or more brucellosis reactors are disclosed in a group of cattle, the negative cattle which have been in contact with the reactors for more than 24 hours shall be either returned to the farm of origin under quarantine OR shipped directly to a recognized slaughtering establishment or a public stockyard, accompanied by VS Form 1-27 to be sold for slaughter only and shall not be diverted en route and shall go only to the destination listed on the VS Form 1-27.

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No change of ownership of any reactor or suspect animal after the animal has been bought shall be allowed without the approval of the Department. Unless cattle are being returned to the farm of origin, they shall be identified by an ear tag provided by the Department and by branding with a hot iron the letter "S" on the left hip in letters not less than 2 nor more than 3 inches in height, before the cattle leave the livestock auction market.

(Source: Amended at 30 Ill. Reg. 16576, effective October 9, 2006)

Section 40.80 The Sale of Livestock for Immediate Slaughter

- a) The purchaser of all livestock for immediate slaughter shall sign an official certificate of "Quarantine and Certification of Slaughter or Shipment" (Form C-37) or purchaser's invoice. Livestock shall be:
 - 1) slaughtered on the purchaser's premises, OR
 - 2) be taken directly to a recognized slaughtering establishment, OR
 - 3) be taken to a public stockyard for resale to a recognized slaughtering establishment.
- b) All livestock shall be slaughtered within 10 days of the date of sale.
- c) All livestock sold for slaughter must be kept separate and apart from animals being sold for breeding or feeder purposes.
- d) Cattle consigned by the seller to the slaughter-only pen cannot be removed from that pen, tested or moved for any reason other than immediate slaughter.

(Source: Amended at 30 Ill. Reg. 16576, effective October 9, 2006)

Section 40.100 Brucellosis Test

- a) Except ~~when sold for slaughter or~~ as otherwise provided in 8 Ill. Adm. Code 40.110 and 40.120, no female cattle more than 6 months of age or bulls over 18 months of age shall be sold unless such cattle have been tested for brucellosis and were found negative within 60 days prior to sale. Such test shall be recognized for one change of ownership or premises only within the 60-day period, except that such cattle may change ownership or premises one or more times in the 14-

DEPARTMENT OF AGRICULTURE

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day period immediately following the negative test.

- b) The livestock auction market veterinarian shall submit a copy of the Brucellosis Test Record, Market Cattle Testing Program, VS Form 4-54 and all blood samples to the State-Federal Serology Laboratory, Springfield, Illinois, following each sale.

(Source: Amended at 30 Ill. Reg. 16576, effective October 9, 2006)

Section 40.120 Feeder Cattle Subject to Quarantine

All female cattle of beef breeds over 6 and under 18 months of age from states that are not brucellosis Class Free under the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, ~~February 1, 1998~~ October 1, 2003) and the United States Department of Agriculture and/or 9 CFR 78.1 (~~20052004~~) sold or released from a livestock auction market for feeding or grazing purposes are subject to quarantine (8 Ill. Adm. Code 75.130) and shall be reported on Form M-107 Revised to the Department following each sale or at the end of each week.

(Source: Amended at 30 Ill. Reg. 16576, effective October 9, 2006)

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NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
85.5	Amendment
85.10	Amendment
85.15	Amendment
85.55	Amendment
85.75	Amendment
85.80	Amendment
85.100	Amendment
85.110	Amendment
85.115	Amendment
85.120	Amendment
85.135	Amendment
85.140	Amendment
85.145	Amendment
- 4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65]
- 5) Effective Date of Amendments: October 9, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 20, 2006; 30 Ill. Reg. 737
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes
 - A) Statement of Objection: July 28, 2006; 30 Ill. Reg. 13027
 - B) Agency Response: October 13, 2006; 30 Ill. Reg. 16490

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

C) Date Agency Response Submitted for Approval to JCAR: October 2, 2006

- 11) Differences between proposal and final version: Non-substantive changes that include italicizing language in Section 85.5, Definitions, under "*Exposed to*".
- 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 these amendments replace any emergency amendments 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>
85.5	Amendment	September 15, 2006; 30 Ill. Reg. 14681
85.135	Amendment	September 15, 2006; 30 Ill. Reg. 14681
85.140	Amendment	September 15, 2006; 30 Ill. Reg. 14681
85.145	Amendment	September 15, 2006; 30 Ill. Reg. 14681

- 15) Summary and Purpose of Amendments: Update references to the *Code of Federal Regulations* and *Brucellosis Eradication Uniform Methods and Rules*. In Section 85.5 in the definition of "exposed to", the Department is striking "more than two years of age" regarding animals originating from a herd where Johne's disease has been diagnosed. The Department is also striking "No restrictions or tests are required for animals under two years of age.". In Section 85.10, "canine" is added to "brucellosis". In Section 85.80, sheep and goats entering the State of Illinois will be examined within 30 days (instead of 60 days) prior to entry for signs of infectious or communicable diseases. This brings the requirement in line with all other species, which is 30 days. In Section 85.100, "marketing centers" is stricken. In Section 85.120, elk entering the State of Illinois shall originate from a brucellosis-free herd 60 days prior to entry. Language is stricken in Section 85.120 because the incidents of Chronic Wasting Disease (CWD) are so low that the Department would like to obtain every sample it can. In Section 85.140, the definition of "Certified Johne's Disease Veterinarian" is added. In Section 85.140(c), the Department is requiring a certification of an annual risk assessment and updated herd plan to be completed for the herd by a Certified Johne's Disease Veterinarian or a state or federal veterinarian. In Section 85.145, Johne's disease-positive animals will be identified so that animals being sold from Johne's restricted herds must test negative 30 days prior to sale (not after) on a serum antibody test or within 30 days after receiving negative results on an organism detection test.
- 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

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

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

PART 85
DISEASED ANIMALS

Section

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

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

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

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

Section 85.5 Definitions

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

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the ~~USDA~~~~United States Department of Agriculture~~ (9 CFR 160, 161 and 162; ~~20052003~~).

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

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

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

Section 85.10 Reportable Diseases

- a) Suspected cases of the following diseases shall be reported immediately to the Department:

anthrax
avian influenza
bluetongue
brucellosis – bovine, ~~canine~~, swine, equine, and caprine
chronic wasting disease (CWD) – cervids
contagious equine metritis (CEM)
equine infectious anemia (EIA)
equine viral encephalitides
fowl typhoid

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hog cholera
infectious encephalomyelitis – avian
infectious laryngotracheitis
monkeypox
Mycoplasma gallisepticum – turkeys
Mycoplasma synoviae – turkeys
Newcastle disease
paramyxovirus infection
paratuberculosis – (Johne's disease)
piroplasmosis
plague
pseudorabies – (Aujeszky's disease)
psittacosis - (ornithosis)
pullorum disease
Q fever
rabies
salmonella enteritidis – poultry
salmonella typhimurium – poultry
scabies – cattle and sheep
scrapie
transmissible spongiform encephalopathy (TSE)
trichinellosis
tuberculosis – bovine
tularemia
vesicular conditions of any type
West Nile Virus
any contagious or infectious disease presently considered as "exotic", i.e., not known to exist in the United States

- b) Any herd owner, flock owner, veterinarian or other person having knowledge of the disease, failing to report a suspect case of any of the above diseases immediately after discovery, or who is responsible for the spread of the disease, shall be subject to penalty as provided by law.
- c) Reports of any of the above diseases shall be made to the Department, telephone 217/782-4944.

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

Section 85.15 Truck Cleaning and Disinfection

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Any truck or other conveyance in which diseased livestock is transported shall be cleaned and disinfected immediately after the diseased livestock is unloaded as prescribed in the Code of Federal Regulations (9 CFR 71.7, 71.10-71.12; ~~2005-2004~~).

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

Section 85.55 Scrapie in Sheep and Goats

- a) The Scrapie Eradication Uniform Methods and Rules (~~USDA U.S. Department of Agriculture~~, AHPIS 91-55-066, effective ~~June 1, 2005~~~~October 1, 2003~~) is the basis of the scrapie program within the State, except where modified by this Part.
- b) No sheep or goats that are known to be from an infected or source herd or flock, or considered to be suspect or high risk animals, and no progeny of sheep or goats known to be from an infected or source herd or flock shall be transported or moved into or within the State of Illinois, except as provided for in this Part. Any sheep or goat entering Illinois from a ~~USDA U.S. Department of Agriculture~~ Pilot Project Herd or Flock must be approved for import by the Department and be accompanied by a Certificate of Veterinary Inspection.
- c) Scrapie monitored herds or flocks may be established and maintained in accordance with the Scrapie Flock Certification Program Standards.
- d) When a herd or flock has been designated as an infected or source herd or flock, the herd or flock will be placed under quarantine and will remain under quarantine until the herd or flock has been depopulated, enters into the Scrapie Flock Certification Program, or develops an approved herd or flock plan. No animals will be allowed to move from the quarantined herd or flock except for slaughter, research, medical treatment or examination, and must be accompanied by VS Form 1-27.
- e) Any animal that has been determined to be a high risk animal will be restricted to the herd or flock and cannot be moved from the herd or flock unless accompanied by VS Form 1-27 and moved only for medical treatment or research or directly to slaughter.

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

Section 85.75 Cattle Scabies – Additional Requirements on Cattle from Certain

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Designated Areas

- a) A prior permit must be obtained from the Department before cattle, except those consigned direct to slaughter, may enter Illinois from certain designated areas determined to have high incidence of cattle scabies. The Director of the Department shall have authority to specify the designated areas from which movement of cattle into Illinois will be restricted.
- b) Cattle from such areas, except those consigned to a recognized exhibition and moved from Illinois following exhibition (county and State fairs, other State-supported exhibitions, and breed registry exhibitions); dairy cattle; or those consigned direct to slaughter, shall be dipped for cattle scabies within 10 days prior to entry or treated in accordance with the procedures as set forth in 9 CFR 73.12 (~~2005~~2004).
- c) Each such animal shall be treated with a solution of approved acaricide and water or other method of treatment approved by the ~~USDA United States Department of Agriculture~~ (9 CFR 73.10 and 73.12; ~~2005~~2004).

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

Section 85.80 Sheep and Goats

- a) All sheep and goats entering Illinois for breeding, exhibition or feeding purposes, except for sheep or goats consigned directly to an approved livestock auction market where the animals will be officially identified if required by the Scrapie Eradication Uniform Methods and Rules, shall be accompanied by an official health certificate showing the individual approved official identification and permit number issued by the Department (see Section 85.150), ~~and including the following owner statement: "These animals are not scrapie positive, suspect, high risk or exposed and are not from an infected, source, exposed or non-compliant herd or flock."~~ The health certificate shall indicate the sheep or goats were examined within ~~30~~60 days prior to entry and found free of any infectious or communicable disease and that they have not recently been exposed to infectious or communicable disease (Part II-J Scrapie Eradication Uniform Methods and Rules).
- b) Any sheep or goats that show lesions of contagious ecthyma (sore mouth) or club lamb fungus disease (sheep ringworm) shall not be exhibited in the State and must be removed immediately from the exhibition area.

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- c) All sheep or goats moving within Illinois must be officially identified to the herd or flock of birth except for:
 - 1) Sheep or goats moving directly to an auction market or to a livestock dealer where they will be identified as necessary;
 - 2) Sheep under 18 months of age moving directly to slaughter that have not lambed or are not pregnant; or
 - 3) All goats moving directly to slaughter.
- d) Illinois origin sheep or goats being exhibited in Illinois must be accompanied by an official Certificate of Veterinary Inspection, issued within 90 days prior to exhibition, showing official individual identification.
- e) Sheep or goats originating from a herd or flock that has previously been classified as either an infected or source herd or flock can be exhibited in Illinois upon the completion of an approved herd/flock plan.

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

Section 85.100 Consignments to Stockyards, Auction Markets or; Recognized Slaughtering Centers, ~~or Marketing Centers~~

- a) All out-of-state livestock consigned to a public stockyard, an auction market or; recognized slaughtering center, ~~or marketing center~~ shall be accompanied from point of origin by a permit issued by the Department, or by a consignment *issued by the owner or shipper of the livestock, designating the name of the owner or shipper, place of origin, public stockyard, recognized slaughtering center, or auction market, marketing center of destination, date of shipment, and number and description of livestock* and shall not be diverted en route.
- b) *A copy of the consignment shall be held by the public stockyard, recognized slaughtering center, or auction market, marketing center for a period of not less than 6 months for inspection by legally authorized officials of the United States Department of Agriculture, and the Illinois Department of Agriculture, and other officials having police powers. [225 ILCS 640/1]*

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

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Section 85.110 Additional Requirements on Cattle From Designated States

Female cattle, except those consigned direct to slaughter or calves under 6 months of age, entering Illinois for feeding purposes from states designated by the ~~USDA~~ ~~U.S. Department of Agriculture~~ as Class B and Class C states under provisions of the Brucellosis Eradication Uniform Methods and Rules (~~October 1, 2003~~ ~~February 1, 1998~~) as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and the ~~USDA~~ ~~U.S. Department of Agriculture~~ shall, in addition to present entry requirements now on file, be tagged in the right ear with an official ear tag identifying the cattle to the state of origin. The ear tag series shall be recorded on the official interstate health certificate, or on the owner-shipper statement. These official, uniformly numbered ear tags may be applied by anyone.

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

Section 85.115 Salmonella enteritidis serotype enteritidis

- a) The ~~USDA~~ ~~United States Department of Agriculture~~ has declared Salmonella enteritidis serotype enteritidis as a communicable disease in poultry. The rules pertaining to Salmonella enteritidis serotype enteritidis located at 9 CFR 82.30-82.36 (~~2005~~ ~~2004~~) are hereby adopted for the State of Illinois. The flocks affected by these regulations are those identified in 9 CFR 82.31.
- b) All flocks found to be infected with Salmonella enteritidis serotype enteritidis shall be quarantined. The quarantine shall remain in effect until the flock has been depopulated and premises disinfected as prescribed in 9 CFR 82.32(c) or the entire flock is tested negative for Salmonella enteritidis serotype enteritidis in accordance with the provisions of 9 CFR 82.32(e).
- c) Interstate movement of poultry, eggs, equipment and manure from infected or test flocks shall be as specified in 9 CFR 82.33. Intrastate movement requirements shall be the same as interstate movement requirements.
- d) If a flock is determined to be an infected flock as defined in 9 CFR 82.32(c), the Department shall pay indemnity if State funds are available and all of the following conditions are met:
 - 1) The infected flock is implicated through epidemiological evidence in a human disease outbreak;

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- 2) The flock owner voluntarily agrees to depopulate with appropriate State indemnity;
 - 3) The entire flock which is to be depopulated shall have originated from a flock that is classified "U.S. S. Enteritidis Monitored" for egg type birds and "U.S. S. Enteritidis Clean" for meat type birds under the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145 and 147; [20052004](#));
 - 4) The flock owner must have been feeding the infected flock in accordance with the provisions of the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145.23(d); [20052004](#));
 - 5) The infected flock shall be slaughtered in accordance with 9 CFR 82.33(b). Proof of kill will be reported to the Department by the meat and poultry inspector of the slaughtering establishment where the infected poultry is slaughtered;
 - 6) The premises has been disinfected in accordance with 9 CFR 82.32(c); and
 - 7) Replacement poultry shall be from flocks that are classified "U.S. S. Enteritidis Monitored" or "U.S. S. Enteritidis Clean" under the National Poultry Improvement Plan and Auxiliary Provisions.
- e) The amount of indemnity paid, based on the availability of State funds, shall be 75 percent of the fair market value and the health thereof at the time of slaughter, minus the salvage value. The following conditions shall be considered when determining the fair market value and health of the infected flock:
- 1) Initial purchase price of each bird;
 - 2) Age of the bird and its egg production capabilities or value for producing progeny; and
 - 3) Feed and veterinary medical production costs as justified by documentation by the flock owner in the form of sales receipts and veterinary bills.
- f) The Department and the infected flock owner must agree upon the value of the

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poultry destroyed, and in the case as agreement cannot be made, indemnity will not be paid for the flock.

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

Section 85.120 Cervidae

- a) Elk entering Illinois shall originate from a certified brucellosis-free herd or be negative to a brucellosis card test or PCFIA test conducted within 60 days prior to entry on all animals 6 months of age and over.
- b) Certified brucellosis-free cervid herds shall be established and maintained in accordance with the Brucellosis Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228; September 30, 2003~~September 30, 1998, as amended May 14, 1999,~~ and not including any later amendments or editions beyond the date specified) and the USDA~~United States Department of Agriculture~~.
- c) All cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [520 ILCS 5].
- d) All cervidae entering Illinois must be accompanied by a permit from the Department and Certificate of Veterinary Inspection that:
 - 1) has been issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - 2) is approved by the Animal Health Official of the state of origin;
 - 3) shows that the cervidae are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto, do not originate from a CWD endemic area (any county and surrounding counties where CWD has been diagnosed in the past five years);
 - 4) shows that the cervidae are not originating from a herd under quarantine for any contagious, infectious or communicable disease;
 - 5) shows that the animals originate from a herd that has been monitored for at least 5 years under a state-approved CWD certification program or

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originate from a herd that meets the following criteria:

- ~~A.~~ ~~The herd has been monitored under a state approved CWD herd certification program for at least 5 years. This requirement will change to 3 years on June 1, 2003, 4 years on January 1, 2004 and 5 years on January 1, 2005;~~
 - ~~A)B.~~ Any additions to the herd are natural additions or have been in the herd for at least one year;
 - ~~B)C.~~ Complete herd records, including records of purchases, deaths and causes of deaths are maintained for at least five years;
 - ~~C)D.~~ The herd has been under veterinary supervision for a minimum of 5 years;
 - ~~D)E.~~ The animals have not been exposed to any animal from a herd diagnosed with CWD in the past five years;
 - ~~E)F.~~ Contains a statement by the veterinarian for the herd of origin certifying that the herd has been under veterinary supervision for a minimum of 5 years and has had no exposure to any cervid from a CWD trace-back or trace-forward herd; and
 - ~~F)G.~~ Contains a statement signed by the owner certifying that all statements on the certificate of veterinary inspection are correct.
- 6) lists the cervid's unique individual identification (approved ear tag, tattoo or microchip);
- 7) shows the permit obtained from the Department:
- A) Applicant for permit shall furnish the following information to the Department:
 - i) Name and post office mailing address of Illinois destination;
 - ii) Name and post office mailing address of consignor and/or source herds;

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- iii) Number and unique identification of cervidae in shipment;
 - iv) Anniversary date and herd certification number of the source herds; and
 - v) Name and telephone number of the herd veterinarian of the source herds.
- B) Grounds for refusal to issue permit are:
- i) Violation of the Act or this Part;
 - ii) Presence of a disease that might endanger the Illinois livestock industry;
 - iii) Refusal to provide required information for the permit.
- C) Permits will be issued by telephoning or writing the Department.
- e) Chronic wasting disease (CWD)
- 1) Any cervid dying from an unknown cause and that has exhibited a neurological disorder must have its brain removed for CWD evaluation. Any cervid exhibiting symptoms of CWD must be kept separate and apart from other members of the herd and will be quarantined until the animal is either destroyed or determined not to have CWD. Animals quarantined for CWD will be subject to periodic inspection by Department personnel.
 - 2) If CWD is diagnosed in a herd, the herd will be quarantined and a herd plan developed. The quarantine will remain in effect until either the herd has been depopulated or there has been no evidence of CWD in the herd for five years from the date of the last case, and all animals that have died or have been slaughtered in the herd during that period were examined for CWD.
 - 3) If a herd ~~received~~~~receives~~ an animal from an affected herd within 36 months prior to the death of the affected animal, the trace-forward herd has two options:

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- A) The animal from the affected herd shall be removed and examined for CWD. If the animal is positive, the herd shall be placed under quarantine for at least five years, and a herd plan shall be developed. If the animal is negative, a herd plan shall be developed which includes a five year surveillance of the herd, with the mandatory reporting of the death of all animals and CWD examination.
- B) If the trace-forward animal is not removed, the herd will be quarantined and a herd plan developed. The herd will be under quarantine for five years, unless the herd was participating in the Certified Monitored Chronic Wasting Disease program. Any surveillance done after the arrival of the trace animal will be counted as time in quarantine.
- 4) If an animal dies of CWD within 36 months after changing herds, the herd ~~of~~ origin shall be considered as the trace-back herd. A herd plan will be developed, including a herd inventory with individual animal identification, verified by an accredited, state or federal veterinarian. The herd will be quarantined for five years from the last case traced back to the herd with mandatory death reporting and CWD testing of all animals.
- 5) For cervidae changing ownership or moving within the State, the owner must obtain a permit issued by the Department prior to movement and originate from a herd that is enrolled in the Certified Monitored Chronic Wasting Disease (CWD) Program or the Contained Monitored Chronic Wasting Disease Program. The permit may be obtained no more than 72 hours in advance of the movement of the cervids by providing the following information:
- A) Name and complete mailing address of person selling the cervids;
- B) Certified Monitored Chronic Wasting Disease or Contained Monitored Chronic Wasting Disease Herd number;
- C) Name and complete mailing address of person purchasing the cervids; and
- D) Number of animals and unique identification of the animals.

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- 6) For cervidae entering Illinois for immediate slaughter, the owner must:
 - A) Notify the Department at least seven days prior to shipment providing the Department with the number of animals to be slaughtered and the name and address of the slaughter facility; ~~and-~~
 - B) Obtain a permit from the Department no more than 72 hours in advance of shipment confirming the name of the slaughter facility, the date the animals will be shipped, and the individual identification number for each animal.
- 7) Grounds for refusal to issue permit are:
 - A) Violation of the Act or this Part;
 - B) Presence of a disease that might endanger the Illinois livestock industry; and
 - C) Refusal to provide required information for the permit.
- 8) Permits may be requested by telephone or writing the Department.
- f) Requirements for Establishing and Maintaining Certified Monitored Chronic Wasting Disease (CWD) Herds
 - 1) General requirements
 - A) Certificates for Certified Monitored and Certified CWD Herds shall be valid for one year, unless revoked due to disclosure of CWD in the herd, and shall be issued by the Department.
 - B) Certificates shall be extended for a period of one year upon compliance with recertification requirements.
 - C) All animals shall be individually identified with an approved tag, microchip or tattoo. Elk are required to have two official/approved unique identifiers ~~effective January 1, 2003.~~
 - 2) To qualify or renew a herd for certification

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- A) An annual herd inventory must be completed and verified by an accredited veterinarian, or a state or federal veterinarian or animal health investigator, or an authorized representative of the Illinois Department of Natural Resources, within 9-15 months from the anniversary date of the enrollment of the herd in the program. The inventory must include:
- i) Unique identification, age and sex of all animals in the herd;
 - ii) Disposition of all animals not present;
 - iii) Source of purchased additions;
 - iv) Documentation of all interstate movement; and
 - v) Signature of both the owner and the person verifying the inventory.
- B) The owner must:
- i) Submit the brains of all animals 16 months of age or older that have died ~~or~~ been killed or slaughtered for CWD examination at an approved laboratory;
 - ii) Individually identify all animals with a unique identification; and
 - iii) Provide a detailed description of the physical facilities and the specific premises location of the herd either through GPS identification or through a detailed description of the location.
- 3) Levels of certification
- A) The Department will issue certification of herd monitoring upon completion of the annual herd inventory and review by the Department.
- B) Herds will be certified as follows:

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- i) Monitored Herd, followed by number of years of participation ; and
 - ii) Certified Herd, followed by number of years of participation. A herd will be certified at the end of five years of participation.
- ~~☞ Once a herd has received certified status, slaughter surveillance and surveillance of animals killed in shooter operations will no longer be required, but animals must still be identified and the herd owner must still complete the annual herd inventory.~~
- 4) Herd additions are allowed under the following circumstances:
 - A) Animals may enter the herd from herds of equal or higher status; and
 - B) Animals entering the herd from a herd of lower status will result in the herd's level reverting to the level of the purchased animals.
- g) Requirements for Establishing and Maintaining Contained Monitored Chronic Wasting Disease (CWD) Herds
- 1) General requirements
 - A) Certification for Contained Monitored CWD Herds shall be valid for one year, unless revoked due to disclosure of CWD in the herd, and shall be issued by the Department.
 - B) Certification shall be extended for a period of one year upon compliance with recertification requirements.
 - C) All animals being purchased or sold shall be individually identified with an approved tag, microchip or tattoo.
 - 2) To qualify or renew a herd for certification
 - A) An annual herd inventory must be completed and verified by an accredited veterinarian, or a state or federal veterinarian or animal

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health investigator, or an authorized representative of the Illinois Department of Natural Resources, within 9-15 months from the anniversary date ~~of~~~~after~~ the enrollment of the herd in the program. The inventory must include:

- i) Approximate number of animals in herd;
 - ii) Disposition of all animals not present;
 - iii) Source of purchased additions;
 - iv) Documentation of all interstate movement; and
 - v) Signature of both the owner and the person verifying the inventory.
- B) The owner must:
- i) Submit the brains of all animals 16 months of age or older that have died or been killed or slaughtered for CWD examination at an approved laboratory;
 - ii) Individually identify all animals entering or leaving the herd with a unique identification; and
 - iii) Provide a detailed description of the physical facilities and the specific premises location of the herd either through GPS identification or through a detailed description of the location.
- 3) Levels of certification
- A) The Department will issue certification of contained monitoring herd status upon completion of the annual herd inventory and review by the Department.
 - B) Herds will be classified as follows:
 - i) Monitored Herd, followed by number of years of participation; and

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- ii) Certified Herd, followed by number of years of participation. A herd will be certified at the end of five years of participation.
- ~~C) Once a herd has received certified status, slaughter surveillance and surveillance of animals killed in shooter operations will no longer be required, but animals must still be identified and the herd owner must still complete the annual herd inventory.~~
- 4) Herd additions are allowed under the following circumstances:
 - A) Animals must be individually identified;
 - B) Animals may enter the herd from herds of equal or higher status; and
 - C) Animals entering the herd from a herd of lower status will result in the herd's level reverting to the level of the purchased animals.
- h) For cervids entering or moving within Illinois for slaughter purposes, the owner must contact the Department ~~seven working days in advance of the animals being shipped for slaughter, providing the Department with the number of animals to be shipped and the slaughter facility that will be receiving the animals. Within 72 hours after the shipment, the Department must be contacted~~ for a permit to move the animals, providing the Department with the individual identification of each animal to be slaughtered, the owner's name and mailing address, and ~~confirming~~ the name and address of the slaughter facility.

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

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

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

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- 2) "Animal" means cattle, bison, buffalo, goats, llamas, or members of the cervid family.
- 3) "Cow-side", "pen-side" or "on-site" test means any test approved by the ~~USDA United States Department of Agriculture~~ for M. avium paratuberculosis that can be performed in the field by an accredited veterinarian. Veterinarians must receive approval from the Department to use this test, and all results must be reported to the Department within 10 days. The test cannot be performed in a herd participating in the Voluntary Johne's Disease Certification Program.
- 4) "Herd " means all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.
- 5) "Positive animal" means an animal infected with Mycobacterium avium paratuberculosis, only if M. avium paratuberculosis is demonstrated by an organism detection test on tissues or feces of the animal.
- 6) "M. avium paratuberculosis-detection test " or "organism detection test" means any test sufficiently sensitive and specific for detection of M. avium paratuberculosis in fecal samples. Definitions of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (~~November 2004~~ April 2002). Any test approved by the ~~USDA U.S. Department of Agriculture~~ for M. avium paratuberculosis organism detection (i.e., fecal culture test for M. avium paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.
- 7) "Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to M. avium paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the

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Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (~~November 2004~~~~April 2002~~), as recommended and approved by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the ~~USDA~~~~U.S. Department of Agriculture~~ for serum antibody detection (i.e., ELISA for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- b) Criteria for herds qualified to enter into the certification program:
- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
 - 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified herds only.
 - 3) A herd assembled with animals originating directly from certified herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired. A negative first-herd test will qualify the newly-assembled herd for the first certification level.
 - 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable types of approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.
- c) Voluntary Johne's disease herd status for cattle shall be established and maintained in accordance with the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (~~November 2004~~~~April 2002~~) that was approved and adopted by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228), with the exception that the organism detection test will be accepted for testing at any level. Herd owners using either the Fast Track or the Standard Track certification program must sign a herd agreement prior to acceptance into the program.
- d) Criteria for certifying bison, buffalo, goats, llamas or members of the cervid

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family herds under the Illinois Voluntary Johne's Disease Herd Certification Program.

- 1) The following certification levels will be awarded compliance with certification requirements:
 - Level 1 – herd tested negative after one sampling.
 - Level 2 – herd tested negative after two samplings.
 - Level 3 – herd tested negative after three samplings.
 - Level 4 – herd tested negative after four samplings.
 - Level 5 – herd tested negative after five samplings.
 - Level 5 Monitored – herd tested negative after six or more samplings.
- 2) Certification requirements:
 - A) For annual certification, all animals 24 months of age and older must be tested.
 - B) Certified herds must be tested every 12 months (+/- 2 months).
 - C) All tests must be performed at an accredited laboratory.
 - D) An organism detection test for *M. avium* paratuberculosis (i.e., fecal culture) must be conducted.
 - E) Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian who must verify that the samples were collected from the animals identified on the test documents.
 - F) The owner must certify on an agreement form prescribed by the Department:
 - i) At the initial test date, the herd has been in existence for at least one year or was assembled only from herds enrolled in a *M. avium* paratuberculosis program and are at the same or higher level than the herd. Animals purchased from herds participating in *M. avium* paratuberculosis programs outside of Illinois must have that state's program approved by the Director prior to certification.

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- ii) At each test date, all animals in the herd 24 months of age or older were sampled and included in the herd test. A herd can qualify for certification through a split herd testing program. The producer must test all test-eligible animals at least once a year throughout a one year (12 month) period. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.
 - iii) At each test date, a list identifying all animals previously tested but no longer in the herd must be provided to the Department.
 - iv) At each test date, all animals added to the herd since the last herd test were natural additions to (born into) the herd, purchased from participating herds, or were tested at the time of arrival on the premises (see Section 85.135(d)(6)).
 - v) At each test date, with a written statement sent to the Department certifying to the best of his/her knowledge no animal that left the herd tested positive for paratuberculosis or was exhibiting clinical signs of Johne's disease.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
- 4) Handling of animals exhibiting clinical signs:
- A) All animals exhibiting clinical signs of *M. avium* paratuberculosis must be tested and isolated from the herd pending the test results. An organism detection test (i.e., fecal culture) must be used on feces from animals exhibiting clinical signs.
 - B) A negative result on the *M. avium* paratuberculosis detection test will allow the herd to move to the next certification level.
- 5) Suspension or revocation of herd certification:
- A) Identification of a positive animal using the organism detection test

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during the certification herd test will result in the loss of certification status. The next negative test will qualify the herd for Level 1 certification.

If a positive animal is detected on any other test for Johne's disease during the current certification period other than by an organism detection test, the herd's certification will be suspended pending a confirmatory organism detection test of that animal.

- B) Herds not tested within 14 months after the last sampling will lose their certification status. The next negative herd test will qualify the herd for Level 1 certification.
- 6) Herd Additions. Animals purchased from another herd participating in a *M. avium* paratuberculosis certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are not participating in a *M. avium* paratuberculosis certification program must be isolated from the other members of the herd until a negative organism detection test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd, and there can be no chance of fecal contamination from the animal.
- 7) Protocol. If an animal sold from a certified herd is identified as positive:
- A) If an animal sold from a certified negative herd is identified as positive by an organism detection test within 16 months after the date of sale, the selling certified herd may, within 120 days after being notified, be required to conduct a herd retest of all eligible animals. Determination of retesting of the herd will be made by the Director based upon, but not limited to, the level of certification of the herd, the last negative organism detection test of the herd and the status of the other animals in the purchasing herd, if known.
 - B) The selling certified herd will maintain its present certification status pending the results of the herd test or at the determination of the Director based on epidemiological evidence provided by a state or federal veterinarian.
 - C) If the herd retest is negative, the herd will maintain its "present"

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certification status. The herd owner/manager shall then have the option of maintaining his/her present test schedule or rescheduling his/her herd test date so that his/her next herd test is not due until 12 months after the retest.

- D) If a positive animal is identified on this retest, the selling herd will lose its certification status. The next negative herd test will qualify the herd for Level 1 certification.

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

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

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

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

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

"Herd" shall mean all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.

"M. avium paratuberculosis-detection test" or "organism detection test" means any test sufficiently sensitive and specific for detection of M. avium paratuberculosis in fecal samples. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a

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check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (~~November 2004~~April 2002). Any test approved by the ~~USDA~~United States Department of Agriculture for M. avium paratuberculosis organism detection (i.e., fecal culture test for M. avium paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

"Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to M. avium paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (~~November 2004~~April 2002), approved by the U.S. Animal Health Association (P. O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the ~~USDA~~United States Department of Agriculture for serum antibody detection (i.e., ELISA for M. avium paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- b) Criteria for herds qualified to enter into the risk management program:
- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
 - 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified or risk managed herds only.
 - 3) A herd assembled with animals originating directly from risk managed herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired.
 - 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable types of approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.

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- c) Criteria for enrolling and maintaining cattle, buffalo or bison herds under the Illinois Voluntary Johne's Disease Risk Management Program:
- 1) The following certification levels will be awarded compliance with certification requirements:
 - A) Level A – 30 head or the whole herd has been tested with no positives disclosed.
 - B) Level B – the whole herd has been tested with less than 5% (0% to 4.99%) of the animals testing positive.
 - C) Level C – the whole herd has been tested with 5% to 14.99% of the animals testing positive.
 - D) Level D – the whole herd has been tested with 15% or greater of the animals testing positive, or 30 head were tested with one or more positive animals disclosed.
 - E) Potential Maximum Risk herds have had no animals tested or do not disclose any test results.
 - F) A level achievement year representing when the herd reached the status level will be added to the status designation (e.g., Level A since 1999).
 - 2) Certification requirements:
 - A) Testing shall be done annually within 10-14 months after the initial status testing anniversary date and a herd shall remain at that level for a year, regardless of the amount of testing completed during that time. A herd can qualify through a split herd testing program. The producer must test all test-eligible animals at least once a year throughout a one year (12 month) period with the exception of any "J" punched animals in the herd. "J" punched animals do not have to be tested, but must be accounted for on the annual herd agreement. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.

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- B) Either a fecal culture or ELISA test may be used for certification.
 - C) Whole herd tests are conducted on all second and higher lactation animals and bulls two years of age and older.
 - D) Tests on 30 animals must be a random sampling of second and higher lactation animals and bulls two years of age and older. The same animals should not be tested in consecutive testing years.
 - E) All tests must be performed at an accredited laboratory.
 - F) Fecal and blood collection must be done either by, or under the direct supervision of, an accredited veterinarian, who must verify that the samples were collected from the animals identified on the test documents.
 - G) An annual risk assessment and updated herd plan has been completed for the herd by a Certified Johne's Disease Veterinarian or a state or federal veterinarian.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
 - 4) Herds not tested within 14 months after the last sampling will lose their certification status.
- d) Criteria for enrolling and maintaining cervid or goat herds under the Illinois Voluntary Johne's Disease Risk Management Program.
 - 1) The following certification levels will be awarded compliance with certification requirements:
 - A) Level A – 30 head or the whole herd has been tested with no positives disclosed.
 - B) Level B – the whole herd has been tested with less than 5% (0% to 4.99%) of the animals testing positive.
 - C) Level C – the whole herd has been tested with 5% to 14.99% of the animals testing positive.

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- D) Level D – the whole herd has been tested with 15% or greater of the animals testing positive, or 30 head were tested with one or more positive animals disclosed.
 - E) Potential Maximum Risk herds have had no animals tested or do not disclose any test results.
 - F) A level achievement year representing when the herd reached the status level will be added to the status designation (e.g., Level A since 2002).
- 2) Certification requirements:
- A) Testing shall be done annually within 10-14 months after the initial status testing anniversary date and a herd shall remain at that level for a year, regardless of the amount of testing completed during that time. A herd can qualify through a split herd testing program. The producer must test all test-eligible animals at least once a year throughout a one-year (12 month) period with the exception of any "J" punched animals in the herd. "J" punched animals do not have to be tested, but must be accounted for on the annual herd agreement. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.
 - B) The fecal culture must be used for certification.
 - C) Whole herd tests are conducted on all second and higher lactation animals and males two years of age and older.
 - D) Tests on 30 animals must be a random sampling of second and higher lactation animals and males two years of age and older. The same animals should not be tested in consecutive testing years.
 - E) All tests must be performed at an accredited laboratory.
 - F) Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian, who must verify that the samples were collected from the animals identified on the test

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documents.

- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
 - 4) Herds not tested within 14 months after the last sampling will lose their certification status.
- e) Additions to the herd. Animals purchased from another herd participating in an M. avium paratuberculosis certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are participating in Johne's Disease Risk Management Program and are of the same level as the purchasing herd can be added to the herd without further testing and be tested on the next annual test. If the purchased additions originate from herds that are of a lower risk management level or are from a herd that has not been tested, the purchasing herd will assume the level of the purchased additions or will lose its herd status unless the animals have had a negative test within 30 days prior to purchase, or are isolated from the other members of the herd until a negative test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd, and there can be no chance of fecal contamination from the animal.

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

Section 85.145 Johne's Disease Positive Animals

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

(Source: Amended at 30 Ill. Reg. 16582, effective October 9, 2006)

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- 1) Heading of the Part: Determining Special Education Per Capita Tuition Charge
- 2) Code Citation: 23 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
130.10	Amendment
130.20	Amendment
130.30	Amendment
130.40	Amendment
130.45	Amendment
- 4) Statutory Authority: 105 ILCS 5/14-7.01, 14-7.02b, and 14-7.03
- 5) Effective Date of Amendments: October 5, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The authority note was updated to refer to the portions of the School Code that currently affect Part 130 (Sections 14-7.02b and 14-7.03), and additional nonsubstantive corrections were made in cross-references to Part 110 of ISBE's rules (Program Accounting Manual).
- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking results from the comprehensive review of the agency's rules. It chiefly includes revisions designed to simplify and clarify

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the language, as well as various technical updates in statutory citations and rule-related style.

One noteworthy policy change is also presented. In Section 130.10, a "program" is now defined in a way that focuses on subsets of services that are designated by local agencies as meeting the common needs of an identified group of students. For purposes of state reimbursement (but not for purposes of inter-district billing), this means that local agencies will generally be precluded from combining all their costs related to special education and terming that entire combination one "program". The result of this change is that reimbursement for services to students will be calculated more accurately.

Other changes that are included in this packet are also intended to attribute some of the general costs of special education more accurately. In particular, Section 130.30 discusses the varying bases for allocation of several categories of allowable expenditures into per-capita amounts that would be included in a claim for reimbursement. Changes in subsections (e) and (f) provide that costs for social work, psychological services, and speech pathology and audiology services may be divided only by the number of special education pupils, rather than by the number in the entire student population. Similarly, changes in subsections (g) and (h) permit division of the cost for all special education administrative services by the number of special education pupils rather than by the total number enrolled.

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

Tim Imler
Funding and Disbursements Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/782-5256

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER c: FINANCEPART 130
DETERMINING SPECIAL EDUCATION PER CAPITA TUITION CHARGE

Section	
130.10	Definitions
130.20	Applicability
130.30	Allowable Expenditures for Determining Per Capita Cost
130.40	Expenditures Not Allowed in the Per Capita Cost
130.45	Calculation of Individual Cost
130.50	Tuition Billing

AUTHORITY: Implementing and authorized by Sections 14-7.01, 14-7.02b, and 14-7.03 of the School Code [105 ILCS 5/14-7.01, 14-7.02b, and 14-7.03].

SOURCE: Adopted at 11 Ill. Reg. 5942, effective March 23, 1987; amended at 16 Ill. Reg. 9475, effective June 9, 1992; amended at 24 Ill. Reg. 4936, effective March 10, 2000; amended at 30 Ill. Reg. 16614, effective October 5, 2006.

Section 130.10 Definitions

"Average Daily Attendance" – The number of full-time equivalent days a pupil is in attendance in a program divided by the number of days school is in session.

"Average Daily Enrollment" – For an individual pupil, the number of days a pupil is enrolled in a program divided by the number of days a program is in session, multiplied by the percentage of the school day the pupil participates in the program. For a program, the Average Daily Enrollment is the total of the Average Daily Enrollment figures for all students enrolled in it.

"Days in Session" – The number of actual pupil attendance days reported on the final calendar for the school year.

"District Per Capita Tuition Charge" – District expenditures (including allowable depreciation) associated with providing education during the regular school term from local taxes and common school fund monies, calculated by deducting

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revenues for various state categorical programs as shown on the district's annual financial statement filed in accordance with Section 3-15.1 of the School Code [105 ILCS 5/3-15.1], local user fees, and federal receipts, other than federal impactation aid, from the operating expense; then dividing the result by the annual average daily attendance of the district.

"Eligible Pupils" – All children with disabilities, as defined in Sections 14-1.02 and 14-1.03a of the School Code [105 ILCS 5/14-1.02 and 14-1.03a] and in 23 Ill. Adm. Code 226 (Special Education).

"IEP" – A pupil's individualized education program (see 23 Ill. Adm. Code 226).

"Local Education Agency" – A public educational agency at the local level ~~that~~which operates schools or contracts for educational services. This includes school districts, school districts providing services under a joint agreement pursuant to Section 10-22.31a of the School Code [105 ILCS 5/10-22.31a], educational service regions pursuant to Section 3A-1 of the School Code [105 ILCS 5/3A-1], educational (intermediate) service centers pursuant to Section 2-3.62 of the School Code [105 ILCS 5/2-3.62] and 23 Ill. Adm. Code 525 (Regional Offices of Education and Intermediate Services), public university laboratory schools pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], and governing boards formed pursuant to Section 10-22.31 or Section 3-15.14 of the School Code [105 ILCS 5/10-22.31 or 3-15.14].

"Local Educational Facilities" – Buildings, including sites and site improvements, operated by a local education agency.

"Program" – For purposes of the reimbursement of claims under Sections 14-7.02b and 14-7.03 of the School Code [105 ILCS 5/14-7.02b and 14-7.03], a~~Any~~ combination of special education instructional services, supportive services, supplies, materials, physical plant adjustments, and other special educational facilities designated by a local education agency as meeting the common educational needs of a group of students with disabilities that~~constituting a specific special education program for purposes of this Part (e.g., behavior disordered, learning disabled, mentally impaired) which~~ also conforms to the requirements set forth in Section 110.50(c)(11) of the Program Accounting Manual (23 Ill. Adm. Code 110).

"Program Accounting Manual" or "Manual" – 23 Ill. Adm. Code 110.

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"Special Education" – Those instructional programs, supportive services, supplies, materials, physical plant adjustments, and other special educational facilities described in Article 14 of the School Code [105 ILCS 5/Art. 14] and 23 Ill. Adm. Code 226 ~~(Special Education)~~, ~~that~~~~which~~ modify, supplement, support, or are in place of the standard educational program of the public school, and ~~that~~~~which~~ are needed to meet the needs of eligible pupils.

"Special Educational Facility and Services" – ~~See~~~~For the purpose of this Part, this term has the meaning given it in~~ Section 14-1.08 of the School Code [105 ILCS 5/14-1.08].

"Special Education Per Capita Cost" – The average expenditure per eligible pupil incurred by a local education agency in the implementation and maintenance of each special education program, ~~(e.g. behavior disordered, learning disabled, mentally impaired)~~. ~~Such per capita costs shall be~~ computed by dividing the allowable program expenditures by the average daily enrollment of all eligible participating pupils in the manner prescribed in this Part.

"Special Education Pupil Transportation" – Those transportation services ~~that~~~~which~~ are in addition to the regular pupil transportation services provided by the local education agency, and ~~that~~~~which~~ are required and provided in accordance with the provisions of 23 Ill. Adm. Code 226 ~~(Special Education)~~.

"Special School" – An educational setting ~~that~~~~which~~ is established by the local education agency exclusively to meet the needs of exceptional pupils.

"The School Code" – The School Code [105 ILCS 5].

"Time in Special Education" – For purposes of the reimbursement of claims under Sections 14-7.02b and 14-7.03 of the School Code, the percentage that reflects the amount of time for which a pupil receives special education services under his or her IEP at the time of entry into the special education program as compared to the total amount of time in the pupil's regular instructional day. The instructional school day is not "bell to bell" and should omit passing periods, lunch, and recess unless the pupil's IEP requires support during those times.

"Total Number of Pupils Enrolled" – The total enrollment of the local education agency for the school year, as reported to the State Board of Education on the Fall Enrollment and Housing Report.

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"Total Number of Special Education Pupils Enrolled" – The total number of pupils reported to the State Board of Education as being enrolled in special education programs on December 1 of a particular year. For special education joint agreements and regional programs, this is the sum of all member districts' enrolled special education pupils as of December 1.

(Source: Amended at 30 Ill. Reg. 16614, effective October 5, 2006)

Section 130.20 Applicability

This Part applies~~These rules apply~~ to:

- a) any local education agency; whose special educational facilities and services are attended by ~~exceptional~~ pupils with disabilities from another local education agency and that, which does not bill using the District Per Capita Tuition Charge and instead enters into a contractual agreement that which provides for tuition charges as authorized under Section 14-7.01 of the School Code [105 ILCS 5/14-7.01]; and ~~to~~
- b) the calculation of claims under Section 14-7.02b or Sections 14-7.02a and/or 14-7.03 of the School Code.

(Source: Amended at 30 Ill. Reg. 16614, effective October 5, 2006)

Section 130.30 Allowable Expenditures for Determining Per Capita Cost

- a) All local education agencies operating special educational facilities shall maintain evidence of their accountability for funds as prescribed in the 23 Ill. Adm. Code 110 (Program Accounting Manual).
- b) Accounting dimensions used to record expenditures used in calculating~~computing~~ per capita costs shall ~~minimally~~ include at least the fund, fiscal year, four-digit function number, and object. Functions and objects must correspond to and be traceable to the official budget and annual financial report of the local education agency.
- c) Expenditures for equipment necessary for the operation of a special educational facility either shall be included in the expenditures in the year of purchase, if the total cost is less than \$2500, or shall be depreciated on a five-year schedule, if the total cost is \$2500 or more. If equipment is purchased solely for the benefit of

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one pupil and billed in that manner, the district billed is the owner of the equipment.

- d) Per capita instructional costs recorded in functions ~~1201-1220 of the Manual~~~~1201-1239~~ shall be ~~calculated~~~~computed~~ by dividing the allowable expenditures, minus individual student costs such as individual aides, by the average daily enrollment of the pupils served in the specific special education program.
- e) ~~Per capita expenditures~~~~Expenditures for pupil support services shall be~~ recorded in the functional accounts ~~2110 (Attendance and Social Work Services)~~, 2120 (Guidance Services), 2130 (Health Services), ~~2140 (Psychological Services)~~, ~~2150 (Speech Pathology and Audiology Services)~~, 2210 (Improvement of Instruction), and 2220 (Educational Media Services) as specified in ~~the~~~~23 III. Adm. Code 110 (Program Accounting Manual)~~ shall be calculated as provided in this subsection (e).
- 1) Expenditures in each functional area shall be ~~allocated~~~~separated~~ as follows:
 - A) All expenditures for specific special education programs;
 - B) All expenditures ~~that~~~~which~~ are incurred in support of all eligible pupils and ~~that~~~~which~~ cannot be directly allocated to a specific special education program as required in subsection (e)(1)(A) of this Section; and
 - C) All expenditures ~~that~~~~which~~ are incurred in support of the general pupil population, including eligible pupils.
 - 2) Per capita pupil support services costs for a specific special education program shall be ~~calculated~~~~computed~~ by dividing the allowable expenditures by the average daily enrollment of the pupils served in the program.
 - 3) Per capita pupil support services costs incurred in support of all eligible children shall be ~~calculated~~~~computed~~ by dividing the allowable expenditures by the total number of special education pupils enrolled.
 - 4) Per capita pupil support services costs incurred in support of the general pupil population shall be ~~calculated~~~~computed~~ by dividing the allowable

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expenditures by the total number of pupils enrolled.

- f) Per capita expenditures recorded in the functional accounts 2113 (Social Work Services), 2140 (Psychological Services), and 2150 (Speech Pathology and Audiology Services) as specified in the Program Accounting Manual shall be calculated by dividing the allowable expenditures by the total number of special education pupils enrolled.
- g) Per capita expenditures~~Expenditures~~ for general administrative services ~~shall be~~ recorded in the functional accounts 2310 (Board of Education Services), 2320 (Executive Administrative Services), 2330 (Special Area Administrative Services), 2410 (Office of the Principal Services), 2510 (Direction of Business Support Services), 2520 (Fiscal Services), 2570 (Internal Services), and 2600 (Support Services Central) as specified in ~~the 23-III. Adm. Code 110 (Program Accounting Manual) and~~ shall be calculated by dividing the allowable expenditures by the total number of pupils enrolled, separated as follows:
- ~~1) Expenditures for special education administration;~~
 - ~~2) Expenditures for general administration; and~~
 - ~~3) Expenditures for special education administration for group programs operated under the provisions of Section 14-7.03 of the School Code [105 ILCS 5/14-7.03].~~
- hg) Per capita special education administration costs recorded in the functional account 2330 (Special Area Administrative Services) incurred in support of eligible children shall be calculated~~computed~~ by dividing the allowable expenditures by the total number of special education pupils enrolled.
- ~~h) Per capita general administration costs incurred in support of the general pupil population shall be computed by dividing the allowable expenditures by the total number of pupils enrolled.~~
- i) Operation and Maintenance
- 1) Expenditures for the operation and maintenance of buildings owned by a local education agency shall be allocated to each program according to the number of classrooms used and the average cost per classroom. The average cost per classroom shall be identified by dividing the total amount

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of expenditures for operations and maintenance, excluding capital outlay, by the total number of classrooms ~~reported to the State Board of Education on the Facility Inventory Report.~~

- 2) If a privately owned building is used, the portion of the operation and maintenance costs attributable to a specific program shall be determined by dividing the square footage of the portion of the building so used by the square footage of the building or buildings for which operation and maintenance costs are incurred.
- j) Depreciation and Rent
- 1) Depreciation of physical facilities owned by the local education agency shall be calculated using the rate provided in Section 14-7.01 of the School Code ~~[105 ILCS 5/14-7.01]~~. The local education agency may not rent facilities from itself. The depreciation rate specified in Section 14-7.01(f) of the School Code must be applied to all owned facilities. Operations and maintenance costs for owned facilities may be claimed as provided in subsection (i) of this Section.
 - 2) If the local educational facility is rented by the local education agency, the actual rent paid for the physical facilities is to be divided by the average daily enrollment of the pupils served within the facility. If the rented facility is used for both instructional and administrative functions, the square footage used for instruction shall be divided by the total square footage rented. The result of this division shall be multiplied by the rental fee paid to determine the portion of rent applicable to the program.
- k) Interest paid for costs of operating a program approved pursuant to Section 14-7.03 of the School Code shall be segregated in the accounts of the local agency and claimed in total. Per capita interest costs shall be computed by dividing the other interest expenditures recorded in function 5100, exclusive of interest for capital expenditures, by either:
- 1) the total number of pupils enrolled, if the local education agency serves both special and regular education students; or
 - 2) the total number of special education pupils enrolled, if the local education agency serves only special education students.

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- l) Twenty percent of the total cost incurred for special education pupil transportation, or such total cost minus reimbursement received during the current year from the State of Illinois under Section 14-13.01(b) of the School Code [105 ILCS 5/14-13.01(b)], whichever is less, may be included in the computation of the per capita cost. However, for pupils claimed under Section 14-7.03 of the School Code, one hundred percent of the transportation costs shall be included in the computation and not claimed for special education pupil transportation reimbursement.
- m) Non-special education (i.e., regular) program costs charged to other districts must be calculated in accordance with Section 10-20.12a of the School Code [105 ILCS 5/10-20.12a] and billed to the district of residence based on a percentage of the student's time spent in non-special education classes.
- n) Social Security and Illinois Municipal Retirement Fund contributions by the employer; the amounts so recovered shall be returned to the fundsfund(s) from which the expenditures were made.
- o) Expenditures for liability insurance; the amounts ~~so~~ recovered shall be returned to the fundsfund(s) from which the expenditures were made.

(Source: Amended at 30 Ill. Reg. 16614, effective October 5, 2006)

Section 130.40 Expenditures Not Allowed in the Per Capita Cost

- a) Food service expenditures may not be claimed for reimbursement under Section ~~14-7.02a or~~ 14-7.03 of the School Code [~~105 ILCS 5/14-7.02a or 14-7.03~~], unless they are directly related to instructional methodology or techniques, for example in homemaking, cooking, or consumer education courses. However, food service expenditures may be billed to the district of residence of a pupil served.
- b) Expenditures from revenue received from state reimbursement during the current year for special education personnel under Section 14-13.01 of the School Code, allocated to each program based on the number of positions in the program divided by the number of positions claimed for special education personnel reimbursement.
- c) Expenditures ~~that~~which are reimbursed from federal sources, except for health care services as provided in Section 14-7.04 of the School Code [105 ILCS 5/14-7.04]; the amount of federal reimbursement for such services need not be

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deducted.

- d) Expenditures for life-safety building improvements or asbestos abatement.
- e) Expenditures classified (see ~~23 Ill. Adm. Code 110~~, Table D [of the Program Accounting Manual](#)) as Capital Outlay (object code 500), except specialized equipment purchased for the specific special education program, which may be included based upon a depreciation schedule of five years.
- f) Expenditures for purchased services (object code 300) other than those recorded in accounts ~~1201-1220~~~~1201-1239~~ (Instruction), 2113 (Social Work Services), 2130 (Health Services), 2140 (Psychological Services), 2150 (Speech Pathology and Audiology Services), 2210 (Improvement of Instruction), 2220 (Educational Media Services), and 2540 (Operation and Maintenance).
- g) Expenditures applicable to one student only.

(Source: Amended at 30 Ill. Reg. 16614, effective October 5, 2006)

Section 130.45 Calculation of Individual Cost

- a) The individual cost for a specific special education pupil is the per capita cost of the specific special education program in which the pupil is enrolled plus the result of multiplying:
 - 1) the serving district's per capita tuition rate as computed per Section 10-20.12a of the School Code, by
 - 2) the percentage of the school week the pupil spends in the regular education program, as stated in the pupil's Individualized Education Program (IEP) at the time the pupil entered the specific special education program for the school year being billed or claimed, by
 - 3) the average daily enrollment of the pupil.
- b) When the local education agency providing educational services also provides special transportation services to the pupil, the serving local education agency may calculate the pupil's transportation cost and add this transportation cost to the tuition bill. These transportation costs, paid by the district of residence, may not be claimed by the serving local education agency under Section 14-13.01(b) of

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the School Code. The district of residence may claim 20 percent of the transportation cost for the pupil when the pupil's educational costs are claimed for reimbursement under Section ~~14-7.02b~~14-7.02a of the School Code. However, if the pupil is claimed for reimbursement under Section 14-7.03 of the School Code, 100 percent of the transportation cost may be claimed.

- c) The individual costs not included in the per capita cost for the program may be included in the individual cost. These costs are limited to:
- 1) an individual aide for one ~~pupil~~ or two pupils;
 - 2) special equipment for one ~~individual~~ pupil;
 - 3) specific, unique related services provided for a pupil ~~that~~which are not provided to other pupils in the program, ~~that~~which are not a part of the normal program service configuration, and whose costs are not included in the special education per capita cost for the program; and
 - 4) legal costs associated with students eligible, served, and claimed under Section 14-7.03 of the School Code.

(Source: Amended at 30 Ill. Reg. 16614, effective October 5, 2006)

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- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.100 Emergency Action:
Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) Effective Date of Amendment: October 3, 2006
- 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: This emergency amendment will expire on the date that the proposed amendments with the 1st Notice published at 30 Ill. Reg. 12060 are adopted.
- 7) Date filed with the Index Department: October 3, 2006
- 8) A copy of this and other Pay Plan amendments are on file and available in the Division of Technical Services of the Bureau of Personnel, 504 William G. Stratton Building, Springfield, IL 62706.
- 9) Reason for Emergency: Emergency amendments effective July 1, 2006 were filed to permit the implement the pay policy changes with respect to temporary assignment, interim assignment, equivalent earned time from the beginning of the fiscal year, as opposed to on a retroactive basis. The costs of implementing retroactive payments are a burden on the State agencies and include costs associated with compliance and audits. These costs were saved through the emergency amendments and that is in the public interest. The same pay policy changes were in proposed amendments, which still provided the public the traditional opportunity for input to the Department of Central Management Services and the Joint Committee on Administrative Rules. The 1st Notice Changes to the proposed rules are to be filed shortly with the Joint Committee on Administrative Rules.

These emergency amendments are filed to ensure that the pay policies in Section 310.100 are in effect while the Joint Committee on Administrative Rules considers the proposed amendments above and to provide more detail on the pay policy changes.

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- 10) A Complete Description of the Subjects and Issues Involved: In Section 310.100, the opening sentence after the heading to subsection (d)(4)(A) clarifies to which employees the temporary assignment when assigned to a higher-level position classification applies.

Also in Section 310.100, a new subsection (e) is added explaining interim assignment pay. Interim assignment is defined in emergency (30 Ill. Reg. 12366) and proposed (30 Ill. Reg. 12064) amendments to the Personnel Rules (80 Ill. Adm. Code 302), Section 302.150; the subsections following the new subsection (e) are renumbered; the renumbered subsection (f)(3) has a change to the compensation of equivalent earned time to permit only equivalent earned time accrued during June of one fiscal year to be carried over for use prior to August of the immediately following fiscal year; the renumbered subsection (j) adds the leave to serve in an interim assignment and thereby establishing the salary treatment upon the employee's return from the leave.

- 11) Are there any proposed amendments to this Part pending? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.100	Amendment	30 Ill. Reg. 12060; 7/14/06
310.490	Amendment	30 Ill. Reg. 12060; 7/14/06
310.50	Amendment	30 Ill. Reg. 15240; 9/29/06
310.100	Amendment	30 Ill. Reg. 15240; 9/29/06
310.280	Amendment	30 Ill. Reg. 15240; 9/29/06
310.290	Amendment	30 Ill. Reg. 15240; 9/29/06
310.295	New Section	30 Ill. Reg. 15240; 9/29/06
310.410	Amendment	30 Ill. Reg. 15240; 9/29/06
310.490	Amendment	30 Ill. Reg. 15240; 9/29/06
310.500	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE J	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE Q	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE W	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE X	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX B	Amendment	30 Ill. Reg. 15240; 9/29/06

- 12) Statement of Statewide Policy Objective: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

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

Mr. Jason Doggett

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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

(217) 782-7964
Fax: (217) 524-4570

- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

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

SUBPART C: MERIT COMPENSATION SYSTEM

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

310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
310.TABLE B	HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
310.TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)

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310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

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

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1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for

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a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment

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at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997;

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peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a

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maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective

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June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days.

SUBPART A: NARRATIVE

Section 310.100 Other Pay Provisions**EMERGENCY**

- a) Transfer – Upon the assignment of an employee to a vacant position in a class with the same pay grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position in a given class and subsequent appointment to a position in the same pay grade, no increase in salary will be given.
- b) Entrance Base Salary –
 - 1) Qualifications Only Meet Minimum Requirements – When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the pay grade.

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- 2) **Qualifications Above Minimum Requirements** – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.
- 3) **Area Differential** – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.
- c) **Geographical Transfer** – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.
- d) **Differential and Overtime Pay** – An eligible employee may have an amount added to his/her base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:
 - 1) **Shift Differential Pay** – An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

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- 2) Overtime Pay –
 - A) Eligibility – The Director of Central Management Services will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.
 - B) Compensatory Time – Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.
- 3) Incentive Pay – An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- 4) Temporary Assignment Pay –

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- A) When Assigned to a Higher-Level Position Classification – A bargaining unit An employee may be temporarily assigned to a bargaining unit position in a position classification having a higher pay grade and shall be eligible for temporary assignment pay. To be eligible for temporary assignment pay, the employee must be directed to perform the duties that distinguish the higher-level position classification and be held accountable for the responsibility of the higher classification. Employees shall not receive temporary assignment pay for paid days off except if the employee is given the assignment for 30 continuous days or more, the days off fall within the period of time and the employee works 75% of the time of the temporary assignment. Temporary assignment pay shall be calculated as if the employee received a promotion into the higher pay grade. In no event is the temporary assignment pay to be lower than the minimum rate of the higher pay grade or greater than the maximum rate of the higher pay grade.
- B) When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.
- e) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a salary grade position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of non-bargaining unit, salary grade or merit compensation (including broad-band and medical administrator), position. On the effective date of the certified non-bargaining unit employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received a promotion into the higher pay grade or range.
- 1) When Assigned to the Salary Grade Position – When assigned to the Salary Grade position, the employee's base salary shall be advanced to the lowest step in the higher pay grade that represents at least a full step

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increase in the lower pay grade. When the employee's current rate is Step 8 in the lower pay grade, the employee shall be paid at the lowest step rate in the higher pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the higher pay grade that is at least equivalent to that amount. Upon interim assignment, the employee's creditable service date shall change to the effective date of the interim assignment unless the adjustment results in less than at least a full step increase.

- 2) When Assigned to the Merit Compensation Position – When assigned to the Merit Compensation position, the employee's base salary shall receive an adjustment, which is an amount equivalent to between 8 and 15% of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall change to the effective date of the interim assignment unless the adjustment results in less than an 8% increase.

fe) Equivalent Earned Time –

- 1) Eligibility – Employees who are non-union, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of 40 actual work hours in a work week.
- 2) Accrual –
- A) Employees who are eligible for equivalent earned time shall request that time before working in excess of 40 actual work hours in a work week. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 120 hours in any fiscal year.
- B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.

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3) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. This time may not be carried over from one fiscal year to another fiscal year, except that equivalent earned time accrued during June of one fiscal year may be carried over for use prior to August of the immediately following fiscal year. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

gf) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.

hg) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

ih) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

AGENCY NOTE – The method to be used in computing the lump sum payment for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

ji) Salary Treatment Upon Return From Leave – An employee returning from Administrative Leave (80 Ill. Adm. Code 302.795), Military Leave (80 Ill. Adm.

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Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, ~~or~~ Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or Leave to serve in an interim assignment will be placed on the step that reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former pay grade from any other leave of over 14 days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

kj) Salary Treatment Upon Reemployment –

- 1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

lk) Reinstatement – The salary upon reinstatement should not provide more than a 10% increase over the candidate's current base salary or exceed the current value of the salary step held in the position where previously certified without prior approval by the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the pay grade.

ml) Extended Service Payment –

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- 1) The Step 8 rate shall be increased by \$25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. This increase is suspended for non-union positions and employees.
 - 2) The Step 8 rate shall be increased by \$50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade. This increase is suspended for non-union positions and employees.
- nm) Bi-lingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of Part: Animal Welfare Act
- 2) Code Citation: 8 Ill. Adm. Code 25
- 3) Register Citation to Notice of Proposed Rules: 9/15/06; 30 Ill. Reg. 14664
- 4) Date, Time and Location of Public Hearing:

Thursday, October 26, 2006 at 10:00 a.m.
Illinois Department of Agriculture
Agriculture Building, Auditorium
State Fairgrounds, 8th & Sangamon
Springfield, IL 62794-9281

- 5) Other Pertinent Information:

Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the Proposed Rules should submit written comments to:

Department of Agriculture
Attention: Linda Rhodes
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713; FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 23, 2006. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Register Citation to Notice of Proposed Rules: 9/15/06; 30 Ill. Reg. 14681
- 4) Date, Time and Location of Public Hearing:

Thursday, October 26, 2006 at 10:00 a.m.
Illinois Department of Agriculture
Agriculture Building, Auditorium
State Fairgrounds, 8th & Sangamon
Springfield, IL 62794-9281
- 5) Other Pertinent Information: Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the Proposed Rules should submit written comments to:

Department of Agriculture
Attention: Linda Rhodes
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713; FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 23, 2006. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

AGENCY RESPONSE TO JOINT COMMITTEE OBJECTION
TO PROPOSED RULEMAKING

- 1) Heading of the Part: Consumer Installment Loan Act
- 2) Code Citation: 38 Ill. Adm. Code 110
- 3) Section Number: 110.275 Action: Refusal
- 4) Date Notice of Proposed Amendment Published in the Register: February 24, 2006; 30 Ill. Reg. 2449
- 5) Date JCAR Statement of Objection Published in the Register: July 28, 2006; 30 Ill. Reg.13029
- 6) Summary of Action Taken by the Agency: JCAR objected to the above-proposed rulemaking on the basis that the rulemaking is not specifically authorized by statute and contravenes the General Assembly's intent in creating the Payday Loan Reform Act (PLRA), the Consumer Installment Loan Act (CILA), and the Illinois Wage Assignment Act.

The plain language of Section 22 of CILA specifically authorizes the proposed rulemaking. Section 22 of CILA grants the Department the authority to promulgate rules "that are necessary and appropriate for the protection of consumers in this state." The Illinois Appellate Court has upheld the Department's interpretation of this provision. *South 51 Development Corp. v. Vega*, 335 Ill. App. 3d 542, 781 N.E.2d 528 (1st Dist. 2002) (upholding rules that placed restrictions on short-term, high-interest loans), *appeal dismissed*, 211 Ill.2d 189, 809 N.E.2d 122 (2004). For a further discussion of these matters, please see the Department's memo dated July 21, 2006, attached.

The legislative intent of the PLRA cannot limit the plain language of CILA. It is a cardinal rule of statutory construction not to depart from the plain language of a statute by reading into it exceptions, limitations, or conditions. Notwithstanding this fact, the General Assembly's intent in passing the PLRA was not to limit the Department's authority to promulgate consumer protection rules under CILA.

Finally, nothing in the proposed rulemaking contravenes the Illinois Wage Assignment Act. The Act does not create an unbridled right for a lender to secure a wage assignment.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has suspended the license of C.S. Financial Group, Inc, License No. MB.0004677 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 28, 2006. For further reference link to: www.idfpr.com

ILLINOIS ATTORNEY GENERAL

NOTICE OF PUBLIC INFORMATION

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

In accordance with 42 U.S.C. 9622(d)(2)(A) and (B), notice is hereby given that on September 28, 2006, a proposed Consent Decree in the case of State of Illinois, *ex rel.*, Lisa Madigan, Attorney General of the State of Illinois v. Cyprus Amax Minerals Company., *et al.*, Civil Action No. 06-CV- 532 (S.D. Illinois), was lodged with the United States District Court for the Southern District of Illinois.

This action under Section 107(a) of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9607(a), involves the Bi-State Landfill Site on Park Road, Belleville, Illinois. Under the Complaint, Illinois seeks recovery of past and future costs from a number of Defendants.

The Consent Decree is with CYPRUS AMAX MINERALS COMPANY., ALLIED SERVICES LLC, GENERAL MOTORS CORP., ELEMENTIS PIGMENTS, INC., PFIZER INC., PFIZER PIGMENTS, INC., and AFTON CHEMICAL CORPORATION, f/k/a Ethyl Petroleum Additives, Inc. Under the Consent Decree, the Settling Defendants agree to reimburse the Illinois Environmental Protection Agency for a portion of its costs incurred and to be incurred with regard to the Site and covenant not to sue the State for any costs relating to the Site.

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

The Consent Decree may be examined at: (1) the Illinois Environmental Protection Agency, 1021 North Grand Avenue East, Springfield, Illinois, or (2) the Attorney General's Regional Office, 201 West Pointe Drive, Suite 7, Belleville, Illinois. A copy of the Consent Decree may be obtained by mailing a request to James Morgan at the address listed above for submitting comments, by faxing the request to 217-524-7740, or by e-mailing the request to jmorgan@atg.state.il.us.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2006 THIRD QUARTER SALES TAX SUNSHINE INDEX LISTING

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 Third Quarter of 2006. 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:

Computer Software	Interstate Commerce
Construction Contractors	Leasing
Drugs	Local Taxes
Enterprise Zones	Manufacturing Machinery &
Exempt Organizations	Equipment
Farm Machinery & Equipment	Medical Appliances
Food	Miscellaneous
Food, Drugs & Medical Appliances	Motor Fuel Tax
Gross Receipts	Motor Vehicles

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Nexus	Tax Collection
Returns	Telecommunications Excise Tax
Rolling Stock Exemption	Tire User Fee
Sale at Retail	Trade-Ins
Sale for Resale	Use Tax
Sale of Service	
Service Occupation Tax	

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

COMPUTER SOFTWARE

- ST 06-0012-PLR 07/11/2006 If all the criteria listed in subsection (a)(1)(A)-(E) of Section 130.1935 are met, then neither a transaction involving the licensing of software nor the subsequent software updates will be considered a taxable retail sale subject to Retailers' Occupation and Use Tax. See 86 Ill. Adm. Code 130.1935.
- ST 06-0016-PLR 07/19/2006 A license of software is not a taxable retail sale if it meets the criteria set forth at 86 Ill. Adm. Code 130.1935(a)(1)(A)-(E).

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- ST 06-0135-GIL 07/11/2006 If transactions for the licensing of computer software meet all of the criteria provided in 86 Ill. Adm. Code 130.1935(a)(1), neither the transfer of the software nor the subsequent software updates will be subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1935.
- ST 06-0153-GIL 07/28/2006 This letter refers the taxpayer to additional resources for information regarding the tax liabilities of computer software. See 86 Ill. Adm. Code 130.1935.
- ST 06-0172-GIL 08/14/2006 This letter concerns licenses of computer software and software maintenance agreements. See 86 Ill. Adm. Code 130.1935.
- ST 06-0195-GIL 09/25/2006 This letter discusses a business that re-licenses software and resells maintenance agreements. See 86 Ill. Adm. Code 130.1935.

CONSTRUCTION CONTRACTORS

- ST 06-0142-GIL 07/13/2006 When an in-state supplier makes a sale to a combination contractor/retailer of tangible personal property that will be incorporated into realty located in Illinois, the contractor will incur Retailers' Occupation Tax liability, including any applicable local taxes. See 86 Ill. Adm. Code 130.2075(b)(2) and (b)(3).

DRUGS

- ST 06-0143-GIL 07/13/2006 Sales of prescription drugs are not exempt from sales tax under the Medicare Part D Plan because these are not sales to the government. However, the Prescription Drug Provider ("PDP") rather than the insured is responsible for the tax.

ENTERPRISE ZONES

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- ST 06-0173-GIL 08/22/2006 The building materials exemption conferred at 35 ILCS 120/5k is explained in Department regulations found at 86 Ill. Adm. Code 130.1951.
- ST 06-0182-GIL 09/01/2006 A sale of building materials to be incorporated into real estate in an enterprise zone that otherwise meets the requirements of the exemption does not lose exemption status because the purchaser is the contractor of a lessee of the real estate. See 86 Ill. Adm. Code 130.1951 and 35 ILCS 120/5k.

EXEMPT ORGANIZATIONS

- ST 06-0014-PLR 07/19/2006 An exclusively charitable retirement home dining facility is not considered to be open to the public if the facility is restricted to residents and their visitors, retirement home employees and volunteer workers. See 86 Ill. Adm. Code Section 130.2005.
- ST 06-0171-GIL 08/11/2006 This letter references information regarding the tax liabilities for certain fund raising organizations and their suppliers. See 86 Ill. Adm. Code 130.2009.

FARM MACHINERY & EQUIPMENT

- ST 06-0165-GIL 08/10/2006 Notwithstanding the fact that the sales may be at retail, the Retailers' Occupation Tax does not apply to sales of machinery and equipment, both new and used and including that manufactured on special order, used or leased for use primarily in production agriculture or for use in State or Federal agricultural programs, including any individual replacement part for such machinery and equipment. See 86 Ill. Adm. Code 130.305.

FOOD

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ST 06-0194-GIL 09/25/2006 Products that only purport on the label to whiten teeth do not make medicinal claims. As a result, these items are subject to the full rate of tax. See 86 Ill. Adm. Code 130.310(c)(1).

FOOD, DRUGS & MEDICAL APPLIANCES

ST 06-0140-GIL 07/11/2006 Information regarding the State tax rates for food, drugs, medicines and medical appliances may be found at 86 Ill. Adm. Code 130.310.

ST 06-0145-GIL 07/17/2006 This letter refers a taxpayer to information regarding food, drugs and medical appliances. See 86 Ill. Adm. Code 130.310.

GROSS RECEIPTS

ST 06-0015-PLR 07/19/2006 Adjustments to the selling price of coal, based on the sulfur content of the coal, are subject to sales tax. See 86 Ill. Adm. Code Section 130.401.

ST 06-0191-GIL 09/19/2006 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. See the Department's regulation entitled "Vendors of Meals" at 86 Ill. Adm. Code 130.2145.

ST 06-0198-GIL 09/26/2006 This is a follow up to letter ST 06-0015-PLR involving coal emission allowances.

INTERSTATE COMMERCE

ST 06-0146-GIL 07/17/2006 This letter discusses the Interstate Commerce exemption. See 86 Ill. Adm. Code 130.605.

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LEASING

- ST 06-0134-GIL 07/10/2006 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220.
- ST 06-0149-GIL 07/18/2006 Except as provided in 86 Ill. Adm. Code 130.2011 and 130.2012, lessors incur Use Tax even if the tangible personal property is leased to an exempt entity that has been issued an exemption identification number. See 86 Ill. Adm. Code 130.2011 and 130.2012.
- ST 06-0201-GIL 09/26/2006 This letter discusses the taxability of sale/leaseback situations. See 86 Ill. Adm. Code 130.220.

LOCAL TAXES

- ST 06-0132-GIL 07/10/2006 Enough of the selling activity must occur within the non-home rule municipality to justify concluding that the seller is engaged in business within the municipality with respect to that sale. See 86 Ill. Adm. Code 693.115.
- ST 06-0148-GIL 07/18/2006 If a purchase order is accepted in a jurisdiction that imposes a local tax, that tax will be incurred. See 86 Ill. Adm. Code 270.115.

MANUFACTURING MACHINERY & EQUIPMENT

- ST 06-0013-PLR 07/19/2006 The manufacturing machinery and equipment exemption does not apply to machinery or equipment used primarily in pre-production or post-production activities. See 86 Ill. Adm. Code 130.330.
- ST 06-0137-GIL 07/11/2006 A manufacturing process is the production of articles of tangible personal property by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some

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existing material or materials into a material with a different form, use or name. See 86 Ill. Adm. Code 130.330.

- ST 06-0152-GIL 07/24/2006 The Manufacturing Machinery and Equipment exemption does not apply to hand tools, supplies, coolants, lubricants, adhesives, or solvents, items of personal apparel, coal, fuel oil, electricity, natural gas, artificial gas, steam, refrigerants or water. See section 130.330.
- ST 06-0160-GIL 08/10/2006 This letter provides general information regarding the Manufacturing Machinery and Equipment Exemption found at 86 Ill. Adm. Code 130.330.
- ST 06-0174-GIL 08/22/2006 The purchase of an inkjet cartridge refiller unit does not qualify for the Manufacturing Machinery and Equipment exemption from sales tax. See the Department's regulation for this exemption at 86 Ill. Adm. Code 130.330.
- ST 06-0196-GIL 09/26/2006 This letter discusses whether a grinder used to sharpen saw blades qualifies for the manufacturing machinery and equipment exemption. See 86 Ill. Adm. Code 130.330.
- ST 06-0200-GIL 09/26/2006 Hand tools do not qualify for the manufacturing machinery and equipment exemption. However, pneumatic hand tools or electric powered hand tools used primarily in manufacturing or assembling tangible personal property for wholesale or retail sale or lease can qualify. See 86 Ill. Adm. Code 130.330.

MEDICAL APPLIANCES

- ST 06-0133-GIL 07/10/2006 Pursuant to 86 Ill. Adm. Code 130.310, prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing utensils, syringes, and needles used by diabetics, for human use, are taxed at the lower rate of 1%.

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- ST 06-0170-GIL 08/11/2006 This letter discusses whether hearing aid batteries qualify for the low State rate of tax applied to qualifying medical appliances. See 86 Ill. Adm. Code 130.310.
- ST 06-0181-GIL 09/01/2006 This letter responds to questions about the rate of tax for various medical products. See 86 Ill. Adm. Code 130.310.
- ST 06-0193-GIL 09/20/2006 Blood glucose monitoring systems used in treating diabetes in humans qualify for the low rate of tax. See 86 Ill. Adm. Code 130.310 and letters ST 92-0037, ST 94-0470, and ST 95-0518.

MISCELLANEOUS

- ST 06-0138-GIL 07/11/2006 This letter discusses the Department's regulation for sales of containers, wrapping and packing materials and related products as set forth at 86 Ill. Adm. Code 130.2070. It also discusses sales in interstate commerce. See 86 Ill. Adm. Code 130.605(a)(1) and (2).
- ST 06-0163-GIL 08/10/2006 The sale of a prescription discount card is the sale of an intangible and is not subject to tax. See 86 Ill. Adm. Code 130.101.
- ST 06-0168-GIL 08/11/2006 This letter responds to an annual survey. See 86 Ill. Adm. Code 130.
- ST 06-0176-GIL 08/22/2006 This letter provides general information about how to tax various types of sales related to sales of wheels and wheel repair. See 86 Ill. Adm. Code 140.101.

MOTOR FUEL TAX

- ST 06-0136-GIL 07/11/2006 A portion of the Motor Fuel tax collected by the Illinois Department Of Revenue is distributed by the Illinois Department of Transportation to local governments. See 35 ILCS 505/8.

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ST 06-0183-GIL 09/06/2006 Pure denatured ethanol, as it is currently used, does not generally fit within the definition of “motor fuel” under the Motor Fuel Tax Law. 35 ILCS 505/1.1.

ST 06-0184-GIL 09/06/2006 Pure denatured ethanol, as it is currently used, does not generally fit within the definition of “motor fuel” under the Motor Fuel Tax Law. 35 ILCS 505/1.1.

MOTOR VEHICLES

ST 06-0178-GIL 08/22/2006 Wreckers and car carriers sold in Illinois to Indiana residents are not “cargo trailers” eligible for the drive-away permit exemption. See 35 ILCS 120/2-5(25-5).

NEXUS

ST 06-0157-GIL 08/09/2006 This letter discusses nexus and local taxes. See 86 Ill. Adm. Code 270.115.

ST 06-0164-GIL 08/10/2006 The Board of Appeals administers a voluntary disclosure program that can provide for limited liabilities for participants who come forward and disclose their liabilities. See 86 Ill. Adm. Code 210.126.

ST 06-0177-GIL 08/22/2006 This letter discusses nexus. See Quill Corp. v. North Dakota, 112 S.Ct. 1904 (1992).

ST 06-0197-GIL 09/26/2006 This letter discusses nexus. See Quill Corp. v. North Dakota, 112 S.Ct. 1904 (1992).

RETURNS

ST 06-0167-GIL 08/10/2006 This letter describes the circumstances under which a quarter monthly filer may change his filing status. See 35 ILCS 120/3 and 86 Ill. Adm. Code 130.535.

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ROLLING STOCK EXEMPTION

ST 06-0187-GIL 09/08/2006 This letter references the taxpayer to the rolling stock exemption regulation. See 86 Ill. Adm. Code 130.340.

SALE AT RETAIL

ST 06-0139-GIL 07/11/2006 For issues regarding repair and replacement services, see the Department's regulation "Persons Who Repair or Otherwise Service Tangible Personal Property" at 86 Ill. Adm. Code 130.2015.

ST 06-0155-GIL 07/31/2006 This letter rescinds letter ST 00-0084-GIL regarding the taxation of SO₂ allowance sales. Determinations regarding the taxability of sales of SO₂ allowances will require a review of the contract and billing documents.

SALE FOR RESALE

ST 06-0150-GIL 07/20/2006 This letter discusses the sale for resale exemption as applied to veterinarians registered for Service Occupation Tax who transfer medicine to animals held for sale, as an incident of service. See 86 Ill. Adm. Code 130.1955.

ST 06-0151-GIL 07/20/2006 This letter discusses the sale for resale exemption as applied to veterinarians registered for Service Occupation Tax who transfer medicine to animals held for sale, as an incident of service. See 86 Ill. Adm. Code 130.1955.

ST 06-0159-GIL 08/10/2006 In general, items that will become a component part of a product that is subsequently sold will qualify for the resale exemption. See 86 Ill. Adm. Code 130.210.

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- ST 06-0169-GIL 08/11/2006 When a retailer obtains a properly completed Certificate of Resale that contains a registration or resale number that is valid on the date it is given, the retailer's liability is at an end. See Rock Island Tobacco and Specialty Company v. Illinois Department of Revenue, 87 Ill.App.3d 476, 409 N.E.2d 136, 42 Ill. Dec. 641 (3rd Dist. 1980).
- ST 06-0175-GIL 08/22/2006 This letter discusses the documentation requirements for sales for resale and for the manufacturing machinery and equipment, production agriculture, and graphic arts exemptions. See 86 Ill. Adm. Code 130.1405 and 86 Ill. Adm. Code Sections 130.330, 130.305, and 130.325.
- ST 06-0188-GIL 09/13/2006 This letter provides references for how to properly document a drop-shipment. See also 86 Ill. Adm. Code 130.225.

SALE OF SERVICE

- ST 06-0189-GIL 09/14/2006 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred as an incident to sales of service. See 86 Ill. Adm. Code 140.101.

SERVICE OCCUPATION TAX

- ST 06-0011-PLR 07/07/2006 If tangible personal property is transferred incident to sales of service, this will result in either Service Occupation Tax liability or Use Tax liability for the serviceman depending upon his activities. See 86 Ill. Adm. Code 140.101 through 140.109.
- ST 06-0141-GIL 07/12/2006 This letter concerns Illinois printers who have out-of-State customers. See 86 Ill. Adm. Code 140.101.
- ST 06-0156-GIL 08/08/2006 The Service Occupation Tax is a tax imposed on the tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101 – 140.109.

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- ST 06-0158-GIL 08/10/2006 This letter discusses application of the Service Occupation Tax to maintenance agreements. See 86 Ill. Adm. Code 140.301.
- ST 06-0162-GIL 08/10/2006 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred as an incident of their sales of service in Illinois. 86 Ill. Adm. Code 140.101.
- ST 06-0179-GIL 08/23/2006 If tangible personal property is transferred incident to the providing of a service, those transfers may result in either Service Occupation Tax liability or Use Tax liability for the serviceman depending upon his activities. See 86 Ill. Adm. Code 140.101 through 140.109.
- ST 06-0192-GIL 09/19/2006 This letter discusses how a printer can satisfy his SOT liability.
- ST 06-0199-GIL 09/26/2006 The Department's regulation, "Sellers of Machinery, Tools and Special Order Items" at 86 Ill. Adm. Code 130.2115 provides guidance for determining whether a business is subject to Retailers' Occupation Tax or Service Occupation Tax.

TAX COLLECTION

- ST 06-0161-GIL 08/10/2006 The letter discusses issues regarding self-assessing de minimis servicemen. See 86 Ill. Adm. Code 140.108.

TELECOMMUNICATIONS EXCISE TAX

- ST 06-0147-GIL 07/18/2006 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code 495.

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ST 06-0154-GIL 07/31/2006 This letter discusses the taxation of sales of on-line database subscriptions. See 86 Ill. Adm. Code 495.100.

ST 06-0180-GIL 08/23/2006 This letter discusses Internet services and the Illinois Telecommunications Excise Tax Act. See 35 ILCS 630/3 and 4.

ST 06-0190-GIL 09/19/2006 This letter discusses the various tax liabilities for sales of prepaid landline phone cards, prepaid landline rechargeable minute cards, prepaid cellular phone cards, prepaid cellular chargeable minute cards, prepaid music download cards, prepaid game download cards, prepaid wireless ring tone download cards, prepaid internet access cards, and propane for home use or cooking. See 86 Ill. Adm. Code 495.100(c).

TIRE USER FEE

ST 06-0144-GIL 07/17/2006 The requirements of a tire retailer to collect the Tire User Fee apply exclusively to tires to be used for vehicles defined in Section 1-217 of the Illinois Vehicle Code (625 ILCS 5/1-217), aircraft tires, special mobile equipment, and implements of husbandry. See 415 ILCS 5/55.8.

TRADE-INS

ST 06-0166-GIL 08/10/2006 A trade-in credit is available when the purchaser trades in tangible personal property to a retailer when that property is of like kind and character as that which is being sold. See 86 Ill. Adm. Code 130.425.

USE TAX

ST 06-0185-GIL 09/07/2006 Persons who purchase tangible personal property in another state get a credit for tax that was properly due and paid to such other state. See 86 Ill. Adm. Code 150.310(a)(3).

ST 06-0186-GIL 09/07/2006 This letter discusses purchases of watercraft. See 35 ILCS 105/3.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 3, 2006 through October 10, 2006 and have been scheduled for review by the Committee at its November 14, 2006 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>
11/17/06	<u>Department of Central Management Services,</u> Commuter Savings Program (80 Ill. Adm. Code 2190)	5/19/06 30 Ill. Reg. 9218	11/14/06
11/17/06	<u>Department of Central Management Services,</u> State of Illinois Dependent Care Assistance Plan (80 Ill. Adm. Code 2110)	4/14/06 30 Ill. Reg. 6204	11/14/06
11/18/06	<u>Department of Children and Family Services,</u> Indian Child Welfare Services (89 Ill. Adm. Code 307)	5/19/06 30 Ill. Reg. 9230	11/14/06
11/23/06	<u>Department of Financial and Professional</u> <u>Regulation-Division of Insurance,</u> Accident and Health Reserves (50 Ill. Adm. Code 2004)	6/23/06 30 Ill. Reg. 10993	11/14/06

2006-11

**EXECUTIVE ORDER ON CLIMATE CHANGE AND GREENHOUSE GAS
REDUCTION**

WHEREAS, the scientific consensus is that increasing emissions of greenhouse gases are causing global temperatures to rise at rates that could cause worldwide economic disruption, environmental damage and public health crises;

WHEREAS, global warming is largely due to the combustion of fossil fuels that release carbon dioxide and other greenhouse gases that trap heat in the atmosphere;

WHEREAS, the Intergovernmental Panel on Climate Change and the National Academy of Sciences have reported that atmospheric carbon dioxide is at the highest level in more than 500,000 years;

WHEREAS, average global temperatures were the hottest on record ten of the past sixteen years. Scientists have predicted that temperatures in Illinois could rise significantly by the end of this century, leading to hotter summers, shorter winters, and increased drought and flood events;

WHEREAS, these effects could strain drinking water supplies, overwhelm sewage treatment capacity, reduce the water level of Lake Michigan, destroy wetlands, erode soil, and harm croplands, ecosystems and habitats, among other damaging effects;

WHEREAS, leading climatologists have estimated that less than a decade remains before global warming could be irreversible and that governments, businesses and households must act now to reduce greenhouse gas emissions;

WHEREAS, 165 countries and other entities around the world have signed the Kyoto protocol in recognition of the urgency in acting to reduce greenhouse gas emissions;

WHEREAS, many business leaders, including large manufacturing and insurance companies worldwide, have recognized the need to reduce greenhouse gas emissions;

WHEREAS, the United States government has failed to sign the Kyoto protocol or to enact policies to reduce national greenhouse gas emissions;

WHEREAS, this lack of federal leadership leaves the United States, the world's largest emitter of greenhouse gases, without an effective national strategy to address the threat of global climate change, that includes rising sea levels, droughts, flooding, severe weather events, the expansion of diseases and invasive species, and economic dislocation;

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**EXECUTIVE ORDER ON CLIMATE CHANGE AND GREENHOUSE GAS
REDUCTION**

WHEREAS, the State of Illinois recognizes that states can play an integral role in adopting policies to address climate change and promote strategies to reduce greenhouse gases while advancing technologies to develop clean, renewable and homegrown energy resources;

WHEREAS, the State of Illinois is a national leader in addressing climate change by reducing greenhouse gas emissions through the production and use of biofuels, purchasing renewable power, encouraging agricultural conservation projects that sequester carbon, and proposing an aggressive energy independence plan that includes strategies to reduce carbon emissions, generate renewable energy and invest in energy efficiency resources;

WHEREAS, Illinois is one of the leading states in a multi-state effort to develop a national greenhouse gas registry that businesses and other entities can use to measure and manage greenhouse gas emissions;

WHEREAS, many clean energy and energy efficiency policies that reduce emissions of greenhouse gases can also boost economic development, create jobs, stabilize energy prices, improve air quality, and reduce traffic congestion, among other benefits; and

WHEREAS, Illinois' leadership in the development of state and regional climate change policies will ensure that Illinois businesses and other institutions will be well prepared to adapt to any national climate change policy.

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

I. Creation of the Illinois Climate Change Advisory Group

- (a) There is created the Illinois Climate Change Advisory Group ("the Advisory Group"). The purpose of the Advisory Group is to provide recommendations to the Office of the Governor regarding climate change policy.
- (b) The Advisory Group shall consist of individuals appointed by the Governor and shall be chaired by the Director of the Illinois Environmental Protection Agency. The Advisory Group will include representatives from business, labor unions, environmental groups, agriculture, the energy sector, as well as scientists and economists from throughout Illinois.
- (c) Members of the Advisory Group shall serve at the pleasure of the Governor and shall meet regularly to accomplish the goals of the Advisory Group. The

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**EXECUTIVE ORDER ON CLIMATE CHANGE AND GREENHOUSE GAS
REDUCTION**

members shall serve without compensation. The chairperson may convene the Advisory Group at any time.

- (d) A vacancy in the membership of the Advisory Group shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Advisory Group. A majority of Advisory Group members then appointed constitutes a quorum. A majority vote of the quorum is required for a Advisory Group decision.
- (e) The Illinois Environmental Protection Agency shall provide necessary staff assistance to the Advisory Group.

II. Duties of the Illinois Climate Change Advisory Group

- (a) The Advisory Group shall, after fully considering the full range of policies and strategies regarding climate change, present proposals to the Governor to reduce statewide greenhouse gas emissions.
- (b) The Advisory Group shall present its findings and recommendations, including an inventory of existing and planned actions to reduce greenhouse gas emissions, to the Governor by June 30, 2007.

III. Membership in the Chicago Climate Exchange

It is the intent for the State of Illinois to join Chicago Climate Exchange (CCX), a greenhouse gas emissions registry, reduction and trading system, to reduce emissions from governmental activities by 6% by 2010. The Illinois Environmental Protection Agency shall review all terms associated with joining the CCX and shall make a recommendation to the Governor regarding the terms of membership in the CCX. Membership in the CCX will allow the State to lead by example in achieving meaningful reductions in its own greenhouse gas emissions associated with State government operations as well as gain valuable experience in participating in a market-based mechanism for reducing greenhouse gas emissions and improving the efficiency of state government operations.

IV. Reporting Requirements

The Illinois Environmental Protection Agency shall produce an annual report to the Governor at the end of each fiscal year tracking statewide greenhouse gas emissions in Illinois and forecasted trends. Additionally, the Illinois Environmental Protection Agency shall annually document the greenhouse gas

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**EXECUTIVE ORDER ON CLIMATE CHANGE AND GREENHOUSE GAS
REDUCTION**

emissions of State government, and track progress towards meeting the CCX reduction targets.

This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by Governor: October 5, 2006

Filed with Secretary of State: October 5, 2006

PROCLAMATIONS

2006-340**RAOUL WALLENBERG DAY**

WHEREAS, the International Raoul Wallenberg Foundation is a non-profit organization with a mission to promote peace among nations and to honor all those who were heroes of the holocaust; and

WHEREAS, the organization carries the name of the Swedish diplomat, Raoul Wallenberg, who saved tens of thousands of Jews in Hungary during World War II before his disappearance at the hands of Soviet troops in 1945; and

WHEREAS, in 1944, Raoul Wallenberg was chosen to lead a mission to rescue the two hundred thousand Jews of Budapest after the Nazi invasion of Hungary in March of that year; and

WHEREAS, Raoul Wallenberg succeeded in issuing thousands of "protective" passports and, with the aid of three hundred volunteers, established thirty-two "safe houses" within Hungary that harbored 15-20,000 Jews under the protection of the Swedish Legation; and

WHEREAS, Raoul Wallenberg visited Soviet military headquarters on January 17, 1945, where he was subsequently arrested and detained at the Lyublyanka prison in Moscow, never to be seen again; and

WHEREAS, Raoul Wallenberg is an honorary citizen of the United States, Canada, Israel, and the city of Budapest:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 5, 2006 as **RAOUL WALLENBERG DAY** in Illinois in memory of this noble and heroic man.

Issued by the Governor on October 2, 2006.

Filed by the Secretary of State October 3, 2006.

2006-341**MENTAL ILLNESS AWARENESS WEEK**

WHEREAS, severe mental illnesses such as schizophrenia, bipolar disorder, major depression, obsessive-compulsive disorder, severe anxiety disorders, borderline personality disorder, and post-traumatic stress disorders affect one in every five families annually; and

PROCLAMATIONS

WHEREAS, severe mental illnesses are more common than cancer, diabetes, and heart diseases and are the number one reason for hospital admissions nationwide; and

WHEREAS, severe mental illnesses have been scientifically proven to be highly treatable illnesses of the brain; and

WHEREAS, scientific research is producing tremendous breakthroughs in the understanding of mental illnesses, resulting in more effective treatments that allow people to reclaim full and productive lives; and

WHEREAS, severe mental illnesses continue to be shrouded in stigma and discrimination from societal prejudice causing those who are affected to be cast as second-class citizens:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 1-7, 2006 as **MENTAL ILLNESS AWARENESS WEEK** in Illinois, and encourage all citizens to increase public awareness of severe mental illness.

Issued by the Governor on October 2, 2006.

Filed by the Secretary of State October 3, 2006.

2006-342**ENERGY STAR CHANGE A LIGHT, CHANGE THE WORLD DAY**

WHEREAS, energy efficiency is important to our State, because it saves consumers and businesses money, and helps protect the environment, because it lessens greenhouse gas emissions and reduces air pollution; and

WHEREAS, along with all the nation's Governors, my administration is committed to maintaining secure, safe, and affordable energy resources for citizens of our State; and

WHEREAS, by taking the – ENERGY STAR Change a Light Pledge – Illinois citizens have the opportunity to both save energy and help to voluntarily reduce greenhouse gas emissions by switching to energy efficient lighting products in their homes; and

WHEREAS, if every household in Illinois pledges to replace one light bulb with an ENERGY STAR certified compact fluorescent bulb, the change would save more than \$31 million in energy costs and prevent more than 513 million pounds of greenhouse gas emissions, equivalent to taking nearly 47,000 cars off the road; and

PROCLAMATIONS

WHEREAS, Illinois is proud to join this nationwide effort, celebrating this day – ENERGY STAR Change a Light Day – to promote energy efficiency and environmental stewardship in every household, by changing a single light:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby accept this Pledge and proclaim October 4, 2006 as **ENERGY STAR CHANGE A LIGHT, CHANGE THE WORLD DAY** in Illinois to encourage all Illinoisans to make this important change.

Issued by the Governor on October 2, 2006.

Filed by the Secretary of State October 3, 2006.

2006-343**PARTNERSHIP WALK DAY**

WHEREAS, citizens in Illinois and across the country expect certain basic rights, such as quality education, adequate living conditions, and a safe, healthy environment. Many in other parts of the world can only dream of having such rights; and

WHEREAS, the Aga Khan Development Network is a group of private, international, non-denominational agencies dedicated to fostering long-term socio-economic development in impoverished regions of Asia and Africa; and

WHEREAS, Aga Khan Foundation U.S.A. (AKF USA), an agency of the Aga Khan Development Network, sponsors the Partnership Walk in major cities across the U.S. to promote awareness about alleviating global poverty and to raise financial support for development projects that promote self-reliance; and

WHEREAS, on the 25th Anniversary of AKF USA and the 11th Anniversary of Partnership Walk, this year's theme "Diversity is Strength" highlights the Foundation's long-term commitment to cultural diversity and the value of pluralistic society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 29, 2006 as **PARTNERSHIP WALK DAY** in Illinois to recognize the goodwill of the Aga Khan Development Network and to encourage others to join Aga Khan Foundation U.S.A. in their mission of ensuring everyone the same basic rights that the citizens of this state enjoy and expect.

Issued by the Governor on October 3, 2006.

Filed by the Secretary of State October 3, 2006.

PROCLAMATIONS

2006-344**Congratulations To ASHRAE**

WHEREAS, American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) seeks to advance through research, standards writing, publishing, and continuing education in the arts and sciences of heating, ventilation, air conditioning, and refrigeration (HVAC&R) in order to serve humanity and promote a sustainable world; and

WHEREAS, on July 19, 1906, a meeting of the young group's board of governors made the first-ever request to the society to amend the by-laws to permit local affiliates, and for the headquarters to be located in Chicago, Illinois. A motion was made and carried; ASHRAE now has 172 local chapters with 55,000 members in the U.S. and 23 foreign countries; and

WHEREAS, founded in 1907, the Illinois Chapter has grown to be the largest chapter in ASHRAE with nearly 1,000 members; and

WHEREAS, Illinois Chapter members include design and consulting engineers, manufacturers, distributors, and installers of indoor comfort and air quality systems in buildings. Student chapters from seven area colleges and universities are also represented within the chapter; and

WHEREAS, this year, the Illinois Chapter of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers is celebrating one hundred years as a local chapter:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby congratulate the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) on celebrating 100 years of outstanding contributions to local communities and our great State.

Issued by the Governor on October 3, 2006.

Filed by the Secretary of State October 3, 2006.

2006-345**NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH**

WHEREAS, people with disabilities represent a largely untapped workforce of dedicated, qualified, valuable employees; and

PROCLAMATIONS

- WHEREAS, people with disabilities are leaders in major businesses and corporations throughout the state of Illinois; and
- WHEREAS, Illinoisans with disabilities have an unemployment rate of nearly 70 percent, even though 7 out of 10 unemployed working-age citizens with disabilities indicate that they would prefer to work; and
- WHEREAS, most citizens with disabilities in Illinois live in poverty at a rate roughly three times the state average; and
- WHEREAS, Illinois is home to over five hundred local and statewide Corporate Business Partners who have partnered with the Division of Rehabilitation Services to assist Illinois residents with disabilities in attaining stable employment that leads to economic self-sufficiency; and
- WHEREAS, there are numerous tax credits and deductions for Illinois employers to hire and provide accommodations to qualified workers with disabilities; and
- WHEREAS, the Illinois Department of Human Services' Division of Rehabilitation Services (DRS) helped more than 4,950 individuals find quality employment last year alone. They also helped increase the average earnings of successfully employed customers; found more customers jobs that included health insurance as a benefit; reduced the time it takes to achieve employment; and expanded vocational services to customers with the most significant disabilities; and
- WHEREAS, Illinois' Health Benefits for Workers with Disabilities (HBWD) initiative helps people with disabilities return to work with full Medicaid health care benefits <http://www.hbwdillinois.com/coverage.html>; and
- WHEREAS, the Department has a goal of promoting full time employment and reduced reliance on government benefits such as social security disability payments; and
- WHEREAS, National Disability Employment Awareness Month began in 1945 by President Harry S. Truman as "National Employ the Physically Handicapped Week." In 1988, Congress expanded the week to a month and renamed it National Disability Employment Awareness Month; and
- WHEREAS, DRS will be holding numerous statewide events during the month to promote the employment of citizens with disabilities and to thank employers who have excelled in employing workers with disabilities:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2006 as **NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH** in Illinois, and reaffirm the commitment of my administration to helping those with disabilities.

Issued by the Governor on October 3, 2006.

Filed by the Secretary of State October 3, 2006.

2006-346**NATIONAL CASE MANAGEMENT WEEK**

WHEREAS, the Case Management Society of America (CMSA) is an international, non-profit, multi-disciplinary, and professional organization dedicated to the support and advancement of the case management profession. Since its inception, CMSA has been at the forefront of setting professional standards for the industry; and

WHEREAS, case management is a collaborative process of assessment, planning, facilitation, and advocacy for options and services to meet an individual's health needs through communication and available resources to promote quality, cost-effective outcomes; and

WHEREAS, founded in 1990, CMSA now has over 9,000 members and 70 affiliated and pending chapters; and

WHEREAS, this year, from October 8-14, 2006, there will be a weeklong celebration that serves to recognize case managers, to educate the public about case management, and to increase recognition of the significant contribution of case managers to quality healthcare for the patient, healthcare provider, and payer:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 8-14, 2006 as **NATIONAL CASE MANAGEMENT WEEK** in Illinois.

Issued by the Governor on October 4, 2006.

Filed by the Secretary of State October 5, 2006.

2006-347**LIGHTS ON AFTERSCHOOL DAY**

WHEREAS, the education of our children is critically important to their future success. The skills they learn and develop today will prepare them for their careers tomorrow; and

PROCLAMATIONS

WHEREAS, that is why it is critically important that children have access to all the resources they need to succeed. Head Start and afterschool programs are just two terrific opportunities available for improving the academic achievement of students; and

WHEREAS, in addition to supporting their education, afterschool programs also keep our children off the streets and out of trouble. In Illinois, nearly 65 percent of parents with school-age children work outside their home; and more than 14 million students in the United States have no place to go after school; and

WHEREAS, thanks to afterschool programs, many parents do not have to worry about where their children are, who they are associating with, and what they are doing. Indeed, by providing students a safe and healthy environment for them to learn and helping working parents, afterschool programs strengthen our communities; and

WHEREAS, on October 12, communities all across Illinois will celebrate Lights on Afterschool, a nationwide event organized each year to recognize afterschool programs and promote their benefits:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 12, 2006 as **LIGHTS ON AFTERSCHOOL DAY** in support of afterschool programs, which are essential and vital to so many children, parents, and communities in our state.

Issued by the Governor on October 4, 2006.

Filed by the Secretary of State October 5, 2006.

2006-348**PARALEGAL DAY**

WHEREAS, paralegals provide essential and vital legal support for many organizations, including law firms, corporate legal departments, and government offices; and

WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and significance for the operation of American organizations and the application of American law. According to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2012; and

WHEREAS, created in 1972, the Illinois Paralegal Association represents more than 1,500 paralegals in our state. The association is one of the oldest and largest statewide organizations that supports paralegals; and

PROCLAMATIONS

WHEREAS, the purpose of the Illinois Paralegal Association is to promote the paralegal profession and communication among paralegals, the legal community, and civic and professional organizations, as well as encourage the continuing education of paralegals:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 12, 2006 as **PARALEGAL DAY** in Illinois as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our state for their contributions to our communities.

Issued by the Governor on October 4, 2006.

Filed by the Secretary of State October 5, 2006.

2006-349**NATIONAL ACTION WEEK**

WHEREAS, the burden of musculoskeletal (bone and joint) disorders such as arthritis, back pain, childhood musculoskeletal conditions, osteoporosis, and major limb trauma, pose a significant and increasing burden on American citizens; and

WHEREAS, patients suffering from musculoskeletal conditions, as well as the healthcare professionals who care for them, including orthopaedic surgeons, rheumatologists, physiatrists, physical therapists, chiropractors, osteopaths, athletic trainers, nurses, occupational therapists, and medical and patient health associations are joining together to advance the understanding and treatment of musculoskeletal disorders through prevention, education, and research; and

WHEREAS, musculoskeletal conditions adversely affect the occupational and social lives of millions of people, and one in every seven Americans, costing billions of dollars in treatments and lost productivity; and

WHEREAS, the more the public learns about prevention activities the more likely they will be to prevent a musculoskeletal disorder; and

WHEREAS, the more patients with a musculoskeletal condition learn about treatment options the better able they are to work with their healthcare professional in determining the best course of action:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 12-20, 2006 as **NATIONAL ACTION WEEK** in Illinois, and encourage all citizens to

PROCLAMATIONS

promote awareness about musculoskeletal conditions, to learn more about prevention activities, and help those affected by a bone and joint disorder learn more about treatment options.

Issued by the Governor on October 4, 2006.

Filed by the Secretary of State October 5, 2006.

2006-350**CELEBRATE CHICAGO DAY**

WHEREAS, since 1972, the Jefferson Awards for Public Service have been a non-partisan foundation dedicated to civic engagement and public service, and on October 9, 2006 they will be celebrating its first annual Celebrate America Day; and

WHEREAS, the ideal of public service and community service is vital to the success of our democracy; and

WHEREAS, it is vitally important that the tradition of neighbors helping neighbors gets passed on to the next generation of young Americans; and

WHEREAS, the Jefferson Awards for Public Service were created in 1972 by Jacqueline Kennedy Onassis, Senator Robert Taft, Jr., and Sam Beard to establish a Nobel Prize for people who have made outstanding contributions to public and community service; and

WHEREAS, the Jefferson Awards are presented on two levels: national and local. National award recipients represent a "Who's Who" of outstanding Americans. On the local level, Jefferson Awards recipients are ordinary people who do extraordinary things without expectation of recognition or reward; and

WHEREAS, as many cities across the nation are holding celebrations as part of the larger Celebrate America Day, the Jefferson Awards for Public Service will be holding an event, Celebrate Chicago Day, in Chicago, Illinois to encourage and honor local recipients for their achievements and contributions to the Chicago area and the entire State of Illinois; and

WHEREAS, the State of Illinois is proud to join the Jefferson Awards for Public Service as they recognize and honor these amazing individuals in Chicago, Illinois on October 9, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 9, 2006 as **CELEBRATE CHICAGO DAY** in Illinois.

PROCLAMATIONS

Issued by the Governor on October 5, 2006.
Filed by the Secretary of State October 5, 2006.

2006-351
NATIONAL MARTIAL ARTS DAY

WHEREAS, martial arts teach and instill important and valuable skills and lessons not only for self-defense, but also for self-confidence, self-control, and self-discipline; and

WHEREAS, these skills and lessons are the basis and foundation for good character and future success in all aspects of life such as social relationships and career choices; and

WHEREAS, in addition to personal development and enrichment, martial arts also provide a healthy emotional outlet for relieving stress and a safe social environment for children; and

WHEREAS, this year, the National Association of Professional Martial Artists and Project Action Foundation will celebrate October 14 as National Martial Arts Day to promote the positive benefits of martial arts; and

WHEREAS, martial arts schools throughout the United States, including the State of Illinois, will also sponsor charitable fundraisers, parties, performances, open houses, and other activities to mark the occasion:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 14, 2006 as **NATIONAL MARTIAL ARTS DAY** in Illinois to join the National Association of Professional Martial Artists and Project Action Foundation in recognizing martial arts.

Issued by the Governor on October 5, 2006.
Filed by the Secretary of State October 5, 2006.

2006-352
ONE CHURCH ONE SCHOOL COMMUNITY PARTNERSHIP DAYS

WHEREAS, all children are extremely impressionable, which is why our encouragement and support is critically important for their growth and development; and

PROCLAMATIONS

WHEREAS, without our encouragement and support, children are unlikely to succeed in school and become productive and valuable members of the community. That is why we are all responsible for their care; and

WHEREAS, One Church One School is a community partnership program based in Chicago that believes we must work together for our children's welfare. Since 1992, they have taken a comprehensive approach to child development; and

WHEREAS, members and participants of One Church One School have formed child-centered community partnerships that support issues such as education and non-violence in schools; and

WHEREAS, this year, One Church One School will host a two day conference in Oak Lawn from October 15-21 that is expected to draw between 300 and 500 students, parents, and community leaders. The 11th Annual Partnership Conference will include student seminars, plenary sessions, and dynamic workshops:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 15-21, 2006 as **ONE CHURCH ONE SCHOOL COMMUNITY PARTNERSHIP DAYS** in Illinois in support of their comprehensive approach to child development, and to promote the encouragement and support of all children.

Issued by the Governor on October 5, 2006.

Filed by the Secretary of State October 5, 2006.

2006-353**ILLINOIS' SAFE SCHOOLS WEEK**

WHEREAS, every day, millions of parents throughout the United States, including the State of Illinois, send their children off to schools for an education; and

WHEREAS, while parents should not have to worry about the safety and security of their children, events such as Columbine and other recent violent acts dramatically demonstrate that dangers and threats to them are real. Consequently, our first priority is to ensure that they are not exposed to violence; and

WHEREAS, there are other menaces to our children at schools, including bullying, drugs, and theft. Accordingly, it is also our responsibility to ensure that our children are safe and secure from these and other threats and dangers; and

PROCLAMATIONS

WHEREAS, it is not the responsibility of our educational institutions alone to address these serious issues. The safety and security of our children also depends on the active collaboration and cooperation of law enforcement and government; and

WHEREAS, only by working together can we avert violence, end bullying, minimize the proliferation of drugs, reduce theft, and resolve other problems. That is why I urge our educators, law enforcement authorities, and government leaders to collectively assess the dangers and threats to our children and then develop and implement plans and procedures to deal with them:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 15-21, 2006 as **ILLINOIS' SAFE SCHOOLS WEEK** to promote efforts to protect our children so that no parent has to worry about their well-being while they are learning.

Issued by the Governor on October 6, 2006.

Filed by the Secretary of State October 6, 2006.

2006-354
CHARACTER COUNTS! WEEK

WHEREAS, young people will be the stewards of our communities, nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character; and

WHEREAS, concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the nation; and

WHEREAS, more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups; and

WHEREAS, the character of a nation is only as strong as the character of its individual citizens, and the public good benefits when young people learn that good character counts in personal relationships, in school, and in the workplace; and

WHEREAS, scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character; and

PROCLAMATIONS

WHEREAS, character development is, first and foremost, an obligation of families, though efforts by faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character; and

WHEREAS, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society; and

WHEREAS, the Aspen Declaration states that "effective character education is based on core ethical values which form the foundation of democratic society" – trustworthiness, respect, responsibility, fairness, caring, and citizenship – and these "Six Pillars of Character" transcend cultural, religious, and socioeconomic differences; and

WHEREAS, the Aspen Declaration states that "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character":

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 15-21, 2006 as **CHARACTER COUNTS! WEEK** in Illinois, and encourage all citizens to model these traits of good character in an ongoing commitment to promote character development and ethical behavior in the youth of our community.

Issued by the Governor on October 6, 2006.

Filed by the Secretary of State October 6, 2006.

2006-355**NATIONAL PRIMARY CARE WEEK**

WHEREAS, launched in 1999, National Primary Care Week was created in response to the healthcare shortage in America, as well as in recognition and promotion of careers in primary care; and

WHEREAS, primary care is first-contact, comprehensive care provided to people with a wide range of health concerns, and can encompass various medical specialities such as family medicine, internal medicine, pediatrics, obstetrics and gynecology, psychiatry, and many others; and

PROCLAMATIONS

WHEREAS, the United States Department of Health and Human Services Bureau of Health Professions has reported a shortage of healthcare professionals in more than 150 areas in just the State of Illinois. Consequently, a staggering number of Americans cannot receive the medical care they need even if they can afford it; and

WHEREAS, primary care physicians, also known as general practitioners, often offer the most cost-effective healthcare choices to patients. Furthermore, there are many career opportunities for primary care physicians throughout Illinois; and

WHEREAS, this year, the theme of National Primary Care Week is "Addressing Health Disparities: Healing the Nation":

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 15-21, 2006 as **NATIONAL PRIMARY CARE WEEK** in Illinois in support and encouragement of primary care careers and the collaboration of healthcare professionals, which is vital to the care and well-being of all citizens in this state.

Issued by the Governor on October 6, 2006.

Filed by the Secretary of State October 6, 2006.

ILLINOIS ADMINISTRATIVE CODE

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